



Legal Analysis: Nullification of state court decision in consumer dispute resolution agency in Sibolga state court decision No. 24/PDT.SUS-BPSK/2022/PN.SBG.

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Abstract

This research examines the lack of authority of the Consumer Dispute Resolution Agency in resolving cases arising from agreements between financial institutions and consumers, yet still recognized by the Sibolga Consumer Dispute Resolution Agency. The research issues involve the legal regulations of filing objections to decisions of the Consumer Dispute Resolution Agency, the grounds for the Sibolga State Court judge in annulling the decisions of the Consumer Dispute Resolution Agency, and the factors influencing the enforcement of consumer protection laws. This research aims to understand and analyze these issues. The research method used is normative juridical, with data collection through document studies and interviews, and data analysis using descriptive analysis. The results indicate that parties dissatisfied with the decision of the Consumer Dispute Resolution Agency can file objections with the State Court. The judge nullifies the decisions of the Consumer Dispute Resolution Agency because the dispute involves a contractual relationship and alleged breach of contract by one party. The main factors influencing the enforcement of consumer protection laws include regulations, law enforcement, facilities, and societal factors. Recommendations include strengthening the Consumer Dispute Resolution Agency, enhancing judges' understanding of the root causes of business-consumer conflicts, establishing regulations that uphold the principles of justice and legal certainty, and increasing legal awareness through legal education.

Keywords: Decision nullification, consumer dispute resolution agency, state court

Introduction

National economic development and advancements in science, communication technology, and informatics have produced various commodities and services. The opportunities for marketing products abroad have increased, providing benefits to consumers with high-quality product choices according to their financial situations. However, this can also create inequality in consumer and business relationships. Businesses sometimes use consumers as objects of commercialization, disadvantaging them through biased promotions. Consumers who are less careful and less aware of their rights and responsibilities become vulnerable, weakening their position^[1-3]. Therefore, legislation is needed to anticipate the losses that consumers may experience due to their lack of awareness and protection thus far.

The regulations regarding consumer protection in Indonesia need to be acknowledged as not yet fully accommodating the interests of all parties. Therefore, legal mechanisms are needed to create a situation where national economic activities can progress, which can be achieved through a balance of legal protection between consumers and businesses. The production of various goods and services to improve the welfare of the entire society is an essential economic development goal. Hence, the direction of national economic development must fully support the growth of the business sector^[4]. To ensure consumer protection, the government has established legal frameworks, including the Consumer Protection Law, as regulated in Law No. 8 of 1999, although in reality, this law has not fully met expectations.

Legal regulations are necessary to ensure compliance by both businesses and consumers, as without regulations, businesses tend to prioritize their own interests, potentially

harming consumers^[5, 6]. Therefore, the government has a responsibility to protect consumers through regulations. Non-compliance with the agreements, obligations, and prohibitions stipulated in Law No. 8 of 1999 on Consumer Protection can lead to legal conflicts between businesses and consumers. This issue can arise due to dissatisfaction on the part of one party related to product quality that does not meet standards, such as damaged goods or products not matching advertisements, as well as non-compliance with consumer rights regarding payment. These are the two main sources of consumer disputes^[7]:

- a. Consequences of violating legal regulations regarding their obligations as business operators and the existence of restrictions in conducting their business, business operators do not uphold their legal commitments stipulated in the law. Legal disagreements refer to this issue.
- b. The provisions of agreements are not followed by both business operators and customers, meaning that no party respects their obligations based on the terms of the contract or other agreements that have been signed. An example of this type of conflict is contractual disputes.

Legal regulations are needed to ensure compliance by both business operators and consumers, as without regulations, business operators tend to prioritize their business interests, potentially harming consumers^[8, 9]. Therefore, the government has an obligation to protect consumers through regulations. Non-compliance with the agreements, obligations, and prohibitions stipulated in Law No. 8 of 1999 concerning Consumer Protection can lead to legal conflicts between business operators and consumers. These issues can arise due to dissatisfaction with the quality of

products that do not meet standards, such as damaged goods or products not matching the advertisements, as well as discrepancies in payments with consumer rights.

