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LEGAL PROBLEMS FOR QUICK RESPONSE CODE INDONESIAN STANDARD (QRIS) USERS IN ONLINE PAYMENT TRANSACTIONS

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Abstract

This research aims to contribute knowledge about the legal protection of QRIS-based online payment systems in the modern era through the development of information and technology in the world of digital commerce. This is certainly the background of various unlawful actions against the use of fake QRIS codes, where perpetrators manipulate the printed barcode scans to be incompatible with the original QRIS owner. In the preparation of this article, the research method used is use normative juridical method where the focus of the problems discussed as data material refers to legal principles and norms that have been contained in related laws and regulations. The results of this study show that the legal regulation procedure for online transactions through the QRIS system is considered to lack proper regulations on the protection of users or business actors. All forms of regulations that regulate several legal products that lead to online transactions such as QRIS need to be updated to become an accurate legal umbrella for online-based transactions that have developed today.

Keywords: Fake QRIS code, digital transaction, regulation

Abstrak

Penelitian ini bertujuan untuk memberikan sumbangsih pengetahuan mengenai perlindungan hukum terhadap sistem pembayaran online berbasis QRIS di era modern melalui perkembangan informasi dan teknologi dalam dunia perdagangan digital. Hal ini tentunya dilatarbelakangi oleh berbagai tindakan melawan hukum terhadap penggunaan kode QRIS palsu, dimana pelaku memanipulasi hasil pindaian barcode yang tercetak menjadi tidak sesuai dengan pemilik QRIS yang asli. Dalam penyusunan artikel ini, metode penelitian yang digunakan adalah dengan menggunakan metode yuridis normatif dimana fokus permasalahan yang dibahas sebagai bahan data mengacu pada asas-asas hukum dan norma-norma yang telah tertuang dalam peraturan perundangundangan yang terkait. Hasil penelitian ini menunjukkan bahwa prosedur pengaturan hukum transaksi online melalui sistem QRIS dinilai belum memiliki pengaturan yang tepat terhadap perlindungan pengguna atau pelaku usaha. Segala bentuk regulasi yang mengatur beberapa produk hukum yang mengarah pada transaksi online seperti QRIS

perlu diperbaharui untuk menjadi payung hukum yang akurat bagi transaksi berbasis online yang telah berkembang saat ini.

Kata kunci: Kode QRIS palsu, transaksi digital, regulasi

INTRODUCTION

As time goes by, the progress of science and technology is getting more and more rapid. Now it has begun to be seen from some of the results of products and features that have been made. In its development. One product and feature that is very influential is the emergence of electronic payments that make it easier for people to make payments electronically or without using cash in cash (Hayati & Rizky, 2023). The rapid progress of the times also affects the growth and use of electronic-based technology so that its use requires electronic devices to support its continued use.

The presence of the Internet today as one of the media in business activities is very effective because it is based on contributing to the efficiency of trade activities through Internet media which is also called electronic commerce (E-Commerce). E-commerce itself is a form of trade that is most affected by technological and information developments. Commercial transactions using electronic media in the form of goods and services. The development of modern science and technology brings various kinds of changes to human activity. In today's global era, transactions through E-Commerce are very easy, but the use of the Internet as a means of commercial activity requires careful planning to recognize and overcome various impacts that arise (Puri dkk., 2023).

Internet technology has a significant impact on the global economic system. The Internet has transformed the global economy into a new component commonly known as the digital economy. An online payment system is needed that can change the manual payment system into an online payment system to support E-Commerce. Now, based on several developments, more and more online stores are using the QR code system as a payment method (Papalia dkk., 2023). This system reduces the bias of the general public who initially used cash payment methods to be non-cash. The use of QR code-based payment systems is more efficient in many ways. However, the QR code system developed by Indonesian E-Commerce Companies must be given proper legal protection to ensure consumers feel safe when transacting online (Silalahi & Zhafarina, 2024).

Electronic payment is a type of payment that allows users to make payments easily and conveniently. In this case, users only need to transact online via the internet without having to meet in person or travel long distances to meet with salespeople (Patianom dkk., 2023). Electronic payment is a form of non-cash payment and can also be understood as an electronic payment transaction between a seller and a buyer using an electronic payment terminal. Currently, electronic payments are used for remote or online transactions which have been replaced by old transaction instrument payments. These features are present in the form of ATMs, M-banking, Debit cards, Credit Cards, and E-Money (Rachman dkk., 2024).

