
LAW ENFORCEMENT IN RESOLVING TRADE BUSINESS CONFLICTS



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Abstract

Law has a role in protecting the rights and interests of all parties involved in business, such as consumers and shareholders, as well as workers. The application of law in resolving business disputes allows parties who feel disadvantaged to obtain justice through a transparent and fair legal process. However, in practice, resolving business disputes is often complicated and expensive. Many companies choose to use arbitration or mediation as an alternative to traditional courts in resolving disputes. This research aims to determine the effectiveness of law enforcement in resolving trade business conflicts. The research used is an empirical legal research method using descriptive qualitative research. The results of this research show that commercial law plays an important role because it includes the rules and principles that govern business relationships, contracts, obligations, and the rights of the parties involved. In addition, parties involved in business disputes need to understand the negotiation, arbitration, and court processes and have a strong knowledge of commercial law so that business disputes can be resolved fairly and efficiently, which in turn will support healthy business growth and continuity.

Keywords: Law Enforcement, Business Conflicts, Dispute Resolution

INTRODUCTION

Law is the main basis for maintaining order and justice in a society. In a business context, law has a very important role in maintaining relationships between parties involved in business transactions, as well as in business resolution of disputes that may arise. Along with the development of the business world which is becoming increasingly complex and global, commercial law issues are also becoming more diverse and complicated. Therefore, the application of law to commercial law issues in resolving business disputes is very relevant and important (Albar, 2019).

The development of globalization in law in Indonesia as a form of national legal development, of course, we cannot deny, has a big influence on a country's legal system. For example, the impact of globalization in the economic sector has resulted in the globalization of law. In the era of globalization, business is no longer limited by national borders. Globalization has penetrated all areas of human life. Globalization is not an independent process, but certain social, economic, and political causes underlie and facilitate its development (Dewi, 2019). Companies can easily conduct cross-border transactions, and this often involves different regulations and laws. These differences can lead to complex business disputes, which require fair and efficient resolution (Aplugi, 2023). Therefore, the application of law in resolving business disputes needs to consider relevant international aspects, such as international trade law, intellectual property rights law, and international contract law (MG (Meline) Sitompul et al., 2016).

Law on the other hand also has a role in protecting the rights and interests of all parties involved in business. This includes protecting consumer rights, shareholder rights, and labor rights. There are various commercial law problems that can arise in business, such as contract disputes, violations of intellectual property rights, unfair business competition, and many more (Suherman, 2014). The application of law in resolving business disputes allows parties who feel disadvantaged to obtain justice through a transparent and fair legal process (Azwar, 2019).

However, in practice, resolving business disputes is often complicated and expensive. Many companies choose to use arbitration or mediation as an alternative to traditional courts in resolving disputes. Arbitration is a dispute resolution process outside of

court involving a neutral third party to provide a binding decision. Meanwhile, mediation is a process where the parties to a dispute try to reach an agreement with the help of a mediator (Dr. Serlika Aprita & Rio Adhitya, 2020). The use of arbitration and mediation allows for faster dispute resolution and lower costs, but still within the legal framework (Silvia, 2020).

In the context of commercial law, the role of law is very important in determining the rights and obligations of the parties involved in business. Contracts are the main legal instruments in business, and these agreements contain provisions that regulate the relationship between the parties. However, companies often face problems when one of the parties does not comply with the contract, which can lead to disputes (RM Sitompul, 2016). In this case, law enforcement is essential to ensure that contracts are controlled and violations are addressed in accordance with the law (Halim Barkatullah Faculty of Law, Lambung Mangkurat University Banjarmasin Jalan Brigjend Hasan Basry Banjarmasin, 2010).

Commercial law in principle also regulates other aspects of business, such as fair business competition, consumer protection and environmental law. These regulations have a major impact on the standards by which companies operate and interact with other parties in the business ecosystem. Thus, it can be said that the principles of effectiveness and efficiency in the concept of resolving business disputes are in line with the substance of commercial law which is codified through the Commercial Code (KUHD).

