

OBSTACLES TO THE CONSUMER PROTECTION DISPUTE SETTLEMENT PROCESS CAN NOT WORK EFFECTIVELY (CASE STUDY OF BPSK DISTRICT OF TANGERANG)

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ABSTRACT

Everyone has been a consumer to fulfill their life needs, both primary and secondary needs in order to obtain goods and services, although not everyone has become a business actor, therefore as a consumer, it is not spared from various problems that may occur such as fraud by business actors, fraud and so on, it is necessary to settle consumer disputes properly and correctly, through the courts and outside the court such as the Consumer Dispute Settlement Agency (BPSK) as a new institution that provides opportunities for consumers and business actors to choose one of three consumer dispute resolution mechanisms, namely: Conciliation, Mediation, and Arbitration. This research uses several methods, namely: first, the literature study consists of (a). types of normative legal research or secondary data document studies; (b). the nature of the research in this study using descriptive analysis research; and (c). the types of data consist of primary legal data, secondary legal data, and tertiary legal materials. The second was to interview two members of the Consumer Dispute Resolution Agency (BPSK) in the Tangerang district and one of the administrators at the BPSK secretariat in the Tangerang district.

Keywords: *dispute, consumer protection, Consumer Dispute Settlement Agency (BPSK) Tangerang district*

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INTRODUCTION

Everyone has been a consumer to fulfill their life needs, both primary and secondary needs in order to obtain goods and services, although not everyone has become a business actor, therefore as a consumer, you cannot escape from various kinds of problems that may occur, such as fraud by business actors, fraud and so on, it is necessary to obtain legal protection and guarantees from the state as an organ against consumers, a clear legal product is needed and can guarantee the protection of the public, especially consumers who use goods and services (Ermawati, 2021). 8 of 1999 concerning consumer protection (hereinafter referred to as UUPK), but with the issuance of the consumer protection law which is expected to be able to resolve consumer disputes, it has not fully worked out according to public expectations, even though the consumer protection law has been passed for almost two decades, but in reality, it is still there are many obstacles and the public has not yet felt the maximum impact of state protection on consumers (Nomor, 8 C.E.).

The consumer protection law divides consumer dispute resolution into two parts, namely: first, out-of-court dispute resolution consists of (a). peaceful settlement of disputes, by the parties themselves; and (b). dispute resolution through the Consumer Dispute Settlement Agency, hereinafter referred to as (BPSK), by using mechanisms, namely Conciliation, Mediation and Arbitration. The second is the Settlement of Seng Keta through the Court.

Settlement of consumer disputes out of court, is held to reach an agreement on the form and amount of compensation, regarding certain actions to ensure that the losses suffered by consumers will not happen again or will not happen again.

If an out-of-court consumer dispute resolution effort has been chosen, a lawsuit through the court can only be taken if the effort is declared unsuccessful by one of the parties or by the disputing parties (Rusli, 2012). This means that dispute resolution through the courts remains open after the parties fail to resolve their dispute out of court (Moray, 2019).

From the description above, the problem is how the process of resolving consumer protection disputes has not been running effectively, so if it is associated with legislation regarding consumer protection, the scope is very broad, and the researchers only analyze or relate to the constraints of the protection dispute resolution process. consumers, and analyze cases of violations of the Tangerang Regency Consumer Dispute Law (BPSK) regarding two-wheeled or four-wheeled motor vehicle credit disputes that have been resolved at Tangerang Regency BPSK, both through mediation and settlement through arbitration, concerning non-performing loans for motor vehicle payments (Kahpi, 2019).

Since there are still many problems faced by the community for the actions of business actors, both small and large, this study has reasons or reasons for wanting to examine the problem of resolving consumer protection disputes, which are as follows:

People are often disadvantaged and do not know how to protect themselves. After the birth of the Consumer Protection Act, the legislation has not been sufficient to solve consumer problems. The application imposing sanctions have not been carried out in accordance with the consumer protection law, both administrative sanctions, and criminal sanctions, as well as providing compensation in criminal and civil settlements.

