



Postal Consumer Protection: Comparison of Indonesian Law with Malaysia and Vietnam

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ABSTRACT

Post is one type of communication media used by the public to send goods from one place to another. The public as consumers needs protection in using postal services, especially related to after-sales services. This paper discusses and analyzes postal consumer protection regulations in Indonesia, Malaysia, and Vietnam. This paper uses normative legal research methods with the statute and comparative approaches. The results show consumer protection is the responsibility of the postal operator for the services provided. Each country has regulations related to the protection of postal consumers. It regulates events that can cause loss to consumers and can be requested for compensation from postal providers, such as loss, misdelivery, delay, or damage. There are slightly different regulations and specific in each country. Malaysia has a special agency for consumer dispute resolution in the communication and multimedia sector, one of which is related to the postal sector. Vietnam regulates the time limit for consumer complaints and dispute resolution.

1. Introduction

Humans are social creatures who need communication in a community environment. Communication facilities are also useful to fulfill everyday human needs. Communication can be done orally or in writing. Communication means can also be done by sending goods from one place to another. Delivery of goods generally cannot be done alone due to distance constraints and other activities. Thus, the delivery of goods is carried out through the postal company.

A goods delivery service is a form of public service that offers sending goods from one city to another safely and can be held accountable by the service party. Delivery of goods can be in the form of documents, logistics, electronic products, and others. The means of transportation used to send goods can be by land, sea, or air. Distance is an important part of determining what means of transportation will be used to transport these consignments (Setiawan Dimas Arimurti, 2017)

A postal or courier company is essential amid the development of communication and information technology. Although there has been a change in the communication culture that has occurred in the community, where people used letters to communicate, then switched to using SMS (*Short Message Service*), and the latest developments are using message applications on smartphones. However, the community still needs the role of postal or courier companies because the delivery of goods is carried out physically, and not all can be replaced online.

Based on International Post Corporation data in the 2019 Global Postal Industry Report, postal industry revenue increased to € 409.8 bn in 2018 from € 14.0bn in 2017. Revenue growth of 5.0% and parcels revenue growth of 12.7% show that the world community increasingly needs the flow of goods shipments from year to year in sending goods (International Post Corporation, 2019).

The development of the postal and courier industry in recent years has been increasing, mainly triggered by an increase in online trading activity (e-commerce). The e-commerce business model is supported by three main pillars, namely: sourcing, e-marketplace, and last-mile delivery. The last-mile delivery activity is an important pillar to ensure that the delivery of goods ordered by consumers can be delivered on time, on a product, on quantity, on price, right on by recipient, and on in quality (Zaroni, 2015).

Based on data from the Directorate General of Posts And Informatics Operation of the Ministry of Communication and Informatics in 2020, there are 692 postal operators to serve around 268 million Indonesians (BPS, 2020). Postal Operators play a role in sending postal goods to all regions of Indonesia and even abroad. However, in the process of shipping goods, sometimes problems occur that are detrimental to consumers. Such as goods late to the recipient, damaged goods, and lost goods. This is of course a concern for postal operators to be responsible and provide compensation to consumers.

Consumer protection review comprising of analyzing the business actor and consumer aspect. The level of understanding and knowledge of Indonesian consumers may refer to the Indeks Keberdayaan Konsumen (IKK). The Consumer Empowerment Index is defined as a perspective of consumer awareness, understanding, and ability measured through three stages of purchasing decisions, namely, pre-purchase, during purchase, and post-purchase. The realization of the 2018 National IKK from a survey in 14 provinces was 40.41, with a performance achievement of 96.21%. The realization of the 2018 IKK was 40.41, reflecting that national consumers are in the well-off category. The results indicate that the customer uses their rights and obligations to determine the best choice, including using domestic products for themselves and their environment (Ditjen Perlindungan Konsumen dan Tertib Niaga, 2019).

The score of the IKK measurement dimension from highest to lowest is domestic product preference of 75.23, purchasing behavior of 53.66, the speaking tendency of 51.16, product selection of 48.52, information seeking 43.50, behavior complaints of 16.97, and knowledge of the Law and Consumer Protection Institutions of 11.44. Scores of 16.97% and 11.44% indicate that consumer knowledge of the Consumer Protection Law and Consumer Protection Institutions and consumer complaint behavior is still low. Given this, in the implementation of consumer education activities, business actors and motivators need to emphasize material related to regulations and consumer protection institutions and emphasize critical attitudes in transactions (Kementerian Perdagangan, 2019).

