



LEGAL PROTECTION FOR CONSUMERS WHO EXPERIENCE DELAYS IN THE DELIVERY OF GOODS

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Abstract: The rapid development of technology through digital trading platforms has made many people increasingly favor shopping through online stores. The phenomenon of online shopping makes new problems in the entrepreneurial environment, the delay in delivery of goods is one of the things that is most often highlighted by consumers. Many consumers feel disadvantaged due to the late delivery of these goods. What causes the delay of goods ordered through the digital trading platform? And is there a legal basis that can regulate the protection of consumers whose goods experience delays in the delivery of these goods? There are many factors that become the main influence of the delay of the goods, namely from the consumer factor itself, from the producer factor, the delivery service and also from other unexpected factors. So because of the factors above, there must be rules that accommodate it so that consumer protection can be enforced and without harming producers or delivery services. The Consumer Protection Law is a forum for all these problems, in this law it is explained that consumer protection must be enforced to ensure legal certainty which aims to provide protection to consumers. This research uses normative research methods that use data collection techniques with library methods, namely data collection obtained from laws, law books, and websites related to this research.

INTRODUCTION

The rapid advancement and development of technology is very much felt today. In this era of globalization, we can do many things and activities just from home and we don't even need to do face-to-face activities. We can conduct meetings, do work, even shopping from home. All of this is the impact or blessing of an advancement in technology. With its rapid development we can save time, and do things efficiently just from home or even from our hands.

The most popular digital activity today is online shopping. Online shopping through digital platforms is very popular among all groups, both young and old, both men and women. This online shopping activity is very popular because it is considered to facilitate someone who with their flexibility or because of their busy schedule they no longer have time to shop directly.

Initially, online shopping was favored by young workers, but today not only young people but also parents are very fond of shopping online. The most common reason is that they now no longer bother to go to the market and so on, they also save energy and time if they shop online. Moreover, shopping on digital platforms can be done at any time and is not even limited by time and can be accessed 24 hours a day (Juwitasari et al., 2021).

Today, many online shopping platforms have entered Indonesia. This is in line with the phenomenon that exists in Indonesia. The more people who need it, the more these platforms compete to meet the needs of digital consumers in Indonesia. The founding companies of these digital platforms come from various backgrounds, some from within Indonesia and others from abroad. In addition to the many digital shopping platforms that have been established, many parties have also opened businesses in the field of goods delivery services as a place to deliver goods purchased through digital platforms (Hutapea et al., 2023).

The rise of digital transactions that occur, raises new problems for the community. Because the competition of digital platforms is getting tighter every day, the company that owns the platform is less in supervising the course of digital transactions carried out. Sometimes these digital platform companies only want to take advantage of the platform without providing strict supervision. This makes consumers feel disadvantaged, and eventually consumers can disappear and can even report the negligence of the platform to the authorities dealing with this problem. One of the current concerns is the delay in delivery of goods.

Delayed delivery of goods is something that is considered trivial for some people, but it is a serious problem for some people too. Sometimes there are consumers who really need their goods on time, for reasons of health, medical, or other circumstances that cannot be delayed. If there is a delay in the delivery of goods and the goods ordered are food, it can also affect the durability of the food ingredients or can also expire while still on the way due to the delay in delivery (Khoirunnida & Kushidayati, 2024). Because of this, consumers are disadvantaged by producers and distributors, which can be from the sales platform and also from the delivery service.

Because of cases like this, there must be definite arrangements regarding the delivery of these goods. The state must be present to solve this problem, on the one hand so that digital trading platforms can improve in supervising the sale of their products and the shipping services can also fix their shortcomings.

Consumer protection by the state should be enforced so that producers and distributors are not arbitrary in carrying out the buying and selling process with consumers. In addition, it

is to become knowledge for the government what legal loopholes are utilized by producers or digital platform owners to avoid their responsibilities towards consumers who have been harmed (Aripin et al., 2022).

Then, what actually causes the delay of goods ordered through the digital trading platform? And is there a legal basis that can regulate the protection of consumers whose goods experience delays in the delivery of these goods? These two things must be seriously identified to find out whether the state has been present in the protection of consumer rights.

RESEARCH METHODS

This research uses a normative legal research method that uses data collection methods with library techniques, namely by collecting data through laws, law books, and websites related to law and digital trading platforms (Soekanto & Mamudji, 2022). This research is only to analyze the data and information available at the time of the research. This research focuses on the application of regulations regarding consumer protection for consumers who experience delays in delivery by both the trading platform and the delivery service.

