

The Protection of Consumers in the Act of Purchase and Sale of Virtual Property (Mobile Legend Account)

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Abstracts

The purpose of this study is to find out the protection of consumers from purchase and sale virtual real property in relation to online game mobile legend from a legal perspective based. This study uses a type of normative legal research. This research using primary, secondary, and tertiary procedures. Obtained data The study uses qualitative methods that clarify the relationships between variables and generalize the studied social phenomena. The results of this study show that several legal actions can help to stabilize and hold rights and obligations from the perspective of citizens the problems from purchase and sale virtual real property in relation to online game mobile legend. There are no consequences for buying and selling virtual real estate. The law and the form of responsibility for someone who violates something the contract, and there are also several proposals about how it should be Virtual real property is being used today.

Keywords

Account; Games; Mobile Legend; Protection; Virtual Property

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INTRODUCTION

The development of modern globalization is very effective, especially in technology and communication. There is no doubt that technology is developing very fast. We can see it from Centra Bureau of Statistics or in Indonesia we know it as BPS The Information and Communication Technology (ICT) Development Index was developed by the International Telecommunication Union under the name ICT Development Index. The ICT Development Index is a standard measure of the level of ICT development in a region that can be compared over time and between regions. In addition, the ICT Development Index measures the growth of ICT development, measures the digital gap between regions, and measures the potential for ICT development. 2023 will be the eighth year that BPS has carried out calculations using the latest method published by ITU. Indonesia's ICT Development Index in 2022 reached 5.85, an increase compared to 2021 of 5.76 on a scale of 0–10.¹ Different sites sometimes offer different types of things everyone wants to buy, although what is wanted is inversely proportional to the facts. The rapid development of electronics in the world makes people smarter.² In our daily life, even in society, to make ends meet, there are often crimes and offenses committed by certain people and people who threaten part of the members of society, which in legal science is known as criminal acts.³

In recent years, however, the traditional competitive sports have increasingly faced competition from a new phenomenon called eSports. If, for example, football is played in a traditional way, human against human indoors or outdoors, the trend of competition is shifting more and more toward digital platforms. Using various devices, suitable video and computer games, players compete against each other and duel in front of spectators in games such as League of Legends (LoL), Counter-Strike: Global Offensive (CS: GO), and Defence of the Ancients 2 (DotA 2). The fact that this is not a fad can be clearly seen in the increasing viewer and sales figures also, the gaming industry of today is already bigger than the music and movie industries combined.⁴

Private law regulates the relationships between objects and people. H.S Salim also explains that in the legal dictionary, it means the integrity of the legal teachings that regulate the bond of norms between people and objects and material rights. The material

¹ Badan Pusat Statistik, "Indeks Pembangunan Teknologi Informasi dan Komunikasi 2022," accessed January 17, 2023, <https://www.bps.go.id/id/publication/2023/09/29/cfa3a7c9e8b2397799ec6bb3/indeks-pembangunan-teknologi-informasi-dan-komunikasi-2022.html>.

² I Komang Mahesa Putra, Ni Luh Mahendrawati, and Desak Gde Dwi Arini, "Penerapan Pasal 1320 Kuh Perdata Terhadap Tanggung Jawab Penjual Dalam Perjanjian Jual Beli Barang Melalui Media Internet," *Jurnal Analogi Hukum* 2, no. 1 (March 4, 2020): 75, <https://doi.org/10.22225/ah.2.1.1623.73-77>.

³ Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3 (April 30, 2021): 58, <https://doi.org/10.33756/jlr.v3i0.10984>.

⁴ Sebastian Block and Florian Haack, "eSports: A New Industry," ed. T. Kliestik, *SHS Web of Conferences* 92 (2021): 04002, <https://doi.org/10.1051/shsconf/20219204002>.

in question is something related to the meaning of objects, the distinction of objects, and material rights.⁵ The treasury right in question is the full right of an object that the right to surrender sovereignty appropriately over an object can be defended from anyone else.⁶ A substantive agreement is an agreement that arises, is amended, or is terminated from material rights, the exercise of which is an agreement.⁷

