

Ewuh Pakewuh Cultural Reconstruction to Equal Consumer Protection

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Abstract

This research is motivated by the behavior of "ewuh-pakewuh", which has entrenched in the environment of consumers has an impact on the unhealthy treatment of business actors. This study aims to analyze and explain Pakewuh ewuh cultural factors as a cause of weak consumer protection empowerment. This research is normative (doctrinal) law. The approach is legislation and data analysis of this research is a qualitative analysis that is by describing or describing the theory that is available with material obtained from interviews, data, and literature studies. The results of the research show that first, Pakewuh ewuh cultural factors in buying and selling result in weak legal standing of consumers and low social standing of consumers and the law is unable to provide protection. Another factor is culture, people's way of thinking and consumer behavior. Javanese culture in many cases turned out to be unable to become a stronghold for legal protection in the face of crime or deviant perpetrators committed by businesses. Secondly, Indonesia is still difficult to escape from the confines of eastern culture in the context of Javanese politeness "ewuh-pakewuh", and it has been proven empirically that the "ewuh-pakewuh" bureaucratic culture makes the system of relations between businesses and consumers unbalanced.

Keywords: Reconstruction; Ewuh Pakewuh Culture; Consumer protection.

Abstrak

Penelitian ini dilatarbelakangi oleh perilaku "ewuhpakewuh", yang sudah membudaya di lingkungan konsumen berdampak kepada perlakuan tidak sehat pelaku usaha. Penelitian ini bertujuan untuk menganalisa dan menjelaskan faktor budaya ewuh pakewuh sebagai penyebab lemahnya pemberdayaan perlindungan konsumen. Penelitian ini adalah hukum normatif (doktrinal). Pendekatannya adalah peraturan perundang-undangan dan analisa data penelitian ini adalah analisis kualitatif yaitu dengan menggambarkan atau memaparkan teori yang ada dengan bahan yang diperoleh dari wawancara, data, maupun studi pustaka. Hasil penelitian menunjukkan bahwa pertama, faktor budaya ewuh pakewuh dalam jual beli mengakibatkan lemahnya kedudukan hukum konsumen dan rendahnya kedudukan sosial konsumen dan hukum tidak mampu memberikan perlindungan. Faktor lainnya adalah budaya, cara berpikir masyarakat dan tingkah laku konsumen. Budaya Jawa dalam banyak hal ternyata tidak mampu menjadi benteng untuk perlindungan hukum dalam menghadapi kejahatan atau pelaku menyimpang yang dilakukan pelaku usaha. Kedua, Indonesia masih sulit untuk melepaskan diri dari kungkungan budaya ketimuran dalam konteks kesantunan Jawa "ewuh- pakewuh", dan terbukti secara empirik bahwa budaya birokrasi "ewuh-pakewuh" menjadikan sistem hubungan pelaku usaha dengan konsumen tidak seimbang.

Kata Kunci: Rekontruksi; Budaya Ewuh Pakewuh; Perlindungan Konsumen.

Introduction

The '*ewuh-pakewuh*' (cultural phenomenon) attraction in customer relations with Indonesian businesses that (though not the only factor) influence the awareness of the empowerment of only customer security. Recognized or not, in an atmosphere of social ties in Indonesia, the Eastern culture in the form of Javanese "*ewuh-pakewuh*" politeness hesitation or hesitation and reverence for superiors, seniors or people with influence, still adheres to some consumers in Indonesia. (Wibowo, D.E., Sulistiyono, A., Karjoko, L., 2019)

The "*ewuh-pakewuh*" behaviour, which has been enshrined in the customer climate, will make business feel the most strong. By comparison, consumers who feel a lower social status feel so pressurized and under pressure that there is no way to express their opinions. *Ewuh pakewuh* culture comes from the language of Sangsekerta, *Ewuh* which means troubling, and *Pakewuh*. In Javanese culture, the dissent process and group mobilization is also said to be an obstacle or barrier. There is a sort of a very subtle individual on the cultural side of *Ewuh Pakewuh* who has a high standard in aspects of protecting one's feelings. But *Ewuh Pakewuh* also restricts freedom to express an opinion and facts. This also happens to someone in a lower position who does not want to express his opinion to anyone who has a higher position about it, so that this can handcuff the growth of one's attitude and imagination. (Pahlevi, M.R., Suhartanto, D., 2020)

