

# LEGAL ASPECTS OF CONSUMER PROTECTION IN PROTECTING THE MENTAL HEALTH OF ONLINE GAME PLAYERS

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Received : 20 May 2024	Published : 30 July 2024
Revised : 30 May 2024	DOI : <a href="https://doi.org/10.54443/morfai.v4i2.2661">https://doi.org/10.54443/morfai.v4i2.2661</a>
Accepted : 19 June 2024	Link Publish : <a href="https://radjapublika.com/index.php/MORFAI/article/view/2661">https://radjapublika.com/index.php/MORFAI/article/view/2661</a>

## Abstract

Online games are a business commodity that is growing rapidly in society. The high interest in playing online games cannot be separated from the ease with which everyone can access various types of online games via the internet. The people's desire to play online games is only for entertainment, but unwise use can turn into a loss for the community. Online Games can cause addiction which damages the mental health of Online Game players. even though consumers in using goods have the right to security, comfort, and safety. Law number 8 of 1999 concerning Consumer Protection is a reference for every business actor in trading their products in the community. consumer rights must be fulfilled and guaranteed by business actors.

**Keywords:** *Online Games, Consumer Protection, Mental Health*

## I. INTRODUCTION

### A. Background

The Globalization Era is marked by the rapid development of technology and information. Technology and information greatly help humans to access various things including accessing entertainment. One of these entertainments is playing games or called Online Games. Online Game Business has become a very rapidly growing industry in Indonesia. Based on the we are social report, Indonesia is the third largest video game player in the world, as many as 94.5% of internet users use it to play games.<sup>1</sup>This data is also supported by the 2021 Indonesian game industry ecosystem map released by the Ministry of Communication and Information on July 7, 2022, revealing that there are 172 million people who use online games, with details of 133.8 million mobile game users and 53.4 million PC gamers.<sup>2</sup>For the transaction value, Indonesia has contributed a figure of 1.92 Billion USD or 25 Trillion Rupiah throughout 2021. The high growth of Online Games shows that Indonesia is a strategic market for Online Game companies to sell in Indonesia.

The rapid development of Online Games in Indonesia is inseparable from the support of internet facilities that can be accessed by the community. plus the Indonesian government is strongly encouraging the growth of economic digitalization, so that people can connect with each other via the internet. Even the government's encouragement is also very high to encourage Online Games to become a new livelihood for the community. the development of new Monetizing methods applied by Game Publishers has contributed to the rapid development of Online Games. in this case, Game Publishers have provided Online Games that can be downloaded and played for free, but if Online Game players want to level up, increase their skills, and gain strength quickly, Online Game players must buy Items that

sold in the Online Game. In addition, the availability of Online Games on several devices such as Smartphones, Personal Computers, and Consoles provides a variety of choices for people to play Online Games. Currently Online

<sup>1</sup>Katadata, Indonesian gamers are the third largest in the world, <[Number of Indonesian Gamers Third Largest in the World \(katadata.co.id\)](https://katadata.co.id)>, accessed on September 29, 2022. This report notes that there are 94.5% of internet users aged 16-64 in Indonesia who play games. Data comparison is not done with numbers, if with numbers maybe Online Game users in Indonesia will be more than other comparative countries.

<sup>2</sup>Ministry of Communication and Information of the Republic of Indonesia, Map of the Indonesian Game Industry Ecosystem in 2021, (Jakarta: Ministry of Communication and Information of the Republic of Indonesia, 2022).

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Games. *Online game* has become a new lifestyle for people from children to adults. The development of Online Games today has been used to stay connected with others through communication channels provided by Online Games. This is an attraction for Online Game players to keep playing in their respective places without the need for face-to-face meetings. In addition to entertainment, Online Games are often used by many people as a place to compete. There are even several Online Game competitions that are accompanied by cash prizes. Even now, there is a push to make Online Game Industrialization a competition that is entertaining like Football. Thus, the push for many people to play is getting higher.

The proliferation of online games in Indonesia has caused new problems in society. The habit of playing online games can have a negative impact on society. Without realizing it, many children, teenagers, and some adults have been trapped in the habit of "no day without playing games". If playing Online Games is done continuously without limits, it will cause addiction for its users. This phenomenon is in accordance with the statement put forward by the World Health Organization (WHO) in 2018, that addiction to Online Games has been categorized as a group of mental illnesses called Gaming disorder. This disease has been recorded in the eleventh revision of the International Classification of Diseases (ICD -11). According to WHO's explanation, Gaming Disorder is defined as a pattern of gaming behavior characterized by impaired control over games, increased priority given to games over other activities, games are prioritized over other interests and daily activities.<sup>3</sup> An unhealthy mental condition can interfere with someone being able to carry out activities properly. Losing the ability to be responsible for oneself and play a role in society. Online Game Addiction can provide negative impacts on children and adolescents in Indonesia. This shows that every effort is needed so that adolescents can avoid addiction to Online Games.