According to the provisions of Article 499 of the Civil Code, objects are each item and each right that property rights can control. The conceptualization of ownership is traditionally delimited to entities within the purview of human possession, implying that objects are subject to exclusive proprietorship by individuals. Based on the definition of objects in Article 499 of the Civil Code, every object must be attached to a treasury right. A treasury right is a right that gives power over a certain object.⁸ The legal system of objects in the Civil Code is closed so that no new treasury rights can be held other than those already established in the Civil Code. Treasury rights can be divided into two, namely: Treasury rights that provide enjoyment and treasury rights that provide guarantees.⁹ Everyone, including the government, must heed it by making laws based on natural rights.¹⁰ The Government, through the law, has provided a starting point for the judiciary, which is to be done for justice based on the One True Godhead.¹¹

One of the online games in the MOBA (Multiplayer Online Battle Arena) genre currently popular is Mobile Legend, commonly abbreviated as ML, in the community. The mobile legend game also features their favorite heroes, and gamers can build the perfect team to defeat the opposing team. The game also brings up virtual joystick-style controls on the left of the screen and skill buttons on the right. So, the game is quite interesting, where gamers cooperate, launching strategies to destroy the opponent's towers. Various heroes and skins are sold in the game, starting from Rp.15.000 to Rp.2.000.000.¹²

The growth of online games in Indonesia is very promising. If initially it was only used as a fatigue release game, now online games are used as an exhibition e-sport sport at PON XX Papua 2021. This opens up business land for all involved in it. One of them is an

⁵ Andhika Mopeng, "Hak-Hak Kebendaan Yang Bersifat Jaminan Ditinjau Dari Aspek Hukum Perdata," *Lex Privatum* 5, no. 9 (December 18, 2017): 168, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/18346>.

⁶ Sri Sudewi Masjchoen Sofwan, *Hukum Perdata: Hukum Benda*, Cet. 4 (Yogyakarta: Liberty, 1981).

⁷ H. S. Salim, *Hukum Kontrak: Teori Dan Teknik Penyusunan Kontrak*, Cet. 1 (Jakarta: Sinar Grafika, 2003).

⁸ Titik Triwulan Tutik, *Hukum Perdata Dalam Sistem Hukum Nasional*, Ed. 1., cet. 1 (Jakarta: Kencana, 2008).

⁹ *Ibid.*

¹⁰ Dolot Alhasni Bakung and Mohamad Hidayat Muhtar, "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighbouring Right," *Jambura Law Review* 2, no. 1 (January 28, 2020): 67, <https://doi.org/10.33756/jalrev.v2i1.2400>.

¹¹ Sutrisno Sutrisno, Fenty Puluhulawa, and Lusiana Margareth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review* 3, no. 2 (2020): 168–87.

¹² Ryan Fahmi, "Pengaruh Bermain Game Online Mobile Legend Terhadap Konten Obrolan Mahasiswa," *Jurnal Kommas*, 2019, 3.

intermediary service for buying and selling online game accounts or often called a reader.¹³ So that nowadays, buying and selling online game accounts is a business that is quite popular and profitable in addition to playing the game. This game can also benefit by selling the accounts of the players themselves. In online games, an attribute is said to be expensive if you buy it, namely skins or changes in hero characters in mobile legend online games, whose function is to increase the status of heroes.¹⁴ Now online games can be a new business for the people of Indonesia because the profits obtained from selling the game account are millions of dollars. To play online mobile legend games, an account is needed to log in to the mobile legend game. The account usually consists of an ID and password as an identity and storage of player data. A mobile legend account is an account that offers a lot of security in it to prevent users from losing their data. This online mobile legend game has features that cause each account to have quite a lot of data. Each account in the online mobile legend game must store a lot of data, such as levels, ranked levels, skins, heroes, battle points, diamonds, and other data.¹⁵

Marketing tools often used to carry out online buying and selling activities use internet-connected social media networks, such as Facebook, Instagram, certain websites, and online stores. Using the internet as a stand or marketing medium in electronic buying and selling transactions for online game accounts makes it easier for sellers. In addition to being used for free, social networks can be accessed worldwide, as long as they have a network internet.¹⁶

Electronic buying and selling transactions are more or less the same as buying and selling in the "Offline World". The existence of sellers, buyers, objects being traded, agreements between sellers and buyers, and the price of basic and inseparable goods. The basic thing distinguishing buying and selling online from buying and selling in the real world is that sellers and buyers often cannot meet face to face because they are far away. Hence, they use electronic media to connect the two. Social networks are considered more effective for communication, but this method is more susceptible to fraud. So that if it is related to this research, there must be a more specific review in terms of generalizing the importance of the government's presence in terms of protecting business and also a series of buying and selling activities in the virtual realm, including buying and selling Mobile legend accounts.