RESULTS AND DISCUSSION

1. Causes of Delayed Delivery of Goods Ordered Through Digital Trading Platforms

The high consumer demand for goods sold through online stores makes producers increasingly overwhelmed. Especially when there are attractive promos that can increase product sales. These things can cause losses to consumers, namely in the form of delays in shipping goods. Then what exactly are the things that can affect the delay in delivery of goods either by the manufacturer, distributor or delivery service?

Delays in delivery of goods can occur due to many things, it can occur due to the fault of the manufacturer, the fault of the shipping service, or other things that cannot be sued legally, such as natural disasters. So to find out what causes delays in shipping goods, we will discuss what things or factors can affect it. Here are the factors that can cause delays in shipping goods:

- **Manufacturer Error**

Production Problems, the most common cause in cases of delayed goods is the occurrence of production problems at the factory or manufacturer. The most common thing lies in the difficulty of getting raw materials, production machine breakdowns, and so on that can affect delivery delays (Alfredo, 2024).



- **Shipper's Error**

1. Human error or human error, this is also one of the causes of delivery delays. This kind of thing generally occurs in writing unclear recipient addresses, incomplete data listed, and other things that can affect the delay in delivery of goods. These things can provide obstacles to the courier who will deliver the goods to the destination address (*Hindari Pelanggan Kecewa, Ini Tips Cegah Keterlambatan Pengiriman Barang*, 2023).
2. Problems or disruptions in courier application access, the application used to access the location and address of the recipient used by the courier sometimes has problems such as not being able to open due to server interference, this kind of thing can also affect the delay in delivery of goods to consumers.
3. Damage or loss of goods, this can occur due to lack of attention to security and poor packaging methods. Conditions like this can result in damage and loss of goods in the shipping process so that it can result in constrained shipments and goods not reaching their destination on time.
4. Overload or excess shipping requests that can be handled by freight forwarders, this is one of the things that can affect the delivery of goods, usually occurs when there is an event on a trading platform resulting in many consumers flocking to buy goods. As a result, when the courier makes a delivery there is overload or excess capacity. The limited number of couriers who have to send too many items can eventually result in delays in shipping goods to some consumers.

- **Other Factors/Disaster/Emergency (force majeure)**

1. Traffic and weather disturbances, these two factors can also affect delays. Traffic jams that occur in big cities during peak hours can also hinder the delivery of goods, couriers also cannot avoid the congestion that occurs, as a result the goods that should arrive on time are delayed due to the courier being stuck in traffic. Likewise, weather conditions, unfavorable weather conditions such as heavy rain can be an obstacle for couriers to deliver goods. If the courier forces to send goods when it rains, the goods sent can be damaged,

and even harm consumers. Therefore, couriers prefer to postpone their shipments.

2. Natural disasters, disasters are things that cannot be avoided, this makes couriers have to postpone the delivery of goods due to a disaster at the delivery location (Astuti, 2023). An example that we have just experienced is when the covid-19 pandemic occurred at that time, many shipments of goods were delayed due to government regulations to maintain the health of our surroundings by holding health protocols. This can also be an obstacle to the delivery of goods to consumers.

Many factors can affect the delay in delivery of goods to consumers, the factors can be caused by the producer of the goods, the delivery service, due to consumer error, there are also other conditions that cannot be predicted. So because of this, consumers must be protected, consumers have the right to receive goods in a timely manner as promised.

2. Rules on Consumer Protection relating to Delayed Delivery of Goods

Delayed delivery of goods is indeed one of the things that is detrimental to consumers. However, not all delays in delivery of goods are caused by producers or consumers alone, but there are also other factors that affect the delay in delivery of these goods. Therefore, to regulate this matter, there must be rules that accommodate it. The regulation that accommodates these problems is Law No. 8 of 1999 concerning Consumer Protection or what we will call the UUPK. The main purpose of the enactment of this law is to ensure that consumer rights can be enforced optimally, and every regulation and policy relating to consumer protection must focus on efforts to provide maximum benefits to consumers (Dewi et al., 2024).

