

Legal Protection for QRIS Users as an Electronic Payment Tool in Trade Transactions

Teressyavira Luvianti

Master of Laws, Chirstian University of Indonesia

Article Info

Article history:

Accepted: 23 December 2024

Publish: 31 December 2024

Keywords:

Legal Protection;

QRIS;

Electronic Payments.

Abstract

Forms of Legal Protection for QRIS Users as Electronic Payment Instruments in Trade Transactions There are two types, the first is preventive legal protection carried out by Bank Indonesia for violations, this is done by means of administrative sanctions in the form of warnings, fines, to temporary suspension of some or even all electronic money activities and sanctions for revocation of e-money operating licenses. Second, through repressive legal protection, namely protection in the form of sanctions in the event of a dispute or criminal act for consumers who misuse the QRIS code. Legal Settlement for QRIS Users Who Experience Losses is carried out by means of litigation, namely through the courts under the Supreme Court, while non-litigation can be carried out at the BPSK institution, Arbitration using non-litigation dispute resolution methods.

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Corresponding Author:

Teressyavira Luvianti

Master of Laws, Christian University of Indonesia

Email: theressyavira@gmail.com

1. INTRODUCTION

E-commerce activities require a system to carry out internet-based (internet payment system). Now it has developed in some *Marketplaces* already using the *QR-Code* (*Quick Response Code*) system or method for the payment method used. This method has proven effective in transaction activities using *e-commerce*. However, there are also problems in the *QR-Code* method community (Suharianto et al., 2020). In order to be able to make payments using the *QR-Code* method, the community must be proficient in technology and understand its application and function. Now the community is immersed in the easy way offered by *e-commerce* companies using the *QR-Code* payment system even though they do not understand and understand the security/legal protection regarding the *QR-Code* system clearly. With the existence of a study on protection in the *QR-Code* electronic payment system, we hope that *e-commerce* consumers and the Indonesian people in general understand how to apply the payment system and the security of the payment method in providing protection for *e-commerce* consumers.

E-commerce is a form of changing patterns of interaction between buyers and sellers from manual transactions with direct face-to-face meetings to internet-based and broader marketing. According to Laudon, *social networks* have become a new *e-commerce* platform rivaling traditional *e-commerce* platforms by providing search, advertising, and payment services to vendors and customers. In Law No. 7 of 2014 concerning Trade, it is explained that an electronic system is a trade whose transaction process is carried out using a series of electronic devices and processes. This definition provides an understanding of what is meant by *e-commerce* and we can see the current popularity of its users in the

community. Paying attention to *trends e-commerce* that is currently occurring in various regions and various existing problems, so the author is interested in knowing how to protect electronic payments using *QR-Code* in *electronic transactions* (Riskiani Ade Putri Tehusula et al., 2023) .

Mostly, payment methods using *QR Code* can be used for daily payments that have small nominal values, for example food, clothing, personal equipment, credit, telephone, electricity bills, and other routine obligations or activities. Payment transactions using the *QR Code method* are currently attracting a lot of interest from most urban communities. Urban communities really feel the many benefits of using these digital applications, including the process is fast, easy to use, practical, efficient, and discounts (price cuts) from companies that provide digital payment services. This *QR Code- based payment method* can be used as a new transaction option in society. However, on the other hand, there is a concern that the ease of transactions using *QR Codes* has risks. It is true that there will be risks behind the use of new technology, including payment transactions using *QR Codes* (adar BakhshBaloch, 2017) .

This method can be exploited by irresponsible individuals by sending fake *QR Codes* using short message applications. The opportunity for data misuse can occur if a company that provides *QR Code payment services* that has consumer or customer identity data provides data easily to third parties. Based on this, it shows that the development of information technology must be supported by a regulation that can be used as a legal umbrella. Because many companies that provide digital payment services are now triggering the government to determine official standards regarding *QR Code transactions* . The government through Bank Indonesia as the regulator of payment system regulations. the emergence of *QR Code companies and services has also been widely used by the public*. So *QR Code* regulations are needed in implementing connected payment methods.

