

Reconstruction of duties and authority of the consumer dispute resolution agency (BPSK) in resolving consumer disputes in Indonesia based on justice value

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Abstract

The consumer dispute resolution in Indonesia are regulated by Law Number 8 of 1999 concerning Consumer Protection, this Law is expected to be able to resolve consumer disputes quickly, simply, at a low cost but in practice, it is still far from reality. This makes the author interested in examining the subject matter of what weaknesses arise in the implementation of the duties and authorities of the Consumer Dispute Resolution Agency (BPSK) in resolving consumer disputes and how to reconstruct it to better reflect a just law. The approach method in this research is sociological-judiciary, which is a research that emphasizes primary data taken in the field to then supported by secondary data, covering all laws and regulations relating to the dispute resolution process in general and in particular the resolution of consumer disputes by using progressive law to achieve social justice.

The results of the study indicate that the weaknesses or problems that arise in resolving consumer disputes through BPSK, namely: a. weakness from the institutional or institutional side; b. Weaknesses in terms of funding; c. Weaknesses in terms of Human Resources. To be able to overcome this, legal instructions that are able to overcome the contradiction between the UUPK and Law no. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, because the UUPK makes a separate consumer dispute resolution rule, which is relatively different from the basic concept of the arbitration mechanism that is generally accepted so that consumer dispute resolution in Indonesia becomes better.

Keywords: reconstruction, BPSK, consumer dispute, justice value

Introduction

Consumer Dispute Resolution (BPSK) has experienced many problems after the enactment of the Consumer Protection Law (UUPK), which at first it was hoped that all parties would be able to provide solutions for the settlement of cases that arose as the implementation of the law, in fact, the law enforcement had an imbalance that caused confusion for those who are involved in the implementation process, especially when the role of the judiciary is involved in examining objection cases against the decision of the Consumer Dispute Resolution Agency (BPSK) ^[1].

It must be admitted that besides that this UUPK does not pay special attention to the examination stage at the Consumer Dispute Resolution Agency as the first institution to deal with problems related to violations of consumer rights, this law also ignores provisions relating to the role of the judiciary. The regulation of the role of the judiciary is not clearly regulated, even though this regulation has significant legal implications. Because it is not properly followed by technical instructions or sufficient explanation, this tends to create obstacles that need to be resolved immediately so that this law can run smoothly. There is a conflict between one article and another, both with the procedural provisions that have been used so far, as well as conflicts with other regulations, so legal certainty is difficult to achieve.

Consumer Dispute Resolution Agency (hereinafter referred to as BPSK) as meant in the UUPK, which is established by

the government, is an agency in charge of handling and resolving disputes between business actors and consumers, but is not part of the judicial authority. The government established a Consumer Dispute Resolution Agency in the second level area to settle consumer disputes outside the court, as BPSK is not a court institution.

The basic concept of establishing this BPSK institution is to handle dispute resolution between consumers and business actors/producers, which generally includes a small amount of value, but in practice, there is no limit to the value of filing a lawsuit, so it is possible for consumer claims to also cover a large amount of value.

Although BPSK is not a court, it is more accurately to be called a moot court as its existence is not merely an acknowledgment of consumers' rights to obtain protection in efforts to properly resolve consumer disputes, but it's more important existence is to supervise the inclusion of standard clauses (one-sided standard form contract) by business actors and encourage business actor compliance with the UUPK.

According to Mochtar Kusumaatmadja that not only legal principles, or legal regulations, but also institutions or institutions and processes, have a big share in supporting the goals to be achieved in development ^[2], while Soerjono Soekanto³ stated there are 4 factors that influence the implementation process or legal products, namely:

² Mochtar Kusumaatmadja. (1976). Fungsi Hukum dalam Pembangunan, Bina Cipta, Jakarta, p.7.

³ Soerjono Soekanto and Mustafa Abdulah. (1980). Sosiologi Hukum dan Masyarakat, CV Rajawali Publishing. Jakarta, p. 14.

¹ Tibahary, Abdul Rahman. (2018). Tinjauan Yuridis Tentang Penyelesaian Sengketa Konsumen. 1. 10.31934/jom.v1i1.508.