The development of consumer protection regulations is also growing with the rapid increase in Online Game players in Indonesia. Consumer Protection Law is the spearhead of protection for consumers who use goods and/or services circulating in the community. This is also to provide assurance that business actors will fulfill the rights of these consumers. Consumer protection in the digital era is very important and needed. No exception, consumer protection for Online Game players also has rights that have been protected by the Consumer Protection Law. Every Business Actor including Game Publishers or other Online Game Providers has an obligation to fulfill the rights of these consumers.

In today's digital era, online games have become one of the most popular forms of entertainment among the public, especially among young people and teenagers. However, unwise or excessive use of online games can have a negative impact on the mental health of players. Therefore, consumer protection is important in protecting the mental health of online game players. In this article, we will discuss the legal aspects of consumer protection that are relevant in protecting the mental health of online game players in Indonesia.

First, one of the relevant legal aspects is Law Number 8 of 1999 concerning Consumer Protection. This law regulates the rights and obligations of consumers, including in terms of using online game services. Consumers have the right to obtain clear and correct information about the products or services to be used, including information about the mental health risks that may arise from using online games. In addition, consumers also have the right to receive protection from detrimental business practices, including business practices that can harm their mental health.

Second, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE) is also a relevant legal aspect in protecting the mental health of online game players. This ITE Law regulates the use of information technology and electronic transactions, including in terms of the use of online games. In this ITE Law, it is regulated that all information provided to consumers must be accurate, clear, and not misleading, including information regarding the effects that may be caused to mental health due to playing online games.

In addition, consumer protection in protecting the mental health of online game players can also involve the obligations of online game service providers. Online game service providers are expected to provide adequate protection to players, including by providing information about the mental health risks that may arise from the use of online games. In addition, online game service providers are also expected to regulate and limit game playing time for players, as well as implement adequate control mechanisms to avoid excessive use or negative impacts on players' mental health.

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<sup>3</sup>World Health Organization, ICD-11th Explanation addictive behaviours: Gaming Disorder, (Geneva: WHO, 2019), Section 6, Chapter 51.

Furthermore, Law Number 7 of 2014 concerning Trade also provides confirmation of consumer rights, by regulating the obligations of business actors to provide complete and correct data and/or information regarding the goods and/or services traded.

## B. Problem Formulation

From the background that has been explained previously, there are things that need to be considered related to the implementation of consumer protection regulations for Online Game Players in Indonesia and supervision of Online Game players so as not to cause mental health problems for Online Game Players. So from this background there are several problems that will be raised in this study, including the following:

1. What are the legal aspects of consumer protection for Online Game players in Indonesia in preventing negative impacts due to using Online Games as reviewed from the Consumer Protection Law?
2. What form of supervision is taken over Game Publishers in fulfilling their obligations to protect consumers from the negative impacts of Online Games based on the Consumer Protection Act?

## II. DISCUSSION

### A. Legal Aspects of Consumer Protection for Online Game Players in Indonesia

#### 1. Trading Transactions *Online Games According to Statutory Regulations*

The proliferation of Online Games that has become a phenomenon in Indonesia today is the result of the development of information technology. Online Games make it easy for many people to find entertainment and spend time relieving fatigue. Finding Online Games is now so easy, in electronic devices such as Smartphones, Personal Computers, and Consoles there is already a Gaming Marketplace Game application that offers a variety of Online Games and. In mobile devices, Online Game players can access it via the Google Play Store, Apple Store, and Huawei Store. For computer devices, you can access online games via Steam, Origin, and the Games Store website. While Console devices can access the Playstation Store, Xbox Store, and others. Through the Gaming Marketplace application, Online Game creators and developers (Online Game Developers) can carry out transactions with Online Game players without having to meet face to face. Online Game players are given the convenience of getting Online Games without having to visit conventional game stores. Among the various Online Games offered through the Online Game Marketplace application, there are freemium Online Games that can be downloaded for free with the provision that there are advertisements and purchases in the Online Game. this is an attraction for many people to download and play the Online Game.

*Online game* is an electronic and visual-based game that can be accessed and enjoyed by players through their playing devices connected by an internet network. Each Online Game player will be connected and communicate with other players who are in different places, spaces, or times. in an Online Game, players will be involved in a conflict engineered and created by the Developer. There are also rules in it to limit player behavior and determine how to play. Based on this, Online Games are a virtual product that is used and utilized by the community.