I look at the buying and selling process, and this is related to the Customer-to-Customer buying and selling procedure, which is a business carried out by a person by using online media or other media electronically. So according to Makelainen stated that, in essence, C2C e-commerce can be interpreted as someone doing business online, usually

¹³ Eko Sutriyanto, "Meraup Cuan Sebagai Perantara Bisnis Jual Beli Akun Game Online," *Tribunnews.com*, February 13, 2022, <https://www.tribunnews.com/bisnis/2022/02/13/meraup-cuan-sebagai-perantara-bisnis-jual-beli-akun-game-online>.

¹⁴ duahp.com, "Fungsi Skin Mobile Legend Dan Cara Mendapatkannya Gratis," July 24, 2023, <https://duahp.com/fungsi-skin-mobile-legend-dan-cara-mendapatkannya-gratis/>.

¹⁵ Gadgetren, "Cara Logout Akun Mobile Legend Supaya Lebih Aman Atau Ganti dengan Lain," December 12, 2017, <https://gadgetren.com/2017/12/12/cara-logout-mobile-legend-android/>.

¹⁶ Jonathan Sarwono and Tutty Martadiredja, *Teori E-Commerce: Kunci Sukses Perdagangan Di Internet* (Yogyakarta: Gava Media, 2008).

using the internet or other ways. This opinion emphasizes business people, namely individuals, as a determinant to be included in the C2C business. In this case, one consumer will sell directly to the other consumer.¹⁷

In general, the rights and obligations of personal data owners, who in this case are referred to as consumers or service users in e-commerce transactions, are regulated in the Law Number 8 of 1999 concerning Consumer Protection, where in article 4 of the Law explains the right of consumers to obtain convenience, security, safety, in using services the right to true, clear and honest information, the right to obtain advocacy, protection and appropriate resolution of consumer protection disputes, and the right to be treated or served properly and honestly and non-discriminatory, as well as other rights provided for in the Act. The existence of the Minister of Communication and Informatics Regulation is still considered insufficient to provide a deterrent effect to individuals who misuse people's data, in this case, consumers who shop online. For personal interests, the ministerial regulation does not have strict sanctions, namely criminal sanctions, and only provides administrative sanctions.¹⁸

Base on the explanation, regency of this research comes from the fact that the mechanism that victims must comply with when they suffer adverse effects through purchasing or selling mobile legend accounts as a form of virtual property remains unclear, and the material level of mobile legend accounts is underestimated, making it difficult to process in the eyes of the law to explain the importance of rights. a consumer in the process of buying and selling virtual property., This research will answer the form of government protection for customers in terms of purchasing and selling of property in the form of mobile legend accounts, and aims to find out how each individual can find a way out, if they encounter problems and also experience large losses in terms of purchasing and trading virtual property, and the objective of this research is to provide a mechanism and explain how to safely and legally buy and sell mobile legend accounts as an form of virtual property

METHOD

The research method used in this paper is normative research using a statutory research approach case's approach and Conceptual approach. The analytical technique used to process legal materials is legal hermeneutics. Legal hermeneutics is also known as a way of embodying the material of the law itself as a form of effort to obtain clarity from something in the future.

DISCUSSION AND ANALYSIS

Legal Protection of Consumers from the Process of Buying and Selling Virtual Property Game Online Mobile Legend

Consumer Protection in Law Number 8 of 1999 concerning Consumer Protection

¹⁷ Muhammad Fariz Azkariandhi, "Determinan Minat Menggunakan E-Commerce Model C2C," *Jurnal Ilmiah Mahasiswa FEB* 5, no. 1 (February 3, 2017), <https://jimfeb.ub.ac.id/index.php/jimfeb/article/view/3607>.

