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RATIO LEGIS OF THE IMPLEMENTATION OF THE STRENGTH OF THE DECISION OF THE CONSUMER DISPUTE RESOLUTION BODY IN RESOLVING DISPUTES

Dahris Siregar¹, Karolina Sitepu², Elyani³¹ Faculty of Law, Tjut Nyak Dhien University, Medan, IndonesiaEmail: dahrisiregar1977@gmail.com² Faculty of Law, Tjut Nyak Dhien University, Medan, IndonesiaEmail: sitepukarolina@gmail.com³ Faculty of Law, Tjut Nyak Dhien University, Medan, IndonesiaEmail: lilyelyani12@gmail.com**Corresponding Author: Dahris Siregar**

ABSTRACT

In Indonesia, there are 2 (two) ways to resolve disputes between business actors and consumers, namely by litigation and non-litigation. Dispute resolution process dispute resolution process through court channels or what is also called litigation will take a relatively long time. relatively long time. Meanwhile, on the contrary, settlement through non-litigation litigation, namely through one of the quasi-judicial institutions, namely the Consumer Dispute Settlement Body, which is mandated by Law Number 8 Year 1999 on Consumer Protection. 1999 on Consumer Protection. The research results show that settlement of consumer disputes through the Consumer Dispute Settlement Body (BPSK) can be considered ineffective. This is evidenced by the fact that there are still many parties who do not agree with BPSK's decision. This is also supported by several obstacles contained in it.

Keywords: BPSK, Consumer Protection, Consumer Dispute.

INTRODUCTION

The reflection of the nature of *zoon politicon*, namely the nature of interdependence and need in each individual, can be seen in the interaction of life between countries. Developing countries with all the limitations they have are trying with all their might in order to develop the country's economy and align themselves with developed countries in the world cannot escape foreign aid. On the other hand, the economic interests of developed countries are very dominant in gaining world market share in developing countries.

This imbalance is the reason why developed countries impose their will on developing countries with conditions that must be met if they enter into economic agreements with

developed countries. Here, developing countries do not seem to have a high bargaining position as a sovereign country to reject the proposed conditions if there are negative impacts caused. So it is only natural that in the future, many sides are sacrificed, including the world of trade.

One beneficial effect of the expanding products and services sector is that consumers now have more options to meet their own requirements and preferences, as well as more access to the goods and services the community as a whole need. Where the needs in question are everything that is needed or required by the community, both business actors and consumers to maintain their lives in achieving prosperity. And it stands to reason that producers or business players will aim for maximum profit in accordance with economic principles while conducting business. Producers or business players must compete with one another using commercial tactics that can frequently hurt consumers in order to earn substantial profits.

Because of competing priorities, the intense rivalry between businesses has the potential to be destructive. Unhealthy competition may have a negative impact on consumers and shift the power dynamic between businesses and shoppers.

In point of fact, many difficulties originate from both corporate actors and consumers, and these problems have a tendency to place customers in a worse position. Consumers are often the target of company operations that aim to maximize profits at the expense of consumer rights for the purpose of maximizing profits.

Losses suffered by customers may generally be broken down into two categories: those resulting from the carelessness of the seller and those resulting from the illegal actions of others. This is because consumers are generally uninformed about their legal rights and responsibilities. Consumers as a whole are still in a precarious situation in terms of their purchasing power, level of education, and economic standing. As a result, consumer protection laws are warranted to safeguard their rights once they've been ignored.

The greatest factor contributing to the detriment of consumers is a widespread ignorance of the legal protections available to them. This is due to a widespread lack of understanding on the part of the consumer population. Therefore, the goal of the Consumer Protection Law is to create a firm legal framework for government and non-government consumer protection groups to undertake efforts to empower consumers via consumer development and education. This foundation will be provided by the Consumer Protection Law.

This empowerment endeavor is crucial since it is unrealistic to expect corporate actors to be mindful of anything other than their own bottom line. Consumers may suffer indirect or direct harm as a result of this idea.

The freedom to choose, the right to be heard, the right to be safe are the four (four) consumer rights that were presented by President John F. Kennedy in a speech that he delivered to the United States Congress in the year 1962.

In light of the foregoing, greater focus on consumer protection is warranted. To put it simply, consumer law is a set of rules and regulations governing interactions between businesses and consumers.