From this research, it is necessary to do an analysis of consumer protection cases, to achieve the causes or obstacles that cause the ineffectiveness of consumer dispute resolution against the actions of unscrupulous business actors who commit fraud and violations of consumer protection laws and regulations. laws related to consumer protection, finally this research is expected to be input both to consumers, and business actors as well as to the government and law enforcers themselves.

METHOD

This research uses several methods, namely: first, the literature study consists of (a). types of normative legal research or secondary data document studies; (b). the nature of the research in this study using descriptive analysis research; and (c). the types of data consist of primary legal data, secondary legal data, and tertiary legal materials. The second was to interview two members of the Consumer Dispute Resolution Agency (BPSK) in Tangerang district and to one of the administrators at the BPSK secretariat in Tangerang district (Benuf & Azhar, 2020).

RESULTS AND DISCUSSION

The Consumer Protection Law (UUPK) which is expected to be a weapon for consumers seeking justice, in its implementation is still difficult to implement (Kusumaningrum, 2020). This is because the legal provisions are not as expected, namely to resolve consumer disputes quickly, simply, and cheaply.

Besides that, there is no consistency in the articles in the UUPK, there are conflicts between one article and another, as well as horizontal conflicts with other statutory products.

As an illustration, some of the obstacles and problems that arise, which are confusing in their implementation will be presented.

1. Funding Constraints

Funding can also affect BPSK performance. In 2002 BPSK still received a budget from the State Revenue and Expenditure Budget (APBN), but no longer in 2003. Operational funds for BPSK were then allocated to local governments through the APBD. However, it turns out that regional governments and district and city governments do not include BPSK operational funds in the APBD. Given the fact that regional autonomy has not yet been running smoothly, several BPSKs have not received operational funds.

The Ministry of Industry and Trade/Ministry of Industry and Trade has submitted a BPSK rational operation fund to the Ministry of Finance, but it turns out that the funds were requested to be transferred to the General Allocation Fund (DAU). For the development of BPSK human resources, the Ministry of Industry and Trade has conducted training in stages with limited funding sources.

As a consequence, because the costs of implementing BPSK are not only borne by the APBN, but also by the APBD and in line with the spirit of regional autonomy, starting in the 2003 fiscal year, all costs for implementing BPSK are borne by the APBD.

2. BPSK human resource constraints

BPSK members consist of 3 elements, namely the government element, the consumer element and the business actor element. The representation of these elements by law is intended to show public participation in consumer protection efforts and to show that consumer protection is a shared responsibility between the government and the community.

Each BPSK has at least 9 to 15 members according to the volume and workload of the BPSK, which consists of these 3 elements in a balanced manner, namely:

- a. Government elements from representatives of agencies whose scope of work includes industry, trade, health, mining, agriculture, forestry, transportation, and finance.
- b. Elements of business actors who come from associations or entrepreneurs' organizations located in the city area or local district area.
- c. Consumer elements who come from LPKSM who are registered and recognized by the mayor or regent or head of the local service.

The division of BPSK members into these three elements is related to the concept of balancing the interests of the disputing parties (consumers vs. business actors) and the interests of the government which positions itself as a neutral party in policymaking.

At least 1/3 of BPSK members must have a legal education background. This is important because BPSK is a government-established body whose main task is to carry out court functions.

The process of appointing BPSK members creates its own problems because in reality, the appointment of BPSK members emphasizes the representation of elements rather than the competence of members in managing and resolving disputes, so many BPSK members do not master the subject matter of disputes between business actors and consumers.

The membership of BPSK which consists of 3 elements of the government, business actors, and consumers with their respective cultural backgrounds, in reality often creates problems. As

stated by Arif at the BPSK secretariat of Tangerang district, which among other things conveyed, "Dispute resolution at BPSK was formed by an assembly chaired by one from the government element while from the consumer element and from the business actor element became members. The obstacle is that the government element as the chairman, and as a civil servant do not dare to be too firm in making decisions because the performance in the civil servant as the chairman of the BPSK assembly still has to account for his work to his superiors from the agency where this civil servant comes from, this is different from the elements that come from brave consumers are more critical to make decisions"". Based on psychological studies and the tendency that the environment affects behavior and social systems affect the perspective.

