

Law Enforcement Optimisation on Pop Up Advertisement in Internet

Rina Arum Prastyanti,¹ Wijiyanto²

^{1,2}Univeritas Duta Bangsa Surakarta, Surakarta, Indonesia
mailto:rina_arum@udb.ac.id

Abstract- There are many forms of advertising on the internet. An agreement between the advertisers and host sites typically includes the types of ads and host sites that will show their ads. Just like Pop-up ads are displayed in a variety of shapes and sizes, typically on a scale that scaled down the browser window with just the "Close", "Minimize", and "Maximize" commands. Ads like this not only disrupt Internet users but also become a trend of unfair business competition. The aims of this research is to find out how law enforcement conducted by the Indonesian government and to analyze law enforcement that is not optimal to be optimized. This research is a study of socio legal which is a study of law by using approach of law and social sciences [1]. Research Sites in Indonesia. Primary data obtained from interviews with internet users using judgement sampling and secondary data were obtained from literature. Primary legal material is Law No. 8 of 1999 on Consumer Protection and Law Number 11 Year 2008 on Information and Electronic Transactions. Data collection techniques use observation, interview and literature. The sampling technique used is Judgment sampling [2] Data Analysis Technique used qualitative descriptive analysis. Research finding that there is a prohibition for advertising business actors to produce ads that violate ethics (Article 17 letter f of Law Number 8 Year 1999 on Consumer Protection). In fact, Pop-Up Ads on the internet are still popping up without any regulation and law enforcement.

Keywords-e Pop-Up Ads, law enforcement, advertisement

I. INTRODUCTION

The increasing of information technology, emerging new market that advertisement on internet. [1] Advertising using Internet media has become a lucrative business market because its services can reach millions of consumers worldwide quickly. [2] 2017 is a challenge for marketers in terms of advertising effectiveness. Increasing penetration of internet and smartphone is the reason for marketers to switch to using digital media in advertising. There are many forms of advertising on the internet. An agreement between the advertisers and host sites typically includes the types of ads and host sites that will show their ads. Interstitial ads consist of all web pages. Usually to reach the desired link the user must first close the ad. In 1997, Microsoft's computer giant nearly faced the obligation for interstitial advertising. WebTV Microsoft places ad interstitials into links from competing companies. For example, if an Internet User visits the MCI website, the ad for AT & T will be superimposed above or between views.

Online advertising's typical goal is to get the web-surfing consumer to stop and click through to an e-commerce site and buy the product advertised. This article will focus on these attention-seeking online ads and will refer to them as "competitive advertising." As a subset of competitive advertising, "comparative advertising" may specifically compare the advertised brand with another brand of the same product. General principles of advertising law will govern competitive advertising with additional rules specific to comparative advertising [3]

Advertising online has two primary components that must be considered when reviewing it for compliance with current advertising law: delivery method and content. Technological advances generate new delivery methods that are subject to review under current law, but challenge the boundaries of current doctrine. Online advertisement content is subject to traditional rules, regulations and guidance regarding advertising and prohibiting false or misleading advertisements. Currently, some controversial delivery methods for advertising on the Internet are ads based on search engine results (search results ads) and (2) pop-up ads generated by adware. Search engine results usually take one of two forms of ads placed in search results, or banner ads that are linked to search keywords. Advertisers pay search engines to list their links to display advertisements. [4]

Just like Pop-up ads are displayed in a new browser window. In Windows, information is available in a variety of shapes and sizes, typically on a scale that scaled down the browser window with just the "Close", "Minimize", and "Maximize" commands. Pop up ads consist of two types: the ads that are generated by the site are controlled by the host site and advertisements that are produced by adware that are controlled by third parties or parties that advertise the site. Pop up ads are very disturbing but there are no legal rules that ensnare them. Adware ads that are produced by Adware are more controversial. This adware program is on the user's computer, monitors web usage activities and generates targeted pop up ads when users visit certain sites. For example, users who visit U-Haul.com may experience adware generated pop-up ads for other moving companies. Again, trademark owners have challenged adware's use of trademarks to trigger competitive pop-up ads.[5]

