

PROCEEDINGS



The 3rd Bali International Seminar on Science and Technology

Bali, October 15-16th, 2015

**"TOWARDS FUNDAMENTAL AND APPLIED RESEARCH FOR
SOCIO-ENVIRONMENTALLY SAFE INDUSTRIAL DEVELOPMENT"**

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PREFACE

Faculty of Industrial Technology, University of Pembangunan Nasional "Veteran" Jawa Timur in collaboration with Bali State Polytechnic and National Cheng-Kung University are organizing an international seminar entitled: Bali International Seminar on Science and Technology (BISSTECH) III 2015, with topic "Towards Fundamental and Applied Research for Socio-Environmentally Safe Industrial Development".

We wish to thank reviewers, keynote speakers, moderators, presenters, and participants for their cooperation and valuable suggestions. We would like to extend our appreciation to members of organizing committees of all events during this seminar.

Finally, we hope that the seminar would give a contribution in creating a better future for mankind.

Thank you.

Denpasar-Indonesia, October 15th, 2015

Editorial Board

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LEGAL PROTECTION AGAINST ACTORS RIGHTS SALE TRANSACTIONS USING THE INTERNET

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ABSTRACT

Advances in technology now spectacular. The era of globalization of information marked progress. The users have felt the technology development. They even keep up with changing products. They become a consumer technology products continue to experience acceleration in the change. Advances in technology was delivered by Sumarwoto, that acceleration technology has brought great changes in the history of life and human civilization present and future. The development of technology has been a major influence on changes in human lifestyle. Various patterns of human life shown by the line with the development of science and technology. The development of science and technology, or more often called today's science and technology is developing rapidly. All countries vying to advance science and technology so that the country is known for developed countries in the field of science and technology. With the development of science and technology in a country would have a positive impact on countries and communities in the country to facilitate the work of human or various other strategic activities. On the one hand, the development of science and technology which is so amazing or spectacular that it has brought tremendous benefits for the progress of human civilization. The types of jobs that previously required physical capacity is large enough, relative now can be replaced by the automatic machines. The development or progress of science and technology that we have achieved now actually been recognized and felt provide a lot of convenience and comfort for the life of mankind. Science contribution to civilization and human welfare can not be denied. The positive impact of information technology is the change in values and thinking patterns, the development of science and technology, and the level of a better life. The development of modern information technology in this day and age can be seen from the way the public thinks that the irrational becomes rational. Thinking people are rational and objective caused by the development of information technology, people can easily obtain information from all sides and angles of view quickly and easily. Changing the mindset or attitude of life is due to the development of information technology, people can know the things that are new, perhaps previously they consider does not exist and will never happen, but after the introduction of information technology, people can read or even see the window wide or macro-scale of development or dynamic era of civilization which represents things that are new and constantly evolving.

Keywords: e-commerce, attitude, Science contribution

INTRODUCTION

Advances in technology are now spectacular. The era of globalization of information marked the progress. The users have felt the advantage of technology development. They even keep up with changing products. They become a consumer technology products continue to experience acceleration in the change.

Sumarwoto (2012) said that technology acceleration has brought great changes in the history of life and human civilization in the present and future. The development of technology has been a major influence on changes in human lifestyle. Various patterns of human life shown by the line with the development of science and technology.

The development of science and technology, or more often called today's science and technology is developing rapidly. All countries vying to advance science and technology so that the country is known for developed countries in the field of science and technology. With the development of science and technology in a country would have a positive impact on countries and communities in the country to facilitate the work of human or various other strategic activities. On the one hand, the development of science and technology which is so amazing or spectacular that it has brought tremendous

benefits for the progress of human civilization. The types of jobs that previously required physical capacity is large enough, relative now can be replaced by the automatic machines. The development or progress of science and technology that we have achieved now actually been recognized and felt provide a lot of convenience and comfort for the life of mankind. Science contribution to civilization and human welfare can not be denied.