Consumer protection laws are necessary because they further national development goals, which include improving people's lives across Indonesia. The government infused consumer protection into a legal product to ensure its execution. This is crucial because only the law can compel business actors to observe it, and the law has severe penalties for breaking it. Besides insufficient legal provisions that protect consumer interests, the government has an obligation to safeguard vulnerable consumers from the repercussions of the actions of business actors who are capricious and only look out for their own interests. An efficient dispute resolution process between the parties is necessary to resolve disagreements between business actors and customers that arise in the course of commercial activity.

As a result, the Consumer Protection Law (No. 8 of 1999) was enacted in an effort to give consumers more agency. As a result of a number of factors, including the fact that existing consumer protection laws in Indonesia fall short of their intended goals, the Indonesian government drafted this Consumer Protection Law in an effort to strike a better balance between the interests of consumers and those of businesses. A solid legal foundation is provided by Law No. 8/1999 on Consumer Protection (hereafter referred to as UUPK), which encourages both government and non-government consumer protection agencies to work toward enhancing consumer agency via consumer development and education.

Because of its significance, consumer rights have been called the "fourth generation of human rights," a term that will play a pivotal role in how we think about human rights in the years to come. Law No. 8/1999 on Consumer Protection was enacted as a result of political and economic events in Indonesia that sought to protect and empower consumers.

Consumer rights need to be protected in all areas of economic activity, and the GCPL is the primary legal framework for doing so. According to Article 1, Paragraph 1 of the GCPL, "Consumer Protection" encompasses all measures made to provide legal clarity in order to safeguard consumers. For established laws to be effective, the rule of law is essential, as is the existence of severe penalties for those who disobey these restrictions.

On the 20th of April in 1999, Consumer Protection Law No. 8/1999 was approved, and on the 20th of April in 2000, it went into force. It controls, among other things, the establishment of out-of-court consumer dispute settlement organizations, which are more often referred to as BPSK (which stands for Consumer Dispute Resolution Agency). The BPSK virus has spread globally, but particularly in Indonesia. The construction of BPSK is required because of the prevalence of technology and informatics, which is having an ever-increasing impact on a wider range of areas. This has resulted in a growth in the amount of products and services that are available and a smoother flow between them. Additionally, there is a grapevine that circulates in this nation about free trade.

The overall aims of the legislation are laid forth in Article 3 of the GCPL. These goals are as follows: strengthening the agency of consumers in making buying choices; building a consumer protection system with aspects of legal certainty and free access to information; and elevating the prominence of consumer protection among corporate players. As a direct result of the GCPL Law, a number of separate organizations came into being. One of these measures is

the establishment of the Consumer Dispute Settlement Body, sometimes known as the "BPSK" because of its acronym. According to the provisions of Paragraph 1 of Article 49, the government will establish a consumer dispute settlement body in Level II Regions so that consumer disputes may be resolved outside of the judicial system. This organization functions as a small claims court that settles disputes in a rapid, straightforward, and low-cost way while adhering to the established standards of the applicable legal system.

According to Paragraph (2) of Article 45 of Law Number 8 of 1999 Concerning Consumer Protection, the parties to a consumer dispute have the option of pursuing judicial or alternative dispute settlement. Therefore, the parties are free to settle their differences in whatever way they see fit, whether in or out of court. BPSK has the ability to settle the issue if the parties want to do so outside of court. It is imperative that the government set up a dispute resolution organization promptly in light of the increasing number of cases involving sale and buy transactions that end up damaging customers, or fraud and even discontent experienced by consumers over the goods and services given. The existence of BPSK helps the community work through its issues.

Disputes between companies and customers are dealt with and resolved by the Consumer Dispute Resolution Body (BPSK). It is the primary responsibility of the Consumer Dispute Settlement Body (BPSK), a specialized organization created and governed by the Consumer Protection Law, to arbitrate conflicts between consumers and commercial players. Unfortunately, even final and binding BPSK judgements can be challenged in District Court. BPSK is fraught with problems, and its judgments can't be carried out immediately. Therefore, the author is interested in discussing research with the title "**Ratio Legis Implementation of the Decision Power of the Consumer Dispute Resolution Agency in Resolving Disputes**".

RESEARCH METHODS

Normative legal research is used in this study. Normative jurisprudential inquiry is the study of law from the perspective of a normative framework. Principles, norms, rules from laws and regulations, agreements, and doctrines (teachings) all make up the aforementioned system of norms. Secondary sources including statutes, regulations, academic journals, and code books are mined for information in this investigation.