In order to transact using *QR Code* we only use a *smartphone* and an internet network connection, it is very simple when compared to other non-cash payment systems, which still require additional cards. *QR Code payment transactions* use funds sourced from savings and or other payment instruments in the form of credit cards, debit cards, and or electronic money that uses storage media on a server based. *QR Code* is a mechanism when carrying out non-cash payment transfers and only scanning the QR code from the merchant and carrying out the payment delivery. *QR Code* can be scanned or scanned from various directions, both vertically and horizontally. *QR Codes* used for payment methods have been widely issued by non-banking institutions and banking institutions. The use of this *QR Code* is applied by every merchant to provide convenience in non-cash payments based on *the server* . Many merchants provide *QR Codes* in their stores, so that their use can facilitate customers in making transactions using *QR Codes* .

BI issued a *Quick Response (QR) Code standard* for payment models using *server-based electronic money applications* or *e-money* , *e-wallets* or electronic wallets and m-banking or *mobile banking* known as *the Quick Response Code Indonesian Standard (QRIS)* on the 74th Anniversary of Indonesian Independence on August 17, 2019 in Jakarta. On January 1, 2020, QRIS effectively or *the Quick Response Code Indonesian Standard* has been in effect nationally. QRIS means UNGGUL, namely *Universal*, *Easy*, *Profitable* and *Direct*. *QR Code* is an alternative payment method process prepared by the Payment System Service Provider (PJSP) for merchants *and* consumers to make payment transactions. Every (PJSP) that uses *QR Code* for payment instruments is required to obtain permission from Bank Indonesia and use a *QR Code* that has the QRIS logo. The *QR Code* is found in the Dana, Telkomsel, OVO, Go Pay, ShopeePay, Link Aja, BCA Mobile applications, and so on, which will later be automatically deducted from the

balance when the consumer makes a payment transaction. The use of QRIS is a form of support from Bank Indonesia to create efficiency in the transaction process, accelerate the rate of financial growth, and support the progress of banking services and micro, small and medium enterprises in Indonesia (Mashabi & Wasiaturrehman, 2021) .

In Indonesia, currently, there are quite a few companies that provide digital financial services, such as Gojek Indonesia which has a *QR-Code feature* known as GoPay Telkomsel which has a *QR-Code payment feature* known as T-Cash and OVO which have recently been in great demand. Electronic money applications or often called digital wallets that use the *QR Code system* are also currently in demand by the Indonesian people, one of which is DANA which was launched by the Emtel and Alipay companies. In Indonesia, it is also recorded that several of the largest commercial banks have released the *QR-Code feature* as the latest innovation in the field of financial technology (Yuli Wijaya et al., 2021) .

Several cases related to personal data breaches, ranging from personal data theft, system damage that allows data breaches to occur, misuse of personal data that has been regulated in business, or the possibility of other parties being able to access personal consumer data. Based on the recapitulation of data from the Ministry of Communication and Information of the Republic of Indonesia, as of March 2022, there were 34 cases of information security breaches in total, while derivative cases that are still related to information security breaches, in this case, personal data, namely fraud, amounted to 9,400 cases.

2. RESEARCH METHODS

This study uses a normative legal approach, namely research that focuses on examining the application of positive legal principles or standards. In this study, the author uses a statute approach in implementing normative research. This approach is based on various legal bases studied, which in this case relate to laws and regulations regarding legal protection for consumers in non-cash payment transactions based on QRIS (Quick Response Code Indonesian Standard).

3. RESEARCH RESULTS AND DISCUSSION

3.1 Legal Protection for QRIS Users In Trade Transactions

Fitzgerald expressed his views on the paradigm of legal protection, namely the purpose of law, namely to connect various interests to be accommodated and can be included in regulatory norms, in other cases legal protection can only be carried out by limiting other interests that are negative and have the potential to have implications for injustice and legal certainty. Legal protection also has a correlation with legal interests, if it is related to legal interests, then it cannot be separated from always prioritizing the rights of the community from arbitrary actions by state officials, thus the legal position in a country becomes the highest authority in regulating policies that support communities whose rights are neglected (Silaban & Hakim, 2024) . The mechanism in realizing legal protection also needs to be considered, to ensure that the procedure in implementing legal protection is realized from the origin of the community as a philosophical basis for the issuance of a policy that aims to provide legal protection which is then formed in a statutory regulation that becomes *a rule* of a regulatory system that must be adhered to by the community and the government .