Research results from the Agency for the Assessment and Development of Trade Policy The Ministry of Trade show that 37% of consumers have experienced problems consuming goods or services. These problems can come from traders or retailers. Of all consumers who experienced problems, only around 54% of consumers made a complaint. Most consumers (44%) directly complained to the seller of the product, while the rest went to producers (15%) and their family or relatives (9%). Only a small proportion (1%) made a complaint to the Consumer Complaints Institute (Badan Pengkajian dan Pengembangan Kebijakan Perdagangan, Kementerian Perdagangan, 2016). National Consumer Protection Agency (BPKN) received 549 consumer complaints from October 2017 to December 2018, with seven complaints from expedition service consumers (1.26%) (BPKN, 2019). The results show that the level of complaints from expedition/postal consumers who are disadvantaged to consumer dispute resolution agencies or consumer complaints is insignificant.

The most important effort in protecting consumers is through laws and regulations. It is necessary to provide statutory provisions in the field of consumer protection. The law on consumer protection needs to be complemented with consumer protection regulations in the law on technical business fields. Law number 8 of 1999 on Consumer Protection formulates that consumer protection is all efforts that ensure legal certainty to protect consumers. Postal regulation is applied not only in Indonesia but also in many countries. Malaysia and Vietnam, as fellow countries in the Southeast Asia region, also regulate the post. Indonesia has Law Number 38

of 2009 on Pos, Malaysia has Act 741 Postal Services Act 2012, and Vietnam has Law No. 49/2010 / QH12 on the post.

Comparative law shows the distinction between comparative law as a method and as a science. Such ambiguity is usually found in broad formulations, such as can be found in Black's Law Dictionary, which stated comparative jurisprudence is the study of the principles of legal science by the comparison of various systems of law (Henry Campbell Black, 2019). The comparative legal methodology is used to acquire insight into foreign legal systems, to find solutions for problems of a specific legal system, or to promote the unification of law between national legal systems. Its methods consist of a comparison of different legal systems or legal traditions (external comparison) or fields of law within national legal systems (internal comparison) (Ellen Hey and Elaine Mak, 2009).

Based on the description, this paper will first analyze how regulation postal consumer protection in Indonesia. Second, how regulation postal consumer protection in Malaysia and Vietnam. Third, the result of comparison postal consumer protection in Indonesia with Malaysia and Vietnam.

2. Literature Review

2.1. Consumer Protection

The word consumer comes from English, namely consumer, or in Dutch "consumer". Consumers are people who need to spend or use; user or need. The juridical understanding of consumers has been placed in various laws and regulations, such as Article 1 Law Number 8 of 1999 on Consumer Protection Law formulates the following: "Consumers are all users of goods and or services available in society, either for the benefit of oneself, family, other people, and other living creatures and not for sale." (Miru Ahmadi dan Yodo Sutarman, 2008).

According to Black's Law Dictionary, consumer mean: "A person who buys goods or services for personal, family or household use, with no intention of resale; a natural person who uses products for personal rather than business purposes. " (Bryan A. Gardner, 1999). According to the Business English Dictionary, consumer protection means to protect consumers against unfair or illegal traders (Peter Colin). The Black's Law Dictionary defines a statute that safeguards consumers in using goods and services (Bryan A. Garner, 2004). The law on insurance protection states that consumer protection is an effort that ensures legal certainty to protect consumers. Consumer protection is legal protection provided to consumers for the goods and or services used.

Consumer protection must be defined as legal protection. According to Philipus M. Hadjon, legal protection is classified into two parts, namely preventive legal protection and corrective legal protection. In preventive legal protection, the people can raise their objections or opinions before a government decision takes a definitive form. Thus, preventive legal protection aims to prevent disputes, while on the other hand, repressive legal protection aims to resolve disputes (Philipus M. Hadjon, 1987).

The coverage of consumer protection can be divided into two aspects (Adrianus Meliala, 2003), namely:

1. Protection against the possibility of goods delivered to consumers not per what has been agreed.
2. Protection of consumers against conditions that are not fair to consumers.

Advances in technology and information and the increasingly varied needs of society have made consumer protection need more attention because business actors create diverse and creative products in offering products. Consumers must be careful in consuming goods and services and get proper consumer protection.

Product variations offered by business actors benefit consumers because their need for the desired goods and services can be fulfilled. The freedom to choose various types and quality of goods and or services according to the wishes and abilities of the consumers is wide open. However, it can sometimes cause the position of business actors and consumers to become unbalanced, where consumers are in a weak place. Consumers become

objects of business activities to reap the maximum profit possible by business actors through promotional tips, sales methods, and standard agreements that harm consumers.

Understanding consumer protection questions the protection (law) provided to consumers in their efforts to obtain goods and services from possible losses due to their use. Consumer protection law can be said to be a law that regulates the provision of protection to consumers to fulfill their needs as consumers. Thus, consumer protection law governs the rights and obligations of producers, as well as the ways to defend those rights and obligations (Janus Sidabolok, 2010).