Normative legal research and doctrinal legal research, which make use of secondary sources to draw conclusions about prevailing legal principles, form the basis of this investigation. Methods for gathering information include perusing main and secondary sources of law pertaining to consumer protection regulations, quasi-judicial bodies, and the Consumer Dispute Settlement Body (BPSK). Descriptive analysis, which is what this study is, describes certain real-world data. The facts are then analyzed by applying the rules of law to them.

RESULTS AND DISCUSSION

The existence of the Consumer Dispute Resolution Agency (BPSK)

Demi tercapainya In addition to the growth and development of judicial institutions like Special Courts, which are called courts by name in the Law, numerous other institutions are emerging and expanding with powers and procedures that are judicial in nature but are not called courts by name. rulings made by such bodies in situations of disagreement or violation of law, and even cases of specific ethical breaches, are as final and binding (final and binding as court rulings that are "inkracht" in general) as those made by courts in general. All of this is done in the guise of redressing wrongs committed by a decision-making mechanism acting under the authority of the state.

It is essential knowledge to be aware of the constitutional provisions that serve as the justification for the establishment of quasi-judicial organizations. Article 24(3) of the Constitution of 1945 states that "other bodies whose functions are related to judicial power shall be regulated by law." The fourth constitutional amendment acknowledged the presence of quasi-judicial institutions. This provision states that "other bodies whose functions are related to judicial power shall be regulated by law." This clause suggests, first and foremost, that the constitutional recognition of the existence of quasi-judicial institutions that existed before to the constitutional amendment and those that would be constituted in the future is constitutionally mandated. The fact that bodies are mentioned in paragraph three of article twenty-four of the Constitution of 1945 implies that there were already state institutions with quasi-judicial jurisdiction prior to the constitutional amendment. Some examples of these institutions are the KPPU, which was formed in 1999, and the BPSK, which was founded in 1998. The Constitution only provides a constitutional basis for the existence of these institutions in the judicial power system. Secondly, the legality requirements for the establishment of *quasi-judicial* institutions are regulated by law. This means that quasi-judicial institutions, both those that have been established and those that will be established, must be further regulated in an Act as a form of constitutional legitimacy because the Act is a reflection of the aspirations of the people through the legislature¹.

The provision of Article 38 of Law 48 of 2009 on Judicial authority (hereafter referred to as the Judicial Power Law) that says quasi-judicial institutions are within the purview of the judicial authority is based on the third paragraph of Article 24 of the Constitution of 1945, which serves as the foundation for the provisions of Article 38 of Law 48 of 2009. According to Article 38 of the Law on the judicial authority, other entities that carry out the functions of executors of judicial authority are referred to as quasi-judicial institutions. The page also provides an explanation of the roles that these bodies play. The legislation contains provisions that control various entities whose activities are connected to judicial authority and who perform tasks relating to the administration of justice. As a result, one may argue that the provisions of the law that govern the quasi-judicial branch are what determine its ability to perform its functions.

¹ Muh. Risnain, "The Existence of Quasi Judicial Institutions in the Judicial Power System in Indonesia: A Study of the Business Competition Supervisory Commission", *Journal of Law and Justice*, Vol. 3 No. 1, March 2014, pp. 53.

The existence of quasi-judicial bodies is regulated under Chapter "Other Bodies Whose Functions Relate to Judicial Power" of Law No. 48/2009, which may be found in the Constitution. There is a political law of legal acknowledgment of the existence of semi-judicial institutions, which are increasingly engaged in the area of judicial authority in Indonesia, as indicated by the specific regulation of such organizations. This trend toward more involvement in the domain of judicial power may be attributed to the unique regulation of such organizations. This pertains to the third paragraph of Article 24 of the Constitution of the Unitary State of the Republic of Indonesia, which offers provisions for the ongoing control of constitutional norms.

According to the provision in Article 38(1) of the Law on Judicial authority, the Supreme Court, the judicial organizations that fall under it, and the Constitutional Court are not the only entities that have responsibilities that are associated with judicial authority. Other limitations on judicial authority are outlined in paragraph 2 of article 38 of the Act. These limitations include: a. the ability to investigate; b. the ability to prosecute; c. the ability to execute judgments; d. the ability to provide legal services; and e. the ability to resolve disputes outside of the courtroom.

As stated in paragraph 3 of Article 38 of the judicial authority Act, it is also the law that those organizations whose functions are tied to judicial power are required to be controlled by legislation. This provision may be found in the judicial authority Act. As shown by the provisions of the Law on Judicial Power that pertain to quasi-judicial organizations, the arrangements are in accordance with the requirements of Article 24 paragraph 3 of the Constitution of the Republic of Indonesia, despite the fact that these requirements are ambiguous.

