

## Enforcement Of Article 4 Letter (a) Of Law No. 8 Of 1999 Concerning Consumer Protection Related to The Rights to Comfort in IndiHome Wifi Consumers Due to Internet Network Distruption in Bantul Regency

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### ABSTRAK

Penelitian ini membahas mengenai Penegakan Pasal 4 huruf (a) Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen terkait hak kenyamanan terhadap layanan IndiHome di Kabupaten Bantul dan mengkaji Pelanggaran pada Pasal 4 huruf (a) Undang-Undang Perlindungan Konsumen terkait hak kenyamanan terhadap layanan IndiHome di Kabupaten Bantul. Metode penelitian yang digunakan hukum yuridis empiris. Metode pendekatan yang digunakan adalah menggunakan pendekatan kasus dan perundang-undangan. Penelitian ini membahas tentang Penegakan Pasal 4 huruf a Undang-Undang Perlindungan Konsumen terkait hak kenyamanan terhadap layanan IndiHome di Kabupaten Bantul tidak ditegakan dengan baik. Konsumen IndiHome di Kabupaten Bantul mengalami gangguan internet seperti lemot dan tidak dapat digunakan sama sekali, sehingga konsumen mengeluhkan tidak mendapatkan hak kenyamanan karena kebutuhannya tidak terpenuhi. Hal ini, pihak IndiHome telah melanggar Pasal 4 huruf a terkait hak kenyamanan konsumen sebagai pengguna jasa layanan internet. Konsumen IndiHome harus diberikan perlindungan agar haknya tetap terpenuhi dengan bertanggungjawab untuk memperbaiki koneksi yang tidak dapat digunakan atau diberikan kompensasi.

Kata Kunci: Perlindungan Hukum Konsumen, Kenyamanan, Wi-Fi

### ABSTRACT

This study discusses the Enforcement of Article 4 letter (a) of Law No. 8 The year 1999 concerning Consumer Protection related to the right of convenience for Indihome wifi consumers due to internet network disruptions in Bantul Regency and reviewing violations in Article 4 letter (a) associated with the right of convenience for IndiHome consumers due to internet network disruptions in Bantul Regency. Research methods that used empirical juridical law. The approaching method used is using a case and legislation approach. This research discusses the enforcement of Article 4 of the Consumer Protection Law related to rights and convenience for IndiHome consumers in Bantul Regency. They are experiencing problems because the internet network is not well established. IndiHome consumers in Bantul Regency experience internet problems such as slow and cannot being used at all, so consumers complain about not getting the right to comfort because their needs are unmet. This is because IndiHome has

violated Article 4 of the right to settle consumers as users of internet services. IndiHome consumers must be given protection so that their requests are still fulfilled by responsible for repairing connections that cannot be used or compensated.

## I. INTRODUCTION

The development of technology at this time changed the form of communication that was previously by mail but evolved into digital media. Indonesia has entered a very fierce business competition, especially in telecommunications (Pambudi, 2017). Telecommunications today are not only done through the telephone but can also use the internet (Dewani et al., 2019). Increasing conditions requires the service industry, especially Telecommunications, to have a strategy to retain its customers by improving the quality of service. The Telecommunications service industry in Indonesia is very diverse, especially in internet services. The author focuses on internet service providers IndiHome on PT. Telkom Indonesia.

PT. Telkom Indonesia (Persero) Tbk is a State-Owned Enterprise (BUMN) engaged in information technology services and communication and telecommunications networks in Indonesia.<sup>5</sup> Indonesia Digital Home (indihome) is one of the service products of PT. Telkom Indonesia covers communication and data service packages such as the internet (Internet on Fiber or High-Speed Internet), landline (Voice), and interactive television services (Use Tv Cable, IP TV). Terms of subscribing to IndiHome services first do registration directly through the Plaza Telkom office or also register through My IndiHome online application via the gadget. I agree to subscribe, then the consumer signs the standard contract and makes the agreement valid and applicable as an Act binding for the parties.

The consumer as a user should get the right to payment which has been done as agreed (Sanjaya & Kuswara, 2018). But in reality, many consumers still complain about not getting rights and convenience, one of which is experiencing internet network disruptions that usually mean the internet can't be used or the internet is down. Consequently, community activities related to the internet become hampered. This is not following the provisions of Article 4 letter (a) of the Protection Act Consumers. They explain that consumers have the convenience right when using a product and service.