2.2. Postal Service

Postal services have existed for over two thousand years and have historically been critical to the development of nations. The Roman postal service, the *cursus publicus*, used a network of messengers carrying mail up to 80 kilometers per day. Illegal use of the postal system was punishable by death. The word *post*, meaning “mail”, is ultimately derived from Latin *ponere*, “to place, put in position”. This meaning of the word *post* resulted from the method of delivering mail. In the 16th century, horse riders were stationed at designated places along certain roads to ride in relays, with royal dispatches and other papers. These couriers were called “posts”. “As the system of mail delivery expanded during the next two centuries, *post* was applied to the delivery of mail and then to the organization responsible for the entire system of delivering mail. In Middle English times the word *mail* meant simply “bag,” especially one used by a traveler for provisions. Such bags were used to carry letters, and the word *mail* eventually came to designate the contents rather than the container” (Pierre Guislain, 2004).

The United Nations International Standard Industrial Classification, Rev. 3.1 (ISIC), breaks the “post and courier activities” sector (group 641) down into “national post activities” and “courier activities other than national post activities”. National post activities include “pick-up, transport and delivery (domestic or international) of mail and parcels, collection of mail and parcels from public letter-boxes or post offices, distribution and delivery of mail and parcels, mailbox rental, *poste restante*, etc., mail sorting, and sale of postage stamps (Pierre Guislain, 2004).

Postal services are widely recognized as playing an important role in society. Postal services are a vital component of a country's economic and communications infrastructure, and they are an essential instrument for communication and trade (Anna Otsetova, Ekaterina Dudin, 2018). Postal services are related to the quality of postal delivery, which generally consists of collecting, sorting, transporting, and delivery. Each stage is crucial in maintaining the quality of delivery and customer satisfaction.

According to the research, postal service customers (senders and receivers) may not be able to monitor the actual quality, and they have to trust the promises of the service providers. The reputation of the postal services in general and of postal operators, in particular, plays a key role for the users to decide on the use of the postal service. The essential dimensions affecting the Quality of Service (QoS) are described in figure 1. The interaction of these dimensions results in a certain degree of QoS perceived by the customers (Manish Pratap Singh, 2016).

Each dimension should be addressed at each component of service delivery. For instance, reliability, which implies avoiding loss and damage to the post item and controlling the transit time to meet the customer's needs, should be addressed for all the process components from collection to delivery (Manish Pratap Singh, 2016)

Collection of mail items can happen by two methods: first, collection from post boxes or post offices. Second, bulk or individual item collection from the customer's premises. After collection, the mail items are prepared by separating them into different streams consisting of packets, large flats, standard letters, first/second class, etc. Other streams then go for sorting. Sorting is one of the key features of the post service. It usually happens twice. Once after collection, when letters and parcels are prepared for transportation are termed "outward sorting" and again when the letters and parcels are prepared for delivery, termed "inward sorting". The

transportation step takes sorted items to short and long distances and by all modes of transportation. Inward sorting prepares the mail items for delivery centers. After inward sorting, mail items are taken to the delivery centers from where items get delivered to residential and business customers. Final delivery can happen by foot, bicycle, or car/van (Nera, 2004).

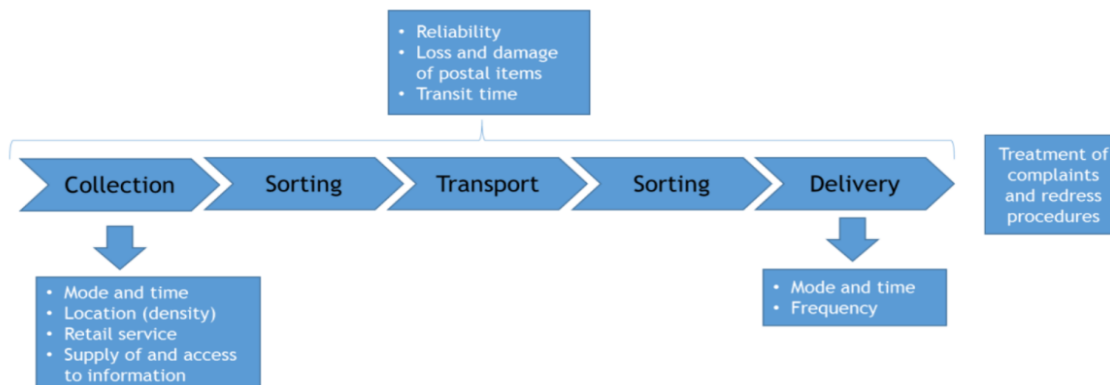


Figure 1. Quality Of Service Dimensions in Postal Service (Antonia et al., 2003)

Functional quality covers the "How" part of the service. It determines the quality of interactions before, during, and after the execution of a service. For instance, before, during, or after the journey experiences of a consumer with various staff like reservation counter, onboard staff, etc. The functional quality dimensions for postal service should be the mode of collection, location of the collection unit, time of collection, service quality of postal offices, supply of information and access to information, frequency of delivery, time of delivery, mode of delivery, and effective resolution of customer complaints (Manish Pratap Singh, 2016).