According to the preceding description, BPSK is a semi-judicial organization inside the judicial power structure, with the authority to execute judicial decisions. Constitutionally and legally, these establishments nevertheless have very little protections. Quasi-judicial entities do exist in Indonesia, and their presence is sanctioned under the country's constitution. According to the Judicial Power Act, in addition to the courts, various organizations also perform judicially-related tasks. The law governs the operations of other entities endowed with judicial jurisdiction. A government agency known as the Consumer Dispute Settlement Body (BPSK) is set up by GCPL. The purpose of establishing BPSK is to provide a forum for out-of-court resolution of consumer disputes².

The BPSK can be thought of as a quasi-judicial or semi-judicial body. According to Jimly Asshiddiqie, a quasi-judicial institution is one that functions similarly to a court but is not technically one. In addition to its other roles, this organization serves as an alternative conflict settlement forum.

The fact that the execution of various provisions of legislation No. 8/1999 on Consumer Protection needs the assistance of institutional creation, such as the Consumer Dispute Settlement Body (BPSK), indicates that the passage of this legislation does not immediately

²Janus Sidabalok. 2014. *Consumer Protection Law in Indonesia*. PT Citra Aditya Bakti. Bandung.

ensure the accomplishment of consumer protection. A dispute may be taken to BPSK, an agency under the Ministry of Industry and Trade, whether it be between a company and a consumer or between two customers. In the first stage of implementation, ten (10) BPSKs were established in accordance with Presidential Decree No. 90/2001 on the Establishment of Consumer Dispute Settlement Bodies in the City Governments of Medan, Palembang, Central Jakarta, West Jakarta, Bandung, Semarang, Yogyakarta, Surabaya, Malang, and Makassar. This decree confirmed the mandate of Law No. 8/1999 on Consumer Protection. Immediately after the establishment of BPSK in accordance with the requirements of Presidential Decree No. 90 of 2001, the Minister of Industry and Trade issued Decree No. 350/MPP/Kep/12/2001 on the Implementation of Duties and Authority of the Consumer Dispute Settlement Agency. This decree outlined the responsibilities and authorities of the agency³.

Ratio Legis Implementation of the Strength of the Decision of the Consumer Dispute Resolution Body in Resolving Disputes

The Small Claims Tribunal (SCT) model, which has been successfully implemented in industrialized nations, served as the basis for the Consumer Dispute Settlement Body; however, the BPSK does not function in the same way as the SCT. It is widely known that the SCT originated in nations with a common law or Anglo-Saxon legal system history. These nations have a highly dynamic approach to law enforcement, in which jurisprudence is elevated to the position of primary importance in the process of law enforcement. In the meanwhile, Indonesia follows the custom or legal system of civil law, which is also known as the legal system of Continental Europe and is based on written law (legislation). The SCT model is adapted to the court model and the ADR (Alternative Dispute Resolution) model that is characteristic of Indonesia in order to build the BPSK, which is intended as a combination of these two different legal systems⁴.

The Consumer Dispute Settlement Body (BPSK) is a specialized entity that was created by the Consumer Protection Law and given certain guidelines to follow. As was discussed before, the primary responsibility of BPSK is to mediate disagreements that arise between customers and other business players.

If a business refuses, does not respond, or fails to compensate a customer as required by the GCPL's Article 23, the customer may file a claim with the GCPL's Consumer Dispute Resolution Body or with the court that has jurisdiction over the customer's place of residence.

This BPSK institution was set up with the intention of resolving disputes over relatively minor sums of money, but in practice there is no cap on the size of a claim, so a consumer lawsuit could involve anything from a few hundred dollars to several million. More importantly,

³ Hesti Dwi Atuti, "Constraints on the Settlement of Consumer Disputes through the Consumer Dispute Resolution Agency (BPSK)", *Journal of Mimbar Justitia*, Vol. I No. 02 July-December 2015 Edition, p. 579. 579.

⁴ AI. Wisnubroto, *Alternative Consumer Dispute Resolution Needs Progressivity*, Article, www.hukumonline.com, pp. 2, accessed 18 August 2021.

BPSK exists to ensure that standard clauses are being used by businesses and to urge businesses to comply with the GCPL Law⁵.