Article 4 paragraph 2 of the Decree of the Minister of Industry and Trade No. 301/MPP/Kep/10/2001 stipulates that BPSK members from government elements are automatically elected as chairman. While the vice chairperson comes from elements outside the government element. Decree of the Minister of Industry and Trade/MPP/Kep/10/2001, dismissal of members of the BPSK secretariat, article 4 paragraphs (2) and (3).

BPSK members from government elements are accustomed to a rigid and cautious government bureaucratic system. This can hinder the BPSK process to become an independent institution. BPSK members who are representatives of the government are usually local government officials whose position is far below the head of the local industry and trade office. This means that government representatives in BPSK have no independence at all, because before making a decision, they must first seek advice from their superiors.

The culture of superiors and subordinates in the government bureaucracy that is often carried over to BPSK can be a psychological burden internally between members of BPSK elements of the government and members of the BPSK secretariat, and externally with their respective superiors.

The law does not provide clear limits on government elements with competencies such as what can be members of BPSK, as a result there are government elements originating from the city beauty service at the Makassar City BPSK. The government should continue to link the representation of government elements with the competence and requirements of BPSK membership.

BPSK members from the consumer element recruited from LPKSM representatives who are registered and recognized by the local government are generally activists in the field of consumer protection who are familiar with the world culture of critical and dynamic advocacy. In many ways, the concept is considered unrealistic and difficult for other elements to understand.

The difference in the cultural background of each BPSK element causes the emergence of unequal perceptions of aspects of consumer protection and legal interpretation, thus hampering the dispute-resolution process. BPSK members from recruited business actors and representatives of associations and/or employers' organizations in the local city/district area are generally thick with business elements that are often trapped in pragmatic economic views to achieve certain goals.

Membership requirements force BPSK members to be recruited from those who already have established positions that cause BPSK's duties to only serve as nine, so they cannot be optimal. The obligation to resolve disputes must be resolved in an assembly which must consist

of three elements in a balanced manner, even though each member has a busy life so that the duties at BPSK are not full-time. This in practice is often technically difficult because in general BPSK members find it difficult to leave their main duties outside of BPSK.

Provisions regarding the age limit requirements for BPSK members in regional applications create problems because the age level is not always positively correlated with the level of competence in consumer protection law, especially in relation to procedural law. In some areas, the younger generation, despite having higher competence in the field of consumer protection, after having experience as a lawyer for more than 7 years since obtaining a law degree, is prevented from becoming a member of BPSK because the age requirement is too high.

These problems become more complex when faced with the problem of average human resources (HR) professionalism which still requires increased knowledge and experience in resolving consumer disputes through BPSK. Based on the data recorded in the observations during the research, reflecting a fact that could be a factor causing the unprofessionalism of HR, BPSK is as follows:

a. Not all members of BPSK have a legal education background and both legal and non-educated, on average they do not know adequate knowledge about aspects of consumer protection and technical dispute resolution, such as the author's interview at BPSK Tangerang district from the data obtained, that of the 9 members of BPSK, only 3 people have legal education, while the others have education degrees (SPD), economics degrees, and engineering degrees.

b. Almost all members of the BPSK secretariat who have to handle consumer complaints do not have the knowledge and ability in the field of court administration, such as the research found by the author at BPSK Tangerang district, as conveyed by one of the secretariats admitting that he does not understand administration at BPSK because he is not from from legal education but technically educated and only self-taught.

c. Lack of education and training facilities to build the professionalism of BPSK members and secretariats, whether organized by the Ministry of Industry and Trade, higher education circles, LPKSM and BPSK itself.

d. The low interest in self-study of BPSK members and secretariats.

e. Lack of supporting infrastructure to build professionalism for members and the BPSK secretariat such as computers, courtrooms/consultation rooms, and BPSK libraries, as in BPSK Tangerang district there is no special library space for BPSK.

