

Consumer Legal Protection Against Fraud in Ticket Sales Transactions Concerts Through Calo in Indonesia: Case Study of Concert Ticket Sales Fraud

Putri Kamelia*, Ade Gunawan

Program Studi Hukum, Fakultas Ekonomi dan Sosial,
Universitas Jenderal Achmad Yani Yogyakarta, Indonesia
putrikamelia1616@gmail.com*, adegunawanemail@gmail.com

ABSTRACT

Concert ticket fraud by irresponsible third parties, such as scalpers, often harms consumers. This research analyzes the legal protection that can be provided to consumers who are victims of concert ticket fraud in Indonesia. The main objective of this research is to enrich understanding of consumer legal protection in the context of concert ticket fraud and encourage the creation of a fairer and safer transaction environment. Through a normative-empirical legal approach, this research examines applicable laws and regulations and cases that have occurred. The research results show that consumers have several options to obtain justice, such as filing a civil lawsuit or choosing non-litigation channels such as mediation or arbitration.

Keywords: *Consumer Legal Protection, Fraud, Concert Ticket Sales, Concert Ticket Brokers.*

ABSTRAK

Penipuan tiket konser oleh pihak ketiga yang tidak bertanggung jawab, seperti scalper, sering merugikan konsumen. Penelitian ini menganalisis perlindungan hukum yang dapat diberikan kepada konsumen yang menjadi korban penipuan tiket konser di Indonesia. Tujuan utama dari penelitian ini adalah untuk memperkaya pemahaman tentang perlindungan hukum konsumen dalam konteks penipuan tiket konser dan mendorong terciptanya lingkungan transaksi yang lebih adil dan aman. Melalui pendekatan hukum normatif-empiris, penelitian ini mengkaji peraturan perundang-undangan yang berlaku dan kasus-kasus yang telah terjadi. Hasil penelitian menunjukkan bahwa konsumen memiliki beberapa pilihan untuk mendapatkan keadilan, seperti mengajukan gugatan perdata atau memilih saluran non-litigasi seperti mediasi atau arbitrase.

Kata kunci: *Perlindungan Hukum Konsumen, Penipuan, Penjualan Tiket Konser, Pialang Tiket Konser.*

INTRODUCTION

Basically, every day, we as humans live to meet our needs. Not only fulfills our needs, but also fulfills the desires we want (Hariyadi, 2016). This is done by buying various kinds of products. Buying products in the form of goods or services purchased in order to fulfill various daily activities. The increasingly widespread development of the times has led to high levels of desires that humans want to fulfill. One of the manifestations of this desire is the world of entertainment. The reason is, the world of entertainment is increasingly popular among millennials today. Entertainment is one way for humans to seek pleasure. One form of entertainment is a music concert.

The increasing popularity of music concerts as a form of mass entertainment has had a significant impact on the entertainment industry. Concerts not only provide a live experience for fans, but are also an important source of income for artists and promoters. Coupled with high demand, concert tickets often sell out quickly, creating opportunities for unsavory third parties. bad faith.

The existence of third parties with bad intentions often causes conflict among the public, because the actions of third parties with bad intentions who are "naughty" or irresponsible often cause problems in buying and selling music concert tickets through third parties, usually involving ticket fraud. Counterfeits sold by third parties with bad intentions can cause material and immaterial losses. Third parties with bad intentions often use automated software specifically designed to purchase tickets in bulk once tickets become available in this way. Automated software gives them the advantage to dominate the ticket market, and allows them to raise ticket prices at will, thereby forcing buyers to spend more than the original ticket price (Misael and Partners).

However, it should be noted that activities carried out by third parties in buying and selling music tickets are often considered illegal or in violation of applicable regulations by event organizers. Most countries have enacted regulations and laws to stop or limit the buying and selling of tickets through third-party intermediaries to protect consumers and neutralize fraud and unauthorized practices. With this, purchasing concert tickets through third parties who have bad intentions is interesting to analyze more deeply, not a few potential buyers buy concert tickets through third parties, but there is still a lot that is unknown about consumer protection regarding purchasing concert tickets. In this case, it is necessary to protect the rights of consumers of concert tickets. Consumer protection is one of the things that is mandatory in protecting all consumer rights. Problems that often occur in the world of social media commerce do not only occur with goods in the form of products but can also occur in the use of services that do not fulfill their obligations to consumers. As a result of these problems, consumers experience losses that consumers should not experience. In this case, consumers are in a weak position and need protection, so the Consumer Protection Law (hereinafter referred to as UUPK) was issued (Yulius, 2013).

Thus, the main objective of consumer protection regulations is to create a fair and safe environment for consumers, as well as ensuring the continuity of responsible business activities and in accordance with consumer protection principles (Haryani, 2021). Therefore, consumer protection is very important to implement in various business activities, one of which is music entertainment, concert tickets. Consumer protection needs to be continuously improved in order to enrich understanding of the implications of consumer protection law in providing protection for victims of concert ticket fraud. Therefore, the author is interested in researching the topic of consumer legal protection against fraud in concert ticket sales transactions through brokers in Indonesia (Case Study of Concert Ticket Sales Fraud).