The Universal Postal Union (UPU) is a United Nations specialized agency and the postal sector's primary forum for international cooperation. UPU defines postal service as all international postal services whose scope is determined and regulated by the Acts of the Union. The primary obligations of postal services are to satisfy specific social and economic objectives of member countries by ensuring the collection, processing, transmission, and delivery of postal items (Ninth Additional Protocol to the Constitution of the Universal Postal Union, 2016).

3. Method

This research is normative law (juridical normative), which aims to examine legal principles, legal systematics, legal synchronization, legal history, and legal comparison.

Comparative law shows the distinction between comparative law as a method and science. Such ambiguity is usually found in broad formulations, such as in Black's Law Dictionary, which states that comparative jurisprudence is the study of legal science principles by comparing various law systems (Henry Campbell Black, 2019). The comparative legal methodology is used to acquire insight into foreign legal systems, find solutions for problems of a specific legal system, or promote the unification of law between national legal systems. Its methods consist of a comparison of different legal systems or legal traditions (external comparison) or fields of law within national legal systems (internal comparison) (Ellen Hey and Elaine Mak, 2009).

Based on the type of research used, namely normative juridical approach to the problem are:

- a. The statutory approach is an absolute thing in normative juridical research because what will be examined are various rules of law that are the focus of research. The statutory approach is carried out by reviewing all laws and regulations related to the Post in Indonesia and in several countries that are the object of comparison

- b. The Comparative Approach is carried out by comparing the law on Indonesian posts with the law on the post from Vietnam and Malaysia. Comparisons are made to obtain similarities and differences between these regulations.

Data is essential in a study because normative legal research is legal material containing normative rules (Bahder Johan Nasution, 2008). This study only uses secondary data, and secondary data in this study include primary legal materials, secondary legal materials, and tertiary legal materials.

Primary legal materials are legal materials that have binding legal force. The primary legal materials used in this research are laws related to post and consumer protection. Secondary legal materials explain primary legal materials, including legal literature books, journals, scientific papers from legal circles, and other materials related to the problems in this research. Tertiary Legal Materials provide instructions and explanations for primary and secondary legal materials, namely the Big Indonesian Dictionary and the English-Indonesian Dictionary (Soerjono Soekanto, 2007).

4. Result and Discussion

4.1. Postal Consumer Protection in Indonesia

Indonesia guarantees every citizen to communicate and obtain information by post with Law No. 38 of 2009 On Post (Indonesia Pos Law). This law replaces law No. 6 of 1984 on Post, which is no longer in line with community needs development and technological advances in the postal sector. The post is a written communication service and or electronic mail, parcel service, logistic service, financial transaction service, and postal agency service for the public interest. In the principles of postal administration in Indonesia, five principles are directly related to consumers: fairness, legal certainty, security and safety, confidentiality, and protection.

Consumer rights are regulated in Article 27 regarding the right to guarantee the postal items' confidentiality, security, and safety. Regulations related to consumer indemnity are regulated in Article 28, which states that postal service users are entitled to compensation in the event of:

- a. loss of postal items
- b. damage to contents of parcels
- c. delay of postal items
- d. a mismatch between sent and received goods.

Postal Operators are required to provide compensation for losses experienced by postal service users due to negligence and or fault of the Postal Operators. The Postal Operator provides compensation according to the agreement between postal service users and Postal Service Operators. The agreement includes the time frame and conditions that must be met to achieve compensation. Cases of lost and recovered items are also the basis of the agreement between the Postal Service and postal service users. Claims for consumer compensation to Postal Operators do not apply if the loss or damage occurs due to natural disasters, emergencies, or other things beyond human capacity.

Regulation Of Minister Of Communications And Informatics No. 7 of 2017 on Requirements and Procedures for Granting Postal Operation Permits as implementing regulations for Law No. 38 of 2009 on Post also guarantees consumer protection. The postal operators are obliged to pay compensation to the sender for the loss, partial damage, and or damage to the entire contents of the shipment, which is sent under the provisions of the legislation. Postal Operators are responsible for delays, loss, partial damage, and or damage to the entire contents of the shipment.