GCPL as the legal basis for BPSK's authority as an out-of-court consumer dispute resolution institution has determined the party that can file a dispute resolution through BPSK, namely only a consumer or his/her heirs who have suffered losses as a result of consuming goods and/or services. The GCPL Law has also determined the criteria for a consumer or his/her heirs who can file a dispute settlement through BPSK, which is the final consumer. The definition of consumer according to the GCPL Law is the end consumer, namely the last user or end user of a product (*end user*). Consumers as *end users* are considered not to have a motive to gain profit from transactions made by consumers with business actors⁶. GCPL does not give intermediate consumers the right to file a lawsuit against business actors either through the court or out of court through BPSK. Intermediate consumers are consumers who use a product as part of the production process of another product. This is because intermediate consumers can also act as actors.

According to Jimly Asshiddiqie's definition of a quasi-judicial organization, which takes into account BPSK's responsibilities and powers, BPSK fits the bill. The Consumer Dispute Settlement Body (BPSK) have the abilities to hear and decide or discover the facts at hand. The scope of BPSK's mandate includes the ability to investigate and analyze consumer protection lawsuits. BPSK may do this by contacting all involved parties and ordering them to come to an agreement. Letters, papers, and other evidence may all be examined and evaluated using BPSK. Witness examination, attendance at trial, and party testimony are all under BPSK's purview. The responsibilities and powers granted to BPSK in Article 52 points h and i of UUPK provide insight into the extent of BPSK's influence. This section describes BPSK's ability to call on and present witnesses, experts, and anybody else who may have information concerning infractions of UUPK. In addition, BPSK is authorized to make investigatory requests in order to present business actors, expert witnesses, and anyone believed to have knowledge of UUPK infractions. BPSK has the authority to carry out orders and implement penalties. According to its responsibilities and powers as outlined in paragraphs k and m, BPSK is responsible for determining whether or not a consumer has suffered a loss and for imposing administrative sanctions on business actors that breach the terms of this Law.

As stated in both the first paragraph of Article 49 and the first paragraph of Article 54 of the GCPL Act, the main function of the BPSK is to serve as a legal mechanism for the out-of-court resolution of conflicts. Article 2 of Decree Number 350/MPP/Kep/12/2001 issued by the Minister of Industry and Trade in Cambodia. In the meanwhile, the responsibilities of BPSK that were outlined in Article 52, items e, f, g, h, items i, j, k, and items l and m of UUPK have really been included into the primary function of BPSK. These provisions may be found in the UUPK. It is BPSK's responsibility to provide advise on matters pertaining to consumer protection.

⁵ Tami Rusli. 2012. "Dispute Settlement Between Consumers and Business Actors According to Legislation". *Journal of ProgressiveJustice*. Vol.3 No. 1, pp. 90.

⁶ Nurul Fibrian, "Consumer Protection in the Settlement of Consumer Disputes through Litigation", *ADHAPER Journal of CivilProcedure*, Vol. 1 No. 1. January-June 2015, p. 122. 122.

(Article 52 point b of GCPL) can be seen as an effort to socialise the GCPL, both to consumers and business actors. If a Consumer Dispute Request (PSK) has been filed with the BPSK Secretariat, then any consultation provided by the BPSK will fall under the purview of conciliation, mediation, or arbitration (Article 6 Kepmenperindag No. 301/MPP/Kep/10/2001) in the event that a dispute arises between the parties. The BPSK method for problem-solving with customers is broken down into three distinct stages. The first stage of a lawsuit is the application stage, which includes the requirements for complaints for dispute resolution without a lawyer; the second stage is the trial stage, which can be conducted through conciliation, mediation, and arbitration; and the third stage is the decision stage, which must be completed no later than twenty-one (twenty-one) working days from the time the lawsuit is received, followed by the execution of the decision. There are three stages to a lawsuit: the application stage, the trial stage, and the decision stage⁷.

In accordance with the Decree of the Minister of Industry and Trade, which will be referred to in the following as KMPP Number 350/MPP/12/2001, there are three procedures for the resolution of disputes between consumers and business actors. These procedures exist in the event that an amicable resolution cannot be reached or if there is disagreement regarding the violation of consumer rights by business actors⁸.

1. Conciliation

Conciliation is defined in Article 1 point 9 of KMPP 350/MPP/12/2001 as "the process of resolving consumer disputes outside of court by bringing together the disputing parties through the intermediary of BPSK, with the settlement being left to the parties." The disagreement is resolved by the collaborative efforts of the parties involved, which may include consumers and other business participants, with the support of a panel. When two parties are at odds, the Tribunal tries to bring them together by explaining consumer protection rules and regulations and mediating their dispute. Both the customer and the company in a dispute have an equal chance to present their side of the story. The panel's role in this conciliation is limited to that of a neutral conciliator (Article 5 paragraph 1 KMPP 350/MPP/12/2001), and the parties alone are responsible for reaching a settlement to the dispute, whether or not they come to an agreement.