Agreements between consumers and business operators establish mandatory installment payments to be made on time. If there is a delay, the debtor/consumer is subject to fines. The debtor experienced payment delays starting from the 5th installment, and the creditor/business operator issued verbal and written warnings. The debtor/consumer claims that the delay was unintentional due to financial conditions affected by natural conditions (the sea).

However, based on the financing agreement, a delay of more than 7 days from the due date can lead to the transfer of the financed goods to the business operator. The consumer denies receiving a warning letter and states that the fiduciary collateral was handed over due to persuasion from a debt collector. The issue of vehicle repossession by the financing institution through a debt collector has left the consumer dissatisfied, and a lawsuit was filed with the Consumer Dispute Settlement Agency (BPSK) in Sibolga City. Although BPSK granted the consumer's claim, the business operator did not accept the decision and filed a legal objection with the Sibolga District Court (Civil Case Number: 24/Pdt.Sus-BPSK/2022/PN.Sbg).

The business operator argues that the vehicle repossession was carried out due to the debtor/consumer's negligence in paying installments as per the agreement. They request that the Sibolga District Court declare the agreement valid, annul the BPSK decision, reject the debtor's claim, and impose the litigation costs on the debtor. After the evidentiary process in court, the Sibolga District Court ruled that BPSK did not have the authority to adjudicate the case and annulled BPSK's decision because the dispute was an act of default.

BPSK's decision, which is considered final and binding under Article 54 paragraph ^[3] of the Consumer Protection Law, contradicts Article 56 paragraph ^[2] of the same law, which allows for legal objections to be filed. This contradiction indicates the legislator's intention to involve the court in consumer dispute resolution. Although BPSK's decision is considered final, in practice, the losing party tends not to accept the decision and will file a legal objection with the District Court. This objection is an effort to annul BPSK's decision on the grounds that the institution does not have the authority to adjudicate disputes arising from default or breach of contract.

Here is the translation of the passage: Several studies related to the annulment of Consumer Dispute Settlement Agency (BPSK) decisions are as follows:

- a. Michelle Angel, in her research, examined the juridical review of the annulment of arbitration decisions based on Article 70 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution between Business Operators and Consumers. This study focused on the Judgment of the Tangerang District Court Number: 149/Pdt.Sus-BPSK/2016/PN.Tng. Research questions included legal considerations in resolving cases in arbitration and the application of Article 70 of Law Number 30 of 1999 in the annulment of arbitration decision Number: 13/Pts/BPSK-TANGSEL/XII/2015 that had been ruled upon by the Tangerang District Court ^[10].
- b. Faradiba, Saidin, and Harianto, Legal Consequences of the Annulment of Consumer Dispute Settlement Agency (BPSK) Decisions by the Court. This research

discusses the authority of the District Court in annulling decisions of the Consumer Dispute Settlement Agency (BPSK), especially the annulment of BPSK Batu Bara Decision No.1502/Arbitration/BPSK-BB/IX/2016 by the Binjai District Court. The research employs a normative juridical approach and secondary data, with the findings indicating that this authority is based on Law Number 8 of 1999 concerning Consumer Protection. The legal consequence of annulling BPSK decisions is that the arbitration decision becomes unenforceable. Legal analysis affirms that the BPSK of Batu Bara District was not authorized to adjudicate this case because the choice of law had already been determined in the credit agreement ^[11].

- c. Nina Rahayu Belia, in her research, examines consumer protection regulations and the authority of the Consumer Dispute Settlement Agency (BPSK) in consumer disputes according to legislation. This study focuses on legislative regulations. Research questions include the regulations and authority of BPSK in resolving consumer disputes and the legal certainty for consumers regarding BPSK decisions in the future ^[12].