If associated with the applicable laws and regulations, Online Games are intangible goods. In Law Number 8 of 1999 concerning Consumer Protection, it is stated that goods are any object, whether tangible or intangible, whether movable or immovable, consumable or non-consumable, which can be traded, used, utilized, or utilized by consumers.<sup>4</sup> furthermore, Law Number

7 of 2014 describes the same thing, only in the description the phrase is added

“...utilized by consumers or business actors.” Based on this, Online Games are intangible goods that can be traded, used, utilized, and utilized. The type of Freemium Online Games also cannot be validated from the elements of traded goods. Although the Online Games were initially available for free, Online Game players are still encouraged to make transactions in them.

Related to business actors, the implementation of Online Game transaction rules is stated in the Law on Trade. This applies to the international scale. In this case, all electronic transactions carried out by domestic and foreign business actors, which make Indonesia a market, must comply with the trade rules in the Law on Trade.<sup>5</sup> So

<sup>4</sup>Indonesia, Law on Consumer Protection, Law Number 8 of 1999, State Gazette Number (LN) 22 of 1999, Supplement to the State Gazette (TLN) 3821. Article 1 paragraph (4). <sup>5</sup> Diky Pariadi, E-Commerce Supervision in the Trade Law and the Consumer Protection Law, “Journal of Law and Development”, Vol 48, No. 3, 2018, 651-669, p. 654.

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that Online Game Developers, the majority of whom are business actors from abroad, are required to follow trade regulations in Indonesia.

In the Trade Law, the government regulates how electronic transactions including Online Game transactions in Indonesia. Online Game Developers are required to be able to provide protection to consumers. in article 65 The Law on Trade states that "Every Business Actor who trades Goods and/or Services using an electronic system is required to provide complete and correct data and/or information."<sup>5</sup>Based on these regulations, Online Game Publishers cannot provide information carelessly about the Online Game product. In line with the regulation, Article 9 of Law Number 11 of 2008 concerning Electronic Transaction and Information Systems states that "Business actors who offer products through Electronic Systems must provide complete and correct information related to the terms of the contract, manufacturers, and products offered." This alignment shows that information in every Online Game transaction is mandatory for Online Game Publishers.<sup>6</sup>Furthermore, "business actors are prohibited from trading goods and/or services using electronic systems that do not comply with the data and/or information as referred to in paragraph (1)." Online game products sold in the community must comply with the information listed.

Regarding Information, every Online Game Developer must include at least:<sup>7</sup>

- a. *identity of the Electronic System Organizer;*
- b. *object being transacted;*
- c. *suitability or security of Electronic Systems;*
- d. *procedures for using the device;*
- e. *terms of contract;*
- f. *procedures for reaching agreement;*
- g. *guarantee of privacy and/or protection of Personal Data; and*
- h. *Complaint center telephone number.*

In addition, Online Game Developers are required to include additional information. This is stated in Article 10 of the Regulation of the Ministry of Communication and Information Technology Number 11 of 2016 concerning the Classification of Electronic Interactive Games, which states that Online Game Developers as organizers must provide the following information:<sup>8</sup>

- a. *Electronic Interactive Game name;*
- b. *distribution platform;*
- c. *type or genre;*
- d. *release time;*
- e. *version;*
- f. *target age group;*
- g. *short description;*
- h. *gameplay in the form of videos and/or screenshots;*
- i. *composition, including warnings; and*
- j. *recommended time limits for game use according to age.*

Information about Online Games is the most emphasized thing in every Online Game transaction. The Law on Trade, and the Law on Electronic Transaction and Information Systems jointly emphasize the obligation to provide information about the goods offered to consumers. Then the Ministry of Communication and Information (Kominfo) also describes in more detail the information that must be submitted by Online Game Developers in offering their

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<sup>5</sup>Indonesia, Law on Trade, Law Number 7 of 2014, State Gazette (LN) Number 45 of 2014, Supplement to State Gazette Number 5512, Article 65 paragraph (1).

<sup>6</sup>Indonesia, Law on Transaction Systems and Information Technology, Law Number 11 of 2008, State Gazette of the Republic of Indonesia (LN RI) Number 54 of 2008, Supplement to the State Gazette of the Republic of Indonesia (TLN RI) Number 4843, Article 8 paragraph (1) & (2).

<sup>7</sup>Indonesia, Government Regulation on the Implementation of Electronic Systems and Transactions, Government Regulation Number 71 of 2019, State Gazette of the Republic of Indonesia (LN RI) No. 185 of 2019, Supplement to the State Gazette of the Republic of Indonesia (TLN RI) No. 6400, Article 29.

<sup>8</sup>Indonesia, Regulation of the Ministry of Communication and Information Technology concerning Classification of Electronic Interactive Games, Regulation of the Ministry of Communication and Information Technology Number 11 of 2006. State Gazette Number 1056 of 2016. Article 10.

games. Transparency of information is an important obligation for business actors to implement consumer protection. This aims to prevent fraudulent actions from business actors who want to gain profit without thinking about the security, comfort, and safety of consumers in using the products received.