1. The rule of law or its own rules.
2. Officers who enforce it.
3. Facilities that are expected to support the implementation of the rule of law.
4. People who fall within the scope of the regulation.

This means that, the essence of the process of implementing a legal product is the harmonious application of values and rules which are then manifested in behavior patterns.

If this opinion is linked to the objectives of consumer protection regulation, it is to increase the dignity and awareness of consumers of their rights, which indirectly encourages business actors to carry out their business activities with a full sense of responsibility.

According to the provisions of article 54 paragraph (3) of the UUPK, the BPSK decision as a result of the resolution of consumer disputes by conciliation, mediation, or arbitration, is final and binding. The definition of final, means that the dispute settlement has been completed and ended. Meanwhile, the word binding means forcing and as something that must be carried out by those who are obliged to do so. The principle of *Res Judicata Pro Veritate Habetur*, is a principle that states that a decision that is no longer possible for legal action is declared as a decision that has definite legal force^[4]. Based on this principle, the BPSK decision must be viewed as a decision that has definite legal force. However, if the article is connected with Article 56 Paragraph (2) of the Company Law, the parties can in fact submit an "objection" to the district court no later than 14 working days after the notification of the BPSK decision. This is contrary to the understanding that the BPSK decision is final and binding so that the provisions of these articles are contradictory and become inefficient.

Furthermore, the BPSK arbitration's decision, although the term arbitration is used, the UUPK does not at all regulate its arbitration mechanism as specified in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, but makes a separate rule that is relatively different from arbitration as mandated by Law No. 30 of 1999, resulting in a conflict between the arbitration in the BPSK decision, and the arbitration award in Law No. 30 of 1999, which requires further interpretation. The lack of clarity of the regulations in this UUPK creates confusion in implementing them.

This problem is what urges the author to study it further in research with the following issues

1. What are the weaknesses that arise in carrying out the duties and authorities of the Consumer Dispute Resolution Agency (BPSK) in resolving consumer disputes in Indonesia Currently?
2. How is the Reconstruction of Duties and Authorities of the Consumer Dispute Resolution Agency (BPSK) in Consumer Dispute Resolution in Indonesia in accordance with a Justice Value?

Method of Research

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding

a reality or science knowledge^[5]. Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach method used in this research is *Empirical-Juridical*^[6], which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

As for the source of research used in this study are

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, the author use data collection techniques, namely literature study, interviews and documentation where the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data^[7]. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied to make conclusions.

Research Result and Discussion

1. Weaknesses that Arise in Carrying out the Duties and Authorities of the Consumer Dispute Resolution Agency (BPSK) in Resolving Consumer Disputes in Indonesia Currently

One of the obstacles mentioned by the author, are from the Understanding of the Normative Rules (Dogmatic Law) Side of the Implementation of Duties and Authorities of the Consumer Dispute Resolution Board basically arise due to the difference between the concept and reality^[8]. The Consumer Protection Law, which is expected to be a tool for justice seekers, in practice is still difficult to implement and faces various obstacles. This is because the legal provisions are not as expected, namely for the fast, simple, and low-cost resolution of consumer disputes.

After the enactment of this law, which initially expected by all parties to be able to provide solutions for the settlement of cases arising as a result of the implementation of the law, it turns out that in law enforcement there is imbalance and creates confusion for the parties involved in the implementation process, especially when the inclusion of the role of the judiciary in examining cases of objections to

⁵ Faisal, (2010), *Menerobos Positivisme Hukum*, Rangkang Education, Yogyakarta.

⁶ Johnny Ibrahim, (2005), *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, Surabaya.

⁷ L. Moleong, (2002), *Metode Penelitian Kualitatif*, PT Remaja Rosdakarya, Bandung.

⁸ Astuti, Hesti. (2017). Kendala Penyelesaian Sengketa Konsumen Melalui Badan Penyelesaian Sengketa Konsumen (BPSK). *Jurnal Hukum Mimbar Justitia*. 1. 572. 10.35194/jhmj.v1i2.41.