The positive impact of information technology is the change in values and thinking patterns, the development of science and technology, and the level of a better life. The development of modern information technology in this day and age can be seen from the way the public thinks that the irrational becomes rational. Thinking people are rational and objective caused by the development of information technology, people can easily obtain information from all sides and angles of view quickly and easily. Changing the mindset or attitude of life is due to the development of information technology, people can know the things that are new, perhaps previously they consider does not exist and will never happen, but after the introduction of information technology, people can read or even see the window wide or macro-scale of development or dynamic era of

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civilization which represents things that are new and constantly evolving.

One of the products of science and technology development, these include the technology cyberspace known as the Internet. Through the Internet one can perform a variety of activities not only at local or national scope but also globally or internationally, so that the activities carried out through the Internet is a borderless activity, meaning that one can relate to anyone residing anywhere and anytime.

The development of increasingly sophisticated information technology makes everything seem easier. Internet applications today has entered into various areas of human life, one of which is in the buying and selling of goods. Buying and selling is one way that humans do to make ends meet. Buying and selling is also a proof that every human being has a dependency on one another.

The use of the Internet as a medium for buying and selling continues to increase from year to year, this was due to a variety of benefits gained by companies or consumers to conduct transactions via the internet, but it is not widely known by the public because it is only in society certain groups can do this transaction. In addition to the above legal force is unquestionable that the legal interests of consumers or buyers can be protected.

Through the electronic media everyone can perform a variety of buying and selling. Buying and selling activities are carried out electronically known as electronic commerce or e-commerce abbreviated. In the past people have to meet in person to make buying and selling, even before the currency as a means of payment and purchase and sale transactions carried out by the exchange of goods between people who need each other to each other such goods or known as barter.

With the rapid technological development does not have to reconcile between the seller and the buyer. Each party to a transaction, both the buyer and seller, could use technology products as an instrument or means of conducting transactions.

Buy and sell electronically in a virtual world is very different from buying and selling in the real world. Electronic transactions enable two or more people to transact with a relatively short time, where the buyer simply access the internet and into the company website or sellers who advertise their products on the Internet, which in turn buyer sufficiently studied the terms of condition (ketentuan provisions required) by the seller.

According to Article 1 paragraph 2 of Law No. 11 of 2008 on Information and Electronic Transactions explained that "an electronic transaction is a legal act which is done using computers, computer networks and other electronic media".

Buying and selling activities through electronic media every person can take anywhere and anytime, without having to meet in person, the parties buying or selling on the basis of a sense of trust in each other. Buying and selling through electronic media should also be based on Article 1320 of the Civil Code that requirements governing the validity of the agreement, namely the existence of an agreement, a conversation, a certain thing and a cause that is kosher.

Sale and purchase transactions occur online through electronic media will certainly not be separated from issues and guarantee legal certainty and legal system in force in the realization of e-commerce.

Activities or transactions via the Internet (e-commerce) is very commonplace at the present time by many people, but its implementation in addition to have a positive impact for the community in the form of ease of transacting the sale turned out transactions through electronic media also still has shortcomings / weaknesses especially knowledge of its legal validity.

Besides, because the parties to a transaction are not physically meet each other, then the probability that a greater variety of forms of fraud, so it took more attention to the protection of the parties to a transaction in it. It aimed at the protection of the injured party. That is how the protection of the injured party because he is performing transactions using internet technology products.

DISCUSSION

Urgency of Legal Protection

Roscoe Pound stated that the main task of the law is social engineering, in which the law should be developed in accordance with changes in social values. Law according to Roscoe Pound is a tool for building community (law is a tool of social engineering) that the law not only by reason but also based on experience.

Law reflects the community's needs regularly. The law regulates human relations through individual action by controlling and resolving conflicts between competing groups.