This lack of professionalism of BPSK members and secretariat results in low quality of service to parties who entrust their dispute resolution to BPSK. If this is allowed, then BPSK cannot run effectively so it will be abandoned by the community. This professionalism is also closely related to the existence or implementation of the provisions of the Mediator professional standard, the Conciliator must have a Mediator/Conciliator Certificate from the Supreme Court to be able to carry out his profession.

The existence of BPSK has also not been fully recognized and anticipated by the judiciary. Quite a number of judges in district courts are not aware of the establishment of BPSK in their area. As a result, in some courts the existence of BPSK decisions cannot be registered with the district court, as is the case with the author's interview with a member of the Tangerang Regency BPSK who said "when the Tangerang Regency BPSK submitted an application for execution to the Tangerang District Court on the BPSK decision, in reality, the court was still

asking questions. the legal basis for the court to issue a decision on the execution of the BPSK decision, this means that the court itself still does not understand the provisions of the UUPK. Likewise, the BPSK decision after going through the objection process in the district court, then an appeal was filed by the defeated party, it turned out that at the Cassation level, the Supreme Court did not carry out its obligations according to the time limit for giving a decision as required by the UUPK.

3. Regulatory Obstacles

After the enactment of the UUPK, which was originally expected by all parties to provide solutions for the settlement of cases that arose as the implementation of the law, it turned out that in law enforcement there was an imbalance and caused confusion for those involved in the implementation process, especially when the role of the judiciary in examining objections to the BPSK decision has many obstacles, especially aspects related to civil proceedings.

This law also does not provide instructions or technical guidelines or sufficient explanations, even if there is a conflict between one article and another, a conflict with the provisions of the procedure used so far, as well as a conflict with other regulations so that legal certainty is difficult to achieve. as stated in the explanation of article 2 of the UUPK concerning the principle of legal certainty, it is intended that business actors and consumers obey the law and obtain justice in the implementation of consumer protection. In addition to consistent regulations, there are also no supporting implementing regulations. From a procedural point of view, there are several regulatory weaknesses, especially regarding procedures for proceeding at BPSK with the standard forms not yet being granted for proceedings at BPSK.

a. Obstacles in the "objection" procedure in the District Court.

The existence of BPSK is expected to be part of the equitable distribution of justice, especially for consumers who feel disadvantaged by business actors, because the BPSK decision is FINAL and BINDING, so it does not need to be submitted to court, but in its implementation, there are various obstacles.

The weak point of this BPSK institution is that it is still possible for a BPSK decision to be objected to in a district court by a dissatisfied party. Whereas the basic principle of BPSK's decision is final and binding because BPSK was formed to resolve consumer disputes with small demands.

The provisions of article 54 paragraph (3) UUPK, and article 42 paragraph (1) Minister of Industry and Trade Decree no. 350/MPP/Kep/12/2001 clearly states, the decision of the BPSK assembly is final and binding, and it is no longer possible to file an appeal, but in article 56 paragraph (2) of the UUPK, there is still an opportunity to file an "objection" to the state court, after the BPSK decision has been notified. This shows that the problem of legal certainty as stated in the explanation of article 2 of the UUPK has not been realized. The emergence of the possibility of an objection to the BPSK decision will weaken the motivation of the parties as well as sit in negotiations to resolve disputes out of court.

b. Conflicting regulations with one another.

1. A lawsuit against a business actor's violation can be made by:
 - a. An aggrieved consumer or heir concerned;
 - b. A group of consumers who have the same interests;
 - c. Non-Governmental Consumer Protection Institutions that meet the requirements, namely in the form of legal entities or foundations;

d. The government or related agencies if the goods or services consumed or utilized result in large material losses or no small number of victims.

2. The lawsuit filed by a group of consumers, the Non-Governmental Consumer Protection Agency, or the government as referred to in paragraph (1) letter b, letter c, or letter d is submitted to the general court.

3. Further provisions regarding large material losses or large victims as referred to in paragraph (1) letter d shall be regulated by a Government Regulation.

The provisions of Article 46 paragraph (2) of the UUPK stipulate that a lawsuit for a violation of a business actor can be made by a group of consumers who have the same interest (class action). The lawsuit as referred to above must be submitted to the general court.