## **2. Legal Protection for Consumers Who Play Online Games Indonesia**

Consumers whose existence is not limited to one region cause producers to carry out marketing and distribution activities for goods or services as effectively as possible in order to reach these very diverse consumers. For this reason, all approaches are attempted that may cause various impacts, including conditions that lead to negative actions. In a globalization situation, efforts to maintain the market or expand a new, wider market are the goals of business actors. Consumer protection in the era of globalization is very important to prevent negative actions by business actors towards consumers.<sup>9</sup>

Legal protection for consumers is a step presented by various countries to provide protection to consumers. Because of the weak position of consumers, they must be protected by law. as well as the purpose of the law to provide protection to the community.<sup>10</sup> Consumer protection is a term used to describe the protection given to consumers in their efforts to meet their needs from things that are detrimental to the consumers themselves.<sup>11</sup> Consumer protection efforts are to ensure legal certainty to provide protection to consumers. The matters covered include the stages of activities to obtain goods and services to the consequences of using the goods or services.<sup>12</sup>

Consumer protection law has a scope that includes all the principles and legal rules that regulate the relationships and problems between various parties and are related to consumer goods and/or services in social interactions.<sup>13</sup> Article 1 paragraph (1) of the Consumer Protection Law states that consumer protection is all efforts that guarantee legal certainty to provide protection to consumers. The meaning of the explanation of consumer protection law in statutory regulations provides rights to consumers that must be fulfilled by business actors. If business actors cannot fulfill these rights and cause losses to consumers, then business actors can be held accountable administratively or criminally.

In law, achieving justice is very important, to achieve this justice it is necessary to know who is referred to as the consumer. In this case, the Consumer Protection Law has outlined what what is meant by the consumer. The definition of consumer according to Article 1 number 2 of Law Number 8 of 1999 concerning Consumer Protection states that a Consumer is any person who uses goods and/or services available in society, whether for the benefit of themselves, their family, other people, or other living beings and not for trading.<sup>14</sup> From this definition, consumers are described as people who do not resell goods and/or services that have been purchased. Although the general definition of consumers is very broad and divided into several types, the Consumer Protection Law has provided a limitation that only end consumers can be protected by the Law on Consumer Protection.

Online Game Players are people who use virtual goods for themselves. Generally, Online Game Players do not resell the Online Game goods to others. This is because most Online Games are games that can be downloaded for free in electronic game stores. Although there are Online Games that can be downloaded for free. This does not eliminate the meaning of Online Game Players as consumers. If we look at the definition of consumers in the Law, it is not stated that the use of goods and/or services must be paid or not. So people who use goods and/or services that are available for free are still referred to as consumers. If we look further, Online Games that are available for free are not really "free", this can be seen that many Online Games actually trade virtual goods in Online Games. These virtual goods also invite many people to make purchases because they get great benefits from purchasing these

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<sup>9</sup>Ermanto Rajagukguk, *The Importance of Consumer Protection Law in the Era of Free Trade*, (Bandung: Mandar Maju, 2000). P. 2.

<sup>10</sup>Celina Tri Siwi Kritiyanti, *Consumer Protection Law*, (Jakarta: Sinar Grafika, 2008), p. 13.

<sup>11</sup>Zulham, *Consumer Protection Law* (Yogyakarta: Graha Ilmu, 2015), p. 4.

<sup>12</sup>Rosmawati, *Principles of Consumer Protection Law*, (Depok, Prenamedia Group, 2018), p. 6.

<sup>13</sup>Elia Wuri Dewi, *Consumer Protection Law*, (Yogyakarta: Graha Ilmu, 2015), p. 4.

<sup>14</sup>Indonesia, *Law on Consumer Protection, Law Number 8 of 1999, State Gazette Number (LN) 22 of 1999, Supplement to the State Gazette (TLN) 3821. Article 1 paragraph (2).*



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goods. In this case, Online Game Players are consumers who are classified as end consumers. In accordance with the Consumer Protection Law, Online Game providers are responsible for fulfilling consumer rights.

In general, it is known that there are 4 (four) basic consumer rights, namely:<sup>15</sup>

1. The right to security
2. The right to obtain information
3. The right to vote
4. The right to be heard

These four basic rights are internationally recognized consumer rights. In its development, these rights have increased to include the right to receive compensation and the right to receive consumer education.<sup>16</sup>In Indonesia, consumer rights are regulated in Article 4 of the Consumer Protection Law.