For 20 years, the implementation of the Consumer Protection Act was not effective in ensuring consumer / person protection in compliance with the mandate of the Constitution of 1945. This can be seen from the government's concern (empathy) for low consumer interests. Due to the lack of 6 items, machinery and law enforcement, human resources, facilities / infrastructure, collective legal culture, socialization / information and supervision, the state was not present to protect consumers. (Hamzah, 2020)

The roles of market players and customers in economic activities are inseparable. Business actors need customers, and vice versa business actors need customers too. Hence, they are supposed to engage in a balanced manner in economic activities, so that no one group feels disadvantaged. The business-consumer relationship is essentially a contingent relationship, meaning that the business actor can't stand alone producing products without worrying about how to sell them, Since the relationship between market actors and customers needs to be regulated and thus companies and consumers have rights and obligations. (Iskandar, Jaya, N.S.P., Pujiyono, 2020)

Business actors and customers connect. The relationship actually arises because there are products produced by business actors and consumed by the consumers. In reality, goods products are seldom purchased directly by customers, such as packaged food products, but through a distribution chain originating from manufacturers, retailers, sub-distributors, agents/wholesalers. Shops/retail and then consumers. Badan Throughout 2019, National Consumer Protection (BPKN) received 1,000,510 consumer complaints, up from the previous

year, which were only 580. For such housing-related cases the largest number is 1,370 cases. Case of discovery of stomach acid drug, ranitidine containing cancer-causing substances that harm consumers, Cases reported for the period 2017-2019 already have more than 100 reports relating to fintech, in particular P2P loans that harm consumers. (Wibowo, D.E., Sulistiyono, A., Karjoko, L., 2019)

The numerous cases listed above illustrate how fragile the consumer's legal status and the low social status of consumers, the law is increasingly unable to provide protection. It is also influenced by society, the way people think and customer behaviour. In several ways, Javanese society proved incapable of being a bastion for legal security in the face of crime or deviant offenders committed by business actors. Indonesian customers "who don't want to bother" and "do not bother," way of thinking.

"*Ewuh pakewuh*" and find dishonest business actors as the product of sheer oversight is no consumer protection argument. Culture acknowledges what it is, and feels guilty or incompetent in purchasing a drug, increasingly showing consumers lack of legal awareness. As a result, the law does not benefit consumers' interests, business conduct factors in the running of a company may have a negative effect on consumer interests in practice, including actions that do not comply with regulatory requirements and compulsory quality specifications, discriminatory trade practices and misuse of authority that is harmful to customers, ambiguous liability for business actors, unfair competition. (Pahlevi, M.R., Suhartanto, D., 2020) The issue with this research is, firstly, why the "*Ewuh Pakewuh*" culture is still a factor that triggers the poor empowerment of consumer protection and how the restoration of the "*ewuh pakewuh*" culture "realizes the empowerment of only consumer protection.

Research Methods

The approach employed is normative (doctrinal) rule, based on the subject of this paper. Although focused on nature and intent, this paper uses descriptive legal research (descriptive legal research), since in this paper the author must describe the circumstances and problems associated with "*ewuh pakewuh* community" in order to realize customer empowerment, describe preliminary data related to the current problem and then search for theories or hypotheses to solve existing problems. In this paper two types of approach methods are used, namely the main approach method and the method of supporting approach. The key forms of approach are: the formal approach, the comparative approach and the case approach. Although the strategy used by the supporters is the legal sociology approach, since this technique would examine how the responses and experiences arise as the group culture functions. Both materials obtained and collected will be analyzed using qualitative analysis by defining or comparing existing hypotheses with material obtained from interviews, data and literature studies from various sources, followed by data coding and editing, then interpreting to give meaning to the meaning study, explaining trends or

categories seeking relationships between different co-workers. (I Gusti Ayu Ketut Rachmi Handayani, Lego Karjoko, Abdul Kadir Jaelani, 2019)

Discussion

1. "Ewuh Pakewuh" Culture is Still a Force that Weakens Consumer Security Sovereignty

