



## **Legal Review of Consumer Protection Against Illegal Internet Network Providers**

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### ***ABSTRACT***

The development of technology that almost all require Internet access. The Internet plays an important role in the globalization process. With business opportunities, there are some internet network providers who run their businesses without paying attention to applicable regulations so that in the future it can cause losses that have an impact on internet network consumers who have subscribed to the internet network business actors. The formulation of the problem in this study is: How is the legal protection of consumers as victims of illegal internet network providers. This research method uses a normative legal research method using a legislative approach and a conceptual approach. The legal materials in this study are primary legal materials and secondary legal materials. The results of this study can be concluded that before subscribing to an internet network, prospective customers must know the regulations that have been regulated in Law Number 8 of 1999 concerning Consumer Protection in order to minimize losses, in the law it has been regulated regarding consumer rights and obligations. Internet network consumers who are negatively impacted by illegal internet network providers have the right to protection such as access to information and assistance, the right to compensation, law enforcement, and prevention of violations that may occur in the future.

**Keywords:** Regulation, Consumer Protection, Illegal Internet, Providers

### **Introduction**

The task of the agent of change is to create social institutions that can be used as effective channels in introducing new ideas. Social renewal activities, in addition to



creating modern institutions, also try to create modern humans who have a forward orientation and reach further thinking..<sup>1</sup>

The need to exchange information or communicate between one party and another is one of the basic needs since ancient times. In its development today, communication is not only done by people in the same location, but can also be done by people who are in different locations, for example communication between countries, between villages to cities or vice versa, even between villages with long distances, this can be done very easily with the help of telecommunications devices, as long as the infrastructure in the area is adequate and telecommunications services are available in the area.

In Law Number 36 of 1999 concerning Telecommunications, Article 3 states that "Telecommunications is organized with the aim of supporting national unity, improving the welfare and prosperity of the people fairly and evenly, supporting economic life and government activities, and improving relations between nations." This means that the implementation of telecommunications should be realized evenly from urban to rural areas. However, in its realization, this equalization cannot be done simultaneously but rather in stages, because first it is necessary to build telecommunications infrastructure in the form of BTS Towers (Base Transceiver Stations) which of course require relatively large time and costs in order to provide telecommunications services to villages.<sup>2</sup>

Internet network has become a necessity for everyone nowadays. In its development, internet network especially wifi technology has become increasingly widespread in daily use, both for communication between offices and for personal communication.

The need for a stable internet connection to people's homes is increasing. But on the other hand, Internet Service Providers (ISPs) or internet network providers have not been able to reach people's homes, especially those far from the city. A stable

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<sup>1</sup> Juhaya S. Praja. *Teori Hukum dan Aplikasinya*. Pustaka Setia. Bandung. 2020. h.44

<sup>2</sup> Hilarion Hamjen, *Motivasi Masyarakat Terhadap Penyelenggaraan Telekomunikasi di Pedesaan*, Balai Pengkaji dan Pengembangan Komunikasi dan Informatika Banjarmasin, 2015, terbitan ke-3



internet connection requires infrastructure in the form of cables or wireless to homes. People who resell internet networks were initially community self-help to get fast and cheap internet connections in their respective homes. A group of people in one RT/RW or housing complex create a Local Area Network (LAN) and subscribe to one internet connection to be shared together, as stated in Article 3 of Law Number 36 of 1999 concerning Telecommunications that "Telecommunications is organized with the aim of supporting national unity, improving the welfare and prosperity of the people fairly and evenly, supporting economic life and government activities, and improving relations between nations."

The existence of business gaps in this internet service provider has caused many people to start this internet service provider business on a small scale. The Ministry of Communication and Information (Kemenkominfo) revealed that the emergence of illegal internet service sales was due to the opportunity to resell services by creating price disparities according to people's purchasing power. The opportunity to resell internet services or what is known as a reseller encourages these violations.

Considering that regulations and legislation have regulated the provisions for internet service providers, the resale of internet networks is also included in the activity of providing internet access services which must comply with regulations and legislation, while paying attention to customer protection, development contributions and healthy market competition.

If in practice the business of providing these services does not comply with these regulations, then the business of providing internet access services can be said to be an illegal internet network provider as stated in Article 47 of Law Number 36 of 1999 concerning Telecommunications as follows: "Anyone who violates the provisions as referred to in Article 11 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years or a maximum fine of IDR 600,000,000.00 (six hundred million rupiah)."

Thus, if the provision of internet access is normatively stated as not in accordance with regulations and is declared illegal because it does not have a business license. In addition, there are also customer or consumer rights that must be



considered, because consumer rights are also regulated in the Consumer Protection Act.

