

Impact Of The Transformation Of The Consumer Protection Paradigm From Passive Consumers To Active Consumers

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Abstract

Consumer protection is a fundamental issue in modern economics, which not only involves the interaction between producers and consumers, but also involves various aspects of social justice, business ethics, and public welfare. In terms of consumer protection paradigm transformation from passive consumers to active consumers is an important phenomenon that needs to be understood in depth. That this transformation does not occur suddenly but is influenced by complex social, economic, and technological dynamics, and guided by relevant theoretical concepts. With this research, it is hoped that it can provide benefits for interested parties, deepen and carry out analyzes on the protection of passive consumers from active consumers, both from a theoretical and developing perspective. This research is qualitative research using normative juridical and descriptive design. The research results state that the transformation of passive consumers into active consumers is a continuous process and has a very significant (important) impact on consumer awareness of their rights. This increased awareness encourages consumers to be more active in making choices and demanding their rights. This change also encourages the formation of regulations that are more effective and responsive to consumer needs in the era of globalization. The paradigm shift from passive consumers to active consumers is a continuously developing process. In addition, consumers have become more active in seeking information, demanding rights, and protecting themselves from unfair business practices. This creates a fairer and healthier environment for consumers and encourages business actors to be more responsible in fulfilling consumer rights. The transformation of the passive consumer paradigm to active consumers is an important driving force for reform (change) in consumer protection policies at the national and international levels.

I. Introduction

The change in consumer protection paradigm from passive consumers to active consumers has a significant (important) influence on consumer awareness of consumer rights. Even though the Consumer Protection Law, namely Law Number 8 of 1999 concerning Consumer Protection, does not explicitly (firmly) mention the terms "passive consumers" and/or "active consumers", several articles in it indirectly encourage and support changes or This shift or transformation ultimately results in increasing consumer awareness.

Change or transformation or paradigm shift can bring progress in the understanding of the science being observed (Thomas S. Kuhn, 2012).¹ Thomas Kuhn also discussed one of them, namely the paradigm shift, where this concept shows the development of science. A paradigm itself is a perspective or way of looking at something. In Thomas Kuhn's book entitled "The Structure of Scientific Revolutions" it is explained that a change or transformation or paradigm shift changes the way of looking at something. This will happen when an old paradigm is replaced by a new paradigm in understanding.² In the current global era³, a shift in the paradigm of complementary and fragmentalistic thinking has given rise to a holistic pattern of thinking in all areas of life, including influencing a paradigm.⁴ Currently, the development of science and technology is very massive, especially in the field of communication technology, which has the impact of global change.⁵

According to Makagiansar in (Muhammad Surya, 2004: 88) universally (generally) entering the 21st century, there is a global paradigm shift in thinking patterns⁶, namely from complementary and fragmentalistic thinking patterns to holistic thinking patterns.⁷

Consumer protection is a crucial issue in the world of modern (latest) business and trade. J.S Mill emphasized regarding modern (latest) trade theory that the value of an item is determined by the amount of labor devoted to producing that item. In the past, consumers were often in a passive position, receiving information and services provided by business actors without much choice.⁸ However, along with technological developments and increasingly easier access (entry) to information, the consumer paradigm has undergone a transformation. Consumers are now more active, critical and knowledgeable in demanding their rights. This transformation has a significant (important) impact on consumer protection policy regulations, both at the national and international levels. The paradigm shift, especially in the field of consumer protection from passive consumers to active consumers, is a significant (important) phenomenon⁹ in the global economic¹¹ landscape.¹⁰ This transformation is not just a shift in behavior but is also an evolutionary¹² process driven by a number of complex and interrelated factors. With increasing access (entrance) to information, education and technology,

consumers have transformed from passive entities who only receive services without many choices, to now become agents who are more proactive (more active) and critical in demanding their rights.

¹ Thomas S. Kuhn. 2012. *The Structure of Scientific Revolutions* Peran Paradigma dalam Revolusi Sains. PT Remaja Rosdakarya

² Reza Budiawan, Arief Ichwani, Rinaldi Munir, Dimitri Mahayana, "Pergeseran Paradigma pada Penelitian Pengenalan Tulisan Tangan Berdasarkan Teori Pemikiran Thomas Kuhn", *Jurnal Filsafat Indonesia*, Vol. 6 No. 2 (2023), Hlm. 172

³ "Secara umum dan keseluruhan" (Kamus Besar Bahasa Indonesia)

⁴ H.E. Tajuddin Noor, "Pergeseran Paradigma Global Dan Pengaruhnya Terhadap Dunia Pendidikan (Tinjauan Pustaka)", *Jurnal Majalah Ilmiah SOLUSI*, Vol. 10 No. 21 (2011), Hlm.

⁵ Op. Cit

This change or shift or transformation has deep implications (involvement) on consumer awareness of their rights, and also has an impact on consumer protection policy regulations (regulations) both at the national and/or international level.

Change or shift or transformation from passive consumers to active consumers is the result of continuous evolution (change) which is influenced by various aspects or factors starting from technological developments; improving education; increased awareness; as well as awareness of the influence of the consumer movement. As well as several points that are important references for this research, starting from the shift in the role of consumers; technology and access (entry) to information; power imbalance; increased attention to business ethics; as well as dynamic regulations. In terms of the shift in the role of consumers, consumers are no longer just passive recipients of goods and services, but become active agents in making choices and demanding good quality products and services. Consumers are more critical of unfair business information and practices, consumer protection also protects consumers from unfair and deceptive business practices, such as deceptive advertising, fraud and forced sales practices.¹³

In terms of technology and access (entry) to information, advances in technology, the internet and social media allow consumers to access wider information, compare products and services. As well as sharing pens experiences with other consumers. In terms of power imbalance, the shift in the paradigm of consumer protection from passive consumers to active consumers emerged as a response to the power imbalance between consumers and business actors. Consumers actively seek to balance power and obtain fair treatment in transactions.