Based on several previous studies, it can be noted that there are fundamental differences, namely the research problem formulation in previous studies and the research problem formulated by the Author are quite different, so the research results or discussions on such research problems are also different. The purpose of this research is to understand and analyze the legal regulation of filing objections to decisions of the Consumer Dispute Settlement Agency, the considerations of the judges of the Sibolga District Court in canceling the decision of the Consumer Dispute Settlement Agency, as stated in the decision of the Sibolga District Court Number: 24/Pdt.Sus-BPSK/2022/PN.Sbg, and the factors influencing the enforcement of consumer protection laws.

Research Methodology

This research is a normative juridical study. According to Soerjono Soekanto, this type of research involves the study and examination of literature that includes legal principles, legal theories, legal concepts, and relevant legal regulations related to the research subject ^[13]. The nature of the research used is descriptive analysis, where data related to the research is collected, organized, processed, and analyzed to provide a detailed description of the issue being studied.

As it is known, legal research does not rely on data ^[14]. For legal research, the term "data" is commonly replaced with the terms "research sources" or "legal materials." Legal materials can be divided into three main categories, as you have mentioned, namely primary legal materials, secondary legal materials, and tertiary legal materials. These research sources are used to support the analysis and discussion in legal research and assist researchers in understanding, interpreting, and formulating legal arguments ^[13].

The research has integrated the methods of document analysis and interviews with a judge from the Sibolga District Court as an informant, as well as using primary, secondary, and tertiary legal sources. Utilizing various research methods and sources that encompass legislation, legal literature, interviews with experts, and explanatory sources is a common approach in comprehensive legal research.

The document analysis method allows for the collection of data from various relevant written sources related to the research topic. Interviews with the Sibolga District Court judge provide direct insights from an individual with a deep understanding of the cases under investigation. A descriptive analysis approach is used to elaborate on and explain the data in detail, connect it with relevant legal principles, and draw conclusions based on the analysis. By employing these various research methods and sources, it is expected that your research will provide a deeper understanding of the cases under investigation and make a significant contribution to the context of consumer protection and law enforcement in Indonesia.

Results and Discussion

Legal Regulation of Filing Objections to BPSK Decisions

1. Authority to Adjudicate Consumer Disputes by BPSK

Law No. 8 of 1999 mandates the existence of an institution outside the regular courts to adjudicate disputes or issues between consumers and business operators, known as BPSK (Consumer Dispute Resolution Board). As one of the institutions that closely resemble regular courts in terms of authority to adjudicate and examine disputes or conflicts, BPSK is often referred to as a quasi-judicial body with the power to issue final and binding decisions^[15]. BPSK is established by the Government in the regions of districts and cities based on the President's Decree with the aim of resolving disputes between consumers and business operators without going through the regular courts to reach an agreement on the form and amount of compensation for specific actions to ensure that the losses suffered by consumers will not recur or be repeated^[16].

The explanation regarding the formation of BPSK, its membership, and its duties has been regulated in Article 4 of Minister of Trade Regulation No. 72 of 2020. BPSK's membership involves government representatives, consumer representatives, and business operators. BPSK is assisted by a Secretariat, which is comprised of Regional Government Apparatus from the Province/District within BPSK's jurisdiction. The appointment and removal of the Secretariat are determined through the Governor's Decree.

BPSK has duties and authority, as stipulated in Article 52 of Law No. 8 of 1999, Article 3 of Minister of Trade Decree No. 350/MPP/Kep/12/2001, and Article 9 paragraph^[2] of Minister of Trade Regulation No. 72 of 2020, including handling and resolving consumer disputes through mediation, arbitration, or conciliation. BPSK also provides consumer protection consultations, oversees standard contract clauses, reports violations of consumer protection provisions, receives consumer complaints, and imposes administrative sanctions on business operators who violate Law No. 8 of 1999.

The importance of understanding BPSK's jurisdictional limits in adjudicating disputes involving business operators is emphasized. Emphasis is placed on determining whether the cases filed fall within the category of consumer disputes or not. This is considered important to ensure that the decisions made do not disadvantage both parties in terms of cost, time, and effort.