⁴ Abedi, Fahimeh & Yusoff-PhD, Sakina. (2011). Consumer Dispute Resolution: The Way Forward. *Journal of Global Management*. 2. 204-215.

the BPSK decision which has experienced many obstacles, especially aspects related to civil proceedings.

This law also does not provide sufficient technical guidance or guidance or explanation, in fact there is a conflict between one article and another, a conflict with the procedural rules used so far, or conflicts with other regulations, so legal certainty is difficult to achieve. In addition to inconsistent regulations, there is also no supporting implementing regulations.

Then, from a procedural point of view, there is also some regulatory weaknesses, especially regarding the procedure for proceeding at BPSK with the standard forms for proceeding at BPSK not yet standardized.

The objections of BPSK are expected to be part of equal 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 the court, but in reality it experiences various obstacles.

The weak point of this BPSK institution is that it is still possible for the BPSK decision to submit objections to the district court by disgruntled parties. In fact, the basic principles of BPSK decisions are final and binding, because BPSK was formed to resolve consumer disputes with small claims value.

The provisions of Article 54 Paragraph (3) UUPK, and Article 42 Paragraph 1) Decree of the Minister of Industry and Trade Number: 350 / MPP / Kep / 12/2001, clearly states that the decision of the BPSK assembly is final and binding, and it is no longer possible to propose an appeal, but in Article 56 Paragraph (2) of the UUPK, there is still an opportunity to submit an "objection" to the district court, after the BPSK decision is notified, this is a matter of legal certainty. The possibility of raising objections to the BPSK decision will weaken the motivation of any party to sit in negotiations to resolve disputes outside the court.

At present there are disparities in decisions regarding a consumer dispute which is basically an objection case against the BPSK decision, and there is no consistency and unity of opinion from various court decisions.

The provisions of Article 46 Paragraph (2) of the UUPK determine that a lawsuit for violations of business actors can be committed 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) are contrary to the purposes of various articles in the UUPK. The provisions of this article distinguish between consumer groups, non-governmental consumer protection organizations and the government and / or related agencies on other parties. The three latter are only possible to file their claim through the general court.

This difference should not have occurred, considering that the interests of a consumer or heir are the same as those of consumer groups, non-governmental consumer protection organizations and the government and / or related agencies, namely demanding justice before the law.

Claims from consumer groups, non-governmental consumer protection organizations, and the government and/or related agencies against business actors are in the interests of the consumers who suffer losses. This means that the provisions of Article 46 Paragraph (2) violate the principle of "equal rights before the law".

Likewise, the provisions of Article 46 Paragraph (2) are

contrary to the intent of the provisions of Article 1 number (11), Article 45, Article 47, Article 49 to Article 52 sub (a), (f) to (m), Article 54. Up to Article 57 of the UUPK, the substance of which regulates the formation, recognition, and authority of BPSK outside the court.

The Provision in Article 46 Paragraph (2) cannot be said to be a special rule considering that the arrangement 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 that the principle of "Lex Specialis derogate Legi Generalis"⁹⁾ cannot be applied.

UUPK uses the term class action regarding to this matter, it is in contrast to Law No. 2 of 1997 concerning Environmental Management (UUPLH) that use the term lawsuit. Although a class action lawsuit according to the provisions of the two laws, must be filed in a general court, it turns out that the requirements for filing this lawsuit are different. The UUPK determines that one of the requirements is proof of transactions between consumers and business actors. Meanwhile, the UUPLH stipulates that there is a requirement for common problems, legal facts, and demands from community groups acting on behalf of the community. There is an impression that the legislators submitted the possibility of the emergence of problems regarding / conditions for a class action lawsuit in judicial practice (jurisprudence).

The author is of the opinion that even though there are many weaknesses of the UUPK, Article 46 of this UUPK still shows progress with regard to class action regulations and legal standing. With the provisions of Article 46 of this UUPK, the legal basis for group action is getting stronger, because the group lawsuit filed so far does not have written provisions, even though in reality, the class lawsuit has been accepted for examination by the court, based on PERMA No. 1 of 2002, concerning the Application of Representative Class Action Procedures.