While in electronic payments there is also an Electronic Money System as a form of digital money. Electronic Money is a structured payment of funds in electronic format used for online payment transactions using electronic payment systems. Electronic

currency is a means of prepayment of monetary value stored in electronic media and electronic currency is an electronic payment instrument using an intermediary, namely the digital store value system (Nada dkk., 2021). The elements in electronic money are exchanged for the value of the currency previously provided by the customer. The money is then stored on electronic media in the form of chips or servers. This money is used for business-to-business payment transactions and is not an issuer of electronic currency.

The existence of online transactions is currently getting a lot of attention from the public to make transactions online. The development of technology facilitates the buying and selling process where service is fast and practical due to the wide space for product selection. The high level of complaints by consumers in the territory of Indonesia related to fraud in online transactions certainly requires legal protection in the event of problems that often occur. This is a question that deserves attention, given that service users have basic rights to protect. Online dispute resolution is one form of renewal and development in the field of modern trade derived from the form of conventional dispute resolution (Sartini dkk., 2023).

In its application in Indonesia, the presence of the QR-Code received a positive response from the public because the time needed for each transaction through the QR-Code system only takes a short time. QR-Code has been present as a form of time efficiency and data certainty in every electronic transaction activity carried out by consumers. In the implementation of buying and selling transactions, everyone will be bound by a legal provision in the transaction process they do. If everyone wants to make a buying and selling transaction, then it can be said that they have committed a valid legal act where later the act that has been done has bound the transacting parties so that the transaction process carried out is legal by law.

In practice, electronic payments have a positive influence as well as a negative influence, including various cases of online transaction fraud. Regarding cases of online transaction fraud, one of them is the existence of a fake Quick Response Code Indonesian Standard (QRIS). QRIS is an integrated payment system between various cashless payment systems in Indonesia. If there is a fake QRIS, this has the potential for errors in payments. Of course, it can cause various losses to one party and can qualify for fraud. Fraud in online transactions based on lex generalis is contained in article 378 of the Criminal Code which has elements of fraud and based on lex specialis contained in article 28 paragraph (1) of the ITE Law which was amended in Law No. 19 of 2016 concerning Information and electronic transactions (ITE).

The importance of regulations regarding the emergence of E-payments is something that must be considered in responding to various cases of abuse in fake QRIS-based systems. This is certainly very detrimental and most likely if it is more widespread in its case, it will negatively affect the community because it is considered that this online transaction has been more detrimental than cash/cash payments. The legal umbrella given to the existence of E-Payment must detail all activities that occur in the E-Payment system to realize security for parties involved in digitalization-era transactions.

METHOD

The form of this research is normative juridical where this research is sourced from the problems analyzed, using an approach that refers to the principles and legal standards contained in related laws and regulations. In this study, the legal approach is used as the basis for research by prioritizing legal data in the form of legal regulations (Purwanza, 2022). The source of legal material used in this study is secondary data where complementary data includes primary legal material and secondary legal material. Primary legal sources are laws and regulations relevant to this research question. The secondary legal material includes articles, books, and references related to the topic of discussion.

RESULTS AND DISCUSSION

QRIS is an electronic payment method in the form of a QR code developed by Bank Indonesia and the Indonesian Payment System Association (ASPI). The existence of QRIS is expected to make it easier for the Indonesian people to complete payment transactions. QR codes can be scanned by smartphones with electronic money payment applications such as (Dana, Ovo, Link Aja, Shopeepay, Gopay, etc.) and Mobile Banking services (BRI, BNI, BCA, Livin de Mandiri, and so on) (Djoyo dkk., 2022). One QR code can be used in several payment-type applications, as long as each merchant has a QRIS logo, then you can pay both with electronic money and with Mobile Banking that supports QRIS. Therefore, merchants only need to enter one QR code and this is enough for all payment apps that support QRIS. Before the introduction of QR, the QR-Code payment system of each merchant or merchant that uses QR-Code was enough for one application, for example, Find QR-Code can only be paid with funds, Link Aja QR-Code can also be used to pay only with Link Aja as well. Each merchant or entrepreneur must send one QR code for each payment request (Hartutik dkk., 2024).