Postal consumer dispute settlement is not specifically regulated in Law No. 38 of 2009 on Post. The settlement of consumer disputes in the postal sector refers to Law No. 8 of 1999 on Consumer Protection. Every consumer who has suffered losses can sue the business actor through an institution tasked with resolving disputes between consumers and business actors or through a court within the general court. The settlement of consumer disputes can be reached through the court or outside court based on the voluntary choice of the disputing parties. Consumer Dispute Settlement Agency / Badan Penyelesaian Sengketa Konsumen (BPSK) are formed to settle consumer disputes out of court.

4.2. Postal Consumer Protection in Malaysia and Vietnam

4.2.1. Postal Consumer Protection in Malaysia

Malaysia has Act 741 on Postal Services 2012 (Malaysia Postal Service Act). An Act to provide for the licensing of postal services and the regulation of the postal services industry and incidental or connected matters. The postal article means "a letter, a package, a parcel, a wrapper or a container that can be collected, transmitted and delivered through the postal network of a licensee. License means a universal service license or non-universal service license granted under subsection 13 (2); non-universal services are better known as courier services.". Based on data from the Malaysian Communications and Multimedia Commission (MCMC) in 2019, there are 116 Courier Licenses to serve 32.6 million Malaysians (Malaysian Communications And Multimedia Commission, 2019).

Consumer protection is regulated in a particular chapter, namely chapter X Malaysia Postal Service Act. After applying for a license, the postal operator permit applicant shall develop and submit the general terms and conditions, including the complaint handling procedures as its standing offer to provide postal services to consumers. A universal service licensee's general terms and conditions shall contain limitations from liability provisions setting out limits as to the maximum indemnity payable for loss of or damage to postal articles as approved by the Commission.

A universal service licensee can implicitly be sued for compensation if proven maliciously or negligently or intentionally causes the loss, misdelivery, delay, or damage. It also applies to courier services because they have the same obligation to follow general terms and conditions, including the complaint handling procedures. In the Postal Services (Licensing) Regulations 2015, which is the implementing regulation of the 2012 Postal Services Act, one provision is added for compensation for consumers. It states the licensee shall refund the consumer the delivery charges received at the rate as may be determined by the Commission if there is a delay in delivery of the postal article.

Malaysia has an agency that manages the postal industry, especially consumer protection. Malaysia has a Commission, namely the Malaysian Communications and Multimedia Commission (MCMC), which is a new regulatory body from a combination of several communication and multimedia sectors. MCMC was established under the Malaysian Communications and Multimedia Commission Act 1998 [Act 589]. One of its duties is to Promote a high level of consumer confidence in service delivery from the industry. By the power granted under the Postal Services Act 2012, MCMC is responsible for overseeing and regulating Malaysia's postal and courier services (Malaysian Communications And Multimedia Commission, 2020).

MCMC shall have the following functions to safeguard the interests of consumers of postal services supplied by licensees in respect of :

- a. the prices to be charged;
- b. the continuity of postal services; and
- c. the quality of the postal services provided

MCMC's complimenting roles include consumer protection. Its means emphasize the empowerment of consumers while ensuring adequate protection measures in areas such as dispute resolution, affordability, and

availability of services (Malaysian Communications And Multimedia Commission, 2020). In complaints handling, the postal operator is regulated to have a procedure in the form of a published document and must be part of the general terms and conditions of the licensee. If the handling of consumer complaints cannot meet the requirements of the postal operator, then the MCMC can play a role in the consumer's fault. In resolving complaints, consumers must first complain to the postal operator. If immediately complained to MCMC. MCMC shall refer the consumer to the respective licensee. The Commission may also investigate a licensee provided that the consumer has followed the complaints handling procedures of the licensee. The Commission may determine the rules on the procedures for the making, receipt, handling, and dispute resolution of consumers' complaints regarding the conduct or operation of licensees.

MCMC may designate a body known as the 'Postal Forum' by notifying that body in writing if the Commission is satisfied with that. The commission shall have due regard to the recommendations of the Postal Forum in the exercise of its powers and the performance of its functions. The Postal Forum shall have the following several functions related to consumer protection, namely:

- a. to give feedback and make recommendations to the Commission on any matters concerning the interest of consumers of the postal services industry;
- b. to represent the interests of consumers of the postal services industry including complaints handling;
- c. to promote consumers' interest in relation to the tariffs and standards of the postal services industry;
- d. to identify and keep under review matters affecting the interests of consumers and ensure that the licensees are aware of and responsive to, concerns about their services;
- e. to publicise the existence, functions, and work of the Postal Forum in protecting the interests of consumers;
- f. to develop a code of practice for postal services; and
- g. to carry out any functions as may be determined by the commission.