This is proven by the implementation of the KUHD as a fundamental legal rule in addition to the BW (*Burgerlijk Wetboek*)/Civil Code in implementing law enforcement in business disputes by prioritizing the principle of balance for all parties involved. The relationship between commercial law and civil law is stated in Article 1 of the Commercial Law Book, which reads:

"The Civil Code can also deal with matters regulated in the KUHD, as long as the Civil Code does not specifically deviate from the KUHD."

So, in this context, law is a unified whole consisting of various parts or subsystems (Partanto, nd). These subsystems are interrelated and must not conflict, and if a conflict does occur, there is always a way to resolve it. Likewise, the legal system must be

composed of a number of parts called legal subsystems which together create a complete unity and continuously accompany the development of human life.

With its development, human life in the business aspect cannot be separated from technology and globalization, which makes legal problems in business increasingly complex. Therefore, it is important to continue to adapt and implement commercial law to remain relevant and effective in dealing with new challenges that arise in the business world.(Brahmantya, 2021). In addition, strong law enforcement and fair dispute resolution will support healthy and sustainable economic development, as well as maintain trust in a rapidly evolving business system (Syafriana, 2016).

RESEARCH METHOD

The research method used in a study is a framework that provides direction and structure in the collection, analysis and interpretation of data. In this research, the method used is a qualitative research method. Qualitative research method is a data analysis method that groups and selects the data obtained according to its quality and truth and then connects it with theories obtained from library research to obtain an answer (Soemitro, 1990).

The data used by researchers to deepen understanding of the phenomenon under study is data through narrative analysis, interviews, observations or documents, with a focus on meaning, context and interpretation. These data are very relevant in research on law and business disputes, because they allow researchers to explore the views and experiences of subjects involved in commercial law situations in more depth. Qualitative data will be carefully interpreted to produce an in-depth understanding of how the law is applied and its impact on resolving business disputes (Winarta, 2011).

RESULTS AND DISCUSSION

Legal Framework in Business Disputes

The legal framework governing business disputes is an important foundation in maintaining order and justice in the complex business world. This research will explain and

analyze various regulations and laws relating to business disputes as well as the legal framework that has relevance in resolving business disputes (Fadhilah, 2019).

Commercial law issues often arise in business relationships. In this subchapter, the regulations governing business and trade will be analyzed, such as regulations relating to buying, selling and sending goods. This includes a basic understanding of commercial contracts, which are the legal agreements that form the basis of most business transactions. In many cases, business disputes arise when one party does not fulfill its obligations according to the contract, so a deep understanding of this legal aspect is very important in resolving disputes.

Intellectual property rights are an important part of the legal framework in business disputes. This subchapter will outline the regulations and laws that protect copyrights, trademarks and patents. Protection of intellectual property rights has a major impact on business, especially in the creative and technology industries. Disputes involving violations of intellectual property rights often require an in-depth understanding of these laws to resolve them fairly (Gunawan, nd).

IPR refers to works that arise or are born due to human intellectual abilities that must be protected. Human intellectual abilities are produced by humans through their power, creativity, taste and initiative which are realized in intellectual works. Intellectual works are also created so that they can be valuable, especially with the inherent economic benefits that are expected to foster the concept of wealth in intellectual works (Riswandi, 2004).

The human rights perspective views that there must be a balance between rights holders or initiators of economic ideas/products, companies and/or workers and society in general. This is known as economic rights, namely a person's right to obtain economic benefits from his creation. Economic rights also cannot be separated from moral rights, namely rights inherent in humans. Between humans and their intellectual property is a unity, so it can be said that there is a nature of oneness or in other words there is an integral relationship between the two (Sudaryat et al., 2010).

Healthy business competition is an important principle in a free market economy. This subchapter will discuss laws that regulate business competition and prevent unfair

anti-competitive practices. This includes regulations on monopolies, anti-competitive agreements, and practices that harm consumers. An understanding of these laws is important in protecting small and medium-sized companies and maintaining a fair business environment (Gusnita, 2016).