The government formed a legal product, Law Number 8 1999 On Consumer Protection. Legal protection against the consumer requires a disposition to a weak position, like protecting IndiHome consumers from non-fulfillment of their rights due to disruption and internet experience (Abdul Halim Barkatullah, 2014). Current consumer protection laws acquire significant attention due to being associated with purposeful rules to prosper the community (Theda et al., 2019). Law Number 8 of 1999 about Consumer Protection explains that: Consumer protection is any effort that guarantees legal certainty to protect against consumers. It can be interpreted that consumers have the right to obtain legal certainty in an agreement with business actors, except for the losses they suffered.

It is not uncommon to find consumer complaints due to Internet network interference using IndiHome Wifi. By the effects of pre-research conducted by the author by collecting ten issues IndiHome consumers in Bantul Regency who experienced internet disruptions, most experienced that the internet connection was interrupted so it could not be used. It has accumulated ten consumers experiencing internet disruptions that are 9 of them experienced internet network disruptions that could not be used. The disturbance experienced is also repeated, and one consumer experiences internet network disruptions in the form of slow but does not report to IndiHome.

Based on the cases experienced by consumers that ten consumers argue that they do not get the right to comfort, as stipulated in Article 4 of the Consumer Protection Law, and losses that appear in using IndiHome wifi services are what being the background, the author is interested in raising the title of the thesis regarding "Enforcement of Article 4 letter (A) of Law No. 8 of 1999 concerning Consumer Protection Related to the Right to Comfort in IndiHome Wifi Consumers Due to Internet Network Disruption in Bantul Regency".

## II. METHOD

This research uses empirical juridical law or in other words, this type of sociological legal research is also called field research, namely by examining applicable legal provisions and what actually occurs in society (Waluyo, 2002). The primary data in this study is data obtained by distributing questionnaires aimed at IndiHome wifi consumers in Bantul Regency who experience internet network problems. In this study, the author uses a case approach and legislation (statute approach). The case approach is to build legal arguments from the perspective of concrete cases that occur in the field, of course, these cases are closely related to the case that the author is researching. This statutory approach is used to examine the rules governing consumer legal protection (Soekanto S, 2007).

While Secondary Data; data obtained by researchers through library research, the legal materials consist of. Primary Legal Materials, namely the 1945 Constitution of the Republic of Indonesia, the Civil Code, Law Number 8 of 1999 concerning Consumer Protection. Law No. 36 of 1999 concerning Telecommunications, IndiHome Subscription Terms and Conditions. Secondary Legal Materials such as legal journals, scientific papers or books related to research topics. Tertiary legal materials consist of the Big Indonesian Language Dictionary (KBBI), encyclopedias, mass media, both printed and electronic.

## III. RESULT AND DISCUSSION

### 3.1. Internet Network Disturbances for IndiHome Customers

In this study the authors used primary data collection techniques with questionnaires to find out respondents who were referred as customers, whether they did not get their right of comfort when using IndiHome wifi due to internet network disturbances that had harmed consumers. Considering the large number of customers using IndiHome products in Bantul Regency, the author has collected a questionnaire with 35 respondents as

explained by Sugiyono, that stated the sample is part of the number and characteristics possessed by the population (Widodo, 2017).

Based on the results of research using a questionnaire in the Bantul area on March 25, 2022-30 March 2022, which data has been collected using 35 (thirtyfive) respondents, the facts that occurred are as follows:

**Table 1.** *Customers with Internet Disturbances*

No	Number of Customers	Internet Disturbances
1	15 responden	Internet is slow when used
2	20 responden	Internet is disconnected

Source: The results of the questionnaire in the Bantul area on March 25, 2022 - March 30, 2022.

**Table 2.** *IndiHome Customer Right of Comfort When Having Internet Disturbance*

No	Number of Customers	Internet Disturbances
1	11 responden	Get the right of comfort
2	24 responden	Didn't get the right of comfort

Source: The results of the questionnaire in the Bantul area on March 25, 2022 - March 30, 2022.

From 35 respondents as many as 11 respondents thought that they still get the right to comfort as consumers even though they experience internet network disturbances as stated in Article 4 letter a of Law no. 8 of 1999 about Consumer Protection which states the right to obtain comfort in consuming goods and/or services. The rest, as many as 24 respondents thought that they did not get the right to comfort as an IndiHome consumer because they experienced internet network disturbances.