Poor control of legal rights for customers, both at regulatory and compliance rates, often typically means a contractually poor role for customers because the bargaining power is very low or even nonexistent. It is because almost all companies use the form of contractual agreements (contractual contracts) that often include unequal and burdensome / damaging clauses (unfair contract terms) for customers. Service users are often essentially powerless when injured and expect to seek compensation. Based on the above, it is clear that its rights and interests need to be supported, secured and defended by the service consumers. (Febry Wulandari, Waluyo Waluyo, 2019)

The role of business actors in terms of consumer protection is comparatively stronger and more powerful than consumers. For those who do not know the ins and outs of a product or service's mechanism and results, customers (even if harmed) often have to "nrimo" or acknowledge what they are for the products or services they receive. At the other hand, market leaders may use their abilities to get around and escape their obligations, due to their higher product expertise and bargaining power. It is therefore what makes the role of customers and business people generally unbalanced. Public policy encompasses 3 (three) essential issues in the debate on consumer protection law: (Liana Endah Susanti, 2019)

1. Consumer protection policy
2. Competition policy
3. Consumer empowerment policy

There are positive and negative aspects of the Pakewuh ewuh community. There is a high appreciation for superiors as a positive form, and efforts are being made to respect and implement policies which the employer has made with sincerity. But behind that ewuh pakewuh culture leads to a culture of nrimo work without the desire to provide advice and opinions. Therefore, the Pakewuh ewuh culture should be taken on the positive side and transformed into other forms, so that it can encourage the empowerment of consumer protection, because this ewuh pakewuh culture can hinder the empowerment of consumer protection if the consumer is only nrimo and is shy of business actors. Of this purpose, an effort to reform is needed to reduce the ewuh pakewuh culture that causes this nrimo work culture to evolve so that it evolves into a creative and innovative culture that promotes empowerment of consumer protection. (Ayu Dian Pratiwi, Pius Triwahyudi, 2019)

2. Cultural Rebuilding in Changing Group Behaviour

"*Ewuh Pakewuh*" is a culture which remains inherent in the Javanese society. According to Tobing, *pekewuh* or shyness represents a representation of Javanese society's basic values. A type of feeling of discomfort that almost resembles a sense of shyness, a person would be worried with the presence of these feelings if the action or speech offends or offends others. Soeharjono describes *ewuh pakewuh* as unable or reluctant, and upholds respect for subordinates or seniors. (Bagja, H.N., Saudi, N.S.M., 2020)

Ewuh pakewuh not only happens to superiors or seniors, according to Tobing (2010) *ewuh pakewuh* may also occur because individuals already know or acknowledge a lot of kindness from others so that it would be difficult for individuals to deny or disregard the request of the person, even the opinions of the people. *Pewuhuh* feeling can also be due to variations in age. Generally younger people prefer to challenge *Ewuh pakewuh* with older people. According to Tobing, *ewuh pakewuh*, which is a concept in Javanese culture, is made up of several concepts closely linked to *ewuh pakewuh* aspects, namely the principle of peace and the principle of reverence. The *ewuh-pakewuh* bureaucratic culture, that is, a pattern of courtesy in the bureaucratic setting performed by employees or officials as subordinates who are reluctant to express their contradictory opinions in order to avoid conflicts and maintain good relations with their superiors or seniors who are perceived to be of a higher social standing. (Hidayat, A.S., Alam, F.S., Helmi, M.I., 2020)

It's not easy to think about cultural problems and evaluate a cultural structure, because we're thinking about something theoretical and complex. The cultural system can not stand alone, that is because it can be experienced by the signs that occur in the community's social structure to see or experience issues with this cultural system. The social structure is established within society through the pattern of individual actions. As in social life the cultural structure itself is the product of complex human values, desires, policies, and function, whether because it is affected by factors within the person (internal factors) or social factors (external factors), changing the social behavior patterns of society will alter the culture of that society. This is because the social systems and cultural processes have a causal relationship. (Yuniarti, S., Rasyid, A., 2020)