¹⁸ *Ibid.*

means all efforts that guarantee legal certainty to protect consumers, while Consumers are everyone who uses goods and/or services available in society, both for the benefit of themselves, their family, others, and other living beings and not to be traded. The terms end consumer and intermediate consumer are known in the economic literature. End consumers are users or end users of a product, while intermediate consumers are consumers who use a product as part of the process of another product.¹⁹

Principles of contract

There are several principles of binding law regulated in Book III of the Civil Code, namely:

- 1) Principles of Consensualism: The principle of Consensualism can be deduced from Article 1320 of the Penal Code. Article 1320 of the Civil Code for the validity of an agreement requires four conditions;
 - a. Agreed on those who bind themselves;
 - b. Ability to make a covenant;
 - c. A certain thing;
 - d. A lawful cause.
- 2) *Pacta Sunt Servanda* Principle: The principle of *Pacta Sunt Servanda* relates to the consequences of a covenant. Article 1338, paragraph 1 of the Civil Code states that "all consents made by the law apply as laws to those who make them."
- 3) The Principle of Freedom of Contract: Article 1338 of the Civil Code interprets an agreement as:
 - a. All consents made under the law apply as laws to those who make them;
 - b. The agreement is irrevocable other than by agreement of both parties or for reasons prescribed by law;
 - c. Consent must be executed in good faith.
- 4) The provision gives the parties the freedom to:²⁰
 - a. Make or not agree;
 - b. Agree with anyone;
 - c. Determine the content of the agreement, its execution, and terms;
 - d. Determining the form of the agreement, that is, written or oral.

According to the author, conclusions can be drawn from some of the principles above that an agreement to buy and sell virtual property online game online legend with an agreement between the two parties is valid. All agreements made validly apply laws to those who make it an agreement, and both parties must execute the agreement in good faith. The naming arrangement is based on an "open system", meaning that any person may enter into any engagement, whether already named or unnamed, in the Act. Three things, namely, limit the open system:

- 1) Not Prohibited Act
- 2) Not contrary to public order

¹⁹ Afif Syaiful Lathif, "Analisis Yuridis Perlindungan Hukum Terhadap Anak Sebagai Konsumen Dalam Hukum Positif Indonesia," *Brawijaya Law Student Journal* 1, no. 1 (November 12, 2014): 1–20.

²⁰ Joko Sriwidodo, *Memahami Hukum Perikatan* (Jakarta: Mitra Wacana Media, 2021).

3) Not against decency

Using the open system, article 1233 of the Civil Code specifies that an engagement can occur because of an agreement or an Act. In other words, the source of the entanglement is the Act and the union. In Article 1352 of the Civil Code, the engagements that occur due to the Undang-Undang are broken down into two: the engagement that occurs solely because it is specified in the Act and the engagement that occurs due to the actions of people. Entanglements that occur due to people's actions, in article 1353 of the Civil Code, are further detailed into acts according to the law (*rechtmatige daad*) and unlawful acts (*onrechtmatige daad*).²¹

Consumer Protection

Legal protection is necessary because it seeks to integrate various needs in the association so that there is no clash between needs and one can enjoy all the rights granted by law.²² Legal protection for buying and selling virtual property online mobile legend games. There are several discussions about Validity, Consumer Protection, Electronic Transactions, E-Commerce, PSE (Electronic System Operator, and Personal Data from the Mobile Legend Online Virtual Property Game Buying and Selling. In buying and selling virtual property for the Mobile Legend online game, a sale and purchase agreement is made between the parties, especially buyers and sellers. In addition, business actors make sales in the form of virtual property of the Mobile Legend online game, even business actors often sell the virtual property of the Mobile Legend online game with good images on social media to outwit potential buyers, and the accounts received by buyers are different. Especially now that there are so many fans of the Mobile Legend online game in Indonesia. This encourages business actors to continue their business even though the Mobile Legend online game virtual property sold on social networks does not match reality and can harm buyers, as well as a weak consumer position due to the lack of balanced consumer protection and protection of consumer rights. Unscrupulous business entities easily sell the virtual property of the Mobile Legend online game without realizing that the goods sold are not true.²³

Article 1338, paragraph 3 of the Civil Code explains good faith itself is an agreement that must be executed in good faith. Then indirectly, the perpetrator must and must be legally processed.²⁴ Law enforcement carried out by law enforcement is solely to protect the right to life from the community. The point is that if traffic is not regulated in such a way, then accidents will be everywhere, where it is said that even the Right to life must be protected by the state, especially the country of law.²⁵

²¹ *Ibid.*

²² Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato/Japanese Cargo Wreck," *Reformasi Hukum* 24, no. 2 (December 7, 2020): 189–208, <https://doi.org/10.46257/jrh.v24i2.137>.