Consumer Protection consists of:<sup>17</sup>

- a. *the right to comfort, security and safety in consuming goods and/or services;*
- 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;*
- d. *the right to have one's opinions and complaints heard regarding the goods and/or services used;*
- e. *the right to receive advocacy, protection and appropriate efforts to resolve consumer protection disputes;*
- f. *the right to receive consumer guidance and education;*
- g. *the right to be treated or served properly and honestly and without discrimination;*
- h. *the right to receive compensation, damages and/or replacement, if the goods and/or services received do not comply with the agreement or are not as they should be;*
- i. *rights regulated in other statutory provisions.*

In addition to the consumer rights mentioned above, other consumer rights are also formulated in Article 7 of the Consumer Protection Law which regulates the obligations of business actors. Rights and obligations between business actors and consumers must be carried out simultaneously in order to achieve justice for both parties. The presence of Consumer Protection is also to encourage the realization of a healthy business world atmosphere. Article 5 of the Law on Consumer Protection states that consumers also have obligations that must be fulfilled. The consumer obligations are:<sup>18</sup>

- a. *read or follow the information instructions and procedures for using or utilizing goods and/or services, for safety and security;*
- b. *act in good faith in carrying out transactions to purchase goods and/or services;*
- c. *pay according to the agreed exchange rate;*
- d. *follow efforts to properly resolve consumer protection disputes.*

The rights and obligations regulated by the Law on Consumer Protection must be carried out by consumers and business actors. Balance in consumer protection can be achieved if there is a balance in the implementation of rights and obligations between business actors and consumers. Thus, ideally it can not only be measured from the ability to present regulations that regulate the need for a balance of rights and obligations between business actors and consumers. However, what is considered urgent is the ability to implement it.<sup>19</sup>In relation to the relationship between rights and obligations between business actors and consumers. Good faith is something that should be done reciprocally by consumers and business actors. The principle of trust between each other is the main principle in transactions between consumers and business actors.<sup>20</sup>

<sup>15</sup>Rosmawati, Principles of Consumer Protection Law, (Depok, Prenamedia Group, 2018), p. 52.

<sup>16</sup>Celina Tri Siwi Kritiyanti, Consumer Protection Law, (Jakarta: Sinar Grafika, 2008), p. 31.

<sup>17</sup>Indonesia, Law on Consumer Protection, Law Number 8 of 1999, State Gazette Number (LN) 22 of 1999, Supplement to State Gazette (TLN) 3821. Article 4.

<sup>18</sup>Ibid., Ps 5.

<sup>19</sup>Abdul Haris Hamid, Indonesian Consumer Protection Law, (Makassar, CV Sah Media, 2017), p. 100.

<sup>20</sup>Deky Pariadi, E-Commerce Supervision in the Trade Law and Consumer Protection Law, "Journal of Law and Development", Vol 48, No. 3, 2018, 651-669, p. 654.

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The Law on Consumer Protection is a legal umbrella for consumers to be protected from problems that include being protected from fraudulent and arbitrary business actors. The products offered by business actors do not harm consumers. Consumer problems that are often faced such as the attitude of business actors who act fraudulently when the sales contract is made, such as the unclear contents of the standard contract, products defective products and dissatisfaction with the services offered (unsatisfactory services), misleading advertising, and after-sales service problems.<sup>21</sup>Online Game transaction practices raise new problems that can harm the security, comfort, and safety of Online Game players. As consumers, Online Game players have the right to security, comfort and safety in playing Online Games. Therefore, Online Games circulating in the community must not be dangerous and detrimental if consumed so that Online Game players are not harmed either physically or mentally.<sup>22</sup>The context of the physical is closely related to the mental. Mental health is affected by physical attitudes that cannot be controlled and there is no excessive need to follow an activity.<sup>23</sup>

*Online game*It will have a positive impact if used for entertainment, where all feelings of fatigue and stress are reduced by playing online games.<sup>24</sup>Online gaming activities are carried out of one's own free will with the aim of obtaining entertainment.<sup>25</sup> In addition to entertainment, Online Games also provide various and interesting challenges to complete. The urge to complete the game is done without considering the time in order to achieve satisfaction. Excessive online game playing activities cause problems including lack of concern for the social environment, and loss of control over time, academic achievement, social relations, finances, health, and other important life functions.<sup>26</sup>Current conditions, online games are played excessively and used as a place to relax. escape from the reality of life so that what happens is addiction to Online Games.<sup>27</sup>

The absence of a time limit for playing in Online Games is what triggers many Online Game players to play the game over and over again. For some Online Games, they have given a time limit for playing by giving Life Points. If Life Points run out, players cannot play the Online Game for the specified time. However, in order to increase revenue, Developers actually make Life Points an object of transaction. Players do not need to wait long to get Life Points, just by buying extra Life Points, players can play it again.

The purchase process in Online Games offered by Developers is very easy to do. If the player has registered a payment method in the Game Marketplace application, the player can easily integrate the purchase with the payment method listed. Just by clicking on the purchase agreement and providing a fingerprint, the transaction process can occur immediately. The ease of this service actually triggers players to directly make transactions for the satisfaction of players in playing Online Games. Loss of self-control will encourage Online Game players to always buy products offered by Developers so that their satisfaction and expectations can be achieved. Even though the prices offered are not cheap. Online Game Addiction causes losses for Online Game players.