In terms of increasing attention to business ethics, awareness of business ethics, environmental sustainability and corporate social responsibility is increasing, encouraging consumers to choose products and services from responsible business actors. In terms of dynamic regulations, changes in the consumer paradigm require adaptation and evolution (changes) in consumer protection policies so that they are always relevant (linked) and

protect consumer rights effectively.

The author assumes that this topic is very important to discuss, supported by several theories, which are important concepts in understanding the transformation of the consumer protection paradigm from passive consumers to active consumers. Through this research, it is hoped that it can contribute to increasing consumer awareness and protection in Indonesia and encourage the formation of a fairer and more effective consumer protection system in the era of globalization.

⁶ "Secara umum dan keseluruhan" (Kamus Besar Bahasa Indonesia)

⁷ H.E. Tajuddin Noor, "Pergeseran Paradigma Global Dan Pengaruhnya Terhadap Dunia Pendidikan (Tinjauan Pustaka)", Jurnal Majalah Ilmiah SOLUSI, Vol. 10 No. 21 (2011), Hlm. 1

⁸ Ririt Yuniar, "Implementasi Kewaspadaan Nasional Terhadap Ekspensi Pangan Global Guna Mewujudkan Ketahanan Pangan Dalam Rangka Kemandirian Bangsa", Lembaga Ketahanan Nasional Republik Indonesia, XLVIII (2012), Hlm. 8

⁹ "Hal-hal yang dapat disaksikan dengan pancaindra dan dapat diterangkan serta dinilai secara ilmiah" (Kamus Besar Bahasa Indonesia)

¹⁰ "Tata Ruang" (Kamus Besar Bahasa Indonesia)

¹¹ "Secara umum dan keseluruhan" (Kamus Besar Bahasa Indonesia)

¹² "Berasung-angsur" (Kamus Besar Bahasa Indonesia)

2. Research Method

To obtain data or information in writing research this time, the author chose a research method with a research approach qualitative, namely research that can be interpreted as research that does not carry out calculations. The aim of this qualitative research is to gain understanding, develop theory and describe complexities. This qualitative approach does not really require a lot of data and is more monographic in nature, or in the form of cases. This is different from the quantitative approach which requires a lot of data or large amounts so that qualifying in categories is easier. The approach used in this research is descriptive normative juridical, namely an approach that uses a positivist juridical conception, namely that the law is identical to the written norms created by the authorities, so far the law has been created as a system normative which is autonomous, closed and detached from life society. With this type of library research, this research aims to get an in-depth picture of the analysis of normative juridical decisions. The approach used in this research is the qualitative.

Qualitative research as a research procedure produces descriptive data in the form of written or spoken words from people or behavior that can be observed. Research that produces descriptive data means a research method used to describe all data or the condition of the subject or research object is then analyzed and compared based on the reality that is or has been taking place at this time and then tries to provide a solution to the problem and can

provide up-to-date information so that it is useful for the development of science and can be applied more to various problems. In general, descriptive research is a research activity that aims to create a picture or try to see an event or symptom in a systematic, factual manner with accurate organization.

This qualitative approach was used because of several considerations, that is, it is more adaptable and easier when dealing with multiple realities, this method presents the nature of the relationship between the researcher and the respondent directly and this method is more sensitive so that it can adapt and sharpen the joint influences on the value patterns faced by the researcher. Application of a qualitative approach with consideration of possibilities data obtained in the field is in the form of facts that require in-depth analysis.

So a qualitative approach will encourage more in-depth data, especially with the involvement of researchers themselves in the field. In qualitative research, the researcher is the main instrument in collecting data can be directly related to the instrument or research object. This research uses a doctrinal method with a historical and sociological approach. The doctrinal research method is a type of legal research that focuses on normative legal analysis. The author examines statutory regulations as norms written in statutory regulations (specifically focusing on the Consumer Protection Law Number 8 of 1999). The author uses a historical approach to understand where the law developed, what factors influenced it, and analyze the impact of these changes. The consumer sector has conceptual significance, especially in the era of globalization, the author will analyze the development of a concept or theory or law from time to time with the aim of understanding a concept or where the law evolved or what factors influenced it and the implications of a change In this research the author shows that this factor, especially in the era of globalization in the consumer sphere, is very significant in relation to the concept (Thomas Kuhn, 2012).

On the other hand, in a sociological approach, the author examines the use of concepts, theories and laws with the aim of understanding how they influence social life, culture and human behavior (especially as individual consumers). This research focuses on analyzing the influence of regulations and culture that can change society (especially as individual consumers). Focusing on analyzing the impact of a regulation or culture that can change a person in this research is related to understanding (Reza B; Aried I; Rinaldi M; Dinimitri M, 2023). The data collection technique in this research is literature study. This literature study process includes the process of searching, collecting and reading various sources related to the topic being discussed. Data sources were collected and then analyzed in three stages, namely data reduction, data presentation and drawing conclusions.