²³ Muhammad Luqman Fauzan, "Perlindungan Konsumen Dalam Jual Beli Akun Game Online Mobile Legend" (Undergraduate Thesis, Yogyakarta, Universitas Islam Indonesia, 2020), <https://dspace.uui.ac.id/handle/123456789/26784>.

²⁴ Fence M. Wantu, *Hukum Acara Pidana* (Yogyakarta: Reviva Cendekia, 2011).

²⁵ Lisnawaty Badu, "Euthanasia Dan Hak Asasi Manusia," *Jurnal Legalitas* 5, no. 1 (2012): 1.

Therefore, law enforcement must pay attention to 3 (three) elements: legal certainty, expediency, and justice. People expect legal certainty because, with legal certainty, society will be more orderly. The law is tasked with creating legal certainty because it aims to create public order. On the contrary, the community expects expediency in implementing or enforcing the law. The benefits are so as not to become clashes in social and state life.²⁶ Even some business actors do not have their accounts, but they buy online virtual property games cheaper than others, then resell them at a higher price. Business actors give a good impression to customers that it seems as if the virtual property of the Mobile Legend online game is privately owned. They also don't consider rank, heroes, or items in the Mobile Legend online game.²⁷

Agreement to buy and sell the virtual property of the Mobile Legend online game where there are sellers and buyers in an agreement and have reached an agreement regarding the goods and prices. So, the seller binds himself to hand over the goods the consumer has purchased, and the consumer must pay the price of the goods the seller has determined. In protecting consumers against buying and selling virtual property online games Mobile Legend, several articles in law number 8 of 1999 concerning consumer protection regulate consumers.

Article 1 Paragraph 1 Consumer Protection is any effort establishing legal certainty to protect consumers. So that in this case, there will be no losses that Consumers will receive in the Mobile Legend Online Virtual Property Game Buying and Selling Transaction, and Consumers also get legal certainty as an effort to realize fairness in the Mobile Legend Online Virtual Property Game Buying and Selling Transaction. Justice is a guideline to distinguish between just and unjust acts. The elements of the aspect of justice can be contained in the substance.²⁸

Article 1 Paragraph 2 states that a consumer is any person who uses goods and/or services available in society for the benefit of oneself, family, others, or other living beings and is not to be traded. So, business actors must provide goods or services that are traded to meet the needs of consumers in society and can benefit from the results of the goods or services they sell. For example, people who sell Mobile Legend Online Game Virtual Property because they want to benefit from the sale of Mobile Legend Online Game Virtual Property itself. And also, as consumers who use goods, they are obliged to take care of their goods as well as possible.

Article 1 Paragraph 4 Goods are any tangible or intangible object, whether movable or immovable, expendable or inexhaustible, which can be traded, used, used, or utilized by consumers. In the Virtual Property Game Online Mobile Legend, what is meant is an intangible, immovable, and non-sphere object because Virtual Property itself is an object or

²⁶ Lusiana Tijow, "Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Perkawinan Yang Sah," *Jurnal Legalitas* 3, no. 2 (August 2, 2010): 79–70, <https://doi.org/10.33756/jelta.v3i2.677>.

²⁷ Fauzan, "Perlindungan Konsumen Dalam Jual Beli Akun Game Online Mobile Legend."

²⁸ Suwitno Yutye Imran, "The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments," *Jambura Law Review* 3, no. 2 (July 30, 2021): 395–410, <https://doi.org/10.33756/jlr.v3i2.11154>.

item in cyberspace so that consumers can use an object and be used and utilized as well as possible.

The principles and objectives of consumer protection explained in Article 2 and Article 3 of Law Number 8 of 1999 concerning Consumer Protection state that consumer protection is based on benefits, fairness, balance, consumer security and safety, and legal certainty. Consumer Protection, aims to:

- 1) increase awareness, ability, and independence of consumers to protect themselves;
- 2) raising the dignity and dignity of consumers by preventing them from the negative excesses of the use of goods and/or services;
- 3) increase the empowerment of consumers in choosing, determining, and demanding their rights as consumers;
- 4) creating a consumer protection system that contains elements of legal certainty and information disclosure as well as access to information;
- 5) fostering awareness of business actors regarding the importance of consumer protection so that an honest and responsible attitude in business grows;
- 6) improving the quality of goods and/or services that ensure the continuity of the business of producing goods and/or services, health, comfort, security, and consumer safety.

