

## ELEGANT EXTORTION "The Ambiguity of Restaurant Service Charges Through the Perspective of Consumer Protection Law"

Dimas Aryo Yuwono<sup>1</sup>, Karya Bima Satria Y<sup>2</sup>

<sup>1</sup>Mahasiswa Magister Hukum Universitas Katolik Parahyangan, Bandung

<sup>2</sup>Associate Partners at Sujono & Partner's Law Firm

Email: [dimas.yuwono@yahoo.com](mailto:dimas.yuwono@yahoo.com), [bimoyuwono81@gmail.com](mailto:bimoyuwono81@gmail.com)

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### Abstract

This research examines the ambiguity surrounding the imposition of service charges in restaurants, particularly from the perspective of consumer protection law in Indonesia. It argues that the current practice, where service charges are often mandatory and lack transparency, can be viewed as a form of "elegant extortion." The study analyzes the legal framework, including the Consumer Protection Law and relevant regulations, to assess the rights of consumers and the obligations of restaurant owners. It explores the concepts of justice, balance, and fairness in consumer-business relationships, drawing on philosophical perspectives to propose a legal construction that ensures transparency, freedom of choice, and equitable practices regarding service charges in restaurants outside of hotels. The paper concludes by offering recommendations for both government regulation and restaurant management practices to better protect consumer rights and promote fair business practices.

**Keywords:** *Consumer Protection Law, Service Charge, Restaurants, Legal Certainty, Transparency, Fairness, Consumer Rights, Business Obligations, Indonesia.*

### INTRODUCTION

When you have finished enjoying food and drink at a restaurant and then want to pay, the note will say service charge. For those who often enjoy service at restaurants, the practice of imposing a service charge as part of the total bill given by the restaurant to consumers has become commonplace. According to the Regulation of the Minister of Manpower No. 7 of 2016 concerning Service Fees in Hotel Businesses and Restaurant Businesses in Hotels, Article 1 paragraph (1), what is meant by service fee is an addition to the previously determined rate for service in hotel businesses and restaurant businesses in hotels. According to Black's Law Dictionary, service charge is a charge assessed for the performing of a service such as a bank against the expenses of the maintaining or servicing customers checking account.<sup>1</sup> In a general context, service charge can be interpreted as a service fee referring to the fee set by the restaurant for the service they provide.<sup>2</sup> This service charge is highly dependent on each restaurant's policy and is not mandatory (unlike restaurant tax). Article 2 of Minister of Manpower Regulation No. 7/2016 only states that hotels and restaurants within hotels may charge customers a service charge. This regulation does not explicitly limit or stipulate the amount of the service charge. Nor do laws or government regulations provide a limit on the amount of the service charge. In practice, service charges range from 5% to 10% of the total transaction. Service charges are seen as additional compensation for the service provided by restaurant employees. However, this practice often creates ambiguity and (latent) dissatisfaction among consumers for several reasons, including:

- Service charges are often only visible on the invoice when the consumer is about to pay;
- consumers are seemingly "forced" to agree to the service charge and the amount of service charge charged by the restaurant;
- the purpose of the service charge is unclear;

<sup>1</sup> <https://thelawdictionary.org/service-charge/>, accessed September 24, 2025, at 9:35 PM WIB

<sup>2</sup> <https://bisnis.tempo.co/read/1822012/makan-di-restoran-ada-service-tax-dan-service-charge-cek-maksimal-besarnya>, accessed October 11, 2024, at 8:40 PM WIB

