LEGAL PROTECTION OF CHILDREN AS CONSUMERS ACCORDING TO LAW IN INDONESIA

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Abstract

The purpose of this research is to know the legal protection against

children as consumers according to Indonesian law.

Children are the next generation for the ideals of the nation's struggle and so on

human resources in the future which is the nation's capital for

sustainable development. Starting from this thought,

the main interest to grow and develop in a child's life must be

receive very high priority. Unfortunately, not all children have

equal opportunity to realize their hopes and aspirations. Lots

among those at high risk for not growing and developing properly

healthy, get the best education, because of a poor family, parents

troubled, mistreated, abandoned parents, so can not enjoy

live properly.

The type of research used in compiling this research is

normative legal research. Normative legal research prioritizes study

library by collecting data from libraries and other places.

This study focuses on legal principles, legal systematics, synchronization

law, the history of sentencing in settings related to legal protection

consumer.

Consumer protection has been regulated through Law no. 8

1999 concerning Consumer Protection, but the law has not

accommodate the protection of child consumers. This research uses

juridical-normative legal research method. Protection of children as consumers

follow all forms of child protection in the Child Protection Act as well

plus all the safeguards contained in the Consumer Protection Act,

which can be emphasized on preventive protection efforts where

mandatory for parents, families, communities, government and the State to

provide guidance and consumer education which is part of the rights of the child

as a smart consumer in choosing the goods and/or services offered

as well as those promoted by business actors. So there is a need for harmonization

statutory regulations between the consumer protection law and the law

Child protection.

**Keyword:Protection, Children, Consumers**

**Introduction**

Economic activity is a series of activities that are simultaneous,

comprehensive and continuous. Besides that, economic activity as well

is a collective activity involving many legal subjects as

economic agents. The legal subjects involved include all strata within

society in all fields, both production activities and activities

distribution so that it can be understood that the law has a very important role

important in the legal relationship of the parties as well as regarding the legality of activities

the economy itself. Economic activity also involves various institutions, either

official bureaucratic institutions and social institutions or not. And

different sets of regulations within the scope of economic law on

essentially regulates the economy, namely all legal aspects that include

private and public spheres according to their role and authority in an activity

Business actors only think about whether goods or services are

produced it provides benefits for the business actor himself, the business actor

produce goods or services with minimal outlay costs

possible and as much profit as possible without thinking about the consequences

incurred when consuming goods or services produced for consumers

the targets of business actors are not always adults but children are also used

as a business target.Cases of food poisoning often occur in children as consumers.

Where inspection has been carried out by officers from the Central POM Semarang

in some food samples. Which is the result of the food being examined

contain dangerous dyes, such as Auramin, methanyl yellow, and rhodamin

B is dangerous for consumers, because it can cause nausea, vomiting, and diarrhea

long term can cause bladder cancer, as well as food

which contain formaldehyde and borax are also dangerous, because they can cause

central nervous system and kidney disorders.

There are many cases of poisoning where children become victims and are greatly harmed

as consumers in general, and there is a gap regarding

the regulation of children as consumers has not been specifically regulated in consumer protection laws

**Research Problem**

In this research, the problem under study is how to protect law against children as consumers according to law in Indonesia.

**Dicussion**

consumer protection Consumer Protection Act

(Law No. 8 of 1999 concerning Consumer Protection) conditions

which globalization and free trade are supported by technological advances

telecommunications and informatics have expanded the space for transaction flows

goods and/or services cross the territorial boundaries of a country, so

variety of goods that have benefits for consumers so that goods or

the desired services can be fulfilled and the more freedom is wide open

choose various types and qualities of goods and/or services according to wishes

and consumer capabilities.

Where this can result in the position of business actors and

consumers become unbalanced and consumers are in a weak position.

Consumers become objects of business activity to reap the maximum profit by business actors through promotional strategies, as well as implementing agreements

standard or standard agreement which is the consumer. The main factor that

being a consumer weakness is the level of consumer awareness of

rights are still low. To increase the value and dignity of consumers is necessary

increase awareness, knowledge, concern, ability and independence

consumers to protect themselves, and develop attitudes

responsible business conduct.

The Child Protection Act provides obligations for parents,

family, community, government and the State to provide protection

to children based on the principle of non-discrimination, the principle of the best interest

for children, the principle of the right to life, survival and development, and

the principle of respect for the opinion of the child.

In carrying out coaching, development and protection of children,

need the role of the community, both through child protection agencies, institutions

religious organizations, non-governmental organizations, community organizations, organizations

social, business world, mass media, or educational institutions but on

Consumer Protection is still far from just a hope because of the Law

it does not yet regulate for sure regarding Legal Protection Against each

children who participate as one of the parties namely as consumers,

thus giving rise to many irresponsible business actors

which makes every child the next generation of the nation does not get

full rights as children, as well as children's rights as consumers.

Vulnerable and fragile every child as consumers, business people

making children an easy target with lasting impact

to be exploited economically. Viewed in consumer rights are

get the rights regulated in other provisions, which means if the child

as the consumer, the child directly gets

his rights as a consumer and his rights as a child, but the inner child

thing as consumers still do not fully understand the rights of children

as a consumer.

And efforts to protect children as consumers are needed so that they can

support what is needed for children to grow and develop with

well as well as benefit from social welfare programs so

and in the future can guarantee the continuity of existence

nation and state.

Legal protection is an effort to protect children as subjects

law in the form of legal instruments, both preventive and

repressive nature, things that must be prioritized are in the field of protection and

children's consumer education. Children's rights are part of human rights

human beings which are then integrated into children's consumer rights as well

should be able to be protected, fulfilled and developed. 15 Protection

The law on children as consumers is found in the harmonization between laws

Child Protection and Consumer Protection Law, while children as

consumers in the Consumer Protection Act need special arrangements regarding

when children act as consumers because children are different from

adult consumers.

In the Laws and Regulations there is no need to form a new law but

requires harmonization of the consumer protection law with the law

Child Protection, where the Child Protection Act is used as material

consideration of the involvement of children as consumers.

Forms of legal protection for children as consumers in the Act

Consumer protection in fulfilling children's rights still needs to pay attention

on children's rights in the Child Protection Act, then children as consumers too

is the responsibility of parents, family, community, government and

State because every child still needs a parent or inner guardianship

carry out legal actions, as it should be protection from the first

If this is done it is the obligation and responsibility of the parents, if the person

parents can't afford to just turn to the child's family in question, and

so on from society, government.If there is a violation of the child as a consumer, then in

settlement of child consumer disputes can be done as follows

contained in Article 45 paragraph (1) but in children as consumers who

the disadvantaged is different from ordinary consumers, it can be represented by

parents or guardians as attorneys to sue business actors who

harm children as consumers through dispute resolution institutions or

through the judiciary within the general court environment

**Conclusion**

Legal protection for children as consumers as

has been specifically regulated in the Child Protection Law has not been implemented yet

Consumer Protection Act, where it is necessary to form a harmonization of law

in efforts to protect the law against children as consumers. Protection

The Law Against Children As Consumers is implemented by following all

forms of child protection in the Child Protection Act plus all

protection efforts contained in the Consumer Protection Act, which can

emphasis on preventive measures

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