This principle and purpose are that if there is fraud in the Mobile Legend Online Virtual Property Game Buying and Selling Transaction, consumers must get justice and security to maintain their safety of the consumers themselves. Because consumers still have a weak position and lack insight into the world of Mobile Legend Online Virtual Property Game Buying and Selling Transactions. Therefore, consumers must also know their obligations as a buyer in buying and selling Mobile Legend Online Virtual Property Games. The obligations as consumers have been explained in Article 5 of Law Number 8 of 1999 concerning Consumer Protection, namely:

- 1) Read or follow information instructions and procedures for the use or utilization of goods and/or services for security and safety;
- 2) Good faith in making transactions for the purchase of goods and/or services
- 3) Pay according to the agreed exchange rate;
- 4) Follow efforts to properly resolve consumer protection disputes.

According to the author, conclusions can be drawn based on the description of the obligations of consumers in Article 5 above, Buying and selling Virtual Property Game Online Mobile Legend. Before making a buying and selling transaction, consumers must read or follow the information instructions and procedures for using and utilizing the goods and services listed in the Mobile Legend Online Virtual Property Game Online Buying and Selling forum. For the security and safety of consumers, consumers must also have good faith in making Virtual Property purchase transactions and must pay by the previously agreed exchange rate. So, in this case, the main factor in consumer weakness is that the level of consumer awareness of their rights is still low and the low level of customer education.

Apart from the legal protection of consumers in Law Number 8 of 1999 concerning consumer protection, there is also legal protection regarding electronic transactions in Law Number 16 of 2019 Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Electronic transactions can cause several violations

according to the law, so it is necessary to be careful of each party when making transactions to buy and sell virtual property online mobile legend games. An electronic transaction is any transaction carried out by two or more parties through a computer network or other electronic media using an electronic information system that gives rise to rights and obligations to each transacting party. The principles and objectives of the Electronic Information and Transaction Law are:²⁹

- 1) The principle of legal certainty means the legal basis for using information technology and electronic transactions and everything that supports its implementation and receives legal recognition inside and outside the court. In buying and selling virtual property online game Mobile Legend, there needs to be legal certainty that regulates buying and selling so that buying and selling transactions do not conflict with existing laws in Indonesia.
- 2) The principle of benefit means the principle for the use of information technology and electronic transactions is sought to support the information process to improve the community's welfare. Mobile Legend online virtual property game buying and selling transactions consumers must get clear information from producers to make consumer goods more comfortable and safer.
- 3) The principle of prudence means that the foundation of the party concerned must pay attention to all aspects that have the potential to cause harm, both for himself and for other parties, in the use of technology and electronic transactions. Mobile Legend online virtual property buying and selling transactions consumers must ask for clearer and more detailed information about the goods sold by the manufacturer so that the goods sent by the manufacturer match what they sell. And consumers will not fare at a disadvantage to producers.
- 4) The principle of good faith means that the principle used by the parties in conducting electronic transactions does not aim to intentionally and unlawfully result in harm to the other party without his knowledge. In buying and selling virtual property online game Mobile Legend, it is necessary to have good faith in the sale and purchase transaction agreement so that producers and consumers do not hone each other to be harmed by each other.
- 5) The principle of freedom of choice of technology or technology-neutral means a principle that is not focused on the use of a particular technology so that it can keep up with future developments. And the transaction of buying and selling virtual property in the online game Mobile Legend, consumers are free to make virtual property transactions by meeting in person, or consumers transfer money in advance by the agreement between the two parties. And each way of this transaction there must be advantages and disadvantages.

In addition to the Principles of the Electronic Information and Transaction Law in Article 3, the purpose of the Electronic Information and Transaction Law in Article 4, namely the Utilization of Information Technology and Electronic Transactions, is carried out with the aim of:

²⁹ Jon Hendri and Ambo Ako, "Pemahaman Masyarakat Desa Sebauk Terhadap Undang-Undang Informasi Transaksi Elektronik," *Iqtishaduna: Jurnal Ilmiah Ekonomi Kita* 9, no. 1 (June 26, 2020): 1–14, <https://doi.org/10.46367/iqtishaduna.v9i1.193>.

- 1) Educating the nation's life as part of the world's information society;
- 2) Developing trade and the national economy to improve the welfare of the community;
- 3) Improve the effectiveness and efficiency of public services;
- 4) Open the widest opportunity for everyone to advance thinking and abilities in the field of using and utilizing Information Technology as optimally as possible and responsibly;
- 5) Providing security, fairness, and legal certainty for Information Technology users and operators.