Including cultural shifts that influence the society's socio-cultural structure that governs behavior patterns and relationships that are adjusted to the principles and standards that exist in the culture, in keeping with what has become a group consensus and habits. The Indonesian social structure that is expressed in the people's social conduct is a pattern repeatedly performed. And this is considered normal conduct which ultimately becomes a norm and becomes part of the current structure in the lives of people and has become a show. The concrete form of the above linkages is clearly seen in Indonesia's cultural system, especially in Java. Indonesia's situation, with its cultural complexity and the nation's open-minded approach to change, but in this case the change in question is a shift that is tailored to previously existing elements, namely values and norms in society. (Nurhasanah, Rahmatullah, I., 2020)

3. Reconstruction of the Culture of "Ewuh Pakewuh" to Achieve Only Consumer Protection

In that the *silahurami* cord, Pakewuh ewuh culture which means shyness within normal limits can still be accepted, but this culture can also backfire for those who do it. The problem that often occurs when a person has to express his or her opinion will be tackled with "ewuh pakewuh." Gramsci an Italian philosopher has a view, the broader and more reinforced individual cultural life, the closer his or her views are to the truth, (and thus) anybody can accept his or her views. (Iskandar, Jaya, N.S.P., Pujiyono, 2020)

The more individuals who have a large and well-established cultural experience, the closer the opinions of their group are in the sense that these opinions contain reality in their immature and incomplete nature, which can still be formed before they are completely mature and perfect. That is, the truth of a culture should not be presented in a dogmatic and absolute form, as though the truth were perfect and mature. The truth because it can spread must be adapted to the social groups' historical and cultural conditions in which we wish to spread it. The essence of Pakewuh ewuh really proves his superiority in Javanese society because of the values of people through a relationship which Pakewuh ewuh actions must preserve. It should make it clearer as we know that Javanese culture has undergone drastic changes, but its values are still rooted and there is still a reflection of the actions of the Javanese people themselves, it can be said that the hegemony of Pakewuh is very strong. Another proof of that cultural hegemony is hereditary. (Hamzah, 2020)

They're taught to know people from their parents who have a relationship and are good at taking action. On the one hand, ewuh pakewuh culture shapes a subtle and high-level individual in terms of protecting the feelings of people (who are in a higher position), but on the other, ewuh pakewuh also restricts freedom in expressing opinions and reality. It often happens to someone in a lower position who doesn't dare to express his opinion to someone in a higher position, so this can fetter creativity and mindset development. Often known as assertive actions or assertiveness, which is an ability to express to others what is wanted, felt and thought all still retaining and respecting others' rights and feelings. Assertive is an attitude which contains the meaning of saying and acting in accordance with and true to conscience. (Wibowo, D.E., Sulistiyono, A., Karjoko, L., 2020)

People who act assertively have the confidence to say the truth that there is even if other people are determined not to respect him. He dares to tell someone what's real without having to feel a debt of gratitude for the good of the other guy. In reality, he is very cautious in accepting gifts from other people, if the gift interferes with his idealism in upholding the facts. In terms of reasonableness getting a Pakewuh attitude is very tight. It is necessary to combine Pakewuh ewuh culture with assertiveness so that it becomes a balance of quality social communication without having to lower yourself.

Conclusion

The influence of bureaucratic culture "ewuh-pakewuh" makes the position of business actors and consumers unbalanced, although in certain situations it can lead to a cautious assertiveness from subordinates towards superiors (conditional and situational). There are things that need to be underlined that high uncertainty avoidance turns out to be empirically proven to make the control environment high or effective. High uncertainty avoidance can be interpreted that consumers are "waiting for business actors' instructions" because they feel that business operators have more right to decide on uncertainty or ambiguity issues. In a pre-condition of consumers "waiting for the instructions of the business actor", the business actor develops a policy of encouraging the attitude of consumers (to speak frankly) from consumers. The business actor's behavior that encourages the blind attitude of consumers reflects conducive relationships. The impact of a conducive relationship between business actors and consumers arises the existence of an effective control environment, namely healthy fostering of consumers, harmonious working relationships, the role of government to be effective, high commitment to the products produced by business actors, integrity and high ethical value. Considering the control environment is the platform (platform) of the four other components of the internal control system, which includes risk assessment, control activities, information and communication, and monitoring and monitoring. , then an effective control environment can have a significant impact on the effectiveness of the system of relations between businesses and consumers.

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