RESEARCH METHODS

The research method used is normative-empirical legal research type with descriptive research concepts. Data collection methods are interviews as primary data and books, literature reviews and other scientific journals as secondary data (Bandem et al., 2020). Data analysis was carried out from the results of literature studies and field studies which were then analyzed using a qualitative descriptive approach.

RESULTS AND DISCUSSION

1) Consumer Legal Protection in Selling Concert Tickets Through Brokers

Has a slightly different focus. Both aim to create balance in the relationship between producers and consumers. However, consumer protection law is more specific in protecting consumer rights as a whole. Consumer protection laws, as the legal basis, provide clear standards to ensure consumers receive benefits, fairness and security in every transaction (Pauth, 2019). Consumers, as active parties, have equal rights to entrepreneurs and can sue if their rights are violated. However, it is important for consumers to be smart consumers by prioritizing needs above desires. Consumer protection laws ensure that consumers are not harmed in transactions and have access to correct information. Consumers have the same rights as entrepreneurs, but also have the responsibility to act wisely. Consumer protection laws provide a strong legal framework to protect consumers, but consumers must also be smart consumers by choosing products or services that suit their needs (Mutia, 2023).

The rise in cases of fraud in purchasing concert tickets through third parties has harmed many consumers. This research will review three real cases that illustrate how weak the position of consumers is in facing irresponsible business practices (Zaini, 2024). Even though the Consumer Protection Law (UUPK) has regulated dispute resolution mechanisms, in reality, consumers often have difficulty getting justice. Articles 45 to 48 UUPK provide consumers with the option of resolving disputes through consumer dispute resolution institutions or public courts (Istivani, 2023). However, in practice, this process is often long and tedious. In every transaction, consumers have the right to legal protection. Consumer protection laws exist to ensure that consumer rights, including the right to correct information and the right to obtain goods or services according to the agreement, are guaranteed. In the context of purchasing concert tickets, this law provides a legal umbrella that protects consumers from unfair business practices. Apart from these rights, consumers also have the right to comfort, security and guarantees for the goods or services purchased. Purchasing concert tickets does not only involve buying and selling transactions, but also involves consumer rights (Nabila, 2024). Consumer protection laws provide comprehensive legal protection for consumers in these types of transactions. Consumers have the right to obtain clear information regarding performances, seating and other conditions. In the event of a cancellation or schedule change, consumers are entitled to appropriate compensation.

2) Legal effort

The practice of reselling concert tickets at a higher price by third parties is often misused to commit fraud. Consumers who buy tickets from untrusted sources risk getting fake tickets or tickets with incorrect information. To protect themselves, consumers who feel aggrieved can report the case to the authorities. Fraudulent acts like this are criminal acts that can be charged under the fraud article in the Criminal Code.

Individuals who knowingly sell fake concert tickets can be charged with fraud under the Criminal Code. Perpetrators of this crime can be sentenced to a maximum prison sentence of six years. Apart from that, if the perpetrator uses a fake identity in a ticket sales transaction, the threat of punishment will be even more severe. To protect consumers from fraudulent practices of selling fake tickets, perpetrators can be charged with fraud articles in the Criminal Code (Kusuma, 2020). A maximum penalty of six years in prison awaits those found guilty. If the perpetrator also fakes his or her identity, the punishment that will be imposed will be more severe. The practice of selling fake concert tickets is a criminal act that can harm consumers. Perpetrators of this criminal act can be charged under Article 263 of the Criminal Code and threatened with imprisonment. If the perpetrator also uses a fake identity in the transaction, then Article 264 paragraph 1 number 1 of the Criminal Code can be applied (Bawembang, 2023).

The unlawful act of selling fake concert tickets can be categorized as fraud and is punishable by crime in accordance with the provisions of Article 263 of the Criminal Code. Perpetrators found guilty can be imprisoned for a maximum of six years. If in carrying out the fraud, the perpetrator also fakes his identity, then the threat of punishment will increase in accordance with the provisions of Article 264 paragraph 1 number 1 of the Criminal Code.

3) Discussion Refers to Cases Found

If someone sells fake tickets as if they were genuine and causes loss to the buyer, then he can be charged with fraud. The maximum penalty for this act is eight years' imprisonment. Using fake identification, such as an ID card or passport, to buy tickets and then resell them is also a criminal offense that can be subject to heavier sanctions. To protect consumers from the fraudulent practice of selling fake tickets, the law has regulated quite severe criminal sanctions. Offenders convicted of selling fake tickets or using fake identities can be jailed for up to eight years. This applies not only to Coldplay, Blackpink, or Agust D concerts, but also to all types of concerts. Selling fake concert tickets is a criminal act that can harm many people. Perpetrators can be charged with fraud and threatened with prison sentences. Using fake identities in ticket buying and selling transactions is also a violation of the law which can result in increased penalties. Consumers who are victims of fraud are advised to report the case to the police. The fraud article in the Criminal Code stipulates that anyone who deliberately sells counterfeit goods or uses fake documents can be sentenced to prison. In the context of concert ticket sales, if someone sells counterfeit tickets and causes harm to the buyer, he or she can be imprisoned for up to eight years. Using

fake identification, such as an ID card or passport, to purchase tickets is also a violation of the law which can result in increased penalties.