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Despite their dissatisfaction and feelings of ambiguity, consumers ultimately choose to normalize the existence of service charges in restaurants due to a limited understanding of the legal basis governing the imposition of service charges and a lack of knowledge regarding consumer rights protections regarding such practices. In fact, if they want to file a complaint and protest, consumers will feel embarrassed and afraid of the scorn that will arise, such as "you can eat at a restaurant, how can you not pay a small service charge?"; "That amount of money is an issue, even though you can eat expensively"; "you are so calculating and stingy." In addition to not specifying the amount of service charge, Indonesian laws and regulations also do not specifically regulate service charge in restaurants. The law governing service charge is contained in the Regulation of the Minister of Manpower of the Republic of Indonesia No. Per.02/Men/1999 concerning the Distribution of Service Fees in Hotel, Restaurant and Other Tourism Businesses. However, in the Regulation of the Minister of Manpower No. 7/2016 Article 22 states that the Regulation of the Minister of Manpower of the Republic of Indonesia No. Per.02/Men/1999 concerning the Distribution of Service Fees in Hotel, Restaurant and Other Tourism Businesses has been revoked. Therefore, the author considers it important to analyze the imposition of service charge in restaurants (outside hotels) as an effort to protect consumers and business actors from a legal perspective.

### **FORMULATION OF THE PROBLEM:**

- 1) How does the Consumer Protection Act protect consumers regarding service charges in restaurants (outside hotels)?
- 2) How to build a legal construction to implement service charges (outside hotels) correctly?

### **DISCUSSION**

#### **Between Consumer Protection Law and Service Charges in Restaurants Understanding Service Charges, Tips, and Restaurant Taxes**

It's important to emphasize that service charges, tips, and taxes are distinct. Restaurants are known as restaurant taxes. According to Law No. 28 of 2009 concerning Regional Taxes and Regional Levies, restaurant taxes are taxes on services provided by restaurants.<sup>3</sup> Restaurant tax is a type of regional tax to increase Regional Original Income (PAD) collected by the district/city government in accordance with Law Number 28 of 2009. In restaurant tax there are restaurant tax objects, restaurant tax subjects and taxpayers. According to Law of the Republic of Indonesia No. 28 of 2009 concerning Regional Taxes and Regional Levies Article 37 paragraph (1) Restaurant Tax Objects are services provided by restaurants. In paragraph (2) it is emphasized that the services provided by restaurants as referred to in paragraph (1) include the service of selling food and/or drinks consumed by buyers, whether consumed at the service location or elsewhere.<sup>4</sup>

According to Law of the Republic of Indonesia No. 28 of 2009 Article 38 paragraph (1), the tax subject is an individual or body that buys food and/or drinks from a restaurant. In paragraph (2), the restaurant taxpayer is an individual or body that operates a restaurant.<sup>5</sup> Regarding restaurant tax rates, it is stated in Article 40 paragraph (1) that the restaurant tax rate is set at a maximum of 10% (ten percent). Paragraph (2) explains that restaurant tax rates are determined by Regional Regulation.<sup>6</sup> A brief explanation based on applicable Indonesian law demonstrates that restaurant services are taxable, and consumers who eat and drink at restaurants are subject to the tax. Therefore, consumers who purchase food and/or beverages at restaurants are the ones who pay restaurant tax. At this point, restaurant management benefits from not bearing the burden of restaurant tax. As taxpayers, restaurants are solely responsible for channeling the restaurant tax paid by consumers to the local government. Therefore, restaurant tax is a matter that is expressly and clearly regulated by law. A common point of confusion is the relationship between service charges and tips. In Indonesia, tipping waiters in restaurants is not common practice. According to Jennifer, citing Lynn, a tip is a voluntary payment given by customers to employees after they have provided service.<sup>7</sup> Thus, a tip is based on a voluntary feeling from a customer to an employee who has provided special service to them. A tip is even given when a customer feels the service was rendered with care by a waiter at a restaurant. The tip amount is

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<sup>3</sup>Law of the Republic of Indonesia Number 28 of 2009 concerning Regional Taxes and Regional Levies

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid.

<sup>7</sup> Ni Luh Intha Hanani Miryani and Jeniffer Fransisca Tandiyari, 'Analysis of Differences in Motivation for Tipping Based on Gender for Restaurant Employees in Surabaya', *Journal of Hospitality and Service Management*, Vol. 8, No. 1, (2020), 27–39, p. 28.