The diagram of consumer complaints in communication and multimedia, including the postal sector, will be processed in stages. Starting from the complaint and settlement by the postal operator, if there is no response or agreement, the completion will be continued gradually by the Communication and Multimedia Consumer Forum Of Malaysia or the Communication and Multimedia Content Forum Of Malaysia until the last stage by Suruhanjaya Komunikasi dan Multimedia Malaysia (SKMM) / Malaysian Communications And Multimedia Commission (MCMC).

In 2018, MCMC received 1,370 complaints on postal and courier services. The number tripled compared with 414 complaints in the previous year. The top three complaints are late delivery (39%), poor service (28%), and lost items (16%), which constitutes 83% of all complaints received in 2018. In 2018, 96% of complaints on postal and courier services received were resolved (Malaysian Communications And Multimedia Commission, 2018).

4.2.2 Postal Consumer Protection in Vietnam

Vietnam has Law No. 49/2010 / QH12 on Post (Vietnam Post Law) replaces Ordinance No. 43/2002 / PL-UBTVQH10 on Post and Telecommunications. Postal articles include letters and parcels accepted, transmitted, and delivered lawfully through the post network. One of the principles of postal activities is respecting and protecting the legitimate rights and interests of organizations and individuals involved in postal activities. This principle implies that the rights and interests of consumers are upheld in this rule. Based on data from the Ministry of Information and Communications, in 2019, there are 468 licensed and certified postal operators to serve 96.5 million Vietnamese people.

Postal service users have the right to lodge complaints about used postal services and get compensations

for damage under the law if they suffer loss in the postal service. Vietnam Post Law regulates the provisions for complaints and compensation for loss of postal articles, late delivery, tampered or damaged postal articles, fraudulent alteration of the whole/part of a postal article, postage rates, and other matters directly related to postal articles. This Law also regulates that postal service users shall pay compensation for damage caused to postal service providers and related parties due to sending articles or merchandise banned from sending by post. Postal service providers should settle complaints and disputes and pay compensations under this Law and other relevant laws.



Figure 2. MCMC Consumer Complaint Process (<https://aduan.skmm.gov.my/>)

Postal service providers shall pay compensations for damage caused to postal service users due to failing to assure the quality of postal services they have announced or breaching signed contracts. This is excluded in some specific cases. The postal service provider is not required to pay compensation for damage in the following circumstances:

- Damage is entirely caused by the postal service user's breach of contract or a natural characteristic or inherent defect of the object contained in the postal article;
- The postal service user fails to evidence the sending off and harm or damage to the postal article and its damage;
- The postal article has been delivered and the recipient makes no complaint upon receiving it;
- The postal article has been confiscated or destroyed under the Vietnamese Law or the Law of the recipient's country;

- e. The postal service user fails to strictly comply with x Articles 38 and 39 of this Law on complaints and settlement of disputes;
- f. *In force majeure* circumstances prescribed by law.

Specific regulation regarding the complaint time limit for Postal service users and providers to protect their legitimate rights and interests, namely:

- a. Six months from the date of expiration of the full postal process of a postal article, for complaints about the loss of postal articles or late delivery of postal articles compared to the announced full postal process.
- b. One month from the date of delivery of a postal article to the recipient, for complaints about tampered or damaged postal articles, postage rates, and other matters directly related to postal articles.

While the rules related to the time limit for resolving complaints are two months from the date of receipt of a complaint about domestic postal services dan three months from the date of receipt of a complaint about international postal services, within that period, the complaint-receiving body shall settle the complaint and notify the settlement result to the complainant. If the complainant receives no notice of the settlement result from the complaint-receiving body or disagrees with this result, the complainant may request a dispute settlement. So at the first stage of complaint resolution, the complaint-receiving body will try to resolve the complaint first. If the complainant does not agree with the results, then they will take the settlement of disputes.

The implementing regulations of Vietnam Post Law, namely Decree No: 47/2011/NĐ-CP on regulations for the execution of some contents of Posts Law, stated more technical aspects Payment Of Damages. Minimum limitations for compensation responsibility are four times of tariff for domestic postal services, 9 SDR/kg for international postal service transmitted by airplane, and 5 SDR/kg for international postal service sent by other methods. Period for the performance of compensation, not more than 30 days from establishing document to define responsibility for compensation between parties. In case of excess time, the compensator must pay interest for delay under regulations of Law.