Apart from the aforementioned problems, BPSK's institutional/institutional barriers are still issues that need to be studied. The existence of BPSK has not been spread thoroughly in cities and regencies in Indonesia even if it has been formed but does not work as expected, this suggests that the government (central and local) has not seriously handled the issue of consumer protection, even though more than 200 million consumers are scattered throughout the City and Regency. Throughout Indonesia.

At present the existence of BPSK institutions is still limited, BPSK has not been established in every City / Regency, making it difficult for victim consumers who are in areas where BPSK has not yet formed to claim their rights. Yet according to the provisions of Article 49 Paragraph (1) UUPK jo. Article 2 Kepmenperindag No.350/MPP/Kep/12/2001, that in every city or district a BPSK should be established. Therefore, to make it easier for consumers as victims to claim their rights, there are no restrictions on the jurisdiction of BPSK, so that consumers can complain anything they want to BPSK.

A number of problems arising from the existence of BPSK in resolving consumer disputes have not all been identified

⁹⁾ Tauhiddah, Titia & Azheri, Busyra & Mannas, Yussy. (2020). Kewenangan Penyelesaian Sengketa Konsumen Lembaga Pembiayaan Antara Badan Penyelesaian Sengketa Konsumen (Bpsk) Dengan Lembaga Alternatif Penyelesaian Sengketa (Laps). DE LEGA LATA: Jurnal Ilmu Hukum. 5. 94-105. 10.30596/dll.v5i1.3472.

in (1) the socialization period and (2) the transition period from UUPK enforcement. The UUPK provides a period of socialization to business people and consumers within a period of 1 (one) year, starting April 20, 1999. This means that the UUPK became effective on April 20, 2000, and the implementation provisions were only issued by the government in 2001. This delay suggests that the Government is not sufficient. Ready to anticipate the implementation of UUPK.

There are several arguments which state that BPSK is not a body that carries out a full judicial function. BPSK resolves the dispute process by means of mediation, conciliation, and arbitration, in which the three methods are essentially non-litigation dispute resolution options.

Structurally, BPSK is under the Ministry of Trade so that in carrying out its duties the executive authority is still attached so that it indirectly opens up the possibility of obstacles in carrying out judicial duties.

Law Number 8 of the Year 1999 positions BPSK as an agency that has the authority to examine and decide, but it is not accompanied by any instruments to implement its decisions. So it can be concluded that BPSK is not a body that has a judicial function (quasi-judicial).

Therefore, in some areas, business actors who were defeated in a consumer dispute decided by BPSK, filed an objection to the District Court, and even in some BPSK cases in this lawsuit was made the defendant. Then, funding can also affect the performance of BPSK. 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 APBD. However, it turns out that the Regional, Regency, and City Governments do not include BPSK operational funds in the regional revenue and expenditure budget (APBD).

Indonesia's Ministry of Industry and Trade (Disperindag) has submitted BPSK operational funds to the Ministry of Finance, but it turns out that these funds are requested to be transferred to the General Allocation Fund (DAU). And 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 of BPSK implementation costs are not only borne by the APBN, but also APBD, and in line with the spirit of regional autonomy, starting from the 2003 fiscal year all BPSK implementation costs are borne from APBD.

2. Reconstruction of Duties and Authorities of the Consumer Dispute Resolution Agency (BPSK) in Consumer Dispute Resolution in Indonesia in Accordance with A Justice Value

One of the ways of resolving consumer disputes that are regulated in the UUPK is through arbitration. However, if the parties do not agree with the BPSK arbitration decision, the UUPK still opens the possibility to submit objections to the Court.

In practice, most BPSK arbitration decisions that require producers to provide large compensation to victim consumers are not implemented, because they bring their cases to court through the objection route, even dragging to the Supreme Court, so that the effectiveness of BPSK in protecting consumer interests is not done.

This is because the UUPK provides different arrangements, but does not provide an explanation, resulting in a conflict

between the arbitration in the BPSK decision, and the arbitration award in Law No. 39 of 1999 concerning Arbitration and Alternative Dispute Resolution, which requires further interpretation.

From the description, it can be seen that the authority of both civil servant investigators (PPNS) and Police investigators is within the scope of cases of violation of the UUPK involving criminal cases as Article 56 Paragraph (4) and (5) are within the scope of a civil case which is not under the authority of an investigator.