Article 1 number 1 of the UUPK explains that Consumer Protection is all things that ensure legal certainty aimed at providing protection to consumers. This regulation explicitly shows that the government has guaranteed the rights of the Indonesian people as consumers of goods and/or services (Dewi, 2020). The existence of this UUPK is one of the ways for the government to improve the welfare of many people and so that consumers get certainty over the goods and services obtained from trade without harming consumers (Rosmawati, 2018).

Delays in delivery have violated consumer rights as stipulated in Article 4 letter h of the UUPK. Article 4 letter h explains that consumers are entitled to compensation,

compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or not as they should be.

If there is a delay in goods, the producer or the shipping service has violated this article, because they do not keep the agreement they agreed here, which means they have defaulted on their agreement with consumers. As a result they must compensate for the delay of the goods.

Compensation here is only to compensate for material losses as regulated in the Civil Code. Compensation according to Article 1244, Article 1245, and Article 1246 of the Civil Code consists of costs and interest. The form of compensation commonly used is in the form of money. Restoration of the original situation, and prohibition to repeat.

However, on the other hand, there are immaterial losses experienced by consumers which the law does not regulate how to compensate for their losses (Musyafah et al., 2018). This immaterial loss is usually of an invaluable nature that cannot be immediately replaced with money. For example, when someone orders goods for urgent medical needs and must come that day according to the agreement, but in the delivery there are obstacles due to the negligence of the courier which results in the goods not being able to arrive on time and finally because they are not treated in a timely manner the disease gets worse.

Such immaterial losses when viewed from existing regulations cannot be requested for compensation because it is not regulated in any law, the UUPK and Civil Code only regulate material losses, the company also does not have special regulations regarding this matter, therefore this immaterial loss can only be decided through a judge's decision or jurisprudence as the judge assesses this loss.

Delay in delivery of goods is said to be default is indeed appropriate when viewed according to existing legal rules. Because the delay is one of the acts of breaking or neglecting the agreement that has been made by both parties. According to Abdul R Saliman, default is an attitude where a person does not fulfill or neglects to carry out obligations as specified in the agreement made jointly between the creditor and the debtor (Saliman, 2004).

So by this statement regarding the delay of goods is not appropriate if immaterial compensation is submitted, because at the time of making the contract / agreement does not contain immaterial rules. This is related to ensuring justice for both

parties. Both parties must also be committed to fulfilling their obligations, consumers have the right to get their goods in a timely manner with the consequence of paying shipping costs, and vice versa, the sender has the right to get money from shipping goods and has the consequence of sending goods safely and on time (Handayani & Harahap, 2021).

The fulfillment of rights and obligations between consumers and producers must be carried out in good faith. If something similar happens later, the consumer has a basis for obtaining compensation, and if the producer or shipping service continues to ignore it, this can be resolved according to applicable regulations. It can be through the Consumer Dispute Resolution Agency (BPSK) to mediate the parties or if it has not been completed or has not found a meeting point, it can go through the Court as the last option (Kurniawan, 2011). However, all of this is excluded if the delay in delivery is caused by unexpected events (force majeure), this is in line with Article 1245 of the Civil Code which states that there is no reimbursement of costs, losses and interest if due to force majeure.

CONCLUSIONS AND RECOMMENDATION

Delays in delivery of goods are indeed one of the most sensitive things today, the large number of consumer requests sometimes overwhelms producers and shipping services in terms of shipping goods. There are many factors that can affect the delay, there are factors from the consumer himself, from the producer, from the sending service, or from other things that are not known to be certain (force majeure). For example, consumer errors when providing data, producers who are short of trade stock, overload of goods to be sent by couriers, and may be affected by natural disasters. These factors make delivery delayed. So there must be something that regulates so that the producer does not arbitrarily renege on his agreement without being subject to any sanctions.

Therefore, the UUPK exists to regulate such matters, according to Article 4 letter h of the UUPK, consumers are entitled to compensation for the discrepancy between the delivery of goods and the contents of the agreement agreed by the parties. So because the producer or sender service does not carry out its performance properly according to this law they are obliged to provide compensation to consumers. The compensation given is material compensation which is usually in the form of compensation and/or interest. However, delays caused by unforeseen factors or force majeure cannot be subject to compensation.

In my opinion, material compensation is not enough for consumers, because immaterial losses are also very important for consumers. Consumers expect to get the things they want on time and because of the negligence of the producer or the delivery service, they lose something that cannot be valued solely in money. So it must be further regulated regarding immaterial losses obtained by consumers.

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