Further Roscoe Pound was found in terms of function, the law is an attempt to meet, reconcile, harmonize, adjust the demands and requests or interests are diverse but often times contradict each other, which is done through the establishment of the law directly and quickly without compromise, or to protect the interests of individuals, or by way of limitation or compromise their individual interests in order to provide a greater influence on the whole.

Roscoe Pound based on the premise that clearly shows that the juridical norms created by the state is intended to meet the interests of life or the rights of society. One form of fulfillment is to provide protection against those who melakuka interaction or relationship dimension of economic, political, technological, cultural, educational, and others.

One aspect that interests trying met by law are economic interests. The actors in the sale and purchase transactions using internet technology products as ingredients also need legal protection, because of the possibility of one party acts in violation of the law or harm the rights of other parties, it could happen.

Effect of Internet Technology

Science product has felt the impact on people's lives and nation. One of the products of science and technology is a networking interconnection or known as the internet. From early childhood to adulthood is now highly dependent on the internet. Internet applications

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today has entered into various areas of human life, both in the political, social, cultural, or economic and business.

The Internet is a global information dissemination tool, a mechanism for information dissemination, and a medium for collaboration and interaction between individuals using computer unhindered geographical boundaries. Starting from a research conducted by the American government which then began to be developed by the industry and ultimately the academy has been developing and deploying this new technology throughout the world.

The influence of the internet is not just about those who are in the field of information and computer technology, but all the people who have used the Internet as an online tool to solve various tasks, such as e-commerce, information acquisition and other community activities. Internet helps them so that they can interact, communicate, learn, and even to trade or deal with people from all over the world with cheap, fast and easy.

Features and advantages of the internet is as follows:

a. Efficiency (efficiency)

Many people misjudge the Internet as a medium of luxury and excess, which is only suitable for bona fide companies in providing services to the upscale (highclass). Internet is actually much more efficient and economical than other media.

b. Without boundary (without limit)

Internet do not recognize national borders or continents and time. Kjomputer network that has been installed has now spread almost covering the entire part of the world. Internet seemed to have succeeded in creating a new nature, a new life, a new society that is global (global society).

c. 24-hours online (open 24 hours)

The Internet is a medium of information that goes on all the time. There was no special time to obtain the information. Whenever a person has free time, he got a moment's bias. Sustainability for 24 hours also means that what is shown in the Internet can be seen by visitors immediately anyway.

d. Interactive

In your internet media can be a great share in regulating the course of the presentation of information. This is a time saver. Through other media such as cable or satellite television, you may have to wait for hours to get the berit.

e. Hyperlink (interwoven in a moment)

Tersajikan information in the internet in the form of hyperlinks, this means that visitors can jump from one information to other information have a direct or indirect link , simply with a click of mouse button .

f.No license required (no need permission)

To publish information on the Internet , it is not necessary to have a permit in advance.

h.No censorship (uncensored)

Until now, no one else in this world body officially authorized to censor information in internet.Freedom to speak, expression and the press(freedom of speech , expression and the press) have been entrenched in the community . Internet society is a society that

intelektua . Before accepting or rejecting something , they always make a thorough consideration . In the adult environment of this kind , if someone writes indiscriminately (without proof and reason), this would be a " boomerang " which undoubtedly mowing himself.

Internet technologies have an enormous influence on the world economy. Internet brings the world economy entered a new phase. More and more economic activities conducted via the Internet. Trade, for example, increasingly rely on e-commerce as a medium of sale and purchase transactions. E-commerce is a business process by using electronic technology that links between businesses, consumers and the public in the form of electronic transactions, and exchange / sale of goods, services, and information electronically. Briefly e-commerce is a form of modern business by means of the internet, e-commerce therefore can be said to be trading on the internet.

E-commerce is primarily a contact trade transactions between sellers and buyers using the Internet media. So the process of ordering goods, payment transaction to delivery of goods is communicated via the internet.