3. Discussion

A. The transformation of the consumer protection paradigm from passive consumers to active consumers influences consumer awareness of consumer rights

Consumer protection is a fundamental issue in the modern¹⁴ (latest) economy, which not only involves interactions between producers and consumers, but also touches aspects of social justice, business ethics and community welfare. In this context, the change in consumer protection paradigm from passive consumers to active consumers is an important phenomenon¹⁵ that needs to be understood in depth.

This transformation did not occur suddenly, but was influenced by complex social, economic and technological dynamics, and was guided by relevant concepts (links). The concepts in understanding the transformation of the consumer protection paradigm from passive consumers to active consumers influence consumer awareness of consumer rights starting from rational consumer theory; consumer behavior theory; information gap theory; to consumer rights theory.

Rational consumer theory or rational consumer theory¹⁶, this theory assumes that consumers act rationally¹⁷ in making purchasing decisions, with the aim of maximizing satisfaction. However, in reality, consumers are often influenced by non-rational (irrational) factors such as emotions, social influences, and limited information. Consumer behavior theory or consumer behavior theory, this theory emphasizes psychological, social and cultural factors that influence consumer behavior. This theory finds that consumers are influenced by various factors such as motivation, perception, learning, and attitudes. Consumption satisfaction is part of consumer behavior theory.¹⁹

Information asymmetry theory or information gap theory, this theory explains that business actors often have access (access) to more and better information compared to consumers. This gap creates a power imbalance that can harm consumers. The information gap theory was pioneered by Phillip Tichenor, Donohue, and Olien (1970) that this theory provides an understanding that when the flow of information in a society increases, there will be a gap in the reception or acquisition of information. According to this theory, society or people with a higher level of education and a better economy will absorb the information received faster and better.²⁰

Consumer rights theory or consumer rights theory, this theory emphasizes the importance of consumer rights as part of human rights (protection of consumer rights is not only a national problem, but also an international problem. So there are several human rights protection regulations regarding human rights. international consumer rights are absorbed into positive law).²¹ Consumers have the right to obtain accurate information, the right to choose, the

right to product safety, and the right to obtain compensation if their rights are violated. As well as several factors that encourage the transformation of the consumer protection paradigm, starting from factors or aspects of technological development; improving education; increased awareness of human rights, as well as the influence of the consumer movement. Factors or aspects of technological development where the digital era has changed the way consumers access and process information. The presence of the internet, e-commerce platforms (electronic commerce), and social media allow consumers to compare products and services from various sources, seek more complete information, and share experiences with other consumers. This factor empowers consumers to be more informative and critical in making purchases. Factors or aspects of increasing education where higher levels of literacy and education increase consumer awareness of their rights. Consumers better understand the legal provisions that protect them and do not hesitate to sue when their rights are violated. Factors or aspects of increasing human rights awareness where global²² attention to human rights has increased consumer awareness about their rights as individuals. They not only demand quality goods and services, but also demand fair and ethical²³ treatment from business actors. Factors or aspects of the influence of the consumer movement where civil society organizations, consumer rights activists, and consumer movements have played an important role in increasing consumer awareness of their rights and helping them understand how to demand them.

So the implications for the transformation of the consumer protection paradigm from passive consumers to active consumers regarding consumer rights occur starting from increasing awareness of rights; increased confidence in demanding rights; active participation in a consumer advocacy (defense); as well as influencing consumer policy regulations. Increased awareness of rights, namely active consumers better understand their rights, starting from the right to obtain correct information about products and services, the right to choose, the right to product safety, to the right to obtain compensation if their rights are violated. Increased self-confidence in demanding rights, namely that consumers actively realize that they have the power to demand their rights, both individually and collectively (jointly) or class action (since 1997 in the civil procedural law system in Indonesia a dispute resolution mechanism has been regulated through court action known as a class action or now known as a class action). They are more courageous in filing complaints and demanding responsibility from business actors if their rights are violated.

¹³ Marina Yetrin Sriyati Mewu & Kadek Julia Mahadewi, "Perlindungan Konsumen Dalam Pembelian Produk Online: Analisis Perspektif Hukum Perlindungan Konsumen di Indonesia", Jurnal Kewarganegaraan, Vol. 7 No. 1 (2023), Hlm. 446

¹⁴ "Ekonomi modern memiliki fokus yang lebih luas. Selain produksi dan pertumbuhan ekonomi, ekonomi modern juga menyoroti isu-isu seperti ketimpangan pendapatan, ketidaksetaraan sosial, ketahanan lingkungan, perubahan iklim, dan pengaruh teknologi terhadap pasar dan pekerjaan" Website Program Pascasarjana Universitas Muhammadiyah Sumatera Utara, <https://pascasarjana.umsu.ac.id/perbedaan-masalah-pokok-ekonomi-klasik-dan-modern/#:~:text=Ekonomi%20Modern%3A%20Ekonomi%20modern%20memiliki,teknologi%20terhadap%20pasar%20dan%20pekerjaan.>

¹⁵ *"Hal-hal yang dapat disaksikan dengan pancaindra dan dapat diterangkan serta dinilai secara ilmiah" (Kamus Besar Bahasa Indonesia)*

¹⁶ *"Menurut pikiran dan pertimbangan yang logis" (Kamus Besar Bahasa Indonesia)*

¹⁷ *Op. Cit*

¹⁸ *"Tidak berdasarkan akal (penalaran) yang sehat" (Kamus Besar Bahasa Indonesia)*

Active participation in consumer advocacy (defense), that is, active consumers not only demand their own rights, but are also actively involved in consumer advocacy (defense). They participate in consumer campaigns (movements), advocate for more pro-consumer policies, and encourage consumer education in the community. Influencing consumer protection policy regulations, namely increased consumer awareness, encourages the government and regulatory institutions to formulate regulations that are stronger and responsive (respond) to consumer needs. These regulations include stricter product safety standards, obligations for business actors to provide more transparent information, and more effective dispute resolution mechanisms.