The author is of the opinion that business actors who are not willing to attend at the summons of BPSK, then by referring to the provisions of Article 216 of the Criminal Code, business actors can be sentenced to imprisonment or fines, or BPSK can refer to the provisions of Article 36 Paragraph (3), Kepmenperindag No. 350 / MPP / Kep / 12/2001, if at the second trial, the consumer is not present, then the lawsuit is declared null and void, otherwise, if the business actor is not present, the lawsuit is granted without the presence of the business actor. However, this can only be done, if both parties have chosen the preferred form of dispute resolution. Because consumer dispute resolution is essentially based on the voluntary choices of the disputing parties^[10].

In the event that the violation of the UUPK is related to civil matters, and within the time frame specified in Article 56 Paragraph (2) of the UUPK, the business actor/producer does not exercise his right to file an objection, then BPSK or the consumer can apply for fiat execution, to the district court where the consumer resides.

The chairman of the district court who has been petitioned for confiscation, in accordance with his authority as stipulated in Article 197 Paragraph (1) of the Indonesia's Civil Law Procedure (HIR), can immediately execute an execution of the assets of the business actor after an earlier warning has been made.

The author is of the opinion, PPNS investigators as far as the scope of a compensation lawsuit civil case is concerned, cannot conduct an examination of the material of violation of the UUPK. Because dispute resolution between business actors and consumers is the absolute competence of BPSK or through courts that fall under the jurisdiction of general courts.

It has been stated above that one of the ways to resolve consumer disputes through the BPSK institution is through arbitration. When the parties have chosen to settle a dispute at BPSK to be done by arbitration, then legally, the BPSK decision must be viewed as a decision by an arbitration body. Therefore, objections to the BPSK decision must be reviewed and considered in the context of objections to the arbitration institution's decision, so that the application of the law must pay attention to the provisions contained in Law No. 30 of 1999.

Even though the basic concept of arbitration is final and binding, based on the explanation above, the author is of the opinion that the "objection" referred to in Article 56 Paragraph (2) of the UUPK is understandable because the legal provisions protecting the legal interests of consumers in Indonesia are not sufficient. laws in an effort to protect consumers need to make a new breakthrough, that the BPSK

¹⁰ Bustamar, Bustamar. (2016). Sengketa Konsumen Dan Teknis Penyelesaiannya Pada Badan Penyelesaian Sengketa Konsumen (BPSK). JURIS (Jurnal Ilmiah Syariah). 14. 35. 10.31958/juris.v14i1.295.

arbitration award can still be objected to the District Court, by interpreting the meaning of objection to the BPSK decision, it must be interpreted as an objection to a broad application of the law, as meant in an appeal case first instance court decision.

Thus, the examination of objection cases does not only include things that contain elements that can be cancelled, based on the reasons in Article 70 of Law no. 30 of the year 1999, but also includes objections to "broad application of the law" made by BPSK which include:

- a. There are errors in the application of the law;
- b. There was an error in assessing the evidence presented by the parties;
- c. There are inaccuracies in exploring juridical facts that can actually be presented from the evidence presented by the parties;
- d. There is an error because something has been granted, even though it is not demanded or granted something more than what was demanded;
- e. There are errors or mistakes in the application of laws and regulations.

The author emphasizes that in this case, The Law no. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, only provides opportunities for judicial institutions to enter in 2 conditions, namely:

- a. In the event that an application for an execution order is submitted, or;
- b. When an application to cancel an arbitration award is submitted.

In the first condition, namely a request for an execution order, Article 62 of Law no. 30 of 1999 stipulates that the head of the district court, in issuing the implementation of execution, must first check whether the arbitration award meets the provisions of Article 4 and Article 5 of Law No. 30 of 1999, and ensure that the decision is not contrary to decency and public order.

If the arbitration award does not meet these requirements, the head of the district court may refuse to issue a decision execution order which results in the decision not being executed. The decision of the head of the district court did not open any legal remedies.

