

# PRODUCT PROMOTION COMMUNICATION CONCEPT FOR E-COMMERCE IN ACCORDANCE WITH CONSUMER PROTECTION LAW

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**Abstract.** In online trading, one of the most influential things is product promotion. The aim of this research is to analyze the concept of promotional communication in accordance with consumer protection laws. normative juridical research method, data analysis technique by collecting data, analyzing the data and then concluding. The results of the research show that several business actors in e-commerce promote products that lack detail and are not in accordance with the mandate of the consumer protection law. for example, fashion products, only contain sizes, do not contain details of product materials, brands and production information. Conclusion, the concept of promotional communication, namely the presence of interesting communication language content, detailed details, product descriptions, including the origin of the product, even hidden defects. Business actors are obliged to promote products with guidelines in accordance with Article 9 of Law No. 8 of 1999 concerning Consumer Protection.

**Keywords:** Consumer Protection, Promotional Language

## INTRODUCTION

The current development of information technology, which is growing very rapidly, has changed people's living habits globally. Among them is the trade aspect. Trading activities that were previously conventional have now turned digital, utilizing sophisticated information technology. Among the many issues regarding business globally, one of them is about online promotion in trade. Advertising or promotion in trade is a very effective way used by business actors to offer their products (Janus Sidabalok: 228). Moreover, currently, promotion in the form of advertising has a very important position in marketing products, in fact every company will usually always allocate funds to promote its products with the aim of increasing sales (Anthon Fathanudien: July 2015, 33).

Not only abroad, the change in promotional style from conventional to digital is also happening in Indonesia. An online promotion system is carried out, both through market places and through social media. With easy access, the advantage of being able to reach a wider community, as well as relatively cheaper costs, many people make use of online promotional tools, both through social media and through market places. With the change in society's habits towards digital, to provide legal certainty for the public, Indonesia has a policy in the form of Law No. 8 of 1999 concerning consumer protection (UUPK). However, with the rise of internet users, UUPK in Indonesia has become less effective, because there are still some individuals who use information technology as a promotional medium, without paying attention to existing and applicable policies.

In fact, the UUPK has regulated good promotions, namely promotions that must contain correct, honest, truthful information, and be adapted to the reality of the products being offered, because this is a consumer right that must be fulfilled by business actors (Fitriah: 64). Currently, it is found that the number of complaints submitted to the Indonesian Consumers Foundation (YLKI) in the last 5 years, regarding online shopping complaints, is ranked in the top 3 among other types of consumer complaints. YLKI also said that many consumers were fooled by promotions and discounts which were used as marketing gimmicks (Ibnu Naufal: 2021). Currently, the Ministry of Communication and Information (Kemkominfo) together with the National Cyber and Crypto Agency (BSSN), the Indonesian E-commerce Association (idEA) and an online commerce company are collaborating to launch a digital platform in the form of a site called VOMO (Ati Suprihatin: 2023). VOMO conducted experiments throughout September 2023, the result of which was that four out of five Indonesians were easily deceived by online transactions. This experiment was carried out

by VOMO with a series of fictitious online advertisements where people were taken to the [www.vomoshop.com](http://www.vomoshop.com) page. This was to find out how vulnerable Indonesian people were to fraud. The results of the experiment were quite surprising, namely from a total of 63,196 Vomoshop visitors, it was found that four out of five site visitors decided to checkout. shopping for products with tempting fictitious offers (Merdeka.com:2023). In reality, it does happen that there are individuals who provide excessive information and promotion of a product displayed by business actors to the public, thereby making the public, in this case consumers, become interested and want to have the product offered through the promotion (Purnamasari, I. Gusti Ayu Ratih: 2016).

So far, research related to consumer protection in online transactions has mostly discussed the legal side of consumer protection alone. for example, research conducted by Anastasia Situmorang and Dwi Surya Hartati, legal protection for consumers for advertising in the form of misleading annual reports. This research discusses the study of the UUPK regarding the regulation of misleading advertising and examines the responsibility of business actors (Anastasia Situmorang and Dwi Surya Hartati: 277-296). Other research was also carried out by Ni Putu Mayra Erika, I Made Dedy Priyanto, etc. Entitled Legal Protection for Consumers Due to Misleading Product Advertising by Business Actors, the results of the research are about various policies that form the legal basis for protecting consumers from advertising or promotions that mislead consumers (Ni Putu Mayra Erika, I Made Dedy Priyanto, 2021:314- 329).

other research related to consumer protection due to misleading promotions, namely research entitled Responsibility of Consumers for Misleading Advertisements in the Era of Globalization by Anthon Fathanudien which focuses on efforts that can be made by consumers to overcome the impact of displaying misleading advertisements in the mass media ( Fathanudien, Anthon :2015). These various studies only focus on responsibility and normative aspects of consumer protection. It has not yet reached the concept of juridical and social prevention. The research in this article focuses on promotional concepts that do not conflict with UUPK and can be implemented by business actors, so that consumer rights are not violated. Apart from that, misleading information in product promotion activities carried out by business actors is clearly very detrimental to consumers, and this can also affect consumer trust in business actors (I Gusti Ayu, Desak Putu Dewi: 3). Thus, there needs to be a study that not only discusses consumer protection from a legal perspective, but also needs to be studied regarding the concept of product promotion by business actors so that it does not conflict with existing consumer protection policies.