In practice, the use and utilization of technology or internal network through e-commerce business has an extensive network and global so easily people can access at any time without any physical contact between the consumer, the customer buyers with sellers. Data on the production of goods along with an explanation of the quality and quantity are already available, even direct payments (purchasing) via credit card can be done directly through the network net after everything related to the transaction is clear and accepted.

There are several factors that strengthen trade trransaksi process which was originally based on the paper , now turning to electronic media . Factors that meant is :

1. E - commerce has the ability to reach more customers and any time the customer can access all the information up to date and continuously ;
2. E - commerce may encourage the creativity of the sellers quickly and accurately and distribution of information submitted in progress periodically ;
3. E - commerce can create high efficiency , cheap and informative ;
4. E - commerce can improve customer satisfaction , with a service that is fast , easy , safe and accurate .

Legal protection of the Parties

Purchase agreement electronically has the same principle with the usual agreement according to the Civil Code. The difference lies in the specificity of electronic trading using electronic tools to support its activities. The mechanism of buying and selling electronically is not like buying and selling conventional for each electronic transaction begins with the bidding stage through the medium of the Internet by businesses, the stage of acceptance by consumers, the level of agreement between the parties, stage payment through

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banking service, and ending with the delivery stage products booked through courier.

Sale and purchase transactions electronically involving multiple parties, whether directly involved or not, depending on the complexity of the transactions. It means that if all the transactions are done online or just a few stages are done online. When all sale and purchase transactions carried out online, from the process of the transactions up to the payment, Budhiyanto identify the parties involved consists of:

1. The seller (merchant), which are companies / manufacturers who offer their products via the internet.
2. Consumers, ie people who want to obtain the product via online purchase.
3. Acquirer, the intermediaries billing and payment intermediaries, in this case a bank.
4. Issuer, the credit card company that issued the credit card;
5. Certification Authorities, which is a neutral third party that holds the right to issue a certification to the merchant, the issuer and in some cases also be given to the card holder (credit card holder).

Things to note in electronic transactions is how the system of payments made by consumers, carried out using credit card or payment possible manually / cash, since not all consumers in the buying and selling online is the credit card holder.

The parties on their respective rights and duties. Sellers as the party that offers a product responsible for providing true and honest information on the products offered. In addition, the seller also must offer products that are allowed by law, that the goods offered are not things that are contrary to laws and regulations, is not damaged or hidden defects, so that the goods offered are eligible to be traded goods. The seller is also responsible for the delivery of products or services that have been purchased by a consumer in accordance with the time period has been agreed. Thus, the said sale and purchase transaction do not cause any harm to anyone who bought it. On the other hand, a seller or businesses have the right to get payment from buyers / consumers on the prices of goods they sell and are also entitled to get protection for the actions of buyers / consumers that bad faith in carrying out this electronic purchase transaction. Thus, the buyer is obliged to pay a price for products or services that have been ordered on the seller.

A buyer has the obligation to pay the price of goods that have been bought from the seller according to the type of goods and the price agreed upon between the seller and the buyer, other than that required to fill the data of identity truthfully in the acceptance form. On the other hand, buyers / consumers are entitled to complete information on goods to be bought it. Buyers are also entitled to legal protection for the actions of the seller / business that bad faith.

Bank as an intermediary in the payment of sale and purchase transactions electronically obliged and responsible for channeling funds for the payment of a

product that has been agreed upon. The distance remote enables consumers to make payments through the bank because it can not do directly.

Besides the above mentioned parties, other parties involved in the sale and purchase transactions electronically, namely provider and delivery services (expedition). Providers have a duty or responsibility to provide services 24-hour access to prospective buyers to make buying and selling electronically via the Internet with sales that offer products via the internet. In this case there is cooperation between the seller / business with providers of doing business through the internet. While the shipping services (expedition) which has been designated by the seller / business is responsible for sending the goods that have been bought by consumers.