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also based on the customer's voluntary feelings for the waiter. Furthermore, customers tip because they know that their tip goes directly to the waiter. Service charges differ from restaurant taxes and tips. Generally, a service charge is an additional fee charged by a restaurant to customers as compensation for the service provided by the waiter. Unlike tips, a service charge is mandatory and obligatory for customers. It is called "compulsory" because customers have no choice but to pay the service charge, which is automatically stated on the bill. When customers are dissatisfied with the service provided by the restaurant, they are still required to pay the service charge. Customers cannot choose not to pay the service charge after they have finished eating and drinking at the restaurant. It should be emphasized that the service charge is not included in the tax, and restaurants are free to charge customers because there are no regulations governing service charges in restaurants (outside of hotels). In the author's opinion, this constitutes a form of illegal extortion (pungli) packaged in an elegant manner. It is no different from the extortion carried out by illegal parking attendants, groups of residents who guard the opening and closing of roads during repairs and then demand money from passing motorists, and market thugs who collect security fees from market vendors. The extortion carried out by groups who guard the opening and closing of damaged roads still gives drivers the freedom to choose whether to pay or not. However, service charges force customers to pay. This makes the extortion seem elegant because it's disguised as hospitality and regulated by restaurant management.

	Restaurant Tax	Tip	Service Charge
Characteristic	Must	Voluntary	Must
Goals / Objectives	Local government	Direct Employee	Restaurant (managed by the restaurant independently)
Legal basis	Law of the Republic of Indonesia No. 28 of 2009 concerning Regional Taxes and Regional Levies	There isn't any	None (except for Minister of Manpower Regulation Number 7 of 2016 concerning Service Fees in Hotel Businesses and Restaurant Businesses in Hotels)
Choice	Mandatory from Consumers	Can give and not give	Mandatory from Consumers
Amount	Maximum 10%	Voluntary from consumers	Restaurant policy (restaurants are free to decide)

### Consumer Protection Laws That Are Rarely Used by Consumers

People from all walks of life seem to simply submit to the burden of service charges imposed by restaurants. Beyond this, imposing service charges on consumers seems to have become a normalized practice. This is a consequence of the ongoing habit of enjoying meals and drinks at restaurants. It seems that every customer who enjoys food and drinks at a restaurant must be prepared to pay the restaurant tax and service charge. Paying the service charge is seen as an obligation for consumers who enjoy food and drinks at restaurants without needing to seek clarification from the restaurant. Restaurants freely exploit this situation and culture to charge customers for service at the time of payment. Consumers, as those who enjoy restaurant services, have the right to protection. Article 2 of the Consumer Protection Law emphasizes that consumer protection is based on benefit, fairness, balance, consumer safety and security, and legal certainty.<sup>8</sup> Specifically, in this article, the author will limit himself to the principles of justice, balance, and legal certainty. Article 3, points "c," "d," and "e" of the Consumer Protection Law explain this as follows:

- c. increasing consumer empowerment in choosing, determining and demanding their rights as consumers;
- d. creating a consumer protection system that contains elements of legal certainty and information transparency as well as access to information;
- e. raising awareness among business actors regarding the importance of consumer protection so that an honest and responsible attitude towards business grows;

Furthermore, in the Consumer Protection Law, Article 4 points "b" and "c" it is stated:

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<sup>8</sup>Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection

- b. the right to choose goods and/or services and to obtain said goods and/or services in accordance with the exchange value and conditions and guarantees promised;
- c. the right to correct, clear and honest information regarding the condition and guarantee of goods and/or services;

The Consumer Protection Law also regulates business actors in their relationships with consumers. Article 7, point "b," of the Consumer Protection Law emphasizes the obligation of business actors to provide correct, clear, and honest information regarding the condition and guarantees of goods and/or services, as well as provide explanations regarding use, repair, and maintenance. Zulham, citing John F. Kennedy, outlined four consumer rights that must be protected:<sup>9</sup>

- a. The right to safety;
- b. The right to choose;
- c. The right to be informed;
- d. The right to be heard

The author will elaborate on the principles of the Consumer Protection Law, consumer rights and obligations of business actors with service charges in restaurants.