Law Number 7 of 2014 concerning Trade is the main basis for regulating trade activity through electronic systems in Indonesia, so the *lex Specialis derogate legi general* principle is also applied to trade through electronic systems through these laws. In other words, the law becomes a reference for business actors trading through electronic systems in Indonesia. Still, regulations related to trade through electronic systems are only regulated in several articles in the law, where further provisions are regulated in implementing regulations and government regulations, namely through Government Regulation Number 82 of 2012 concerning System and Transaction Implementation, Bank Indonesia Regulation No.11/12/ PBI/2009 concerning Electronic Money, and other regulations.

One example of problems arising from the lack of clarity related to trade arrangements through electronic systems is the registration of e-commerce business actors and business legality which has implications for many sectors. Based on Article 24, paragraph 1 of Law 7 of 2014 concerning Trade, "Business Actors who carry out Trading business activities are required to have a license in the field of Trade granted by the Minister". The form of licensing in question is a Trade Business License (SIUP) for business actors in the field of trade, as stated in the Regulation of the Minister of Trade Number 36/M-DAG/PER/9/2007 concerning the Issuance of Trade Licenses. According to this Ministerial Regulation, Every Company that conducts trading business is required to have a SIUP, except:³⁰

- 1) Company Branch Office or Company Representative Office
- 2) Individual Small Companies that are not in the form of Legal Entities or Partnerships are managed, run, or managed by the owner or closest family members/relatives.
- 3) Itinerant Vendors, Hawkers, Street Vendors, or Street Vendors.

The registration obligation for all e-commerce business holders in Indonesia is regulated through Article 5, paragraph 1 of Government Regulation Number 82 of 2012 concerning the Implementation of Systems and Transactions, which states that "Every operator of an electronic system for public services is required to register", but there are problems in the government regulation, namely the definition of electronic transactions and public services that are too broad considering that trade activities through electronic systems have a variety of models as well as market activities, online retail, daily offers, and price comparisons. So, there is no clarity on which type of activity and what form of business is categorized as an electronic transaction and is required to register.

³⁰ Mohamad Rivaldi Moha, Sukarmi Sukarmi, and Afifah Kusumadara, "Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce," *Jambura Law Review* 2, no. 2 (June 19, 2020): 101–19, <https://doi.org/10.33756/jlr.v2i2.5280>.

Electronic System Operators who are required to register as stated in Article 5 of the Regulation of the Minister of Communication and Informatics Number 36 of 2014, are required to register. Namely, "Portals, sites or online applications through the internet that are used to facilitate offers and/or trade in goods and/or services". And "Electronic System in which there are payment facilities and/or other financial transactions online through data communication networks or the internet". It can be interpreted that e-commerce business actors required to register through these arrangements are only business actors with an online portal, site, or application. In other words, retail e-commerce that trades its products under the market does not need to register. This is also confirmed by the condition of registration of both business actors in the form of legal entities and individuals who are required to include their business domains.³¹

The process of trading through electronic systems (e-commerce) often presents greater risks to buyers/consumers than sellers, such as theft and sale of consumer data by business actors or third parties when a transaction occurs.³²

As for the transaction of buying and selling virtual property of the online game mobile legend, there is personal data in the online game account because, in the process of creating an E-mail account that will be connected to the Mobile Legend Online Game, the E-mail party will ask for the identity of the Personal Data of the person who will create the E-mail account, so that the account is used for logging in to the Online Game. So, it is important to keep someone's Personal Data in the E-mail account confidential so that irresponsible parties do not misuse it. In the sale of Virtual Property Game Online Mobile Legend, manufacturers who sell Virtual Property Game Online Mobile Legend do not attach importance to their Data in the E-mail account. Still, the manufacturer only attaches importance to the income or money obtained from the sale of Virtual Property Game Online Mobile Legend. So, in this case, the author will discuss the legal protection of someone's Personal Data on the E-mail account linked to the Mobile Legend Online Game.