An internet user finds it difficult to reject pop up ads when the ad appears quickly because when closing one page of the ad make another ad appear. This is an Internet

version of the Whack-A-Mole carnival game. This ad usually fulfills part or all of the website that the user wants to see. Pop-under ads may not close the entire website but still require Internet users to close the window or delete it from the desktop and this pop up advertisement aims to force users to see advertisements that they might not want to see. [6]

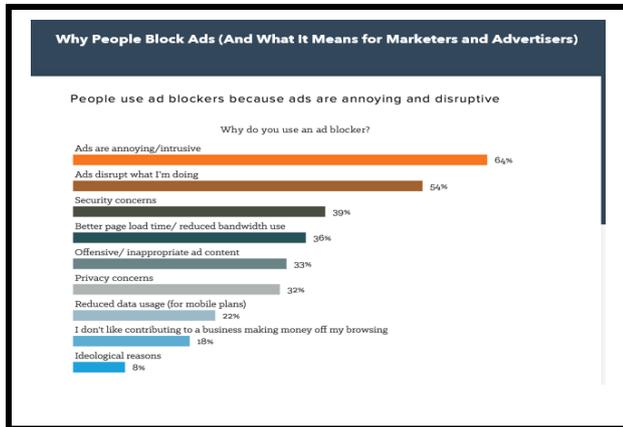


Fig. 1. People Block Ads

Advertisement like this not only disrupt Internet users but also become a trend of unfair business competition. Pop-up ads and all the other forms of online advertisements have taken a lot of pressure and this is because people believe that they are intrusive. Pop-up ads happen to be the “scapegoat” for all the people that hate advertising. Nevertheless, there is the need for an objective analysis of consumer perception of pop-up ads to understand whether they are bad or otherwise. Gartner G2 (2002) confirms the perception of the consumer that pop-up ads are considered by online users as the most intrusive form on advertisement. Some advertisement are deliberately placed in public urinals to ensure that they get to the target audience. Some agencies now solicit for designs by consumers through Ad Design competitions. Drewniany and Jewler (2008) argue that “creativity and innovation should be handled with care to avoid resulting in ads which are unlawful or out rightly offensive; advertisers should understand their consumers. [7]

Here is the problem statement in this research, what is consumer perception about pop up advertisement using social legal research in consumer law surveys were conducted among 100 active social media users (Facebook, Twitter, instagram, etc) in Indonesia and how is the Indonesia government protect the internet user from annoying pop up adverticement? Pop-up ads are advertisements that spontaneously appear on an Internet-user's screen in a separate window. The pop-up window usually superimposes itself on all existing content, but windows can also "pop under" screen content. Naturally, when these ad windows appear, the user is baffled because the user has done nothing to trigger the ad... or so she believes. Unbeknownst to most Internet users, pop-up ads appear on their screens because of software the user

voluntarily put on his or her computer. The software that enables pop-ups is collectively known as "Adware" or "Spyware". Adware is stealthily embedded in other software that users want to download for personal use. The best example is the Kazaa Media Desktop software. Kazaa is peer-to-peer software that allows users to swap files over the Internet (e.g., music, movies, pictures, etc.). [8]

When users download software, Adware software, such as Cydoor, Doubleclick, and WhenU, in the download process, is embedded in the program downloaded by the internet user [9]. The downloader is unaware of the Kazaa User Agreement which states the user agrees to download Adware before downloading Media Desktop. The internet user unwittingly clicks on the default option to accept the agreement before reading it because the agreement is very congested and complicated. After the Adware has been downloaded, damage occurs. "A small application enters the user's internet computer to track Internet usage and feed this information back to the ad server. The ad server then sends pop-up ads to the user's screen, based on" country, search habits, search keywords, and other criteria. like "Trojan Horse:" users open their computers for free software without realizing that they are also inviting Adware software embedded into their systems.

II. RESEARCH METHOD

Research is a scientific activity that tries to solve problems systematically using certain methods and techniques. This research on law, the researcher used research method that has been determined, empirical juridical research. Juridical empirical is a research on law that is developed and has a concept that is based on a doctrine used by the researcher of this study [10]. The approach of this research is sociolegal study which is a study of law by using a legal science approach and social sciences. Data collection techniques using virtually research and library research. The validity technique of the data used is data triangulation. Data analysis techniques in using technical qualitative analysis interactive models. Data analysis method is qualitative analysis.