The change or shift or transformation of the consumer protection paradigm from passive consumers to active consumers has a significant (important) impact on consumer awareness of their rights. This paradigm change or shift or transformation can influence consumer awareness of their rights starting from increasing awareness of rights by means of access (entry) to information where active consumers are more proactive (more active) in seeking information about consumer rights, either through sources. officials such as consumer protection institutions as well as online media and consumer organizations, as well as with a deeper understanding which means that by seeking information, consumers build a deeper understanding of consumer rights starting from the right to obtain correct information, the right to choose, the right to product safety, to the right to compensation if their rights are violated. And by means of collective awareness (collectively) which means that the existence of online forums and consumer communities strengthens collective awareness (together) of consumer rights and encourages sharing of experiences and together to fight for rights (class action).²⁴

Furthermore, this paradigm change or shift or transformation can influence consumers' awareness of their rights, namely by increasing their self-confidence in demanding rights. In increasing self-confidence in demanding this right there will be an awareness of power where consumers actively realize that they have the power to demand their rights either individually or collectively (together). The mechanism (how it works) for dispute resolution means that consumers understand the mechanism (how it works) for dispute resolution, including deliberation, mediation and court, so that they have the courage to file a lawsuit if their rights are violated. Institutional support that consumer protection institutions and consumer organizations provide legal support and technical assistance to consumers who want to fight for their rights. Furthermore, changes or shifts or transformations in this paradigm can influence consumer awareness of their rights, namely by increasing active participation. In increasing this active participation, consumers are required to become agents of change, that active consumers not only demand their own rights, but also

become agents of change by being actively involved in consumer campaigns (movements), advocating for more pro-consumer policies and encouraging consumers. Improving the quality of products and services means that by becoming critical and active consumers, consumers encourage business actors to improve the quality of products and services, increase transparency²⁵, and respect consumer rights.

²²"Secara umum dan keseluruhan" (*Kamus Besar Bahasa Indonesia*)

²³"Berhubungan (sesuai) dengan etika" (*Kamus Besar Bahasa Indonesia*)

Some simple analysis and understanding from the author that consumers are required to be aware of their rights, namely based on Law Number 8 of 1999 concerning Consumer Protection, for example in Article 4²⁶ this is relevant (linked) to changes or shifts or paradigm transformations and their impact on awareness. consumer. In Article 4²⁷, this article provides a number of rights to consumers, such as the right to obtain clear and honest information regarding goods and/or services. By implication (involvement) or impact of this article, it encourages consumers not to be passive in receiving information from business actors, but to actively seek accurate information to make better purchasing decisions. Consumer awareness of the right to obtain correct information increases their awareness of dishonest business practices.

Article 5²⁸ provides direction for understanding consumer obligations in Law Number 8 of 1999. In Article 5²⁹, this article regulates consumers' obligations to be honest and responsible in carrying out transactions. By implication (involvement) or impact of Article 5³⁰, it emphasizes that consumers are not just passive recipients of goods or services, but have responsibility in the transaction process. Awareness of this obligation encourages consumers to be more careful and responsible in exercising their rights. Article 8³¹ provides direction for understanding the obligations of business actors which can also be useful for consumer understanding in Law Number 8 of 1999. Article 8 is that this article requires business actors to provide correct and clear information regarding the goods and/or services being sold. By implication (involvement) or impact of Article 8³², this helps consumers make more informative purchasing decisions (in the nature of providing information), reducing the passive nature of consumers in receiving incomplete or misleading information. Awareness of the obligations of business actors to provide correct and clear information provides a basis for consumers to demand their rights to accurate information.

B. The impact of the paradigm transformation on consumer protection policy regulations at the national and international levels

The change or shift or transformation of the consumer protection paradigm from passive consumers to active consumers is a complex phenomenon³³ and has a broad impact, not only on the global³⁴ economy, but also on the social and legal landscape (law is a collection of several policies that are binding on Society)³⁵, and politics. This phenomenon³⁶ did not occur suddenly, but was influenced by social, economic dynamics (the economy is something that is related to the production, distribution and consumption of goods and services in the economic system)³⁷, and interrelated technology.

As access (entry) to information, education and services increases without many choices, parties are becoming more proactive (more active) and critical in demanding rights. This transformation has been studied and analyzed by experts and various scientific disciplines, providing a deep understanding of its impact on various aspects of life, including consumer protection policy regulations.