Until now, QRIS still uses 2 types of payment codes. Among them, there are 2 types of QR-code payment usage, namely:

1. Merchant Present Mode (MPM)

The method used in this Merchant (Merchant) displays a QR code that is scanned using the consumer's mobile phone. This method has 2 display media:

- a Merchant Present Mode (MPM) status Sellers will list several types of QRIS printed labels for free. Users only need to scan, enter the payment amount, click withdraw, and make a payment. Users receive instant transaction notifications. This is especially advantageous for small businesses.
- b Merchant Present Mode (MPM).

QR codes are created for free on devices such as EDC devices or mobile phones. The seller must enter the payment amount first and the customer scans the printed QRIS. Ideally for medium and large companies.

2. Customer Presented Mode (CPM)

Customers are very fast in providing QRIS codes that have been taken from the customer's payment application for the seller to scan. QRIS CPM is more suitable for merchants that require high transaction speeds, such as the transportation, payment, and real estate industries.

In addition, QRIS also provides many benefits to merchants and consumers, including the following QRIS benefits:

- Benefits for consumers. In its use, QRIS is faster and more up-to-date without any hassle in the payment process. This means that users don't need to carry cash or worry about who installed QRIS. QRIS Payment System Service Providers (PJSP) are naturally licensed and managed by Bank Indonesia, so QRIS is also protected.
- b Benefits for traders. QRIS can improve the brand image of merchants by allowing merchants to accept QRIS-based payments, thereby increasing merchant revenue. QRIS is more practical because it only needs to use one QRIS. This prevents counterfeiting and eliminates the need to give money. Historically, transactions have also been recorded automatically and can be viewed at any time (Sari dkk., 2023).

Currently, business transactions are being effectively carried out through QRIS. This is not only a traditional way but also a place where merchants and consumers meet face-to-face and payments are made digitally/online. Technological advances are increasingly developing in the form of digital-based businesses in trade in corporate and service industries. This situation is also inseparable from various legal cases that arise regarding digital transactions. This change certainly has a significant impact on the legal aspects related to the form of transactions that have been carried out. The most important thing is related to QRIS users as consumers in actions that occur in digital transactions.

Table. Some places and modes of fraud

PLACE	FORMS OF FRAUD
MOSQUE	Fake barcodes were attached by perpetrators to charity boxes in several certain places of worship (mosques).
AIR CITY TERMINAL	The spread of barcodes is a form of social care.
SPBU	Social care network through perpetrator barcodes.
SHOPPING CENTER	Change the barcode at the store that has installed QRIS.
ATM OUTLETS	Installation of fake barcodes in sadaqah mode.

Provisions regarding consumer protection are regulated in Consumer Protection Law No. 8 of 1999. In this provision, customers are defined as people who are willing to act for the benefit of individuals or others, or users of goods or services. And not for commercial purposes. Especially related to the banking industry and BI Number 22/20/PBI/2020 Bank Indonesia Regulation on Consumer Protection and Electronic Money PADG No. 23 of 2018. Provisions on consumer protection in the procedures for implementing

Consumer Protection and Bank Indonesia. Regulation in the principle of consumer protection for users of electronic money (Yusril, 2023).

In addition, laws and regulations related to the use of QR code-based electronic payments are regulated in the Law on Information and Electronic Transactions No. 11 of 2008. OJK has OJK regulation No. 01/PJOK.07/2013 concerning the protection of financial services related to the ITE Law which is the basis for protecting rights and consumers. OJK Regulation No. (1) on financial sector consumer protection No. 1 of 2013 stipulates that consumer protection covers the behavior of financial service providers (Farrell dkk., 2022).

This is implemented to provide services as a payment system for Bank Indonesia applications in the field of customer information data protection, transparency, security, and consumers. The security of this system lies in its readiness to process payment transactions in the form of system audit reports from independent authors, PBI (Contribution Assistance Recipients) also applies the precautionary principle stipulated in article 4(a) of the Consumer Protection Law No. 8 of 1999 which regulates comfort, safety, and security in use, conducting transaction processes in connection with product or service regulations. Therefore, the Bank must be able to ensure the security of the system in carrying out its various functions including minimizing risks that may arise in the implementation of payments using QR codes (Destyarini dkk., 2022).

Article 33 (1) of the PBI states that Bank Indonesia payment transaction processing providers are responsible for monitoring QR codes. This also applies to the general examination of payment system services. This supervision takes the form of direct supervision, especially reports, document verification, and searches that require parties involved in the transaction process to provide supporting documents. QR Codes and Bank Indonesia also conduct indirect and periodic monitoring. Article 35 paragraph 1 of PBI concerning the implementation regulates the submission of administrative witnesses, starting with the application of sanctions in the form of reprimands, fines, notifications, and revocation of business licenses for business entities that violate these rules.