This loss has a negative impact on five aspects of the player's life, namely health, social, academic, financial and psychological aspects.<sup>28</sup>According to the World Health Organization (WHO), online game addiction is a mental disorder characterized by impaired control with increasing priority given to games over other activities.<sup>29</sup>in line with what was conveyed by WHO, Law Number 18 of 2014 states that addiction to Online Games is a cause of psychosocial problems. What is meant by with psychosocial problems in the Law are social problems that have a negative impact and influence the emergence of mental disorders.

<sup>21</sup>Norbert. Reich, "Protection of Consumers Economic Interests by the EC," Sydney Law Review, no. March (1992). p. 25-42.

<sup>22</sup>Celina Tri Siwi Kritiyanti, Consumer Protection Law, (Jakarta: Sinar Grafika, 2008), p. 33.

<sup>23</sup>Latipun, Mental Health, fifth edition, (Malang: Muhammadiyah University of Malang, 2019), p. 29.

<sup>24</sup>Ernest Adams, Fundamentals of Game Design, Third Edition, (San Francisco: New Riders, 2013), p. 22.

<sup>25</sup>Abu Ahmadi and Munawar Sholeh, Developmental Psychology, (Jakarta: Rineke Cipta, 2005), p. 106.

<sup>26</sup>Davinder Ghuman and Mark Griffiths, A Cross-Genre Study of Online Gaming: Player Demographics, Motivation for Play, and Social Interactions Among Players, *International Journal of CyberBehavior, Psychology and Learning (IJCBL)*, Vol 2, No 2, 2012, p 17.

<sup>27</sup>Eryzal Novrialdy, Online Game Addiction in Adolescents: Impact and Prevention, *Psychology Bulletin*, Vol. 27, No. 2, 2019, p. 149.

<sup>28</sup>Daniel King and Paul Delfabbro, Internet Gaming Disorder: Theory, Assessment, Treatment, and Prevention, (Cambridge: Academic Press, 2018), p 27.

<sup>29</sup>World Health Organization, ICD-11th Explanation addictive behaviours: Gaming Disorder, (Geneva: WHO, 2019), Section 6, Chapter 51.

If the Online Game is not played according to the age category of the player, it will have a negative impact on children who are not old enough to play the Online Game. Children can be triggered to behave brutally. Online Game addiction in children will give birth to behaviors that are not appropriate for their age. In the growth stage of a child, there will be obstacles that damage the mentality of children. Whereas Law Number 23 of 2002 concerning Child Protection has explained that child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, and receive protection from violence and discrimination, in order to realize quality, noble, and prosperous Indonesian children. However, it would be unfortunate if children actually experience obstacles in their growth because of addiction to Online Games.

The coherence of the Law on Consumer Protection with the Law on Mental Health, shows that mental disorders are physical health problems that can be triggered by one of them being addiction to Online Games. Likewise, the Law on Child Protection provides a complete description of the provisions that must be met by business actors to realize consumer protection for consumers who are still children. This means that business actors must also pay attention to the negative impacts that will arise for children if they play the Online Game. through these two coherent Laws, it shows an affirmation of the importance of a healthy body in using and playing Online Games.

*Developer* Online Games as creators and developers are considered to be the parties who know the conditions of the Online Games best. The contents presented in Online Games must guarantee the safety and security of Online Game players. Intentional actions to damage the mentality of Online Game players are not allowed just to seek maximum profit. Online Game players' awareness of the negative impacts must also be emphasized to minimize the risk, including parents to be able to control their children playing Online Games. Most Online Game players still do not know the negative impacts of using Online Games. They are only motivated to seek satisfaction in playing Online Games. The importance of the responsibility of Online Game Developers to convey information correctly and clearly about the products offered. In addition, consumer guidance must be carried out to be able to play Online Games wisely.

Regarding the negative impacts experienced by Online Game players, the Developers have released responsibility for the impacts arising from using the Online Game. This is stated in the standard agreement in the End User License of Agreement (EULA) which is agreed upon when the player finishes downloading and playing. *Online game*. This agreement is an electronic document that regulates the Online Game license to the player. If the player has agreed to the agreement, the Online Game can be installed on the player's device. The provisions in the agreement are regulated by standard clauses unilaterally made by the Online Game Developer. In practice, agreements are often made under unequal conditions. business actors take refuge in an agreement made in the provisions of a standard clause. Usually, the agreement is more beneficial to one party, namely the business actor himself who made the agreement. Because the clause cannot be negotiated or bargained by the other party. As a result, consumers as the non-dominant party simply accept it, without being able to negotiate at all.<sup>30</sup> Standard clauses in an agreement are often used by business actors to escape their responsibilities to consumers. Although consumers are required to read every information about the product, not all consumers are able to read the lengthy agreements listed by the Online Game Developer. However, players who refuse to agree will not be allowed to play the Online Game. Article 18 of the Law on Consumer Protection regulates the provisions of the standard clauses. Business actors are expressly prohibited from creating or including standard clauses in every agreement document if they regulate transfer of business actor responsibility.<sup>31</sup> Thus, Online Game Developers cannot form agreements that eliminate their responsibility for losses experienced by Online Game players in the future due to using the Online Game.