Ahmadi Miru and Sutarman Yodo emphasized that the principle of justice is intended to provide opportunities for consumers and business actors to obtain their rights and carry out their obligations fairly.<sup>10</sup> This is related to the statement in Article 4, point b, which states that consumers have the right to choose goods and/or services and to receive them according to the exchange rate, conditions, and guarantees promised. This is important because today's consumers do not have the freedom to choose whether to pay or decline a service charge in restaurants. Consumers are in a position where they are unknowingly dictated to pay the service charge by the restaurant manager. In many restaurants, the willingness to pay is largely determined by the business owner, not by the consumer's own choice.<sup>11</sup>

When continuously dictated by the system implemented by restaurant managers, consumers will lose their ability to choose, determine, and demand their rights as consumers (contrary to Article 3 point c of the Consumer Protection Law). Consumers become powerless to choose because they have been formed by the pattern that is continuously carried out. Moreover, consumers become unable or reluctant to demand their rights because they slowly develop the view that paying service charges is an obligation and consumers have no right to choose in the payment process. If such a situation is maintained, it will emerge systemic injustice created by restaurant managers but is not recognized by consumers.

### **Between Caveat Emptor and Caveat Vendor**

Before discussing the principle of balance, the author will briefly discuss caveat emptor and caveat venditor. The term caveat emptor is a Latin term that translates to "let the buyer beware." Yuanitasari, quoting Sidharta, explains that this principle states that businesses and consumers are equal and balanced, so there is no need for consumer protection. In practice, consumers do not have equal access to information about the goods or services they use due to the inability and limitations of consumers caused by business actors' lack of transparency.<sup>12</sup> Caveat emptor has changed to caveat venditor due to the development of global trade (mass production and mass consumer consumption), minimal consumer knowledge, and consumer movements demanding change.<sup>13</sup> Caveat Venditor emphasized that business actors in this case are required to be careful first regarding the products traded and offered.<sup>14</sup> The concept of vendor caveat is a breakthrough that not only protects consumers but also businesses, ensuring they can maintain the quality of their products or services. When businesses maintain product or service quality, they can maintain consumer trust. The author views that the principle of balance is a principle for the implementation of consumer protection which is expected to accommodate all kinds of interests of consumers, business actors and the government in a balanced manner, both from the regulatory aspect and the enforcement of consumer protection norms.<sup>15</sup> The principle of balance protects not only consumers but also business actors, which in

<sup>9</sup> Zulham, Consumer Protection Law, (Jakarta: Kencana, 2013), p. 63.

<sup>10</sup> Ahmadi Miru and Sutarman Yodo, Consumer Protection Law (Jakarta: PT Raja Grafindo, 2004), p. 25.

<sup>11</sup> Another example today is that many restaurants no longer accept cash payments. Customers aren't allowed to choose the payment method they prefer or can afford; instead, the restaurant's system dictates it.

<sup>12</sup> Deviana Yuanitasari, 'Re-Evaluation of the Application of the Caveat Venditor Doctrine in Business Actors' Responsibilities to Consumers', Jurnal Arena Hukum, Vol. 10, No. 3, (2017), 425–440, p. 432.

<sup>13</sup> Zulham, Op.cit., p. 2.

<sup>14</sup> Ibid, p. 4.

<sup>15</sup> <https://repository.ut.ac.id/4102/1/HKUM4312-M1.pdf>, accessed October 13, 2024, at 6:24 PM WIB

the context of this article are restaurant managers. This principle of balance can be achieved when consumers receive correct, clear, and honest information about service charges. After receiving correct, clear, and honest information, consumers also have the right to choose whether or not to pay the service charge. This is legally guaranteed through Article 4 letter b of the Consumer Protection Law, which provides consumers with the freedom to choose products and services that suit their desires and needs. When service charges are not clearly stated and then suddenly appear on the payment receipt, consumers feel forced to pay for something they may not have agreed to.