Most of customers who do not get the right to comfort choose to report to IndiHome regarding the problems they are experiencing so that they can be repaired immediately. The most general reason is because consumers depend on wifi for their internet needs at home. So, when they experiencing disturbances with the internet network, it is very disturbing for internet-related activities at home. Beside that, consumers have fulfilled their obligations by paying bills every month. Thus, Article 4 letter A of the Consumer Protection Act which explains the right to comfort has not been carried out optimally for IndiHome consumers because consumers still feel disadvantaged and have not received the best service when using IndiHome services.

### **3.2. Enforcement Of Article 4 Letter A Of Law Number 8 Of 1999 About Concuemer Protection Regarding the Rights of Convenience for IndiHome Wifi Consumer Due To Internet Network Distrupction in Bantul Regency**

Discussing law enforcement, means discussing efforts to create laws so that they can have validation, by making strict regulations and/or forcing people to obey the law (Santoyo, 2008). Law enforcement is aimed at increasing order and legal certainty in society. Legal

measures are said to be effective if the community behaves in accordance with what is expected by law or regulations (Paryadi, 2018).

Consumers and business owner have rights and obligations that must be fulfilled as stated in the Consumer Protection Act. Thus, legal protection for consumers is a legal instrument made by government agencies as a tool to protect and provide legal certainty for consumers from problems experienced due to losses by business actors.

In accordance with the provisions contained in Article 4 of Law no. 8 of 1999 about Consumer Protection, which contains consumer rights. Specifically for consumer rights in Article 4 letter a of the Consumer Protection Act, it is the right to comfort, security and safety in consuming goods and/or services. The author only focuses on research on the right to comfort of IndiHome consumers in Bantul Regency who experience internet network problems. Consumers of IndiHome wifi users have the right to feel comfortable with internet services used for daily activities and to avoid unexpected disturbances when they are really needed for important activities.

Comfort is a condition that has fulfilled individual basic human needs due to environmental conditions. While comfort according to some experts, according to the theory of comfort from Katherine Kolcaba, it is explained that comfort as a state of having fulfilled basic human needs that are individual and holistic (niagara, 2019). With the fulfillment of comfort can lead to a feeling of well-being in the each person. Another opinion about comfort was also put forward by McCormick who described that the concept of comfort is a feeling condition that depends on someone who feels the situation. It can be concluded that comfort is a condition where a person feels comfortable or satisfied with the assessment of something that has been used for his needs.

In Article 4 letter a of the Consumer Protection Law, convenience is a right that must be fulfilled by business owner to consumers. The right to comfort is intended to ensure the convenience of consumers in using the services used, so that consumers are protected from physical and psychological harm (Miru, Ahmad, 2005).

Convenience is a top priority for consumers, by providing convenience for consumers is the main attraction for a service, including internet services. The better the service provided by the service provider, the higher the level of interest in the service of a company. Service improvement can be done by facilitating services with good quality and quantity for services provided to consumers (Rajuna, 2020). The facts obtained are that there are still business owner who do not pay attention to service quality to provide comfort rights for consumers who use goods and/or services so that consumers feel disadvantaged. Especially for IndiHome wifi users who experience internet network problems. Regarding the many complaints from IndiHome consumers due to internet network disturbances, it is assessed that IndiHome does not pay attention to consumer rights, especially the right to comfort as stated in Article 4 Letter a of the Protection Act regarding the right to comfort.

Based on the results of research in the community using a questionnaire and linked to law enforcement, which law can be applied if the law can function properly (Dwicki Cahyadi, 2019). Legal measures are said to be effective if the community behaves in accordance with what is expected by law or statutory regulations. However, this is different from what is happening in the community, the facts obtained are that there are 35 (thirty five) respondents who use the IndiHome wifi service in Bantul Regency and the highest result is that 24 (twenty four) consumers do not get the right to comfort due to disturbances. so that people feel their rights are not being fulfilled as consumers who have carried out their obligations. In addition, there are 7 (seven) respondents who experience internet problems, do not use their rights to complain to IndiHome. However, 28 respondents realized that if there was an internet disturbance, they had to report it to IndiHome in order to feel comfortable when using IndiHome internet services.