The provisions of Article 46 paragraph (2) contradict the intent of the various articles in the UUPK. The provisions of this article distinguish between consumers or their heirs on the one hand, and consumer groups, non-governmental consumer protection institutions, and the government or related agencies on the other. The last three are only possible to file a lawsuit through a general court.

Such differences should not have occurred, considering that the interests of a consumer or heir are the same as the interests of consumer groups, non-governmental consumer protection institutions, and the government and related institutions, namely demanding justice before the law. Lawsuits by consumer groups, non-governmental consumer protection institutions, or lawsuits by the government or related agencies against business actors are for the benefit of the aggrieved consumer community. This means the provisions of Article 46 paragraph (2) violate the principle of equality before the law. According to the author, this also violates the principle of justice which is stated in Article 2 of the explanation of UUPK.

Similarly, the provisions of article 46 paragraph (2) contradict the intent of the provisions of article 1 number (11), article 45, article 47, article 49 to article 51, article 52 sub (a), (f) to (m), Article 54 to Article 57 of the UUPK, the substance of which regulates the establishment, recognition, and authority of BPSK outside the court.

Article 46 paragraph (2) cannot be said to be a special rule considering that the regulation is carried out jointly with Article 45 paragraph (1) and (2) concerning the consumer's authority to choose the method of dispute resolution he wants, both of which are general rules, this means the principle of "Lex specialis derogat legi generali (**the special law derogates from the general law**)" does not apply.

c. Constraints on the substance of BPSK's decision authority.

BPSK is not an executor but only an administrative, for example, BPSK has the authority to monitor standard contracts, such as parking in companies or in several moles, but this cannot work properly due to lack of authority. If BPSK asks for police assistance, but it is only personal, not official, which has been scheduled by the police leadership in the district or city area.

Likewise, BPSK has the authority to request execution from the district court for decisions issued by BPSK, but the courts are often still confused and ask for the legal basis because the courts do not fully understand the duties and functions of BPSK regarding the execution of decisions issued by BPSK.

Regarding BPSK's task in the field of mediation of dispute resolution, if business actors do not carry out what has been agreed voluntarily, as a result, the peace deed that has been issued

by BPSK cannot be realized, finally mediation that should have been successful has no benefit for consumers and is forced to file an objection to file a lawsuit in the district court.

BPSK dispute resolution is only an administrative decision, and if the business actor is not present after being summoned by BPSK three times, BPSK can submit it to investigators for follow-up and this BPSK report can be used as sufficient initial evidence.

At the implementation level, the obstacle that BPSK's decision does not reach is the absence of BPSK's authority to decide consumer claims that are immaterial but can only decide on MATERIAL claims, this is different from the court's authority to decide on the parties' claims because the judge can grant the lawsuit. both MATERIAL and IN MATERIAL.

Then after BPSK issued a decision, problems often occurred because the parties did not implement the BPSK decision because what was demanded or the parties' lawsuit could not be decided by BPSK because only BPSK could decide on material demands, while demands that were material were not the authority of BPSK. While the parties want the losses suffered by both parties to be granted by BPSK, this is not possible for BPSK, especially in Arbitration decisions because only one of the Arbitrators can win. Of course, the loser is not satisfied and submits an objection to the district court within 14 days after the BPSK decision.

Consumer Dispute Analysis at BPSK Tangerang Regency.

In presenting the analysis of consumer protection cases, the author will present 2 (two) disputes reported to BPSK Tangerang Regency, then will analyze them from a review of Doctrine such as the opinion of Soerjono Soekanto on Law Enforcement Theory, Principles of Consumer Protection and laws and regulations. -Invitations related to consumer disputes will be used as a tool to analyze consumer disputes in this journal, then for more details, the author will describe one by one the 2 (two) disputes, namely as follows:

1. Disputes between consumers on behalf of Jhoshikmat Wangsa with the leadership of Adira Finance, whose address is Jalan Raya Serpong KM 7 No. 72 Alam Sutra BSD Tangerang, where the consumer has registered the Dispute application No. 031/BPSK/III/2015 at the BPSK Secretariat dated March 24, 2015, that consumers with a letter of application submit the incident, namely: in October 2013 bought a Suzuki New Satria Fance Motorcycle, Nopol B 8535 CXK No. Frame MH8BG41EADJ180758, No. Machine G4271D18- U418, with payment in installments or installments, financed by Adira Finance. The installments/installments have been paid in full until the 13th installment on November 20, 2014, the monthly payment is Rp. 1,034,000 (one million thirty-four thousand rupiahs), and additional costs in the form of fines. From December the 14th installment to February for the 16th installment, the consumer was late in paying the installment, then the consumer wanted to pay the late payment but the Adira Finance business actor did not want to accept it again on the grounds that he had to pay all the installments in full.

On Thursday, March 12, 2015, Suzuki Motor New Satria Fance Nopol B8535 CXK as the data mentioned above was withdrawn by the Depcollector on behalf of Rudi and Robi, Adira Finance employees, located at Jalan. Siliwangi Jati Uwung is adjacent to PT. Sinwod, around 16.30 WIB. Then for this incident, BPSK Tangerang Regency made 3 (three) consecutive calls to business actors, namely:

- Call I, No. 032/BPSK/III/2015 dated March 31, 2015;
- Call II, No. 037/BPSK/III/2015 dated 07 April 2015;
- Call to III, No. 041/BPSK/IV/2015 dated 04 May 2015.

Business actors were not present to fulfill BPSK's summons.

Given that:

1. Law no. 8 of 1999 concerning consumer protection;
2. Presidential Decree No. 18 of 2005 concerning the establishment of BPSK for the Tangerang Regency Government.
3. Decree of the Minister of Industry and Trade No. 350/MPP/Kep/12/2001 concerning the duties and authorities of BPSK;
4. Ministry of Trade of the Republic of Indonesia No. 1088/M Dag/Kep/12/2011 concerning the appointment of BPSK for the Tangerang Regency government
5. RI Law no. 42 of 1999 concerning Fiduciary Guarantees;
6. Regulation of the Minister of Finance of the Republic of Indonesia No. 130/2012 on Fiduciary;
7. Circular Letter of the Head of Criminal Investigation Unit of the Police B/2110/VIII/2009/Bareskrim Procedures for handling Consumer Protection Cases.
8. Regulation of the National Police Chief No. 8 of 2011 concerning securing the Execution of Fiduciary Guarantees.

The attitude of BPSK Tangerang Regency is:

In accordance with the absence of one of the parties, namely the business actor, the Tangerang Regency BPSK cannot resolve consumer disputes in accordance with applicable laws and regulations.

The author's analysis of the above case is:

From the description of the dispute above, the writer concludes that there are 3 (three) problems when it is associated with the opinion of Seorjono Soekanto in the dispute resolution carried out by BPSK mentioned above, namely:

1. The principle of legal certainty, that in this case legal certainty is not achieved because BPSK cannot make a decision to resolve the dispute because the entrepreneur is not present;
2. The principle of justice, especially to consumers who struggle to demand their rights through BPSK, because BPSK sent letters to consumers stating that BPSK could not resolve this dispute because the entrepreneur was not present, BPSK's attitude certainly disappointed consumers because they did not find the justice, they demanded in BPSK;
3. Law Enforcement Theory, in this case also causes problems from the unclear attitude of BPSK in dealing with business actors who do not attend BPSK summons, according to the author when it comes to criminal cases BPSK cannot use coercive measures by involving the police to bring business actors who do not want attend BPSK's summons, because there is no follow-up or technical implementation regulated by laws and regulations, but BPSK can convey this to investigators and investigators can use this BPSK report as sufficient initial evidence. However, because the dispute, in this case, involves Civil Defaults on Default issues, the rules that apply are provisions for civil procedures using Verstek efforts in the absence of the defendant (business actor) as stated in the General Civil Procedure Code. but because in the UUPK there is nothing regulated if one of the parties is not present after being summoned 3 times in a row by BPSK, then general rules should apply, but in fact, BPSK Tangerang district cannot do anything which reflects the law enforcement in BPSK becomes barren and no law enforcement.