Another issue is the lack of clarity regarding the purpose of imposing a service charge. Referring to Article 4 letter c of the Consumer Protection Law, consumers have the right to know information about all matters (goods and/or services) related to their needs. When consumers purchase food and beverages at a restaurant, the price listed on the menu is the reference for payment. If additional costs outside the menu are charged to consumers without clear information regarding the purpose of the charges outside the food and beverages, this incident cannot be justified. Associated with the caveat vendor principle, restaurant managers are required to provide as clear information as possible regarding the costs to be paid by consumers. If tax must be imposed on consumers as tax subjects, restaurant managers (taxpayers) must include clear information regarding the amount of tax imposed. Information regarding costs outside the food and beverages that consumers must pay must also be stated in an easily legible place, in clear language, and be educational. This is a concrete manifestation of the principles of justice, balance, and legal certainty. So, the essence that needs to be emphasized is to create a consumer protection system that contains elements of legal certainty, balance, and justice for consumers and business actors (restaurant managers) in terms of information transparency and freedom of choice according to the rights that consumers have.

### **Legal Construction in the Imposition of Service Charges Building a Philosophical Foundation**

Justice is an action oriented toward achieving a balance between individual interests and the interests of others. Justice is closely related to a method used to create a balance between the interests of one human being and those of another. John Rawls emphasized the importance of justice by stating, "A theory, however elegant and economical, must be rejected or revised if it is untrue; likewise, laws and institutions, no matter how efficient and well-arranged, must be reformed or abolished if they are unjust."<sup>16</sup> Rawls further emphasized that "The concept of justice I take to be defined, rather, by the role of its principles in assigning rights and doing ties and in defining the appropriate division of social advantages. A conception of justice is an interpretation of this role".<sup>17</sup> According to Rawls's perspective, justice emphasizes the distribution of rights and obligations within an equal framework. Even when a socially accepted or normalized injustice exists, the value of justice plays a role in questioning and reconstructing that establishment. Rawls's perspective emphasizes the freedom and equality of individuals within society. Therefore, Rawls asserts that "...each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others."<sup>18</sup>

Rawls emphasized that the principle of justice can guarantee fundamental freedom. This freedom is viewed as a system of public rules that defines rights and obligations, such as the freedom to choose, which is inherent in human rights. Rawls also issued statements regarding the difference principle and the principle of fair equality of opportunity. This principle ensures the proportionality of the exchange of rights and obligations between the parties, so that differences in exchange are objectively acceptable as long as they meet the requirements of good faith and fairness.<sup>19</sup> Furthermore, Rawls's principle of justice states that it must be based on the principle of rights, not benefits. If the principle of benefits were the basis, it would disregard fair procedures.<sup>20</sup> One of Rawls's emphases is protecting the rights of the poor. This is evident in his statement that justice serves to protect individual rights and, more importantly, the rights of the poor.<sup>21</sup> The author views poverty as not only a matter of material deprivation. A far more holistic concept is the poverty of access (including access to information). Poverty related to access to information is easily exploited by those in power to deceive or deceive the public. Rawls's concept of justice emphasizes the opportunity for the disadvantaged, economically and socially disadvantaged to access justice.

<sup>16</sup> Uzair Fauzan and Heru Prasetyo, *Theory of Justice* (Yogyakarta: Pustaka Pelajar, 2006), p. 48.

<sup>17</sup> Ibid, p. 72.

<sup>18</sup> Ibid, p. 75.

<sup>19</sup> Muhammad Taufik, 'John Rawls's Philosophy on the Theory of Justice', *Journal of Islamic Studies*, Vol. 19, No. 1, (2013), 41–63, p. 51.

<sup>20</sup> Ibid, p. 58.

<sup>21</sup> Uzair Fauzan, *Op.Cit.*, p. 48.