Ruling No.5/PUU-VIII/2011, the Constitutional Court also wrote that the right to privacy is part of human rights, and the scope of the right to privacy includes information or the right to information privacy, as well as data privacy (data protection). Delegation regulation from ITE Law and PP Number 82 of 2012 concerning Electronic Systems and Transaction Operators contains the definition of personal data in Article 1, paragraph 27, namely, "Personal data is certain individual data that is stored, maintained, and maintained truth and protected by confidentiality."³³

Article 29 Paragraph 1 of Law Number 39 of 1999 concerning Human Rights states, "Everyone has the right to personal self-protection". So, regarding the protection of personal data is a right of privacy that everyone has and must be protected by the state. In contrast, in the right to privacy, everyone has the right to close or keep confidential and private things. Protection of personal data is also regulated in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and

³¹ *Ibid.*

³² *Ibid.*

³³ Hanifan Niffari, "Perlindungan Data Pribadi Sebagai Bagian Dari Hak Asasi Manusia Atas Perlindungan Diri Pribadi (Suatu Tinjauan Komparatif Dengan Peraturan Perundang-Undangan Di Negara Lain)," *Jurnal Yuridis* 7, no. 1 (2020): 105–19, <https://doi.org/10.35586/jjur.v7i1.1846>.

Transactions, which is contained in Article 26 Paragraph 1, which states that "Unless otherwise stipulated by laws and regulations, the use of any information through electronic media concerning a person's data must be carried out with the consent of the person concerned". And Paragraph 2, "Any Person who is violated of his rights as referred to in Paragraph 1 may bring a claim for damages incurred under this Act".

This provision gives personal data owners the right to maintain their data's confidentiality. If his data has been spread and misused by other parties, then the personal data owner can file a civil lawsuit based on laws and regulations. This is the general protection given to a person's data, which means that any electronic transaction activity that uses someone's data is obliged to safeguard and protect such personal data. Any personal data provided must be used with the consent of the person who owns it and must be kept confidential.³⁴

The legal rules regarding Personal Data in The Law of the Republic of Indonesia Number 27 of 2022 concerning Personal Data Protection are described in Article 1, which explains that,³⁵

Paragraph 1, "Personal Data is data about an individual who is identified or identifiable individual or combined with other information either directly or indirectly through electronic or non-electronic systems". On the E-mail account, a person's Personal Data can be identified through an electronic system.

Paragraph 2, "Protection of Personal Data is the entire effort to protect Personal Data in a series of processing of Personal Data to guarantee the constitutional rights of the Personal Data subject".

Paragraph 6, "A Personal Data Subject is a natural person to whom Personal Data is attached".

Law of the Republic of Indonesia Number 27 of 2022 concerning Personal Data Protection has also explained the principles for protecting someone's Personal Data as stated in Article 3. This Law is based on the following;

- 1) Protection;
- 2) Legal certainty;
- 3) Public interest;
- 4) Benefits;
- 5) Caution;
- 6) Balance;
- 7) Accountability; and
- 8) Concealment.

So, in Mobile Legend Online Virtual Property Game, especially E-mail accounts, the Personal Data it uses is in the form of general types of Personal Data. And the types of Personal Data of a general nature are also explained in Article 4, Personal Data consists of:

- 1) Personal Data of a specific nature; and
- 2) Personal Data of a general nature.

³⁴ Bima Guntara and Abdul Hadi, "Perlindungan Hukum Terhadap Data Pribadi dalam Financial Technology Peer to Peer Lending," *Rechtsregel: Jurnal Ilmu Hukum* 5, no. 1 (August 20, 2022): 32–41, <https://doi.org/10.32493/rjih.v5i1.23772>.

³⁵ *Ibid.*

Personal Data of a general nature includes:

- 1) Full name;
- 2) Gender;
- 3) Citizenship;
- 4) Religion;
- 5) Marital status; and/or
- 6) Personal data is combined to identify an individual.

Thus, through the explanation of Personal Data in the Mobile Legend Online Virtual Property Game, researchers can conclude that the Personal Data regulation in Indonesia is a right for every citizen that guarantees the protection of someone's Personal Data and provides awareness to the public that Personal Data is important to be kept confidential and not arbitrarily disseminated.

CONCLUSION

Consumer protection in buying and selling virtual property transactions online game Mobile Legend must be in good faith because consumers have placed great trust in producers, they consider honest in making virtual property transactions for Mobile Legend online games. And good faith is the condition of an agreement between producers and consumers. Consumers are also people who get a good/or service legally and use the goods/or services freely as long as they do not violate legal provisions consumers must be able to be more careful in knowing their rights and obligations as consumers to minimize things that can harm consumers in purchasing virtual property games online mobile legend.

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