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## The Concept of Consumer Protection: An International Cultural Perspective



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### Keywords

*Concept;*  
*Consumer Protection;*  
*International Perspective;*  
*Cultural;*

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### Abstract

The case of consumer loss does not seem to recognize national borders, not only in Indonesia but also in other countries, such as the case of the Thalidomide Pill in 1950 - 1960 which is one of the empirical facts, the victims are at least spread across 40 countries. So widespread were the victims that this case was known as The Thalidomide Tragedy. In addition, in the case of Aspirin, where the giant Bayer manufacturer stated in its advertisement that all adults can take aspirin to prevent heart attacks, the June 1999 issue of the New England Journal of Medicine found that 16,500 deaths were found in the United States as a result of taking aspirin and other similar drugs. Based on the background of the above problems, the researcher attempts to research and study and analyze how the concept of consumer protection from an international cultural perspective. The concept of consumer protection from an international perspective in this case is that the position of consumers as a weak party is recognized and protected internationally as reflected in the Resolution of the General Assembly of the United Nations (UN) No.A / Res / 39/248 of 1985 concerning Guidelines for Consumer Protection (Consumer Protection Guidelines). The UN resolution issued on April 16, 1985 requires that consumers wherever they are, from all nations, have certain basic rights, regardless of social status. There is also what is meant by basic rights, namely the right to obtain security and safety, the right to vote, the right to be heard, the right to get compensation, the right to obtain basic human needs, the right to have a good and clean environment and the right to get basic education. The United Nations calls on all its members to enforce these consumer rights in their respective countries.

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## 1. Introduction

Globalization has brought positive and negative impacts. From the positive side, products from one country can easily be obtained and enjoyed by consumers in other countries. However, on the other hand, product globalization can have a negative impact if there is no control over quality standards that are fit for consumption in accordance with the characteristics of consumers in a country. Advanced technology on the one hand can produce various types of products needed by consumers. However, from the other side, it turns out that this sophisticated technology has been used by business actors to manipulate and exploit consumers (Hermoyo, 2015).

The producer-consumer relationship is basically a relationship that is dependent (Redjeki, 1991), meaning that producers cannot independently produce goods without thinking about how to market them (a priori). Likewise, on the other hand, consumers cannot just assume that because they have money, they are free to make choices. What is the meaning of money if there are no goods. Therefore, it is necessary to balance the relationship between producers and consumers. The principle of partnership between producers and consumers, absolutely need each other and as a consequence then each has rights and obligations.

One of the obligations of producers is to provide products that are safe, meet product standards and do not endanger consumers. If the product produced by the producer is unsafe and harms consumers, then the producer must be responsible. The responsibility referred to here is product responsibility, namely the responsibility of the manufacturer for the products it produces (Hildyard, 1981).

The partnership relationship between producers and consumers needs to be improved through increasing awareness, knowledge, concern, ability and independence of consumers to protect themselves and fostering the attitude of responsible business actors so that consumer protection is realized which leads to efforts that ensure legal certainty for consumers.

The case of consumer loss does not seem to recognize national borders, not only in Indonesia and can also occur in other countries, such as the case of the Thalidomide Pill in 1950 - 1960 which is one of the empirical facts, the victims are at least spread across 40 countries. So widespread were the victims that this case was known as The Thalidomide Tragedy (Fazal & Kanniah, 1988).

The drug thalidomide was introduced to control nausea during several weeks of pregnancy. Chemie Grunenthal, a German company that produces the drug, is aggressively advertising this drug as a safe and non-toxic tranquilizer with no side effects. However, taking this medication at the fifth and eighth week of pregnancy is far from calming. A single pill is enough to cause defects in the fetus that the pregnant woman is carrying. Babies are born with fins, their brains are injured and their intestinal systems are horribly injured. The babies of the other victims were blind, deaf and epileptic.

Approximately 8,000 children were raised under the shadow of thalidomide and many others died. Ironically Chemie Grunenthal refused to take responsibility, even though at the start of the use of the drug three out of nine doctors who were sent the drug had reported adverse effects on patients (consumers). Instead, Grunenthal made a report stating that thalidomide does not damage health (Hildyard, 1986).

In addition, in the case of Aspirin, where the giant Bayer manufacturer stated in its advertisement that all adults can take aspirin to prevent heart attacks, the June 1999 issue of the New England Journal of Medecie found that 16,500 deaths were found in the United States as a result of taking aspirin and other similar drugs (Hildyard, 1986).

Based on the background of the above problems, the researcher attempts to research and study and analyze how the concept of consumer protection from an international perspective.

## **2. Materials and Methods**

This research uses a normative juridical legal research type, namely studying and analyzing legal materials and issues based on statutory regulations. This research was conducted to solve legal problems that arise while the results to be achieved are a prescription of what should be done (Marzuki, 2005). In this case, it is related to research on the concept of consumer protection from an international perspective. The approach method used in this study uses several techniques as follows:

### *a. Approach to the Act (Statute Approach)*

Namely the approach using legislation and regulations. Legal research at the level of legal dogmatics cannot be separated from the statutory approach because the subjects studied come from statutory regulations. The statutory approach is carried out by examining all laws and regulations related to research on the concept of consumer protection from an international perspective. To study whether there is consistency and suitability between a law and another law, or between a law and a constitution or between regulation and law.