²⁴ I Nyoman Nurjaya, "Gugatan Perwakilan Kelompok Masyarakat (Class Action) dalam Teori dan Praktek Peradilan (Class Action in Theory and Court Practice)", Jurnal Risalah Hukum Fakultas Hukum Unmul, Vol. 2 No. 2 (2006), Hlm. 122

Therefore, it is necessary to underline in this case the important theories and concepts that support understanding consumer transformation, starting from the theory of consumer behavior; information gap theory; economic and market theory. Consumer behavior theory or consumer behavior theory (Philip Kotler). This theory emphasizes that consumers make purchasing decisions based on psychological, social and cultural factors. This shift or change or transformation towards active consumers was triggered by increased consumer awareness of their rights, which was studied in the consumer rights theory developed by Ralph Nader and John Kenneth Galbraith. Active consumers also better understand and apply the concept of utilitarianism from John Stuart Mill (John Stuart Mill's thoughts on the concept of utilitarianism are useful for our understanding of economics and morality in society) and the concept of justice from John Rawls (Rawls developed the theory of justice as equality based on social contract theory which previously put forward by Locke, Rousseau, and Immanuel Kant, who brought the principles of justice into the fabric of society through consensus or agreement)³⁹ in making purchasing decisions, which reflects the ethical values underlying their behavior.

Information asymmetry theory or information gap theory (George Akerlof), this theory explains that business actors often have access (entrance) to more and better information compared to consumers. Passive consumers are

hampered by this imbalance in the position of information. Consumer transformation is triggered by increasing access (entry) to information and technology or information and communication theory which was developed or explained by Manuel Castells and Anthony Giddens. Active consumers are now more able to access and assess the truth of information or theories of media and mass communication which were developed or studied by Marshall McLuhan and Harold Innis. Market and economic theory or economic and market theory (Adam Smith). This theory emphasizes mechanisms work) free market. Consumer transformation proves that free markets do not always guarantee justice and protection for consumers. This encouraged the birth of the powerful concept of market regulation or market regulation theory which was developed by John M. Clark and Richard Posner. The impact of the transformation of the consumer paradigm on various aspects ranging from increasing consumer awareness and participation; evolution (change) of consumer protection regulations (regulations); increasing the role of regulatory institutions; to the development of dispute resolution mechanisms (how to work).

²⁵ "Nyata, Jelas" (Kamus Besar Bahasa Indonesia)

²⁶ "Pasal 4 Hak konsumen adalah:"

- a. hak atas kenyamanan, keamanan, dan keselamatan dalam mengkonsumsi barang dan/atau jasa;
- b. hak untuk memilih barang dan/atau jasa serta mendapatkan barang dan/atau jasa tersebut sesuai dengan nilai tukar dan kondisi serta jaminan yang dijanjikan;
- c. hak atas informasi yang benar, jelas, dan jujur mengenai kondisi dan jaminan barang dan/atau jasa;
- d. hak untuk didengar pendapat dan keluhannya atas barang dan/atau jasa yang digunakan;
- e. hak untuk mendapatkan advokasi, perlindungan, dan upaya penyelesaian sengketa perlindungan konsumen secara patut;
- f. hak untuk mendapat pembinaan dan pendidikan konsumen;
- g. hak untuk diperlakukan atau dilayani secara benar dan jujur serta tidak diskriminatif;
- h. hak untuk mendapatkan kompensasi, ganti rugi dan/atau penggantian, apabila barang dan/atau jasa yang diterima tidak sesuai dengan perjanjian atau tidak sebagaimana mestinya;
- i. hak-hak yang diatur dalam ketentuan peraturan perundang-undangan lainnya.

²⁷ Op. Cit

²⁸ "Pasal 5 Kewajiban konsumen adalah:"

In increasing consumer awareness and participation, active consumers are more courageous in suing when their rights are violated in accordance with the theory of social⁴⁰ justice developed or explained by John Rawls and Amartya Sen. Active consumers also participate in consumer advocacy (defense), encouraging the creation of stronger and more responsive (responding) regulations in accordance with political theory and public policy developed or studied by David Easton and Robert A. Dahl. In the evolution (changes) of consumer protection regulations (regulations) where consumer protection regulations (regulations) at the national level are legal and regulatory theories (rules) that were developed or studied by Hans Kelsen and H.L.A. Hart, while international is a theory of international law that was developed or studied by Hersch Lauterpacht and Louis Henkin, experiencing evolution (change) to adapt to changes in consumer paradigms. Regulations that are too bureaucratic and unresponsive to the needs of active consumers will be questioned and fought for

to be changed. In increasing the role of regulatory institutions in line with the theory of organization and bureaucracy which was developed or studied by Max Weber (organization is a structured relationship framework in which there is authority and responsibility as well as division of work in carrying out a certain task)⁴¹ and James D. Thompson who is expected to be more proactive (more active) in carrying out duties and overcoming the gap between regulations and reality on the ground.

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- a. membaca atau mengikuti petunjuk informasi dan prosedur pemakaian atau pemanfaatan barang dan/atau jasa, demi keamanan dan keselamatan;
 - b. beritikad baik dalam melakukan transaksi pembelian barang dan/atau jasa;
 - c. membayar sesuai dengan nilai tukar yang disepakati;
 - d. mengikuti upaya penyelesaian hukum sengketa perlindungan konsumen secara patut.