From what has been described above, a problem can be drawn, what is the concept of product promotion communication in e-commerce according to the consumer protection law?

To answer this problem, it is necessary to first examine several things related to language in product promotion, the legal basis, then the correct promotional concept according to the UUPK.

Advertisements are an intermediary for consumers to find out about the goods and/or services offered by business actors. Meanwhile, according to the UUPK, consumers, especially in Article 1 paragraph 2, are every person who uses or utilizes goods and/or services available in society (Utomo, Ayub A: 2020).

Advertising is a commercial and non-personal communication process about an organization and products or services that is transmitted to the general public through mass media, such as newspapers, radio, television, websites, and so on.

Basically, all advertisements, whether commercial advertisements or public service advertisements, try to provide information to the general public. When making advertisements, you must pay attention to the use of language which is very important for the success of the advertisement in the eyes of the public. The language used in advertisements must be able to provide a presentation to the public so that they are interested in something that is being advertised (Nandy: 2023).

The definition of advertising presented by Kriyantono is that "advertising is a form of non-personal communication by selling various messages persuasively sourced from clear sponsors with the aim of influencing people to be interested in buying products by paying the media used (Santoso, Erica Delia, and Novia Larasati, 2019: 1- 9).

In advertising or promoting products, statements made in the form of advertisements are of course made deliberately by business actors and have a specific purpose, statements contained in advertisements or product promotions are a form of statement of desire to make an agreement, then if the statement responded and agreed upon by interested consumers, then an agreement or agreement occurs (Dedi Harianto: 34).

In promoting or advertising products, several things cause consumers to suffer harm, if (Anastasia situmorang: 279);

- a) Promotions or advertisements carried out on products are inappropriate or product information does not match the existing reality.
- b) Regulatory standards or provisions in legislation regarding correct advertising are not applied.
- c) The goods and/or services offered have defects, even though they are still within the warranty period and the product has not expired.
- d) The products offered do not meet safety level standards.
- e) Consumers who have an attitude tend to use or consume products excessively.
- f) Consumers do not understand or do not know about the use of the products offered.

Promotional activities for a product have several functions, including (Solihin, Olih: 2016, 1-10):

- a) Precipitation, which can be used to speed up decision-making situations.
- b) Persuasion, used to persuade consumers to buy the product displayed because of the advertisement or promotion.
- c) Reinforcement, to confirm the provisions that have been accepted by consumers.
- d) Reminder, functions so that the company's brand can be remembered by consumers, so that consumer interest in the products offered also increases.

Excessive promotion in presenting product information is a bad form of advertising and causes losses for business actors. Because, it could be that the goods or services offered do not match the information due to excessive promotion. This can happen because there is still low knowledge of both consumers and business actors regarding ethics and codes of ethics in advertising, which has an impact on the number of violations (M. Syamsudin: 25). So consumers need legal protection, which technically can be applied in everyday life. There are several reasons why consumers need to be protected, including the following (Janus Sidabalok: 5):

- a) By protecting consumers, it is the same as implementing the mandate of the 1945 Constitution which aims to increase national development.
- b) This consumer protection is to avoid negative impacts from the use of information technology for promotional media.
- c) To create a society that is physically and spiritually healthy, because consumers are part of the development actors, so this has implications for the sustainability of development.
- d) Consumer protection is needed to guarantee the source of development funds, in this case the source of funds from the community as consumers.

Regulations regarding product promotion by business actors have been regulated in the UUPK, especially in Article 10, basically, to advertise a product, business actors are obliged to provide clear, honest and correct information. This is often lacking and is not even paid attention to by business actors, because business actors see that business competition is currently increasingly high, especially competition in trading via online media. Currently, business actors are still found to be dishonest in advertising their products.

Based on article 1 paragraph 6 UUPK, the definition of promotion is an activity to introduce or disseminate goods and/or services, so as to attract consumer interest in buying the goods and/or services being traded. In this offer, there is a promise but it is not certain. Apart from that, in UUPK and the Indonesian advertising code of ethics, consumers in Indonesia receive protection from fraud by business actors, if in product promotion or advertising activities, there is fraud on the part of business actors, in this case advertising business actors are obliged to be responsible in accordance with the mandate of Article 20 Consumer Protection Law.

## RESEARCH METHOD

This research was written using juridical research methods based on normative theory (Amiruddin, Zainal Asikin, 2016: 118). This is an effort or procedure to strengthen and develop the problem concept based on data research. The approach used is by examining the principles, regulations and concepts related to the Product Promotion Communication Concept For E-Commerce In Accordance With Consumer Protection Law. The data analysis technique used is data analysis techniques by means of Data Reduction, Data Display, Conclusion Drawing (Verification).