Consumers who are harmed by harmful actions have several options for seeking justice. Apart from reporting cases to the authorities, they can file civil compensation claims against business actors (Salim et al., 2023). Consumer protection laws provide legal protection for consumers and provide various dispute resolution mechanisms, such as mediation, conciliation, and arbitration. These mechanisms allow consumers to choose the resolution method that best suits their situation, without having to go through a lengthy and complicated judicial process. If consumers feel that their rights as consumers have been violated, they can take legal action (Bambungan, 2022). One step that can be taken is to file a civil lawsuit in court. Apart from that, consumers can also choose to resolve disputes through non-litigation channels such as mediation or arbitration. Mediation is a process where a neutral third party helps both parties to reach a mutual agreement, while arbitration is a process where the final decision is taken by an independent arbitrator.

CONCLUSION

The Consumer Protection Law is a legal umbrella that protects consumer rights, including when purchasing concert tickets. Consumers have the right to clear information, goods or services according to the agreement, comfort, security and compensation in the event of cancellation or schedule change. If a dispute occurs, consumers can choose a resolution route through special institutions or courts, although the process is often lengthy. In the context of purchasing concert tickets, this law ensures that consumers are not harmed by unfair business practices and receive comprehensive legal protection. The unlawful act of selling fake concert tickets can be categorized as fraud and is punishable by crime in accordance with the provisions of Article 263 of the Criminal Code. Perpetrators found guilty can be imprisoned for a maximum of six years. If in carrying out the fraud, the perpetrator also fakes his identity, then the threat of punishment will increase in accordance with the provisions of Article 264 paragraph 1 number 1 of the Criminal Code.

BIBLIOGRAPHY

- Bambungan, O. (2022). Perlindungan Hukum Terhadap Konsumen Atas Kenyamanan Keamanan Dan Keselamatan Dalam Mengkonsumsi Barang Atau Jasa. *Lex Privatum*, 10(6).
- Bandem, I. W., Wisadnya, W., & Mordan, T. (2020). Akibat hukum perbuatan wanprestasi dalam Perjanjian Hutang-Piutang. *Jurnal Ilmiah Raad Kertha*, 3(1), 48-68.
- Bawembang, N., Ante, R., Umboh, J., & Paendong, K. A. (2023). Penegakan Hukum Terhadap Oknum Yang Memalsukan Surat Polymerase Chaim Reaction (PCR) di Masa Pandemi Covid 19.

- Hariyadi, G. T. (2016). Faktor-faktor yang mempengaruhi konsumen berbelanja di Minimarket (Studi pada Indomaret dan Alfamart, *Jurnal Penelitian Ekonomi dan Bisnis*, 1 (1), 18.
- Haryani, E. (2021). Perlindungan Hukum Terhadap Konsumen Yang Tidak Menerima Pembelian Produk Jasa Berupa Tiket Konser Dari Pelaku Usaha Melalui Media Sosial Ditinjau Dari UndangUndang No.8 Tahun 1999 Tentang Perlindungan Konsumen, *Jurnal Hukum Adigama*. 4(2), 1162.
- Istivani, A. (2023). *Perlindungan Hukum terhadap Korban Tindak Pidana Penipuan Tiket Konser Musik melalui Media Sosial Twitter* (Doctoral dissertation, Universitas Islam Indonesia).
- Kusuma, L. K. H. (2020). Modus Operandi dan Penegakan Hukum Tindak Pidana Carding di Wilayah Hukum Kepolisian Daerah Istimewa Yogyakarta.
- Nabila, N. V. (2024). Tindak Pidana Penipuan Oleh Promotor Penyelenggara Konser (Studi Kasus Konser We All Are One). *Media Hukum Indonesia (MHI)*, 2(3).
- Pauth, V. (2019). Tanggung jawab pelaku usaha terhadap kerugian konsumen akibat mengkonsumsi barang dan jasa berdasarkan pasal 19 undang-undang nomor 8 tahun 1999 tentang perlindungan konsumen. *Lex Privatum*, 6(10).
- Salim, P. W., Jap, C. C., & Naru, M. T. A. (2023). Pemenuhan Hak Konsumen dalam Sengketa Perdata Lahan Meikarta. *Jurnal Cahaya Mandalika ISSN 2721-4796 (online)*, 3(1), 137-147.
- Yulius., L. (2013). Tanggung Jawab Pelaku Usaha Atas Produk yang Merugikan Konsumen", *Jurnal Lex Privatum*. 1(3), 28.
- Zaini, A. Z. (2024). Perlindungan Konsumen dalam Penipuan Transaksi Pembelian Tiket Konser Secara Online. *UNES Law Review*, 6(4), 10443-10452.