Consumers who think that they do not get the right to comfort directly are not in accordance with Article 4 letter a of the Consumer Protection Act which regulate consumers have the right to comfort when using a product or service. In addition, the condition of IndiHome consumers also does not match the definition of comfort, because IndiHome consumers still complain when experiencing internet problems. This does not provide a sense of comfort or satisfaction with IndiHome services, especially internet services. With so many consumers complaining about internet network disturbances, it means that consumers don't feel comfortable when using IndiHome wifi. In addition, IndiHome consumers also do not have their needs met in using wifi for daily activities at home. Therefore, the enforcement of Article 4 letter a which regulates the right of consumer convenience when using goods and/or services is not enforced properly, because there are still many IndiHome wifi consumers who experience internet problems and do not get the right to comfort.

### **3.3. Violation of Article 4 letter (a) Associated with the Convenience for IndiHome Consumers Due to Internet Network Distruptions in Bantul Regency**

In this sub-chapter, the author will explain matters regarding the violation of Article Letter (A) of Law no. 8 of 1999 concerning Consumer Protection obtained from research results. The fact is that 35 respondents from IndiHome wifi consumers in Bantul Regency through questionnaires/questionnaires, experienced internet network problems, most of which were unusable or slow. The 24 respondents who experienced internet disturbances said that they did not get the right to comfort as regulated in Article 4 letter (A) of Law No. 8 of 1999 concerning Consumer Protection.

Consumers in general are parties who consume a product. According to the legal dictionary Dictionary of Law Complete Edition, consumers are parties who use or use goods and services, both for their own benefit and for the benefit of others (Barkatullah, 2017).

Knowledge of consumer rights is very important so that consumers can act critically and independently. This right is closely related to the use of services that have harmed

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consumers, either in the form of material or immaterial losses in the form of product defects (Rochani Urip Salami, I Ketut Karmi Nurjaya, 2008). This makes consumers not only stay silent and can act to fight for their rights that have been violated by business actors (Susanto, 2008).

In terms of consumer protection, rights are the power over something, to demand something or the power to do something because they feel aggrieved by another party that has been determined by law. The right to comfort has been guaranteed by law to be fulfilled by business actors who provide goods and services in order to create a sense of comfort when the consumer uses it. Convenience is a factor that drives consumer decisions to buy an item (Insani, 2013). It can be seen that the problem of IndiHome user comfort is the most basic and main thing in consumer protection. If consumers feel happy and grow a feeling of satisfaction during the experience of buying an item or using a service, they are very likely to engage in subsequent shopping behaviour (Andy Putra M, 2014).

Services whose does not provide comfort, moreover, have greatly interfered with consumer activities, which have clearly caused losses to consumers. When talking about the right to comfort in internet services, IndiHome is still said to be lacking in terms of convenience services. There were 35 (thirtyfive) respondents using IndiHome wifi users in Bantul Regency who complained about the internet network disturbances they experienced, including because they were slow and the internet was disconnected used. 24 respondents think that they do not feel the right to comfort that they should get. Because wifi has become a necessity to carry out activities. As a result of the many consumers who complain because they do not get the right to comfort, it can be seen that IndiHome as a business actor violates the provisions of Article 4 letter a of Law no. 8 of 1999 concerning Consumer Protection which regulates the right to comfort for consumers in using goods and/or services.

IndiHome who violate Article 4 letter (a) of the Consumer Protection Law regarding the right to comfort will be responsible for repairing the internet network that is experiencing interference. In addition, IndiHome can also be charged with providing compensation/compensation. This is a form of protection for consumers whose rights are not fulfilled.

Consumers can take the main step to complain about the problem to IndiHome. Complaints submitted by consumers to IndiHome so that they can tell all the complaints they experience and IndiHome will provide an explanation of the causes of the disturbance that harms the consumer. Deliberations are provided by IndiHome in 4 ways, such as:

- 1) Make a phone call to the call center 147
- 2) Via IndiHome's official twitter called IndiHomeCare by DM (Direct Message) to make it more secure
- 3) Through the MyIndiHome application which can be downloaded on the App Store or Play Store

- 4) Visits the nearest Telkom Plaza directly to share complaints related to IndiHome internet problems.

IndiHome provides compensation to consumers if the consumer states that he or she has been harmed by the network disturbance and it can be proven that the disturbance is due to Telkom's negligence, not due to negligence or consumer error. As stated in Article 19 paragraph (1) of Law No. 8 of 1999 about Consumer Protection, business actors are responsible for providing compensation for damage, pollution, and/or consumer losses due to consuming goods and/or services produced or traded.