¹ Op. Cit

³⁰ Op. Cit

³¹ "Pasal 8"

(1) Pelaku usaha dilarang memproduksi dan/atau memperdagangkan barang dan/atau jasa yang:

- a. tidak memenuhi atau tidak sesuai dengan standar yang dipersyaratkan dan ketentuan peraturan perundang-undangan;
- b. tidak sesuai dengan berat bersih, isi bersih atau netto, dan jumlah dalam hitungan sebagaimana yang dinyatakan dalam label atau etiket barang tersebut;
- c. tidak sesuai dengan ukuran, takaran, timbangan dan jumlah dalam hitungan menurut ukuran yang sebenarnya;
- d. tidak sesuai dengan kondisi, jaminan, keistimewaan atau kemanjuran sebagaimana dinyatakan dalam label, etiket atau keterangan barang dan/atau jasa tersebut;
- e. tidak sesuai dengan mutu, tingkatan, komposisi, proses pengolahan, gaya, mode, atau penggunaan tertentu sebagaimana dinyatakan dalam label atau keterangan barang dan/atau jasa tersebut;
- f. tidak sesuai dengan janji dinyatakan dalam label, etiket keterangan, iklan atau promosi penjualan barang dan/atau jasa tersebut;
- g. tidak mencantumkan tanggal kadaluarsa atau jangka waktu penggunaan/pemanfaatan yang paling baik atas barang tertentu;
- h. tidak mengikuti ketentuan berproduksi secara halal, sebagaimana pernyataan "halal" yang dicantumkan dalam label;
- i. tidak memasang label atau membuat penjelasan barang yang memuat nama barang, ukuran, berat/isi bersih atau netto, komposisi, aturan pakai, tanggal pembuatan, akibat sampingan, nama dan alamat pelaku usaha serta keterangan lain untuk penggunaan yang menurut ketentuan harus dipasang/dibuat;
- j. tidak mencantumkan informasi dan/atau petunjuk penggunaan barang dalam bahasa Indonesia sesuai dengan ketentuan peraturan perundang-undangan yang berlaku. atau bekas, dan tercemar tanpa memberikan informasi secara lengkap dan benar atas barang dimaksud.

(2) Pelaku usaha dilarang memperdagangkan barang yang rusak, cacat atau bekas, dan tercemar tanpa memberikan informasi secara lengkap dan benar atas barang dimaksud.

In developing mechanisms (how it works) for dispute resolution, changing the consumer paradigm requires a mechanism (how it works) for resolving disputes in accordance with the powerful legal theory and judicial procedures studied by Oliver Wendell Holmes Jr. and Ronald Dworkin that is faster, more effective and fairer for consumers. This mechanism (how it works) must adapt

to the increasing role of technology in accordance with the powerful theory of law and technology studied by Larence Lessig and Richard Susskind.

The change or shift or transformation of the consumer protection paradigm from passive consumers to active consumers has different impacts at the national and international levels, both creating a fair business environment and protecting consumers. The national impact must be reflected in the focus on internal regulations or changes in regulatory focus; and influence on public policy. In terms of focus on internal regulations or changes in regulatory focus, the main impact lies in domestic regulations, such as laws, regulations and standards that regulate interactions between consumers and business actors within a country. , in simple words, regulations have shifted from a primary focus on product and information safety to a broader focus (transparency and accountability; increased product and service standards; stronger consumer rights; and dispute resolution). Consumers are actively pushing for changes in these regulations to increase protection, namely to ensure that the law provides more comprehensive⁴² protection, not only for product safety aspects, but also information, privacy and the right to obtain compensation. Increasing (real) transparency, namely demanding business actors to be more transparent in providing product and service information, as well as mechanisms (how things work) for handling complaints. Increasing accountability, namely ensuring that there are mechanisms (how things work) and effective law enforcement to take action against business actors who violate consumer rights. In terms of (real) transparency and accountability, regulations encourage (real) transparency and accountability from business actors, such as the obligation to provide clear and accurate information about products and services as well as mechanisms (procedures) for handling consumer complaints. And promoting consumer education, namely to allocate funds and resources for consumer education campaigns (movements) so that consumers better understand their rights and how to demand them. In terms of influence on public policy, consumers actively play an active role in the process making public policies, providing input, and encouraging parliament to issue regulations that are more pro-consumer. On the other hand, increasing the standards of products and services is also a factor where regulations (regulations) lead to an emphasis on higher standards of quality and safety of products and services as well as more effective monitoring mechanisms (procedures). Likewise, there will be stronger consumer rights in accordance with awareness of consumer rights in accordance with the author's discussion of the first problem, where regulations provide stronger rights to consumers, such as the right to choose, the right to obtain correct information, the right to security. products, and the right to obtain compensation if their rights are violated.

(3) Pelaku usaha dilarang memperdagangkan sediaan farmasi dan pangan yang rusak, cacat atau bekas dan tercemar, dengan atau tanpa memberikan informasi secara lengkap dan benar.

(4) Pelaku usaha yang melakukan pelanggaran pada ayat (1) dan ayat (2) dilarang memperdagangkan barang dan/atau jasa tersebut serta wajib menariknya dari peredaran.

³²Op. Cit

Increased awareness and attention that the paradigm shift encourages governments and regulatory agencies to pay more attention to consumer protection issues. Active consumers are more vocal in expressing their needs and complaints, thereby encouraging policy makers to respond seriously. Increasing collaboration (cooperation) in a paradigm shift encourages stronger collaboration between the government, regulatory institutions, consumer organizations and business actors to develop regulations that are more effective and pro-consumer. Encouraging innovation that regulations (regulations) that are responsive (respond) to consumers actively encourage business actors to innovate in creating products and services that meet consumer needs and expectations. Law Number 8 of 1999 concerning Consumer Protection establishes a consumer protection paradigm that shifts or transforms from passive consumers to active consumers. This transformation has a significant (important) impact on several aspects starting from increasing awareness and understanding (consumers become more aware of their rights and obligations, consumers have better knowledge about the products and services they consume, consumers are more active in seeking information before committing purchase); increasing the role of consumers in the protection process (consumers become more active in monitoring and reporting violations of the Consumer Protection Law, consumers have a greater role in resolving disputes with business actors, consumers can act as watchdogs in encouraging business actors to comply with the rules); improving the quality of products and services (business actors are required to pay more attention to the quality of the products and services they offer, business actors become more transparent in providing information to consumers, business actors become more responsive (respond) to complaints and input from consumers); increasing the role of consumer protection institutions (consumer protection institutions have a greater role in supporting active consumers, consumer protection institutions play a role in resolving disputes between consumers and business actors); challenges and the need for improvement (there are still many consumers who are not aware of their rights and obligations, there are still many consumers who are not active in filing complaints, the capacity of consumer protection institutions still needs to be increased).