2. Mediation

Mediation for resolving conflicts in accordance with KMPP 350/MPP/12/2001 Consumers and businesses are responsible for settling their own disputes through mediation, as described in Article 1, Paragraph 10. BPSK acts as a counselor throughout this process. The consumers and businesses involved in the dispute conduct the settlement process

⁷ Kurniawan and Abdul Wahab, "Juridical Review of Consumer Dispute Settlement Procedures through BPSK in Indonesia", *Jatiswara Law Journal*, Vol. 23, No.2, July 2008, pp. 54

⁸ Hanum Rahmaniar Helmi, "The Existence of Consumer Dispute Resolution Bodies in Deciding Consumer Disputes in Indonesia", *ADHAPER Journal of Civil Procedure*, Vol. 1, No. 1, January-June 2015. pp. 82

themselves with the help of an active panel (Article 5 paragraph 2 KMPP 350/MPP/12/2001). The Tribunal mediates the dispute by offering direction, counsel, and other assistance. However, the final judgment or settlement agreement is always between the disputing consumer and the corporate actor and is documented in writing. It is completely up to the disputing parties to agree upon the type and amount of compensation obtained by the consumer through mediation or conciliation.

3. Arbitration

Consumer issues can be settled outside of court through arbitration, in which both parties completely submit the terms of the settlement to BPSK. Arbitration as a form of alternative conflict resolution for consumers operates differently than conciliation or mediation. If the contesting parties are unable to come to an agreement, the tribunal will intervene to bring them together. First, the relevant consumer protection rules and regulations are explained to the disputing parties, and both parties are afforded an opportunity to present their side of the story. The BPSK-formed panel has last say over any settlement decisions or agreements reached through this process.

The obstacles faced by the Consumer Dispute Resolution Body in resolving disputes are:

1. The institutional constraint is that the duties of the Consumer Dispute Resolution Body are too complex, including duties related to dispute resolution and duties outside dispute resolution (guidance and supervision efforts).
2. Funding constraints, the absence of rules that explicitly and in detail regulate the rational allocation that should be allocated to the Consumer Dispute Resolution Body.
3. Constraints on human resources of the Consumer Dispute Settlement Body, there is still a lack of BPSK human resources who have expertise in resolving consumer disputes. Fourth, the low awareness of consumer protection law, this is due to the lack of information to the public regarding their rights as consumers to be able to claim their rights through dispute resolution at the Consumer Dispute Resolution Agency⁹. It is necessary to optimise Consumer Dispute Settlement Bodies throughout Indonesia, so that dispute resolution at BPSK can be more effective.

CONCLUSIONS

- (1) A BPSK decision cannot be appealed or cassated because, as stated in Article 42 paragraph (1) of the Ministry of Industry and Trade's Decree, and as stated in Article 54 paragraph (3) of the GCPL, the decision of the panel is final. However, since "consumers and business actors in dispute are obliged to state whether they reject or accept" (Article 41 paragraph (2) of the Decree of the Ministry of Industry and Trade Number 350/MPP/Kep/12/2001 of 2001), the parties have 14 (fourteen) working days from the announcement of the BPSK decision to file an objection with the District Court under Article 54 paragraph (2) of the GCPL.

⁹ Imam Budi Santoso, Dedi Pahroji, "Optimisation of the Role and Function of the Consumer Dispute Resolution Body in Settling Consumer Disputes in Karawang Regency", *Unsika Journal*, Vol. 11 No. 24 Sep-Nop 2012, pp. 6.

- (2) If either party is unsatisfied with the District Court's ruling, they have just one other option: to seek a cassation with the Supreme Court.
- (3) Third, with the exception of BPSK arbitration rulings, challenges to BPSK judgements are not permitted. BPSK rulings are final save for arbitration decisions, as stated in Article 2 of Supreme Court Regulation Number 1 Year 2006 on the Procedure for Filing Objections to BPSK decisions.
- (4) Several barriers exist in the way of demands for execution of BPSK arbitration judgements. This is because irah-irah was not factored into the final tally for the prize. In violation of Article 54 paragraph (1) point an of Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution, the irah-irah or head of the award "For the Sake of Justice Based on God Almighty" is omitted from this arbitration decision.

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