1.1. Regulation of Members of the Board of Governors No. 21/18/PADG/2019 concerning the Implementation of Quick Response Code Indonesian Standard (QRIS) in Online Payment Transactions

The Board of Governors Regulation (PADG) is a regulation set by the board of directors that governs the internal regulations of Indonesian banking. The Board of Governors Regulation (PADG) is a regulation implemented by board members as a means of improving PBI and law enforcement for all parties. Internal PADG regulations The laws and regulations set by the board of directors, including the internal regulations of Bank Indonesia and PADG, to regulate QRIS-related matters. Bank Indonesia issues this PADG in the form of QRIS implementation of PBI regulations on the implementation of electronic money.

The presence of this PADG cannot exist based on binding regulations of any kind. It is clear that PADG is not effective as a regulation for PBI implementation and quoting the

Deputy Governor's opinion, commercial banks still rarely recognize PADG as a form of QRIS implementation. The implementation of the QRIS Exclusive Committee Member rules implements three PBIs. This makes PADG ineffective, one of which is contained in Article (24) of the PADG application of QRIS "Procedures for imposing sanctions for violations of obligations referred to in the PADG must be by Bank Indonesia regulations on NPG, transaction processing and electronic money." the implementation of payment transaction processing and electronic currency payments from the above provisions is reflected in the continuity of QRIS PADG implementation, and if the content of the provision is incomplete, it is considered invalid. In addition, Alipay and Wechat payment methods that violate Article 39 paragraph (1) should be done using electronic funds transacted outside the territory of the Unitary State of the Republic of Indonesia, or electronic funds that are approved and can be used in Indonesia. Regarding payment methods related to NPG, Article (2) also explains that to use foreign electronic money in Indonesia, you must cooperate with PJSP which has a license in the category of business services by commercial banks (Listiawati dkk., 2022).

This has explained that the same rules also apply to PADG in the form of QRIS implementation which includes PBI for electronic currencies. Initially, the PBI work has not been completed because PADG rules only apply to electronic currencies. PADG should come with high enough rules as a form of policy. However, PADG in implementing QRIS does not yet have sufficient power in terms of regulation of the payment system. In this case, the PBI on electronic money should clarify the continuity of the rules regulated in the PADG as a form of QRIS implementation. The QRIS upgrade is one of the PBIs that utilizes an electronic payment system that is sensitive to value fluctuations. With the emergence of policies that are more efficient and efficient, business actors in Indonesia will feel security and comfort in the use of electronic technology such as QRIS with strong regulations in online transaction activities (Hamzah Muchtar dkk., 2024).

1.2. Legal Protection for Quick Response Code Indonesian Standard (QRIS) Users Reviewed from the ITE Law

E-commerce, also known as electronic commerce, refers to any kind of buying or selling goods or services online. By using an electronic system. This Agreement is governed by Indonesian law and the Law on Information and Electronic Transactions No. 19 of 2016, amendments from Law No. 11 of 2008, and government decree No. 71 of 2019 on the implementation of online transaction systems. What is meant by "Law of Transactions and Electronics" is a law that regulates information and electronics, and has a role in regulating trade and economic growth in the field of technology and information. The legal provisions contained in the ITE Law, it is part of efforts to prevent the misuse of technology. This regulation applies to anyone who violates unlawful acts by the contents of the regulation.

According to the ITE Law and Government Regulations, the Implementation of Electronic Systems and Transactions (PP PSTE), also called electronic commerce, is a legal transaction carried out through a computer or other electronic media. Therefore in

this context, Electronic transactions refer to types of transactions carried out through electronic means, such as digital documents and information exchange (Nafisa dkk., 2022).

According to Law No. 7 of 2014 on trade related to transactions according to commercial law, businesses that provide data and services provide accurate and comprehensive information. Business actors may not use data or services with incorrect electronic systems and must pay Article 12 paragraph (3) when using electronic systems (Ujianti dkk., 2023). Violations of electronic regulations must be held accountable for all forms of costs and consequences of violations during the electronic transaction process (Ayuningtyas dkk., 2024). Every party involved in an electronic transaction must act with integrity in carrying out the transaction. Regarding consumer protection, it is very necessary in online transactions. So that in electronic commerce the trust of the parties can be based on security guarantees of legal protection. The principles contained in electronic transactions have been regulated in the ITE Law although not in detail but have been contractually regulated in electronic transactions, including the following:

- a. Article 9 of the ITE Law, business actors who offer products electronically must provide complete and correct information about the products offered.
- b. Article 17 Paragraph (2) of the ITE Law states that parties who conduct electronic transactions must have good faith in interacting and exchanging information, and electronic documents during the transaction.
- c. Article 18 paragraph (1) of the ITE Law stipulates that electronic transactions poured through electronic contracts are binding on the parties.
- d. Article 20 Paragraph (1) of the ITE Law unless otherwise specified by the parties. Electronic transaction occurs when the offer from the sender has been accepted and approved by the recipient Paragraph (2) approval of the offer of electronic transaction as in paragraph (1) must be carried out by electronic acceptance (Pratiwi, 2022).

Related to criminal acts regarding fraud that especially occur on the internet or electronically. It has been regulated in Article 28 Paragraph (1) explains that everyone intentionally, without the right to spread false news, misleading and resulting in consumer losses in electronic transactions (Chusaeni dkk., 2024). Jo Article 45 Paragraph (1) stipulates that any person who deliberately spreads false news resulting in consumer losses in electronic transactions can be sentenced to imprisonment for six years or a fine of 1 billion. With the efforts to enforce the law regarding the digital payment system on QRIS, special guidelines regarding information disclosure and electronic transactions do not apply to online or digital transactions. This can be seen in Article 28 paragraph (1) and Article 45 (a) Paragraph (1) concerning the ITE Amendment Law which only emphasizes elements of hoax or fake news that can cause harm to consumers. Hoax news is information that does not occur in the facts so it cannot be trusted because it does not match the actual events. Such information is certainly very detrimental to consumers in making transactions online (Febriani dkk., 2021).

However, this verse does not describe fraud specifically but covers a wide range of subject areas. The regulation of acts in terms of electronic transactions, the ITE Law, and its amendments is the first form of cyber regulation for Indonesia. Although the provisions of Article 28 paragraph (1) and Article 45 (a) Paragraph (1) of the ITE Amendment Law have several weaknesses associated with consumer protection regarding payments on online transactions in the form of fake QRIS. Changes to this Law only focus on information that is inaccurate and inappropriate for online transactions. The practice of the provisions contained in Article 28 Paragraph (1) and Article 45 (a) Paragraph (1) of the ITE Amendment Law can be likened to an item that has been purchased through online transactions. This article cannot be said to be able to overcome losses to consumers due to payment on fake QRIS (Shintaro & Bhirawa, 2024).

Details regarding payment transactions that occur online ITE Law Number 19 of 2016 concerns the criminal elements of confinement/imprisonment or fines without any element of obligation in providing compensation to victims for elements of fraud. The number of online buying and selling transactions seems to be increasing every year. The increase in cases is due to the increasing public interest in the practicality of trade in buying and selling various products. So that a sense of comfort arises in the community. Related to the regulation regarding the provisions on fraud in ITE Law Number 19 of 2016, it is explained that the consequences for victims will be very disadvantaged because in that position the victim is very weak. After all, consumers only have capital on trust in the transactions carried out. In addition, article 492 of the Criminal Code Law Number 1 of 2023 stipulates that a person who signs for himself or others violates the law with a false name or position, commits fraud, and obtains several false beliefs, according to article 492 is required to be sentenced to 4 years imprisonment or a maximum fine of Rp. 500,000,000.

CONCLUSION

In the form of a QRIS-based payment system (Quick Response Code Indonesian Standard) regarding the protection contained in laws and regulations, there are still several shortcomings in the regulations that overshadow the existence of this digital payment system, including on Board of Governors Regulation No. 21/18/PADG/2019; The existence of PADG in the functional that regulates the implementation of QRIS as a form of implementation of PBI is considered inefficient where the regulations contained therein are incomplete when related to the implementation of QRIS. As is the case in Article (24) of the PADG which only contains electronic money, not about regulations regarding transactions and other electronic systems on QRIS. And on Legal Protection from the ITE Law Article 28 paragraph (1) jo Article 45a Paragraph (1) of the ITE Amendment Law only concerns false information/hoaxes and does not regulate online transactions. This is certainly very potentially unable to overcome various problems that occur in the online transaction process. Meanwhile, regarding fraud in the Electronic Information and Transaction Law, it only regulates fines and imprisonment. Does not regulate compensation for victims of digital transaction fraud.

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