In the second condition, the application for annulment is possible in the event that the arbitration award is suspected to contain the following elements:

- a. Letters or documents submitted during the examination, after the verdict has been passed, are recognized as false or declared as false;
- b. After the decision has been made, a decisive document is found which was hidden by the opposing party, or;
- c. The decision was made based on the results of a trick carried out by one of the parties to the dispute examination.

To understand the different conditions between arbitrations in Law no. 30 of 1999 and arbitration in Law no. 8 of 1999, it is necessary to use an analogical framework to determine the position and authority of the court in examining objections raised by the parties in consumer disputes. The use of an analogical framework in this analysis is based on the following reasons:

- a. BPSK is not an institution of judicial power under the Supreme Court with a tiered judicial system.

- b. Legal remedies for objections submitted to state courts are not recognized in the justice system in Indonesia.
- c. Article 56 Paragraph (2) of UUPK opens opportunities for district courts to examine and decide consumer disputes that were previously resolved by arbitration.

In Responding to the differences in regulations, and with due regard to analogies, it is appropriate to accept the objections raised by the parties "as if" it is considered as a legal remedy for an appeal to a higher court. With such an analogy, BPSK itself is positioned as if it were a first-level institution while the district court is an appellate-level institution.

Although in general, arbitration decisions are final and binding, and cancellation is only possible through the provisions of Article 70 of Law No. 30 of 1999, in response to the existence of this provision, and to ensure the protection of consumer rights through objection procedures and so that there is uniformity in its application, it is best to accommodate the two procedures by combining the two procedures, namely the cancellation procedure according to the provisions of Article 70 of Law No. 30 of 1999, and the procedure for legal remedies for objections as regulated in Article 56 Paragraph (2) of the Company Law.

Applying this analysis has broadened the scope of authority of judges who examine and decide cases of objections to the BPSK arbitration decision. The examination carried out by the district court of the BPSK arbitration decision does not only include cancellations due to the fulfillment of the provisions of Article 70 of Law No. 30 of the year 1999, but also includes broad legal application objections. So that the authority of the district court to examine and assess BPSK arbitration decisions does not only cover the formal aspects but also includes the ability to assess the subject matter and other matters relating to the material aspects, as long as the panel of judges can give a decision within a grace period of 21 days from the first trial.

Regarding the question of whether the new evidence be submitted during the examination at BPSK which was not submitted at first then by taking into account the narrow time frame for examining objections provided by law, the time is still sufficient to conduct a judicial examination of objection cases submitted by consumers and/or business actors as based on the considerations of the time limitation, it should be determined that the examination of objections is carried out only on the basis of BPSK decisions and case files.

Thus, it is impossible to examine new evidence and witnesses that were not previously submitted to the BPSK arbitration examination.

Conclusion

1. Weaknesses That Arise in Carrying out The Duties and Authorities of the Consumer Dispute Resolution Agency (BPSK) In Resolving Consumer Disputes in Indonesia at the time are weaknesses from the institutional side, where BPSK institutional/institutional barriers are still a very urgent problem. The existence of BPSK has not been spread thoroughly in cities and regencies in Indonesia even if it has been formed but does not work as expected, this suggests that the government (central and local) has not seriously handled the issue of consumer protection, even though more than 200 million consumers are scattered

throughout the City and Regency. Throughout Indonesia. Then, the weaknesses in terms of Funding: Funding can also affect the performance of BPSK. Weaknesses in terms of Human Resources: These problems become more complex when faced again with the problem of professionalism on average human resources (HR) who still require increased knowledge and experience in resolving consumer disputes through BPSK. In addition to that, there is also a conflict between the UUPK and Law no. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, because the UUPK makes a separate consumer dispute settlement rule, which is relatively different from the basic concept of the arbitration mechanism that is generally accepted so that consumer dispute resolution becomes protracted.

2. The reconstruction referred to by the author is in Article 52 Letter C, Article 56 paragraph (2), Article 57 and Article 58 of the UUPL which regulates case examination so that in this case, the examination of objection cases does not only include things that contain elements - elements that can be canceled, based on the reasons in Article 70 of Law no. 30 of the year 1999 but also includes objections to the "broad application of the law" by BPSK.

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