John Rawls's concept of justice will be very useful for restaurant managers and consumers regarding service charges. One of Rawls's focuses is the freedom of choice as a consumer. However, consumers will not be able to have freedom of choice if restaurant managers do not provide certain options. Current practices demonstrate injustice because consumers are not given a choice regarding service charges. Consumers are not even given an initial understanding of service charges. Based on Rawls's concept of justice, even though the imposition of service charges has been normalized by society, they still need to be reformed. Reform or even abolish them is crucial if consumers are not educated about the purpose of service charges and/or consumers are not given a choice in how to pay the service charge. Such reform and abolition are also necessary if the imposition of service charges by restaurant managers exploits consumers' lack of access to information. The majority of consumers have minimal access to information regarding the Consumer Protection Law, so they are unaware of their rights and the legal protections they can receive when their rights are denied. This situation is a form of poverty created and allowed by those who understand the legal regulations to prevent consumers from gaining access to information.

### **The Interplay Between John Rawls' Philosophy of Justice - Caveat Venditor - Consumer Protection Law - Ministerial Regulation No. 7 / 2016 for Service Charge Regulation in Restaurants**

Regarding the imposition of service charges, there are solutions that can be implemented. The first solution, referring to existing laws, is to eliminate service charges in restaurants outside of hotels. This is based on the lack of regulations governing the application of service charges in restaurants outside of hotels. When associated with taxes, service charges are also not included in the tax category. However, the current situation has given rise to the view that the 10% tax fee is an extra-service fee, and the service charge is viewed as a tax that consumers must pay for the services they receive. Referring to Law of the Republic of Indonesia No. 28 of 2009 concerning Regional Taxes and Regional Levies, Article 37 explains that services provided by restaurants are already taxable. Consumers who enjoy food and drink at restaurants are subject to tax. Therefore, the payment of the 10% tax should be part of the service provided by restaurants. Simply put, service from waiters in restaurants is a consequence of opening a restaurant. When opening a restaurant, it is mandatory to provide waiters to serve the dishes ordered by consumers.

The second solution is for the government and restaurant managers outside of hotels who wish to maintain service charges. The author offers suggestions for restaurants wishing to implement service charges.

- **For the Government:**

Minister of Manpower Regulation No. 7/2016 Article 1 paragraph (1) explains that service charges are in addition to the established rates for services in hotels and restaurants in hotels. Article 2 paragraph (2) adds the statement "Entrepreneurs who run Hotel Businesses and Restaurant Businesses in Hotels can impose Service Charges." So those who "can" impose service charges are entrepreneurs who run restaurant businesses in hotels. This regulation does not explicitly regulate the imposition of service charges in restaurants outside hotels. If you want to regulate the imposition of service charges, there are several things that need to be changed and added to this regulation. The change that must be made is removing the word "Hotel" from "Restaurant in Hotel". The addition that can be made is the addition of provisions to Minister of Manpower Regulation No. 7 of 2016 regarding the phrase "restaurant in hotel". In order to apply to restaurants outside hotels, the phrase "outside hotel" must be added. For example: "Regarding Service Charges in Hotel Businesses and Restaurant Businesses (in Hotels and Outside Hotels)". Thus, restaurant business actors outside hotels also receive legal protection and legal certainty in implementing service charges.

- **For Restaurant Managers**

What restaurant managers must do if they want to implement a service charge is to pay attention to the various provisions of the articles in the Consumer Protection Law and regulations that discuss service charges as follows:

- a. Terms and conditions for imposing service charges

This is an implementation of the Consumer Protection Law Article 4 letters c and f.