Legal protection can also realize the creation of implementation, where the State protects the community against the rights as citizens, both Human Rights and civil rights granted directly by the State through Laws that are harmed by other parties. In

addition, legal protection is also a means of creating all citizens in obtaining their rights that have been guaranteed by the state to be given and enjoyed by the community itself. Thus it can be said that legal protection is a way or effort provided by the State to be able to create a sense of security, peace from any party. In essence, legal protection does not have a distinction regarding gender, it is equal in providing legal protection. Pancasila is an Indonesian ideology that upholds Human Rights and Civil Rights, and as one of the original norms in formulating policies that provide protection to citizens, thus through the Indonesian ideology, recognition of Human Rights and civil rights is recognized in realizing welfare for all people. R. La Porta's opinion, a form of legal protection that can be used is with 2 characteristics, namely prevention and sanctions. The form of legal protection that has been described can be seen as an example, namely the existence of government institutions engaged in the legal field such as the Indonesian Attorney General's Office, the Indonesian Police and other institutions that play a role in resolving disputes outside the court. Legal protection with a preventive nature is implemented in the form of legal products issued by the government, both *regulatory* and *beschikking* as binding rules that must be obeyed by the government and citizens/society, and there is also legal protection that is sanctioned by taking action by enforcing the rules .

In conducting direct trade transactions, it will go through a payment mechanism or a delivery mechanism, either directly or through digitalization. Digitalized trade transactions that use the internet network in contemporary times have the advantage of accessibility and ease of transacting for the community, but this also has implications for the community or consumers who use the QRIS application as a payment transaction method with an online system without using cash. This is also vulnerable to failed payments or victims of fraud so that the community or consumers feel disadvantaged. Furthermore, the QRIS application as one of *the unicorns of* digital payment transactions that can be used by the community, both consumers in this case *merchants* and end consumers, namely in this case the QRIS user community to make payments. The legal basis for QRIS as a digital wallet can be used as a payment transaction, namely with the Regulation of the Members of the Board of Governors (PADG) number 21 of 2018 which is stated in article 2 paragraphs 1 and 2. Payment transactions using QRIS involve parties that have been legally included in the regulation of the Members of the Board of Governors (PADG) number 21 of 2018, which is stated in article 10 paragraph 1 with the phrase in essence that the parties involved are each PJSP or payment system service provider, switching institution, merchant, merchant manager, publisher, and QRIS user (Ariyandi & Handayani, 2022)

Parties involved in the use of QRIS such as PJSP, *switching institutions* , *merchant aggregators* , managers of *the National Merchant Repository*, are very important as parties who supervise and as important parties so that the use of QRIS can run well, or be used according to its function and purpose as a digital trade payment. The existence of QRIS with the parties involved in the use of QRIS has been guaranteed by the OJK as a form of way to provide a sense of trust to citizens or the community in supporting the effectiveness of QRIS work as a means of payment for trade transactions. The legal standing of payments using the QRIS digital wallet which was then validated by the OJK, namely with the existence of OJK Regulation number 13 of 2018 contained in Article 37 concerning Digital Financial Innovation in the Financial Services Sector, this is because all digital finance must be registered with the OJK . Regulations regarding the implementation of payment transactions are binding

on PJSP so that they have an obligation to protect the personal data of QRIS consumer users, both intermediate consumers and end consumers who use the QRIS application as a payment transaction method. Every PJSP that uses QRIS in payment transactions has been advised to use QRIS, both local and foreign merchants, the legal standing is contained in Bank Indonesia Regulation Number 21 of 2019 concerning the implementation of the QRIS National Standard, the purpose of which is to integrate QRIS with all payment transaction applications using one QR code, namely QRIS.

Bank Indonesia, which has the authority to make regulatory policies on payment systems or mechanisms, should implement a more responsive supervision system for payment mechanisms through QRIS for service providers and switching institutions. The form of supervision that has now been carried out by Bank Indonesia is by making policy regulations on the entire series of QRIS user mechanisms, both the relationship between users and application providers, the certainty aspect in the form of legal protection that has been implemented, namely by implementing aspects of *Good Corporate Governance* in QRIS management. *Good Corporate Governance* has the objective of *corporate management* that is indicated by the process and policies in achieving the main objective, namely creating good *corporate conditions*. In creating a sense of security and good in transacting using QRIS, comprehensive supervision is needed both directly and indirectly. The lack of supervisory functions carried out by Bank Indonesia, which is an agency that has the authority to carry out and make policies aimed at carrying out supervision (Rahayu, 2024). Thus, Bank Indonesia has the responsibility to carry out supervision in order to support stability in banking and the entire financial system. So that concrete regulations are needed to ensure legal certainty against obstacles or potential for misuse or system *errors* in using QRIS, this is a form of prevention of losses for consumers between and end consumers who use QRIS. The paradigm regarding legal certainty has also been put forward by Sudikno Mertokusumo, according to whom, legal certainty is one of the elements that must be fulfilled in realizing law enforcement. Legal certainty is a form of protection against abuse of authority and discriminatory actions that can be carried out against the community, thus legal certainty which aims to provide legal protection will have an impact on order in the nation and state.