## B. Supervision of Online Game Distribution in Legislation

### Verification *Online game*

In today's digital era, online games have become a popular entertainment for people, especially in Indonesia. With the increasing number of internet users and mobile devices, online games have become a rampant phenomenon among young people and adults. However, as a form of entertainment that is in great demand, online games also require good verification arrangements to maintain the sustainability and diversity of user experiences. The importance of verification settings for online games in Indonesia cannot be ignored. First of all, good verification settings can protect children from content that is not appropriate for their age. Online games often contain content

<sup>30</sup>Happy Susanto, *Consumer Rights If Harmed*, (Jakarta: Visimedia, 2008), p. 52.

<sup>31</sup>Indonesia, Law on Consumer Protection, Law Number 8 of 2003.

1999, State Gazette Number (LN) 22 of 1999, Supplement to State Gazette (TLN) 3821. Article 18 paragraph (1) letter a.



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that contains violence, strong language, or adult elements that are not appropriate for children. Therefore, effective verification settings can help prevent children who are not old enough from playing games that are not appropriate for them.

In addition, good verification settings can also help protect users from harmful behavior such as fraud, account theft, or illegal use in online games. In some cases, there are users who use cheating methods or cheat in online games to gain unfair advantages. Good verification settings can identify and reduce the risk of such behavior, thereby maintaining the integrity and fair play in online games. Furthermore, good verification settings can also help in addressing mental health issues that are often associated with online gaming. Some online games can be addictive and disrupt sleep patterns, productivity, and social interaction of users. With effective verification settings, users can be given warnings or limits on playing time which helps reduce the risk of addiction and mental health disorders.

In addition, proper verification settings can also help in maintaining the privacy and protection of user data in online games. Users often have to create accounts or provide personal information when playing online games. With proper verification settings, users' personal information can be protected from unauthorized use or misuse of data. However, despite the importance of verification settings in online games, there are still some challenges that need to be overcome. One of them is the difference between the minimum age set in online game regulations and the reality on the ground. Some online games in Indonesia require a minimum age of 17 or 18 years, but there are still users under the age limit who can easily access the game without adequate verification. Therefore, further efforts are needed to improve the effectiveness of verification settings to maintain content that is appropriate for the age of users.

In addition, the role of government supervision and regulation is also very important in protecting Online Game consumers from unwanted things as explained previously. One of the laws and regulations that oversee the circulation of online games in Indonesia is Law Number 11 of 2008 concerning Electronic Information and Transactions ("ITE Law"). The ITE Law regulates the existence, management, and supervision of electronic information and transactions, including online games. Article 15 of the ITE Law states that Every Electronic System Organizer is required to operate the Electronic System reliably and safely and is responsible for the smooth operation of the Electronic System according to the needs of its use.

When it is said "reliable", it means that the Electronic System must meet the capabilities that are appropriate to the needs of its use. For example, if the needs for online games require a minimum of 512 MB of RAM, but 1 GB is recommended, or a minimum of 2 GB of HDD space, and 2 GB is recommended, then both users and companies must ensure the availability of these specifications so that players can play with maximum performance.

"Security" in the context of Electronic Systems means protection that includes physical and non-physical aspects. Therefore, companies that operate online games must implement security measures for their online game electronic systems. Examples of physical security systems include providing a separate special room to store the data center used in online games. The data center room must be physically locked and can only be accessed by parties with access permission. Examples of non-physical security systems include providing secure communication in the game. This can be achieved by implementing access (login) to the game system and using the Secure Socket Layer (SSL) protocol. In addition, it is also important to implement a firewall and intrusion detection system to detect attacks on the system.

## 1. Online Game Suitability Testing

Referring to Article 4 paragraph (1) and paragraph (2) of the Minister of Communication and Information Regulation Number 11 of 2016 concerning Classification of Electronic Interactive Games, Electronic Interactive Games are classified based on content categories and User age groups, with content categories consisting of:<sup>32</sup>

- a. *cigarettes, alcoholic beverages, and narcotics, psychotropics and other addictive substances;*
- b. *violence;*
- c. *blood, mutilation, and cannibalism;*
- d. *language use;*
- e. *character appearance;*
- f. *sexual;*
- g. *sexual deviation;*

<sup>32</sup>Indonesia, Regulation of the Minister of Communication and Information Technology Concerning Classification of Electronic Interactive Games, Regulation of the Minister of Communication and Information Technology Number 11 of 2016, Article 4 paragraph (1) and (2).