Vietnam Post Law does not regulate disputes specifically for postal consumers, such as the Malaysia Postal Service Act. Still, it only regulates Settlement of disputes in any of the following forms Negotiation between disputing parties, Conciliation, and Settlement by arbitration or a court. The settlement of disputes in providing and using postal services by arbitration or a court must comply with the Law. The agency has the authority to resolve consumer disputes are regulated in Law No. 59/2010/QH12 on Protection of Consumer Rights. That's Law held Ministry of Industry and Trade Responsibilities to inspect, examine, settle complaints and denunciations and handle violations of the Law on consumer right protection according to its competence.

According to Article 48.2 of this law, Vietnam Competition and Consumer Authority (VCCA) belongs to the Ministry of Industry and Trade, functions as a national consumer protection authority. VCCA has functions of enforcing the competition law and consumer protection law to ensure a healthy competitive environment, build up equal opportunities for market players, and protect consumers' legitimate rights and interests (Vietnam Competition and Consumer Authority, 2019). VCCA scilicet Consumer Protection Division (CPD) is correspondingly responsible for settling consumer disputes when a consumer files a complaint against a trader to VCCA and requires resolving the disputes (Thuy Thi Thanh Phan, 2018).

4.3 Comparison of Postal Consumer Protection in Indonesia with Malaysia and Vietnam

Based on the postal regulations of each country, there are several important points for normative comparisons—comparison of the legal basis that covers postal consumer protection, definition, and scope of postal articles. The existence of the Postal Consumer Dispute Settlement Agency is important to ensure consumer rights. Events can cause loss to consumers so that consumers can claim compensation rights—provisions of the rights of postal operators to claim compensation from consumers.

Comparisons are also made to the exclusion condition from claims consumer compensation and prohibited items that are not allowed to be sent by consumers, provisions time limit for lodging a complaint to postal operator, and provisions the time limit for postal operators to settling complaints and Principles for payment of compensations that postal operators and consumers must consider.

Based on the comparison, each country regulated postal consumer protection to provide legal certainty for consumers and postal operators. In general, each country regulated the definition and scope of postal articles, events that can cause loss to consumers, exclusion conditions from claims consumer compensation, and prohibited items that are not allowed to be sent by consumers. But for some provisions, there are differences such as the existence of Postal Consumer Dispute Settlement Agency, Compensation Rights Postal Operator time limit for lodging a complaint, time limit for postal operators to settling complaints, and Principles for payment compensations.

Table 1. Comparison Regulation of Postal Consumer Protection in Indonesia with Malaysia and Vietnam

No.	Subject	Indonesia	Malaysia	Vietnam
1.	Legal basis	Law Of Indonesia No 38 Of 2009 On Post	Law Of Malaysia No 741 of 2012 on Postal Service	Law Of Viet Nam No. 49/2010/QH12 On Post
2.	Postal Article	Post means written communication and or electronic mail services, parcel services, logistics services, financial transaction services, and postal agency services for public interests.	postal article means a letter, a package, a parcel, a wrapper, or a container that can be collected, transmitted, and delivered through the postal network of a licensee	Postal articles include letters and parcels which are accepted, transmitted, and delivered lawfully through the post network.
3.	Postal Consumer Dispute Settlement Agency	Not regulated in Law no. 38 of 2009 on Post. The postal consumer dispute settlement Agency follows the dispute resolution provisions in Law No. 8 of 1999 on Consumer Protection.	Malaysian has the Malaysian Communications and Multimedia Commission (MCMC) which has the authority to resolve consumer disputes specifically in Communications and Multimedia, including the postal industry.	The Law does not regulate special institutions for consumer dispute resolution in the Post sector. But it regulates the forms of dispute resolution.
4.	Complaint rights and consumer compensation	<ul style="list-style-type: none"> a. loss of postal items b. damage to contents of parcels c. delay of postal items d. the mismatch between sent and received goods. 	<ul style="list-style-type: none"> a. the loss, b. misdelivery, c. delay or d. damage 	<ul style="list-style-type: none"> a. loss of postal articles b. late delivery, c. tampered or damaged postal articles, d. fraudulent alteration of the whole/ part of a postal article, e. postage rates f. other matters directly related to postal articles.
5	Compensation Rights Postal Operator	Not Stated	Not Stated	Postal service users shall pay under law compensations for damage caused to postal service providers and related parties due to sending articles