- Letter c: the right to correct, clear and honest information regarding the condition and guarantee of goods and/or services;
- Letter f: right to receive consumer guidance and education;

The imposition of service charges must be written and/or clearly informed to consumers before making a payment/order in writing in a place that is easy to read and does not cause confusion. It is not permitted to impose service charges directly on the payment note if there is no information that can be easily read before making the payment. The points that must be clearly informed to consumers are the uses/benefits of the service charge as stated in Permenaker No. 7/2016 Article 9 paragraphs (1) and (2), namely:

- Article (1) confirms that the service fees as referred to in Article 6 are used for:
  - a) compensation for the risk of loss or damage;

- b) utilization of improving the quality of human resources; and
- c) distributed to workers/laborers.
- Article (2) confirms that the use of service fees as referred to in paragraph (1) is determined in detail:
  - a) 3% (three percent) for compensation for the risk of loss or damage;
  - b) 2% (two percent) for the utilization of improving the quality of human resources; and
  - c) 95% (ninety five percent) to be distributed to workers/laborers.

Furthermore, the percentage of the service charge must be disclosed honestly and transparently. The purpose of transparent information regarding the use of the service charge is to educate/guide consumers (UU PK Article 4 letter f) and to provide information transparency from business actors (UU PK Article 7 letter b) to consumers.

The application of the caveat vendor principle challenges restaurant managers to offer products or services subject to service charges with greater caution. As explained earlier, consumers are often in a weak position due to unclear information or omissions. At the time of payment, consumers can only surrender because they do not want to question the service charge. This is also what Rawls's principle of justice strives for, protecting consumers as "poor" information parties. Rawls opposes entrepreneurs who use the principle of benefit and ignore the principle of fairness. Therefore, transparent and honest information will be fair to both restaurant managers and consumers (the principle of fair equality for opportunity). Therefore, the direct application of the caveat vendor principle and justice from Rawls' perspective is to ensure that all additional costs (including service charges) are clearly disclosed before consumers make a transaction. This way, consumer trust and the restaurant manager's credibility are protected.

b. Freedom of choice for consumers

This is an implementation of the Consumer Protection Law, Article 4 letter b.

- Letter b: the right to choose goods and/or services and to obtain said goods and/or services in accordance with the exchange value and conditions and guarantees promised.

Consumers have the freedom to choose regarding service charge payments. This freedom of choice is based on transparent information regarding the use of the service charge applied. Based on Rawls's concept of justice, the goal of justice in Rawls's mind is for consumers to receive information and education regarding the Consumer Protection Law, so that consumers can exercise their right to choose. With consumers having information and the freedom to choose, justice is created for both consumers and restaurant managers. The purpose of transparent access to information regarding the imposition of service charges is to uphold the greatest equal principle and the principle of fair equality for opportunity. The main principle of Rawls's justice is to strive to provide equal opportunities for all parties (in this case, consumers and restaurant managers). With transparent information and the right to choose that can be fulfilled by restaurant managers, justice can be achieved. The caveat vendor principle also underpins the freedom to choose when to charge a service charge. Restaurant managers are required to exercise caution in running their businesses, particularly when it comes to imposing a service charge. If a restaurant manager simply applies a service charge and encounters a critical customer, the restaurant will struggle to provide legal accountability. Therefore, to ensure fairness for both consumers and restaurant managers, restaurant managers provide consumers with the freedom to choose, allowing consumers to exercise their right to choose based on transparent, clear, and honest information. This ensures that both parties experience a proportional exchange of rights and obligations.

## CONCLUSION

The practice of imposing service charges at restaurants outside hotels has become commonplace in society. Although there is no law officially regulating the imposition of service charges for restaurants outside hotels, the majority of people normalize the imposition of service charges. The reason for the normalization of service charges is the public's "poor" legal information regarding them. In fact, the majority of consumers who enjoy service at restaurants are also unaware, or even completely unaware, that their existence as consumers is protected by the Consumer Protection Law. Therefore, it is important for the government to add the phrase "outside hotels" to Minister of Manpower Regulation No. 7/2016 to provide legal certainty for restaurant operators outside hotels. On the other hand, restaurant operators are also obliged to provide transparent, clear, and honest information regarding the percentage and use of the service charge as an educational tool for consumers. After providing transparent, clear, and honest information, restaurant operators are also obliged to provide consumers with the freedom to choose the service charge imposed in payment transactions. This is mandatory to ensure fairness between consumers and restaurant operators.

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