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- h. gambling simulation;*
- i. horror; and*
- j. online interactions.*

From these content categories, they will be reclassified according to the age of the user, which consists of the age groups 3 (three) years or more, 7 (seven) years or more, 13 (thirteen) years or more, 18 (eighteen) years or more, and all. age. It is an obligation for Game Publishers to classify the game products they will launch. In addition to making the classification, Game Publishers are required to provide the following information on their Electronic Interactive Games:<sup>33</sup>

- a. Electronic Interactive Game name;*
- b. distribution platform;*
- c. type or genre;*
- d. release time;*
- e. version;*
- f. target age group;*
- g. short description;*
- h. gameplay in the form of videos and/or screenshots;*
- i. composition, including warnings; and*
- j. Recommended time limits for game use according to age*

Furthermore, based on Article 1 number 4 of the Minister of Communication and Information Regulation Number 11 of 2016 concerning the Classification of Electronic Interactive Games, it is stated that the Electronic Interactive Game Classification Committee, hereinafter referred to as the Classification Committee, is a committee appointed by the Minister to conduct a test of the suitability of the classification of electronic interactive games. Furthermore, Article 13 paragraph (3) states that:<sup>34</sup>

*"The suitability test for Electronic Interactive Games as referred to in paragraph (1) is carried out:*

- a. randomly and periodically;*
- b. based on public complaints regarding classification discrepancies; and/or*
- c. based on news/issues/information circulating in the community regarding the discrepancy between the results of the classification of Electronic Interactive Games"*

Based on the results of the conformity test carried out by the Classification Committee, if any non-conformity is found based on the test results, the Classification Committee will submit a recommendation to the Director General of Informatics Applications no later than 5 (five) working days from the time the non-conformity is found.

### **C. Implementation of Coaching and Education for Game Players**

#### ***Online***

Based on the previous explanation, it can be seen that there is a potential violation of the rights of online game consumers related to mental health if no coaching and education efforts are made for online game players. Referring to Law Number 18 of 2014 concerning Mental Health

("Mental Health Law") has been regulated by this Law regarding how mental health efforts are carried out. Based on Article 1 number 4 of the Mental Health Law, it states that:<sup>35</sup>

*"Mental Health Efforts are all activities to realize an optimal level of mental health for every individual, family, and community with a promotive, preventive, curative, and rehabilitative approach that is carried out in a comprehensive, integrated, and sustainable manner by Government, Regional Government, and/or community"*

In relation to Article 4 of the Mental Health Law, it is stated that Mental Health Efforts can be carried out by anyone and can be carried out through promotive, preventive, curative, and rehabilitative activities. Game Publishers as Business Actors according to the UUPK can thus implement promotive and preventive Mental Health

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<sup>33</sup>Ibid., Ch. 10.

<sup>34</sup>Ibid., Article 13 paragraph (3).

<sup>35</sup>Indonesia, Law on Mental Health, Law Number 18 of 2014, State Gazette Number (LN) 185 of 2014, Supplement to State Gazette (TLN) 5571. Article 1 number 4.

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Effort Activities. Promotive efforts are activities and/or a series of activities for organizing Mental Health services that are of a promotional nature for Mental Health. This is of course done as a form of Game's responsibility

*Publisher* as a Business Actor who has been mandated by Articles 19 to 28

UUPK. Meanwhile, related to preventive efforts that can be done by the Game Publisher is by providing notification to players while playing the game. Real examples in several online game business actors that have currently penetrated Indonesia, namely in the Mobile Legends Bang-Bang game and Player Unknown Battle Ground Mobile. In both games, the Game Publisher as a business actor has implemented a system where later the players will be given a warning/notification that they have played the game for a certain duration. long time and the dangers that will arise if players continue to play the game for a long time. Thus, the implementation of consumer protection in terms of coaching and education of online game players can be reflected by the accommodation of a mental health protection scheme as regulated in the Mental Health Act. From this scheme, Game Publishers can provide coaching to their players in the game with promotive and preventive efforts.

## III. CONCLUSION

Mental health is an inseparable part of a person's mental health which has been mandated by law to be protected. Various laws are present as a form of protection for game players so that later no player's rights are violated by business actors in the game sector. Game Publishers are business actors who are also responsible for the influence of games on the mental health of their players, therefore Game Publishers must comply with regulations relating to the protection of consumer mental health due to the effects of playing online games. These regulations include the Consumer Protection Act, the Mental Health Act, the ITE Act, the Trade Act, and others as previously mentioned.

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