## RESULT AND ANALYSIS

### 1.1 Product Promotion Communication Concept in E-Commerce

In general, the concept of communication is often used to convey messages, namely in the form of promotions. Some promotional activities include advertising, face-to-face sales, sales promotions, publicity and direct marketing. In marketing communications, what is done by the company is to design a concept so that consumers know about the existence of the product, so that it can encourage purchases or commitment, and can create a positive attitude towards the product.

Several concepts contained in marketing communications include:

- a) marketing communication is a form of process,
- b) marketing messages are presented in an integrated manner,
- c) the target of marketing communications is the market,
- d) the purpose of communication is to stimulate the market so that people respond,
- e) respond to the market by modifying messages that are less effective,
- f) develop effective communication,
- g) repositioning of the organization and product offerings,
- h) consumers are the focus of marketing communications.

### 1.2 Concept of Product Promotion Communication in E-Commerce in Accordance with the Consumer Protection Law

Regarding consumer protection, it is specifically regulated in the Law on Consumer Protection (UUPK). Law Number 8 of 1999 concerning Consumer Protection, in the general provisions of Article 1 point (6) states that promotion is an activity to introduce and/or disseminate information on goods and/or services that will be and are being traded.

Advertising can be defined as a communication that at least fulfills the following elements: communication, carried out in mass media, payment for the activity, and the sponsor is clearly known.

Prohibitions for business actors in product promotion activities are regulated in Article 9 UUPK, namely that business actors are prohibited from offering goods and/or services incorrectly. Even promoting products excessively is prohibited (for example, no side effects, no risks, etc.). Apart from that, making uncertain promises is also prohibited in product promotions.

In the world of advertising or product promotion in Indonesia, it must be based on ethics and procedures that have been stipulated in statutory regulations. Administrative matters, for example ethics in advertising, are as follows;

#### a) Consumer Protection Law

Supervision is one of the obligations inherent in broadcasting institutions, this supervision includes monitoring misleading advertising. This is based on Law No. 32 of 2002. Meanwhile, for business actors, sanctions for violations committed (which are contrary to the UUPK), are contained in CHAPTER XIII, specifically Article 60 paragraph 2, Article 62 paragraphs 1, 2, 2 and Article 63 For violations of the UUPK, there are sanctions in the form of; (1) Administrative sanctions, namely compensation for a maximum loss of Rp. 200,000,000,- to business actors who have been proven to have committed violations. Sanctions can be imposed by the Consumer Dispute Resolution Agency on business actors. (2) Criminal sanctions, if it falls within the criminal realm, can be subject to criminal sanctions by the public prosecutor for violations that have been committed. (3) Additional criminal sanctions, contained in Article 63 UUPK.

#### b) Law No. 32 of 2002 concerning Broadcasting (UUP)

There are restrictions on broadcasting activities, especially in Article 46 paragraph 3, including that advertising activities must not contain elements of SARA, and it is also prohibited to promote alcoholic beverages and/or addictive substances, cigarettes (which show the form of cigarettes). Apart from that, advertising is prohibited from contradicting religious values or morality.

In Article 26 of the UUP, broadcasting institutions are obliged to carry out internal censorship. This censorship is carried out if there are things that deviate from religious values or morality in society and/or contain elements of ethnicity, race and religion.

#### c) Law No 40 of 1999 concerning PERS

Regarding the role of PRES, it is contained in Article 6, as follows; fulfilling the public's right to know, respecting diversity, human rights, and upholding democratic values, public opinion is developed based on correct and accurate information, in the public interest, carrying out monitoring and criticism and correction measures, creating justice and the value of truth.

d) Law No.18 of 2012 concerning food

In advertising about food, it is mandatory to provide details and be based on the truth, not misleading, this is in Article 44 paragraph 1 of the Law on Food, which is continued in paragraph 2, advertising about food must not violate the rules of public order or decency.

Thus, when business actors carry out promotional activities for products that will be and/or are being sold, it is necessary to pay attention that the communication concept for marketing is in the form of;

a) Market, the market in this case is the people called consumers.

Aims to stimulate the market so that people respond, namely by providing advertising language that attracts buyers/consumers.

Interesting language can be applied as long as it does not conflict with UUPK. This includes Article 9 UUPK. That conveys the true or real condition of the product being promoted. For example, it is not permissible to hide hidden defects, it is prohibited to deceive consumers about the condition of the product (new/used). Promising gifts and so on, which may not necessarily come true. Prohibitions for business actors in promoting products as a whole are contained in the UUPK, especially in Articles 9 to Article 17, which contain prohibitions on promoting and advertising products to consumers.

b) Develop effective communication,

That is, it is carried out by means of two-way communication, between consumers and business actors. Use language that is easy for consumers to understand.

## CONCLUSION

The concept of product promotion communication in e-commerce is in accordance with the consumer protection law, namely by applying the concept of marketing communication or product promotion, which is then connected to sharing consumer protection policies, especially the consumer protection law. The first communication concept is a market, and the market is consumers, then promotions begin based on the UUPK, especially based on Articles 9 to Article 17, the last one uses effective language, namely two-way communication between consumers and business actors in language that consumers as potential customers can understand. buyer.

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