On the sale and purchase transactions electronically, the parties concerned in it having laws that poured through some form of agreement or contract is also done electronically and in accordance with Article 1, point 17 UU ITE referred to as electronic contracts the agreement contained in electronic documents or media other electronics. Transactions can be done with the ease of information technology, without the hindrance of distance. Implementation of electronic transactions can be done either in the public or private sphere. Entrepreneurs who offer goods or services electronically are required to provide information about the terms of the contract, the manufacturer and the product is complete and correct. UU ITE in Article 17 Paragraph (1) mentioned "the implementation of electronic transactions can be performed in the public or private sphere". Paragraph (2) The article states that "the parties to conduct electronic transactions referred to in paragraph (1) shall be acting in good faith in the interaction and / or exchange electronic information and / or electronic documents for the transaction in progress".

Article 19 of the EIT Law states that "the parties to an electronic transaction should use the electronic system agreed". So before making an electronic transaction, the parties agreed on an electronic system which will be used to make transactions. Unless specified otherwise by the parties, electronic transaction occurs when the sender sent the transaction offers have been received and approved by the recipient, as specified in Article 20 paragraph (1) of the EIT.

The new electronic transactions happened if the offer is sent to the recipient and the agreement to accept the offer after the offer is accepted electronically. Article 20 (2) mentioned "Approval of offer electronic transactions should be done electronically acknowledge receipt". Article 21 paragraph (2) number 1 stated when the transaction is done alone, then the people who make transactions that bear the legal consequences.

The desire fast-paced society, economical and practical to make a sale or transaction via the internet as the most preferred option at this time. Internet which was formerly only used to search for information and send data, today used as a medium for buying and selling. The most phenomenal social networking today is facebook is also used as a means of purchase or online shopping. Buying and selling through electronic media, was chosen

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in part because people do not waste a lot of time and effort. Just sit in front of a laptop computer or even a cell phone (mobile phone) can make buying and selling. Buying and selling can not be separated from the development of the internet into the daily needs of today's society.

In the transaction of buying and selling online are electronic documents, these documents are usually made by the merchant (seller) which contains the rules and conditions that must be obeyed by the customer but it does not burden the customer. These terms and conditions are also used as a legal protection for both parties.

Position businessmen in buying and selling online is stronger than the consumers, because businesses are at the provider of products while consumers on those who need the product, so anything that is determined by the manufacturer of all consumers need these products so consumers will agree.

Legal protection for both parties is:

1. Legal protection for the seller / business (merchant) particularly emphasized in terms of payment, merchants require customers to make full payment and then confirm the payment, it will be done only after the delivery of goods ordered.
2. The legal protection for the customer lies in the form of warranty return or exchange goods if the goods received are not in accordance with the already booked.
3. Privacy, electronic media user's personal data must be protected by law. Provision of information must be accompanied by the consent of the owner of the personal data. This is a form of legal protection for the parties to conduct online transactions, contained in Article 25 of Law ITE "electronic information and / or electronic documents are organized into intellectual works, internet sites, and intellectual work in it are protected as property rights intellectuals under the provisions of the legislation".

Such exposure showed that the juridical norms already provided by the state to regulate the parties to conduct transactions by using internet technology. The parties to a transaction is required grounded in the rule (rule of the game) applies, because if this is not done, then the available judicial process to account for them. Fraud, deception, or different types of adverse actions of certain parties, can be submitted as misconduct (against) the law.

CONCLUSION

Juridical norms governing the protection of the parties to a transaction by using technology already

available products .However , in general the main principles of online transactions in Indonesia until now still more advanced aspects of trust or " trust" to the seller and the buyer . The principle of security of online transactions infrastructure such as a guarantee for the correctness of the identity of the seller / buyer , security guarantees payment lanes (payment gateway) , security and reliability of electronic commerce website has not been a major concern of the parties , especially small to medium -value transactions . Under these conditions , the parties preferably before dropping the option agreement in this transaction , should give priority to accuracy and Kohath caution so as not to become a victim of fraud or deception .

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