### *b. Conceptual Approach (Conceptual Approach)*

Namely an approach that departs from the views and doctrines that develop in legal science, in order to find ideas that give birth to legal notions, and legal principles or legal arguments that are the basis for researchers to build legal arguments in solving issues faced (Marzuki, 2005). This conceptual approach is used to discover the views and doctrines that are developing in the science of law, the study of legal principles related to research on the concept of consumer protection from an international perspective.

## **3. Results and Discussions**

### ***The concept of consumer protection from an international perspective***

The concept of consumer protection in the United Nations (UN) in this case, that the position of consumers as weak parties is also recognized internationally as reflected in the Resolution of the General Assembly of the United Nations (UN) No.A / Res / 39/248 of 1985 concerning Guidelines for Consumer Protection.

This UN resolution issued on April 16, 1985 (Resolutions UN, 1985), requires that consumers wherever they are, from all nations, have certain basic rights, regardless of social status. There is also what is meant by basic rights, namely the right to obtain security and safety, the right to vote, the right to be heard, the right to get compensation, the right to obtain basic human needs, the right to have a good and clean environment and the right to get basic education. The United Nations calls on all its members to enforce these consumer rights in their respective countries.

The concept of consumer protection in the United States in this case, that the interests of consumers have become a concern, which was expressly put forward in 1962 by the President of the United States John F. Kennedy (Badruzaman, 1981), who delivered a message to Congress about the importance of the position of consumers in society. Two thirds of the amount spent in economic life comes from consumers, however, usually their voices are not heard. It often turns out that these consumers usually lack protection, so they are first affected by the inadequate quality of goods or



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services, the price of goods, fraudulent competition, counterfeiting, fraud, misleading advertising, and so on, then these as the basis for providing consumer protection in the United States.

The concept of consumer protection in the Netherlands in this case, that Yusuf (2000) concludes, legal experts generally agree to define consumers as users of the last production of goods and services (*uiteindelijke gebruiker van goederen endiensten*) (Yusuf, 2000). The importance of consumer protection, is that the intention is to place consumers as users, users or users of products that need to be given legal protection; as the subject of economic actors who determine the continuity and growth of a business; as parties who generally do not understand and are less alert, so they are easily influenced by attractive marketing efforts without or lack understanding of the quality of the products offered.

Product responsibility is in the Dutch concept of "*producten aansprakelijkheid*" (Mansyur, 2007). In principle, the product produced by the producer, which then reaches the consumer's hands, the consumer as the end user of a product does not know the process of making the product, so that in real terms the position of the consumer is as if he only accepts and does not know how the goods are produced. This means that consumers cannot clarify the production process of these goods, even though if something negative happens to be related to a certain product, it is the consumer who first accepts the risk, then these things are the basis for providing consumer protection in the Netherlands.

The concept of consumer protection in the UK, in this case developments in the UK, refers to The Trade Description Act 1968, the Consumer Credit Act 1974, the Consumer Protection Act 1987, and the Food Safety Act 1990, showing that the background to the importance of consumer protection can be summarized as follows :

1. There are fundamental changes in the consumer market (consumer market), in which consumers often do not have a position to make a proper evaluation of the goods and services they receive. Consumers can hardly be expected to fully understand the use of the sophisticated products available.
2. Modern advertising methods disinform consumers rather than provide information objectively (provide information on an objective basis).
3. Basically, consumers are in an unbalanced bargaining position (the inequality of training power), due to difficulties in obtaining adequate information.
4. The idea of paternalism was the background of the birth of consumer protection laws, in which there was a distrust of the consumer's ability to protect himself due to the risk of considerable financial loss or risk of physical injury (Mansyur, 2007).

The concept of consumer protection in Indonesia, in this case in principle, is based on Law Number 8 of 1999 concerning Consumer Protection, the legal relationship between business actors and consumers is also regulated in Law Number 8 of 1999 concerning Consumer Protection, so for the sake of the law any violations that carried out by business actors that harm consumers give rights to consumers who have suffered losses to hold accountable business actors who harm them, as well as to claim compensation for losses suffered by consumers.

In principle, the protection of consumers aims for development, to develop human beings as a whole to create a just and equitable society both materially and spiritually, and to improve the welfare of all people in a country. For this reason, it is necessary to increase efficiency and productivity in order to create business opportunities that are open to all people fairly and equally and protect the interests of consumers both nationally and internationally.

#### **4. Conclusion**

The concept of consumer protection from an international perspective in this case is that the position of consumers as a weak party is recognized and protected internationally as reflected in the Resolution of the General Assembly of the United Nations (UN) No.A / Res / 39/248 of 1985 concerning Guidelines for Consumer Protection (Consumer Protection Guidelines). The UN resolution issued on April 16, 1985 requires that consumers wherever they are, from all nations, have certain basic rights, regardless of social status. There is also what is meant by basic rights, namely the right to obtain security and safety, the right to vote, the right to be heard, the right to get compensation, the right to obtain basic human needs, the right to have a good and clean environment and the right to get basic education. The United Nations calls on all its members to enforce these consumer rights in their respective countries.

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