Until now, there has been no regulation that hierarchically regulates QRIS, and the potential for disputes related to QRIS users, with the increasing number of disputes that occur about QRIS, it will only be associated with the Criminal Code in general. The existence of the Law on Information and Electronic Transactions cannot be used as a *lex specialist rule* in resolving disputes on QRIS that are detrimental to intermediate consumers or end consumers in using QRIS as an online/digital transaction. However, the Consumer Protection Law can be used as a basis if intermediate consumers or end consumers experience losses in transacting using QRIS, because the Consumer Protection Law aims to provide legal certainty and consumer protection as well as openness of information to consumers who experience losses or do not get their rights as consumers.

3.2 Dispute resolution experiencing losses in using the QRIS payment method

Quick Response (QR Code) Standards as stated in the Regulation of the Board of Governors Number 21/18/PADG/2019 concerning the Implementation of the National Standard Quick Response Code for Payments. In its operation, QRIS users ensure that there is a balance available to make transactions through the application. If the user wants to make a transaction, the user is required to fill the digital wallet balance by

topping up to the digital wallet application (Ramadhani et al., 2023) . For example, to top up the GoPay balance, users can *top up* via ATM, by entering the Gojek company code and also entering the cellphone number that has been registered on the Gojek application, then the user enters the nominal GoPay to be filled, confirms and the transaction is successful. Consumers *scan QRIS* at *merchants* /traders, enter the nominal transaction, and authorize the transaction. When making a payment, the sword will display a bar *code* that will be *scanned* by the user, the user enters the downloaded application and selects the *scan bar code menu* . Then confirm payment to the provider of goods and/or services. After making the payment, the buyer shows proof of payment in the application (Transaction successful). end consumers of QRIS users to misuse QRIS against intermediate consumers or merchants is very large. As with the cases that occurred to intermediate consumers as explained and identified cases of losses experienced by intermediate consumers in CHAPTER III of this thesis. As for what can be done by the Bank if there is a loss for intermediate consumers/ *merchants* , it is not immediately possible to file a complaint for the loss.

The mechanism for obtaining consumer rights between losses due to misuse of QRIS is very vulnerable to being fulfilled. Legal certainty can be realized in electronic-based services, namely by making non-cash payments or in this article using QRIS by providing facilities in the form of training or socialization to the community related to QRIS users as a non-cash electronic payment method. Activities based on providing massive information to the community such as training and socialization have implications for minimizing the risk of loss or misuse of QRIS users as a medium of crime. Because, QRIS transactions based on digitalization as a non-cash payment method need to be known in general and specifically by the community regarding the advantages and potential risks faced if they do not understand how to use QRIS in a non-cash payment method. Providing clear information on the ease and importance of transacting using QRIS has an impact on increasing legal awareness for the wider community about electronic transactions. reviewed based on two types of aspects, namely the potential for criminal acts in the transaction aspect. High public legal awareness regarding digital transactions has the potential to motivate the public to be able to understand the digital transaction process to be more careful. Public legal awareness regarding the potential for criminal acts in digital transactions aims to prevent and minimize the potential for criminal acts. Thus, if a criminal act has occurred in carrying out a transaction using the QRIS method, consumers can immediately report it as a submission of a complaint offense against a criminal act against QRIS users can be carried out by primary law enforcement in this case, namely the Police.

4. CONCLUSION

Forms of Legal Protection for QRIS Users as Electronic Payment Tools in Trade Transactions There are 2 types, the first is preventive legal protection carried out by Bank Indonesia for violations, this is done by means of administrative sanctions in the form of warnings, fines, to temporary suspension of some or even all electronic money activities and sanctions for revocation of *e-money operating licenses* . Second, through repressive legal protection, namely protection in the form of sanctions in the event of a dispute or criminal act for consumers who misuse the QRIS code. Legal Settlement for QRIS Users Who Experience Losses Based on Law Number 8 of 1999 concerning Consumer Protection is carried out in two ways, namely by litigation or non-litigation

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