³³ "Hal-hal yang dapat disaksikan dengan pancaindra dan dapat diterangkan serta dinilai secara ilmiah" (Kamus Besar Bahasa Indonesia)

³⁴ "Secara umum dan keseluruhan" (Kamus Besar Bahasa Indonesia)

³⁵ Sidiq, S, "Interseksi Hukum dan Ekonomi: Analisis Komprehensif terhadap Dinamika Regulasi dan Dampaknya terhadap Pertumbuhan Ekonomi", *Muhammadiyah Law Review*, Vol. 7 No. 2 (2023), Hlm. 39-59

³⁶ *Op. Cit*

³⁷ *Op. Cit*

³⁸ Petrus Lermatan, "Utilitarianisme John Stuart Mill dan Relevansinya bagi Aktivitas Ekonomi (Perspektif Filsafat Ekonomi)", *Jurnal Seri Mitra Refleksi Ilmiah-Pastoral*, Vol. 3 No. 1 (2024), Hlm. 198

³⁹ Alifa Cikal Yunita, "Menelaah Konsep Keadilan Hukum Teori John Rawls dalam Pemutusan Hubungan Kerja secara Sepihak terhadap Pekerja Migran Indonesia di Luar Negeri", *Interdisciplinary Journal On Law*, Vol. 3 No. 2 (2022), Hlm. 131

⁴⁰ *Op. Cit*

⁴¹ Jaelani, "Teori Organisasi", Universitas Stekom: Semarang, Yayasan Prima Agus Teknik Redaksi (2021), Hlm. 11

⁴² "Luas dan lengkap (tentang ruang lingkup atau isi)" (*Kamus Besar Bahasa Indonesia*)

Some simple analyzes of the positive and negative impacts of the transformation of the consumer protection paradigm from passive consumers to active consumers, starting from the positive impacts: more effective and efficient consumer protection; improving the quality of products and services in the market; increasing consumer confidence in business actors; creating a fairer and healthier market. Meanwhile, the negative impacts: the possibility of conflict between consumers and business actors; increasing legal demands against business actors; difficulties for business actors to meet all consumer demands. So here are some suggestions to minimize these negative impacts, namely increasing education and socializing consumer rights and obligations; provide easy and complete access (entry) to information for consumers; increasing the role and certainty of consumer protection institutions; building an effective and efficient dispute resolution system; and building harmonious cooperation between business actors and consumers

Some simple analysis and understanding from the author regarding the impact of regulations in Indonesia that consumers must understand are required to be aware of Law Number 8 of 1999 concerning Consumer Protection, for example in Article 19⁴³ provides direction for understanding regarding handling disputes. In Article 19⁴⁴, this article regulates the mechanisms (procedures) for resolving disputes between consumers and business actors, including through deliberation, mediation and court. The implication (involvement) or impact of Article 19⁴⁵ is that this article provides an opportunity for consumers to actively play a role in resolving disputes and demanding their rights as consumers. Awareness of the right to m resolving disputes legally empowers consumers to fight for their rights. Article 28⁴⁶ provides direction for understanding consumer protection institutions in Law Number 8 of 1999. Article 28⁴⁷ regulates the role and function of consumer protection institutions in helping consumers to obtain information, submit complaints and obtain legal assistance. The implication (involvement) or impact of Article 28⁴⁸ is that this article supports active consumers by providing resources and assistance to fight for their rights. Awareness of the existence of

consumer protection institutions gives consumers a sense of security and support in demanding their rights.

⁴³ "Pasal 19"

- (1) Pelaku usaha bertanggung jawab memberikan ganti rugi atas kerusakan, pencemaran, dan/atau kerugian konsumen akibat mengkonsumsi barang dan/atau jasa yang dihasilkan atau diperdagangkan.
- (2) Ganti rugi sebagaimana dimaksud pada ayat (1) dapat berupa pengembalian uang atau penggantian barang dan/atau jasa yang sejenis atau setara nilainya, atau perawatan kesehatan dan/atau pemberian santunan yang sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.
- (3) Pemberian ganti rugi dilaksanakan dalam tenggang waktu 7 (tujuh) hari setelah tanggal transaksi.
- (4) Pemberian ganti rugi sebagaimana dimaksud pada ayat (1) dan ayat (2) tidak menghapuskan kemungkinan adanya tuntutan pidana berdasarkan pembuktian lebih lanjut mengenai adanya unsur kesalahan.
- (5) Ketentuan sebagaimana dimaksud pada ayat (1) dan ayat (2) tidak berlaku apabila pelaku usaha dapat membuktikan bahwa kesalahan tersebut merupakan kesalahan konsumen.