The responsibility of the business actor is the responsibility for compensation for damage. For example, the wifi used has internet disturbances such as slow, lost network, disconnected cable which results in consumers not being able to use wifi for internet purposes so it must be repaired or replaced (Hanim, 2014). Article 19 paragraph (2) of Law No. 8 of 1999 concerning Consumer Protection also regulates the forms of compensation that can be obtained by consumers, namely:

"The compensation as referred to in paragraph (1) may be in the form of a refund or replacement of goods and/or services of a similar or equivalent value, or health care and/or the provision of compensation in accordance with the provisions of the applicable legislation".

Article 15 paragraph (1) of Law Number 36 of 1999 concerning Telecommunications, namely

"For errors and or negligence of telecommunications operators that cause losses, the harmed parties have the right to file a claim for compensation to the telecommunications operator."

IndiHome's unfulfilled right to consumer convenience does not rule out the possibility of using an out-of-court settlement or settlement through a court, as regulated in Article 45 paragraph (2) of Law No. 8 of 1999 concerning Consumer Protection, such as:

- 1) Peaceful Solution

This peaceful way to resolve consumer disputes does not involve BPSK or the courts. Consumers and business owner resolve the problem by themselves.

- 2) Resolve the problem through court

Disputes can occur if consumers feel disadvantaged against services or goods produced by business owner. If the business owner cannot compensate or the consumer is not satisfied with the deliberation method, the consumer who feels harmed can choose to file a complaint through legal channels.

- 3) Resolve the problem through BPSK

Consumers who are harmed by business actors can use their rights to obtain justice in the form of compensation, in this case consumers can resolve disputes with business actors through BPSK which can speed up and facilitate law enforcement.

Article 1 point 11 of the Consumer Protection Law provides the understanding



that the Badan Penyelesaian Sengketa Konsumen (Consumer Dispute Settlement Agency) is the agency tasked with handling and resolving disputes between business actors and consumers on a small and simple scale (Kurniawan, 2011).

The procedure for resolving disputes at the Consumer Dispute Settlement Agency is very easy (Aisyiyah et al., 2019). Consumers who are in dispute with business owner can come directly to the Provincial Consumer Dispute Settlement Agency, namely by bringing a request for dispute resolution, filling out a complaint form, and submitting files (supporting documents) (Susanto, 2008). Then the Consumer Dispute Settlement Agency will invite the disputing parties to hold a pre-trial meeting. The Consumer Dispute Settlement Agency has the authority to examine the veracity of reports and information for complaints by the disputing parties. In this meeting it will be found how the next steps, namely by peaceful means or other ways.

According to the explanation of Article 45 paragraph (2) of the Consumer Protection Act, it is possible that problems due to network disturbances experienced by IndiHome consumers can be resolved peacefully by the disputing parties (M. Sadar, 2012). PT. Telkom in resolving disputes between consumers prioritizes the process of direct deliberation with consumers who experience network disturbances by holding meetings between parties.

IndiHome consumers who do not get the right to comfort due to network disturbances they experience can exercise their right to claim the loss by making a complaint directly to IndiHome via social media or directly to the nearest Telkom Plaza. To be repaired again, so that consumers can use the wifi service for their daily needs. PT. Telkom does not provide compensation in the form of money but benefits, for example in the form of free/discounted subscriptions in the following month and the compensation is given if it is proven that the loss suffered by the consumer is the fault/negligence of PT. Telkom.

#### IV. CONCLUSION

Article 4 letter a of Law no. 8 of 1999 concerning Consumer Protection which regulates consumer convenience rights when using goods and/or services is not enforced properly, this is due to the fact that 35 consumers of IndiHome wifi users in Bantul Regency are still experiencing internet problems such as slow and the connection cannot be used at all. In addition, a total of 24 consumers who experience internet disturbances think that they do not get the right to comfort, because their needs are hampered, so that IndiHome wifi users cannot fulfill their comfort. Based on the facts and understanding of comfort as a condition that basic human needs have been fulfilled which creates a feeling of well-being, PT Telkom as the IndiHome party has violated Article 4 letter a of the Consumer Protection Act which explains that consumers have the right to comfort when using a product. products and services. The fact is that there are still IndiHome consumers in Bantul Regency who do not get the right to comfort when experiencing internet network disturbances. This is because consumer needs are not being met, which results in consumers not being satisfied with IndiHome wifi.

## Authors' Declaration

**Authors' contributions and responsibilities** - The authors made substantial contributions to the conception and design of the study. The authors took responsibility for data analysis, interpretation, and discussion of results. The authors read and approved the final manuscript.

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