III. FINDINGS AND DISCUSSION

1. Consumer Perception about Pop Up Advertisement

Based on the data, What types of online ads do people like and dislike today? What are their general views on online advertising in general? In our survey of 100 online browsers in the 5 city Jakarta, Surabaya, Semarang, Makasar and Kalimantan Indonesia, we found that they disliked pop-up ads, mobile ads, and video ads the most. Mostly offline ads like magazine and print ads and TV ads are viewed favorably.

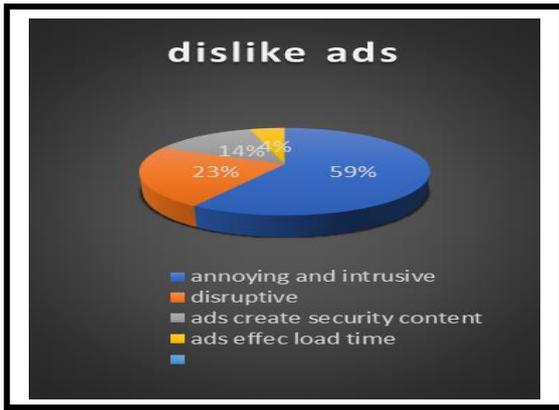


Fig. 2. Dislike Ads

We also asked respondents about specific ad types and scenarios. The most frustrating experience for online browsers involve full page pop-up adverts that require the user to find an “X” to remove. From 100 respondent, 23% of respondents dislike online pop ups ads and 22% dislike ads online mobile. Based on the results of previous research Pop-up advertisements reduce the retention of someone visiting the site due to the appearance of pop up ads that cover part or all of the site's pages. besides that the advertising content is unclear and unethical and ultimately disrupts the ability of data storage memory. Internet user interest becomes important for website designers and advertisers because not all advertising content is interesting to see even though the internet user is forced to see.

Pop-up ads seem to be more intrusive than in-line ads, implying that users should not be interrupted from their online tasks to close the extraneous windows. A majority of our respondents also agree that most online ads today don't look professional and are insulting to their intelligence. Business ethics is a code of ethics that is applied by a business entity or company to conduct its business activities. In other words, business ethics is a guide or guidance on how a company should carry out its business activities. As already said, business ethics is very important to be applied so that the company has a strong foundation and high value. Unfortunately, people who have clicked on an ad, 35% said it was a mistake. Its means that respondents don't want to see the advertisement otherwise they click because of mistake when they want to close the ads.

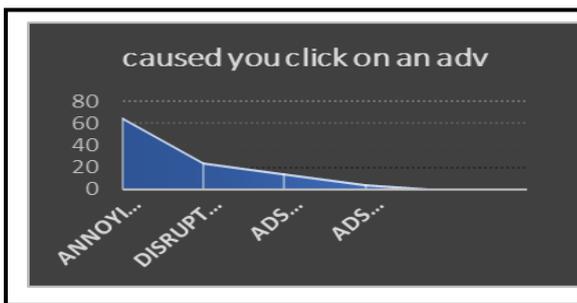


Fig. 3. Caused you click on an adv

Advertisements have a lot of room for improvement. The ads being displayed now are not compelling. They are seen as deceptive, intrusive, and disruptive. If advertisers want to combat people's negative impressions of ads, they need to double down on quality. A marketer who wants to advertise on the internet must understand clearly the factors that can influence the buyer's decision are advertisers must meet the general procedures and principles of advertising ethics such as: Notifying identity to consumers; A clear address when the consumer intends to send a complaint; Notify consumer rights to withdraw money if there is no transaction; Notify traits characterize goods if there is a guarantee (guarantee) after the transaction occurs; Notify how to implement payment and shipping agreements [11]

2. People's Response to Annoying Ads: Install Ad Blockers

Based on survey results break down the reasons why people have downloaded an ad blocking tool. First, 65% respondents tell that pop up ads annoying and intrusive, 55% agree that pop up ads disruptive, 35% ads create security concern and 25% pop up ads causes load time.