⁴⁴ Op. Cit

⁴⁵ Op. Cit

⁴⁶ "Pasal 28"

Pembuktian terhadap ada tidaknya unsur kesalahan dalam gugatan ganti rugi sebagaimana dimaksud dalam Pasal 19, Pasal 22, dan Pasal 23 merupakan beban dan tanggung jawab pelaku usaha.

⁴⁷ Op. Cit

⁴⁸ Op. Cit

⁴⁹ "Pasal 39"

- (1) Untuk kelancaran pelaksanaan tugas, Badan Perlindungan Konsumen Nasional dibantu oleh sekretariat.
- (2) Sekretariat sebagaimana dimaksud pada ayat (1) dipimpin oleh seorang sekretaris yang diangkat oleh Ketua Badan Perlindungan Konsumen Nasional.
- (3) Fungsi, tugas, dan tata kerja sekretariat sebagaimana dimaksud pada ayat (1) diatur dalam keputusan Ketua Badan Perlindungan Konsumen Nasional.

⁵⁰ Op. Cit

Article 39⁴⁹ provides direction for understanding sanctions in Law Number 8 of 1999. Article 39⁵⁰ regulates sanctions for business actors who violate the provisions of the Consumer Protection Law. The implication (involvement) or impact of Article 39⁵¹ is that this article creates a deterrent effect for business actors and encourages them to be more responsible in fulfilling consumer rights, which ultimately encourages consumers to become more active in filing complaints and demanding their rights. Awareness of the sanctions that can be imposed on business actors who violate the law reminds consumers of the position that increases their courage to demand their rights. The international impact must be reflected starting from a focus on cooperation between countries; as well as influence on international organizations. In terms of focusing on cooperation between countries, the impact is more focused on the formation of international standards and regulations (rules) that protect consumers in cross-border trade, in terms of harmonized standards, namely product safety standards and consumer information that are stronger and more harmonious at the international level to ensuring the security and openness of products and services in the global⁵² market, so that paradigm changes encourage cooperation between countries to develop regulations and mechanisms that are effective in protecting consumers in international trade; in terms of international dispute resolution mechanisms (procedures) namely more effective and fair dispute resolution mechanisms (procedures) for handling disputes involving cross-border consumers; in terms of global⁵³ trade

regulation, namely allocating more effective regulations (rules) in global⁵⁴ trade that protect consumer rights and prevent unethical business practices⁵⁵, this is a line of stronger international standards in simple terms that a paradigm shift encourages the development of international standards that stronger for consumer protection, such as product safety standards, consumer information, and dispute resolution.

International impact in terms of influence on international organizations where consumers actively encourage international organizations such as UNCTAD, OECD, and WTO to establish stricter rules and policies in protecting consumers in the era of globalization, simply in the line of information exchange and best practices.) as well as international organizations such as UNCTAD (United Nations Conference on Trade and Development) and OECD (Organization for Economic Co-operation and Development) promote the exchange of information and best practices in consumer protection. The main difference between national and international impacts is that the difference in scope is that the national impact is more focused on the internal regulations of a country, while the international impact is more focused on harmonization of standards and regulations at the global⁵⁶ level. The difference in the lines of activism (activities) is that at the national level active consumers are more involved in domestic advocacy (defense) and lobbying, at the international level consumers are more focused on global⁵⁷ campaigns (movements) and collaboration with international organizations.

⁵¹ *Op. Cit*

⁵² "Secara umum dan keseluruhan" (Kamus Besar Bahasa Indonesia)

⁵³ *Op. Cit*

⁵⁴ *Op. Cit*

⁵⁵ "Berhubungan (sesuai) dengan etika" (Kamus Besar Bahasa Indonesia)

⁵⁶ "Secara umum dan keseluruhan" (Kamus Besar Bahasa Indonesia)

⁵⁷ *Op. Cit*

The difference in the challenge line is that at the national level the main challenge is unequal consumer awareness and limited resources, while at the international level the challenge is coordination and harmonization of policies between countries with different legal systems. Meanwhile, the author takes the challenges and considerations from 2 (two) sides, namely the role of government and the involvement of business actors, where the government has an important role in educating and empowering consumers to become more active, while the involvement of business actors means that business actors need to be involved in the regulatory development process. (regulations) and running a responsible business and fulfilling consumer rights

4. Conclusion

1. The transformation of passive consumers into active consumers is a continuous process and has a very significant (important) impact on consumers' awareness of their rights. This increased awareness encourages consumers to be more active in making choices and demanding their rights. This change also encourages the formation of regulations that are more effective and responsive to consumer needs in the era of globalization. The paradigm shift from passive consumers to active consumers is a process that continues to develop. Increasing consumer awareness is an important step in strengthening consumer protection and creating a fairer and healthier business environment for all parties.
2. The paradigm transformation from passive consumers to active consumers, which is supported by various articles in the Consumer Protection Law, has increased consumer awareness of their rights. Consumers are becoming more active in seeking information, demanding rights, and protecting themselves from unfair business practices. This creates a fairer and healthier environment for consumers and encourages business actors to be more responsible in fulfilling consumer rights. Although there is no article that explicitly differentiates between active consumers and passive consumers, the Consumer Protection Law as a whole supports and encourages consumers to become more active. This is reflected in the emphasis on consumer rights and obligations, transparency of (real) information, mechanisms (procedures) for dispute resolution, and the role of consumer protection institutions. The transformation of the passive consumer paradigm to active consumers is an important driving force for reform (change) in consumer protection policies at the national and international levels.

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