2. DEED OF PEACE No. 006.1/AP/BPSK/I/2013

Today, Tuesday, January 29, 2013, in the BPSK trial, the Tangerang Regency Government which handles and resolves consumer disputes by means of MEDIATION has appeared before:

ARYADI SANUSI, 52 years old, Address Bukit Pamulang Indah Blok C5 No. 2 Rt. 003/04 Pamulang District, South Tangerang City.

As the APPLICANT

AGAINST

PT. MARKORINDO PERDANA PEOPLE'S PERKEREDITAN BANK, Address Jalan Dewi Sartika No. 11 Ciputat 15411, South Tangerang City,

as the REPRESENTATIVE

Then BPSK Tangerang Regency Government issued the following decision:

DECISION OF THE CONSUMER DISPUTE SETTLEMENT AGENCY

N0. 006.2/Ptsn/BPSK/I/2013

Tangerang 29 January 2013

Consumer Dispute Settlement Agency in accordance with Law no. 8 of 1999 concerning consumer protection and the Decree of the Minister of Industry and Trade No. 350/MPP/Kep/12/2012 concerning the Implementation of the Duties and Authorities of BPSK, hereby decides:

1. The applicant shall pay a fine of Rp. 14,000,000; (fourteen million rupiahs) which is divided into two stages, namely the first payment made on February 4, 2013, amounting to Rp. 7,000,000; (seven million rupiahs) and the second payment as well as a settlement on March 4, 2013, amounting to Rp. 7,000,000; (seven million rupiah).

2. The respondent makes a letter addressed to the 3 (three) Agencies/Companies where the applicant works, the Institution/Company the applicant's wife is currently working for, no later than 1 week after the first payment is made by the applicant.

3. After payment has been made by the applicant, the respondent will issue a proof of payment and return of the Petitioner's Certificate of Ownership Number: 03868 which is a guarantee of the debt to the applicant. Royalty on the certificate is carried out by the respondent with administrative fees paid by the applicant. In addition, the Respondent returned letters relating to the receivables process to the applicant.

4. The Petitioners and Respondents dated after this decision was signed, both parties will not make demands in any form in the future.

5. The Petitioners and Respondents must submit and obey the contents of this decision.

This was decided on Tuesday, January 29, 2013, by us, Ir. Asep Jatmika S, MM, Ahmad Mahrusillah S.pd, and H. Ahmad Galih as members of the Assembly attended by Solikhul A,mal as Registrar, and by both parties concerned. The author's analysis of the BPSK Decision on this Reconciliation Deed is as follows:

1. Whereas the parties have chosen one of the three consumer settlements in BPSK, namely by means of MEDIATION and BPSK has succeeded in resolving this consumer dispute by agreeing on 5 (five) things as mentioned in the decision of the Peace Deed above.

2. Then after the Mediator has successfully resolved this consumer dispute, the next step is the result of the agreement of the parties based on this win-win solution is submitted to the BPSK Assembly to make a decision in the form of a Peace Deed by the BPSK Assembly.

3. This decision can be requested for execution by the Court and the District Court issues an Execution Determination on the Decision of the Tangerang Regency BPSK Assembly, this is different if only the Mediator makes a Peace Letter between the parties who signed the clauses agreed by both parties in this dispute because it is only voluntary from both parties to carry out the contents of the agreement and there is no forced effort as is the case if the peace effort agreed upon by the parties is submitted to the BPSK Assembly for a decision to be made by the BPSK Assembly. Of course, this decision is no longer voluntary by both parties to fulfill the contents of the peace, but it already has the nature of execution and coercive measures that can be carried out by the State through the District Court by issuing a Letter of Determination of Execution by the Court.

4. From interviews conducted by the author at the Tangerang Regency BPSK office that the parties did not object to the Tangerang District Court, thus both parties carried out voluntarily what was agreed upon as stated in the Peace Deed made by BPSK or waited for the Real Execution process. by Court

Table 1
Dispute Data at BPSK Tangerang Regency:

NO	PARTIES	TYPE OF CASE	OPTIONS FOR SETTLEMENT	DECISIONS OF BPSK
1.	Jhoshikmat wangsa (applicant) Adira Finance (Respondent).	Buying and selling motorbikes in installments. Late payment.	There is no choice of the parties.	BPSK could not resolve the dispute, because the business actor was not present.
2.	Ariyadi Sanusi (applicant) BPR Marcorindo prime (Respondent).	Borrowing.	mediation	BPSK issues a peace deed.