The Consumer Protection Act states that consumer protection is any effort that guarantees legal certainty to provide protection to consumers. Consumer protection has a fairly broad scope, including consumer protection for goods and services up to the consequences of using the goods or services.<sup>3</sup>

### **Metode Penelitian**

The type of research used in this study is normative legal research, an approach that refers to legal norms contained in laws and regulations and decisions in norms that exist in society.<sup>4</sup> Because this type of research is normative juridical, the approaches used are the legislative approach and the conceptual approach..

The legal materials used in compiling this thesis include primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are binding legal materials consisting of laws and regulations related to the research object. Secondary legal materials are in the form of books and scientific writings related to the research object. Tertiary legal materials are in the form of instructions or explanations regarding primary legal materials / secondary legal materials originating from dictionaries, encyclopedias, magazines, newspapers, and so on.

The legal materials obtained in the research are literature studies, laws and regulations, which the author describes and connects in such a way that they are presented in a more systematic writing in order to answer the formulation of the formulated problems. The method of processing legal materials is carried out deductively, namely drawing conclusions from a general problem to the concrete problems faced.

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<sup>3</sup> Rosmawati. *Pokok-Pokok Hukum Perlindungan Konsumen*. Prenadamedia Group. Jakarta. 2019. h.6

<sup>4</sup> Soerjono Soekanto. *Penelitian Hukum Normatif*. RajaGrafindo Persada. Depok. 2022. h.13



## Results and Discussion

### Consumers of Internet Network Providers

Internet Service Provider (ISP) is a company or agency that provides services to its users or customers. In the world of technology, this term is related to companies that provide internet access services, website creation, internet maintenance, and so on. Its function is to help promote and maintain the existence of the website so that it can be accessed by users.<sup>5</sup>

In Indonesia, provider obligations, especially in the context of internet and telecommunications services, are regulated by several laws and regulations, including Law Number 36 of 1999 concerning Telecommunications: This law regulates various aspects of telecommunications in Indonesia. Some of the provider obligations regulated therein include: the obligation to ensure the security of the telecommunications networks and services they provide, the obligation to provide adequate services to users, the obligation to protect the privacy and confidentiality of user data, and the obligation to provide complaint and dispute handling services to users.

It can be concluded that an internet network provider, or abbreviated as an ISP (Internet Service Provider), is a company or organization that provides internet access to users. They provide internet access services through various technologies such as cable, fiber optic, DSL (Digital Subscriber Line), cellular networks, Wi-Fi, and even via satellite. The existence of business opportunities has led to the emergence of individual business actors engaged in the internet network reseller business sector, hereinafter referred to as the second party of the global ISP (Internet Service Provider).

Internet resellers are individual companies that buy large amounts of internet access from ISPs (Internet Service Providers) and then resell the access to end

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<sup>5</sup> LIPUTAN6. Provider Adalah Perusahaan Penyedia Layanan Web Hosting, Kenali Macam-Macamnya. <https://www.liputan6.com/hot/read/4766706/provider-adalah-perusahaan-penyedia-layanan-web-hosting-kenali-macam-macamnya>. Diakses pada 14 Januari 2024.



customers. They act as an intermediary between the ISP and the end user, providing internet service to them without having to build their own network infrastructure..<sup>6</sup>

Internet resellers also have obligations, which can vary depending on the agreement they have with the original ISP (Internet Service Provider) and the regulations in force in their area.

In providing an internet network, internet network providers must have a permit from the relevant minister, this is to provide security to business actors and also protection for their consumers.

According to the Big Indonesian Dictionary (KBBI), consumers are users of goods produced (clothing materials, food, and so on). What is meant by consumers can also mean as users of services. Consumers are the last chain in the product flow after producers and distributors. Consumers are people who will only use the product without reselling it to certain parties. In simple terms, consumers are people or certain parties who pay to get services or products with the aim of meeting their needs. Another term for consumers is customers. As stated in Article 1 Paragraph (2) of Law Number 8 of 1999 concerning Consumer Protection as follows:

“A consumer is any person who uses goods and/or services available in society, whether for the benefit of themselves, their family, other people or other living creatures and not for trading.”

Internet network consumers are individuals or entities that use internet services to access information, communicate, interact with websites, applications, and online services, and perform various other online activities. They can use various devices, including computers, laptops, smartphones, tablets, and other devices to access the internet.

Internet consumers can come from various backgrounds and have different needs and preferences in using the internet. They may use the internet for personal, educational, business, entertainment, or communication purposes..

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<sup>6</sup> DJPPI KOMINFO. Cara Menjadi Reseller Internet Service Provider (ISP). <https://djppi.kominfo.go.id/news/cara-menjadi-reseller-internet-service-provider-isp>. Diakses pada 17 Januari 2024.



Internet consumers come from a variety of backgrounds and have different needs and preferences when it comes to using the internet. They may use the internet for personal, educational, business, entertainment, or communication purposes. As internet consumers, they have rights that protect their privacy and security when using the internet, as well as responsibilities to use the internet wisely, respect the rights and freedoms of others, and comply with applicable laws and regulations.