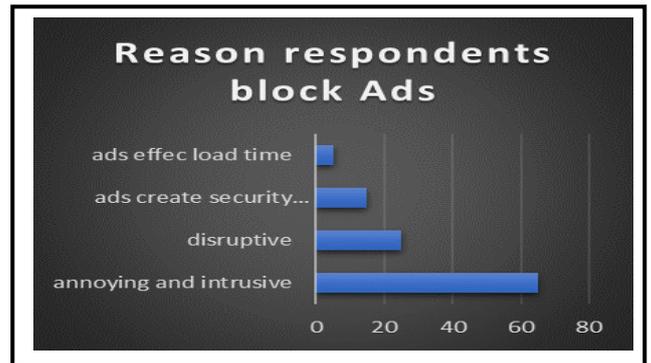


Fig. 4. Reason respondents block Ads

Few people would admit that they enjoy seeing a pop-up ad. The result is in agreement with Ramson (2014) who explain that pop-up ads are perceived as irritating and annoying. The reason why described as intrusive is that most often it interrupts the online activities of users. Also, a study conducted by Ding (2014) confirms the perception of the participants that pop-up ads are considered by online users as the most intrusive form on advertisement.

IV. CONCLUSION

The study reveals that users of internet user have negative attitude towards pop-up ads mainly because of its intrusive/obstructive nature. As a result, these ads are not positively influencing their purchase behavior. In other words, the products/services advertised through pop-up ads do not appeal to these users. annoying advertising such pop up ads over the Internet has become an ever-growing problem. Protection under consumer protection law and Minister of Communication and Information Technology Regulation Number 19 of 2014

concerning the Blocking of Negatively-charged Sites from unauthorized pop-up advertisers is necessary to ensure one's right to use, enjoy and display their work. The Courts must therefore expand copyright liability to encompass non permissive pop-ups over the Internet.

REFERENCES

- [1] D. G. Goldstein. *The Economic and Cognitive Costs of Annoying Display Advertisements*. Proceedings of the 23rd International World Wide Web Conference. © 2013 International World Wide Web Conference Committee.
- [2] D. Mehta, J. K. Sharmab, N. K. Mehtac and A. Jaina. An Empirical Sstudy on young executive response towards pop-up and Banner advertisement. *Serbian Journal of Management* 5 (1) (2010) 51 – 58
- [3] E. Young, *Experiment suggests that pop-up ads can have an adverse effect on consumers' perceptions of the content*. American Press Institute, 2017.
- [4] E. D. Schiefelbine, Stopping a Trojan Horse: Challenging Pop-up Advertisements and Embedded Software Schemes on the Internet through Unfair Competition Laws, *Santa Clara High Technology Law Journal*. Vol. 19 Issue 2, 2003
- [5] G. D. Wilson, Internet Pop-Up Ads: Your Days Are Numbered - The Supreme Court of California Announces a Workable Standard for Trespass to Chattels in Electronic Communications, 24 *Loy. L.A. Ent. L. Rev.* 567 (2004).
- [6] G. Hotchkiss, Adware and Spyware: Beware!, search engine position, source: at <http://www.searchengineposition.com/info/netprofit/spyware.asp>
- [7] G. E. Rosden & Peter E. Rosden, The Law Of Advertising § 31.03[2] (2004). Comparative advertising rules are traditionally more restrictive in the European Union than the US. Such EU rules are also beyond the scope of this article. 2 *International Encyclopaedia of Laws Intellectual Property* § 582 (H
- [8] K. Bodden, 2005. Pop Goes The Trademark? Competitive Advertising on the Internet, 1 *Shidler J. L. Com. & Tech.* 12 (Aug. 2, 2005)
- [9] R. Lemos. *Spyware Infects Phones, Adware Increases on Home PCs*, Report Finds. Eweek. 2015.
- [10] M.t Kane, Pop-ups, the ads we love to hate, at <http://news.com.com/2100-1023980563.html?tag=rm> (Jan. 14, 2003) (stating that “[p]op-up ads seem to be the Internet equivalent of supermarket tabloids: Everyone claims to hate them, but somebody keeps reading. According to a study conducted by GartnerG2, 78 percent of respondents claimed they found pop-up ads ‘very annoying.’”).
- [11] R. Samson, M. Mehta, A. Chandani, —Impact of Online Digital Communication on Customer Buying Decision!, *Procedia Economics and Finance*, vol. 11, 2014, pp. 872-880.