To analyze the 2 (two) Disputes as described in Table: 1 (one) above, the author uses the LAW ENFORCEMENT Theory proposed by Soerjono Seokanto and also the five principles contained in the explanation of Article 2 of the UUPK, namely: the Benefit Principle, the Principle Justice, the principle of balance, the principle of security and consumer safety, and the principle of legal certainties, such as laws or regulations that are relevant to this journal. In the form of a table, the author will conduct an analysis of this journal, namely: as in Table: 2 (two) below

Table: 2

NO	Benefit Principle	Principles of Justice	Balance Principle	Security & Safety Principle	Principle of Legal Certainty	Law enforcement	Laws / Regulations
1.	**	**			**	**	
2.	*	*			*	*	

Information:

** THERE ISN'T ANY

*THERE IS

CONCLUSION

Finally, this research comes to the conclusion, regarding the findings on legal issues, including:

There are two types of dispute resolution mechanisms based on UUPK, namely: first, out-of-court dispute resolution by peaceful means or consumers directly filing complaints to business actors to ask for compensation. then through the Consumer Dispute Settlement Agency (BPSK) through Conciliation, Mediation, or Arbitration one of these three things is chosen by the parties. The second is through the Court where parties who do not agree with the BPSK decision can file an objection to the district court.

UUPK has not been effective in resolving consumer disputes, because there are obstacles, including:

Law no. 8 of 1999 introduced the Consumer Dispute Settlement Agency (BPSK) as a new institution whose mechanisms and authorities were previously unknown in legal construction in Indonesia. The basic concept of establishing this institution is to handle dispute resolution between consumers and business actors/producers which generally includes a small amount of loss, but in practice, there is no limit to the value of filing a lawsuit, so it is possible for a consumer lawsuit to cover a small to a large value.

Involves the role of investigators in efforts to resolve consumer disputes, but the UUPK does not provide an explanation of how the investigation mechanism carries out these provisions. Apart from the fact that there are no practical rules yet, the investigators also do not dare to resort to coercion because there are no technical instructions.

With these obstacles, in order to fill the need for the UUPK to be implemented, especially aspects related to vacancies in proceedings, or conflicts with other laws, as long as it concerns the role of the judiciary, before the amendment to this UUPK, it can be overcome temporarily. through the issuance of a **Supreme Court Regulation** (PERMA No. 1 of 2006 concerning procedures for filing an objection to the BPSK decision). Although the application of the Supreme Court Regulation is only a temporary solution to provide the same perception in addressing the shortcomings and voids in the procedural law in the UUPK. Perma can at least clarify and provide the same view in implementing the consumer settlement process in court.

In the analysis of the cases found in BPSK, Tangerang Regency, it was found that there was a lack of awareness and knowledge of consumers about the rights and obligations regulated in the consumer protection law which harmed him to resolve this issue through legal channels, either through the Consumer Dispute Settlement Agency. (BPSK), by filing a lawsuit to the court or reporting it to the police/investigators and to other law enforcers, legal certainty in consumer dispute resolution carried out by BPSK Tangerang Regency has not been able to be implemented as expected by consumers and business actors who convey the problem to the public. BPSK to fight for rights in obtaining justice.

This journal displays 2 (two) examples of consumer disputes obtained from BPSK Tangerang district and has been analyzed in accordance with Law Enforcement theories and the principles in the UUPK. It turned out that from the two consumer disputes, one dispute could not be resolved by BPSK Tangerang because the business actor was not present after being called three times in a row, of course causing problems for Law Enforcement and Legal

Certainty, while one dispute could be resolved by BPSK, in this case there are no problems with law enforcement and legal certainty because a decision has been taken by BPSK and resolved according to the mechanism specified in the UUPK.

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