Apart from getting to know various legal aspects related to business disputes, this sub-chapter will also discuss various dispute resolution mechanisms. This includes basic concepts such as arbitration, mediation, and judicial processes. Arbitration and mediation are often used as alternatives to traditional courts in resolving business disputes. This subchapter will discuss the advantages and disadvantages of each method, as well as real cases that illustrate their effectiveness in resolving disputes (Yudha et al., 2022).

The legal framework in business disputes is a very important element in maintaining order and justice in an increasingly complex business world. In this sub-chapter, various relevant legal aspects have been discussed, ranging from business and trade law to intellectual property rights and business competition regulations. Understanding this legal framework is key to resolving business disputes fairly and efficiently. Next, this research will continue with the next sub-chapter which will explore the practice of resolving business disputes within the legal framework that has been discussed.

Business Dispute Resolution in Practice

Business dispute resolution is an important aspect in the business world that often presents various legal challenges. In practice, commercial law plays a key role in resolving business disputes. The application of law in resolving business disputes involves a series of steps and procedures that must be followed to achieve justice and ensure business continuity (Winarsadi, 2015).

First of all, resolving business disputes often begins with negotiations between the parties involved. Negotiations are an initial attempt to reach an agreement without the need to involve a more formal legal process. The parties involved in a dispute try to reach a mutually beneficial solution and minimize the impact on their business. However, if negotiations fail, the next step is arbitration (Harahap, 2017).

Arbitration is an alternative mechanism for resolving business disputes involving an independent and neutral arbitrator. The arbitrator will consider the arguments of both parties and issue a binding decision (Lukman & Anggraeni, 2023). This arbitration decision has the same legal force as a court decision. The advantage of arbitration is that it is a quicker and more confidential process compared to court, which is often in the interests of businesses (Nugroho et al., 2015).

However, if arbitration is also unsuccessful or if one party is not satisfied with the results, then dispute resolution can proceed to court. Court is a formal process where business disputes will be decided by a judge based on applicable law. Trial can be a lengthy and expensive process, but in some cases, it is the only way to achieve justice (Dr. Hj. Henny Nuraeny, 2022).

In resolving business disputes in court, commercial law plays an important role (Mahfuz, 2020). Commercial law includes the rules and principles that govern business relationships, contracts, obligations, and the rights of the parties involved. Judges will consider this commercial law in deciding business disputes (Puanandini, 2021). Evidence, testimony, and legal arguments will be presented in court to support each party's case.

Apart from that, the application of law in resolving business disputes also involves aspects of international law if the dispute involves companies or individuals from various jurisdictions. Concepts such as international contract law and international arbitration law will be relevant in such cases (Jened, 2016).

In conclusion, business dispute resolution is an integral part of the business world, and the application of law, especially commercial law, plays a key role in determining the outcome (Prastyanti, 2013). Parties involved in business disputes need to understand the negotiation, arbitration, and court processes, as well as have a strong knowledge of relevant commercial law (Kasih et al., 2021). In this way, business disputes can be resolved in a fair and efficient manner, which in turn will support healthy business growth and continuity.

CONCLUSION

In resolving business disputes, the application of law, especially commercial law, has a major role in ensuring justice and stability in the business environment. Negotiation,

arbitration, and court procedures all serve as different tools in dispute resolution, and a good understanding of commercial law is essential to guide these processes (Ramadhanty et al., 2018). Although negotiations are considered an ideal first step, legal proceedings may still be necessary, especially if the parties cannot reach an agreement. It is also important to understand that in today's global business environment, aspects of international law can also play a large role in the resolution of disputes involving companies or individuals from different jurisdictions. By understanding and applying commercial law correctly, business disputes can be resolved efficiently, supporting healthy business growth, and ensuring business continuity in an increasingly complex and globally connected market.

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