No.	Subject	Indonesia	Malaysia	Vietnam
				or merchandise banned from sending by Post.
6.	Exclusion from claims consumer compensation	The compensation charge shall not be applicable if the loss or damage arises from natural disasters, emergencies, or other forms of force majeure.	Postal Operator not proven has maliciously or negligently or intentionally shall not be liable for any loss, misdelivery, delay of or damage to the postal articles during the transmission of postal articles.	<ul style="list-style-type: none"> a. Damage is entirely caused by the postal service user's breach of contract or a natural characteristic or inherent defect of the object contained in the postal article; b. The postal service user fails to evidence the sending of and harm or damage to the postal article and its damage; c. The postal article has been delivered and the recipient makes no complaint upon receiving it; d. The postal article has been confiscated or destroyed under the Vietnamese Law or the Law of the recipient's country; e. The postal service user fails to strictly comply with x Articles 38 and 39 of this Law on complaints and settlement of disputes; f. In force majeure circumstances prescribed by Law.
7.	Postal Articles are prohibited from being delivered by consumers	<p>Postal service users shall be prohibited from sending goods that may harm other postal items, the environment, or people's safety.</p> <p>The prohibited goods that may harm the postal items or people's safety shall comprise:</p> <ul style="list-style-type: none"> a. narcotics, psychotropic substances, and other illicit drugs; b. explosive articles; c. flammable articles; d. perishable articles and pollutants; 	Postal Articles are prohibited from being delivered by consumers not regulated in the Laws of Malaysia No. 741 of 2012 on the Postal Services Act. But, prohibited articles are regulated by MCMC.	<ul style="list-style-type: none"> a. postal articles with contents that provoke, undermine the security or the great national solidarity or oppose and sabotage the State of the Socialist Republic of Vietnam. b. postal articles were containing weapons, explosive articles or substances, toxic or radioactive substances, narcotics or disease germs for terrorist purposes or infringing

No.	Subject	Indonesia	Malaysia	Vietnam
		e. obscene or immoral articles; and or f. other prohibited articles in accordance with the laws and regulations.		upon the life and property of citizens or causing social disorder and insecurity. c. postal articles contained cultural matters that are contrary to social ethics or the fine traditions and customs of Vietnam.
8.	Provisions Time limit for lodging a complaint	Not Stated	Not Stated	a. Six months from the date of expiration of the full postal process of a postal article, for complaints about the loss of postal articles or late delivery of postal articles compared to the announced full postal process. b. One month from the date of delivery of a postal article to the recipient for complaints about tampered or damaged postal articles, postage rates, and other matters directly related to postal articles.
9	Provisions the time limit for settling complaints	Not Stated	Not Stated	a. Two months from the date of receipt of a complaint about domestic postal services b. Three months from the date of receipt of a complaint about international postal services
10	Principles for payment of compensations	The Postal Operators shall pay the Compensation in accordance with the agreement between postal service users and the Postal Operators.	Authorized MCMC to further regulated	a. Compensation payable for damage in case of loss, damage, or fraudulent alteration of the whole of a postal article shall be determined according to the limit liability to pay compensation for the whole damage applicable to the postal service concerned. b. Compensation payable for damage in case of

No.	Subject	Indonesia	Malaysia	Vietnam
				loss, damage, or fraudulent alteration of part of a postal article shall be determined based on actual damage. Still, it must not be higher the limit liability to pay compensation for the whole damage applicable to the postal service concerned unless otherwise agreed by the involved parties.

From these comparisons, there are several regulatory lessons in Malaysia and Vietnam. Malaysia Postal Service Law has MCMC as an agency specializing in resolving consumer complaints in the communication and multimedia sector, one of which is related to the postal industry. The resolution of consumer complaints at MCMC is processed in stages. Vietnam Post Law more fully regulates events that can cause loss to postal consumers and can be responsible for postal operators. Vietnam Post Law also governs the time limit for lodging complaints and resolving consumer disputes to provide certainty to the customer.

5. Conclusion

The urgency of postal consumer protection is stated in the postal laws of Indonesia, Malaysia, and Vietnam. Consumer protection is the responsibility of the postal operator for the services provided, especially at the after-sales stage. Indonesia regulated postal consumer protection in Law No. 38 of 2009 on Post and regulated provision rights and obligations of consumers and postal operators. Malaysia regulated postal consumer protection in Law Of Malaysia No 741 of 2012 on Postal Service, and Vietnam regulated postal consumer protection in Law Of Viet Nam No. 49/2010/QH12 On Post.

Each country regulates events that can cause loss to consumers and can be requested for compensation from postal providers, such as loss, misdelivery, delay, or damage. However, Vietnam Postal law regulates more fully by adding postal rates and other incidents that are not favorable and may occur in the future. Every country has an agency that guarantees the protection of postal consumers by resolving consumer disputes. However, Malaysia has a particular consumer dispute resolution agency in the communication and multimedia sector, including the postal industry, namely MCMC. Meanwhile, there are no postal consumer dispute resolution agencies in Indonesia and Vietnam and follow consumer protection laws governing general consumer dispute resolution.

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