Internet service providers (ISPs) must be responsible for providing reliable, fast, and secure internet access to internet consumers. They must also adhere to the principle of net neutrality, which ensures that all data is treated equally without discrimination.

Overall, internet consumers are an important part of the evolving internet ecosystem, and their rights and responsibilities play a role in shaping a positive and inclusive online experience for all internet users.

### **Legal Protection for Consumers as Victims of Illegal Internet Network Providers**

Legal protection for consumers as victims is part of the consumer protection law regulated in Law Number 8 of 1999 concerning Consumer Protection. This protection helps regulate the relationship between consumers and business actors, and guarantees consumer interests in transactions.

Consumers have the right to receive goods that are in accordance with the agreement or as they should be. If the goods or services received do not comply with the agreement, consumers have the right to receive compensation and/or replacement. Consumers also have the right to security, safety, and comfort in consuming goods and services.

Legal protection is divided into two parts, that's:

- 1) Preventive Legal Protection provided by the government with the aim of preventing violations before they occur. This is contained in laws and regulations with the aim of preventing violations and providing guidelines or limitations in carrying out an obligation.



- 2) Repressive Legal Protection. Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties given if a dispute has occurred or a violation has been committed.<sup>7</sup>

Producers and consumers indirectly have a legal relationship, so the responsibility of one party in its interaction with another party should be fulfilled when the result of its actions causes losses to the other party. This responsibility must be fulfilled not only for the wrong actions of the person who is its responsibility or losses arising from goods under its supervision. If the consumer is harmed, then as in Article 19 of Law Number 8 of 1999 concerning Consumer Protection:

- (1) “Business actors are responsible for providing compensation for damage, pollution, and/or consumer losses due to consuming goods and/or services produced or traded.
- (2) Compensation as referred to in paragraph (1) may be in the form of a refund or replacement of goods and/or services of the same type or equivalent value, or health care and/or the provision of benefits in accordance with the provisions of applicable laws and regulations.
- (3) Compensation is carried out within a period of 7 (seven) days after the transaction date.
- (4) The provision of compensation as referred to in paragraph (1) and paragraph (2) does not eliminate the possibility of criminal charges based on further evidence regarding the existence of an element of error.
- (5) The provisions as referred to in paragraph (1) and paragraph (2) do not apply if the business actor can prove that the error is the consumer's fault

The occurrence of internet network disruptions can cause losses to consumers, but consumers rarely understand and know that their rights are protected by the Consumer Protection Law. When making an internet network subscription agreement, many consumers immediately agree and sign the subscription agreement contract without reading the contents first, so they do not know what important things are for them as consumers. In this case, it can be seen that public knowledge

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<sup>7</sup> Chandra Adi Gunawan Putra. *Perlindungan Hukum Terhadap Konsumen dalam Perspektif Kesadaran Hukum Masyarakat*. Universitas Warmadewa, Denpasar, Bali-Indonesia. terbitan ke-5





about consumer protection is very minimal, so that when consumers experience losses, they do not take any action.<sup>8</sup>

Consumer protection against the negative impacts of illegal internet network providers. Consumers can take legal action against illegal internet network providers, such as by filing a lawsuit with the District Court, seeking compensation through litigation or non-litigation through an arbitration institution to resolve consumer disputes.<sup>9</sup>

### **Conclusion**

In organizing or providing an internet network, the Organizer must comply with applicable legal regulations. In Indonesia, the organization of an internet network is regulated in Law Number 36 of 1999 concerning Telecommunications. The law already contains regulations regarding the organization of an internet network, such as the obligation to have a license or permit, the use of proper infrastructure, technical requirements for the tools/devices used, good network quality, as well as privacy protection, and consumer protection. Consumer protection in Indonesia has been regulated in Law Number 8 of 1999 concerning Consumer Protection, in which the law regulates the rights and obligations of consumers. Internet network consumers who are negatively impacted by illegal internet network providers have the right to protection such as access to information and assistance, the right to compensation, law enforcement, and prevention of violations that may occur in the future.

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<sup>8</sup> Putri Diyantari. Perlindungan Konsumen Indihome atas gangguan jaringan internet ditinjau dari Undang-Undang No.8 Tahun 1999 tentang Perlindungan Konsumen. Fakultas Hukum Universitas Islam Riau. 2020. h 3

<sup>9</sup> Hukumonline. Cara Menuntut Ganti Rugi Jika Internet Lelet dan Tak Sesuai Iklan Promosi. <https://www.hukumonline.com/klinik/a/cara-menuntut-ganti-rugi-jika-internet-lelet-dan-tak-sesuai-iklan-promosi-lt5e94a56f30609/>. Diakses pada 19 Februari 2024



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