2. Objections to BPSK Decisions

The submission of objections to the District Court against BPSK decisions is based on Article 56 paragraph^[2] of Law No. 8 of 1999 on Consumer Protection. UUPK sets a time

limit for BPSK to settle consumer disputes with business operators through arbitration within 21 working days. Then, the BPSK Secretariat must, within 5 (five) working days from the date of the arbitration decision, provide written notice of the decision to the business operator, along with proof of receipt or proof of delivery. The business operator must sign a receipt of the decision notification before the decision is considered received.

If closely examined, Article 56 paragraph^[2] of UUPK states that if consumers or business operators disagree with the BPSK decision, they can file an "objection" with the District Court within a maximum of 14 (fourteen) working days after being informed of the BPSK decision. This legal norm is contradictory, leading to conflicting interpretations of how a final and binding decision can be challenged through objections. The provisions to be applied in Article 54 paragraph^[3] and Article 56 paragraph^[2] of UUPK have influenced perceptions of BPSK's ability to protect consumers, with consumers believing that if objections arise from parties who do not accept the BPSK decision, they will return to court to resolve similar issues.

According to the author, objections to BPSK decisions that will be re-examined at the District Court level have several implications, including:

- a. Providing legal uncertainty because it tends to lead to further appeals, possibly reaching the Supreme Court if someone files a cassation;
- b. Slowing down the justice process for low-income consumers;
- c. Potentially creating new issues for business operators and consumers because all parties must handle the case again in court;
- d. Diminishing consumer trust in the Consumer Dispute Settlement Body, which should ideally provide solutions to consumer rights;
- e. Hindering business activities as business operators will become more preoccupied with handling legal matters rather than business activities.

Furthermore, in the author's analysis, the final and binding nature that has been traditionally associated with BPSK decisions is not absolute. This can be observed from the content of Article 56 paragraph^[2] and Article 58 paragraph^[2] of UUPK. While there are efforts to expedite the resolution of consumer disputes with business operators through time limits, other provisions still allow opportunities to file legal appeals with the District Court through objections from one of the losing parties. This means that the situation doesn't necessarily end there because the losing party in the objection phase can still file another legal appeal with the Supreme Court, which is cassation, without going through the High Court again.

3. Procedural Law for Reviewing Objections to BPSK Decisions by the District Court

Supreme Court Regulation No. 01 of 2006 was issued by the Supreme Court on March 15, 2006, in response to the ambiguity in UUPK and its implementing regulations. This regulation aims to harmonize the process of submitting objections to BPSK decisions across all judicial bodies in Indonesia, providing a uniform understanding of how to adjudicate objections.

Although it was expected to address some of the issues that arose while waiting for a revision of UUPK, Supreme Court

Regulation No. 01 of 2006 is not considered a sole solution. The limitations of the Supreme Court in issuing regulations mean that it cannot fully resolve all the issues that remain unresolved to this day.

Some provisions regarding the submission of objections to BPSK decisions, as stipulated in Supreme Court Regulation No. 1 of 2006, include:

- a. Objections to the District Court must be filed in the form of a lawsuit (not voluntarily/petition);
- b. Objections only apply to BPSK arbitration decisions, excluding mediation and conciliation;
- c. Objections are filed in the same way as civil case registration procedures through the Registry of the District Court where the legal domicile of the parties is located.
- d. Objections must be filed within a maximum of 14 (fourteen) working days from the date the parties receive the BPSK decision notification.
- e. Six copies of the objection must be prepared for submission to the Clerk of the Court for the parties involved, including the BPSK.
- f. BPSK cannot be a party to the objection.

According to Article 6 paragraph ^[3] of Supreme Court Regulation No. 1 of 2006, it sets the conditions that must be met by the parties when filing objections to BPSK decisions, including:

- a. Acknowledgment after the decision is made if the documents used in the examination are fake or declared fake.
- b. Documents that are determinative in nature are concealed by the opposing party, and only after the BPSK arbitration decision is issued are these documents found.
- c. One of the parties engages in deception during the dispute resolution process, resulting in the decision being based on the deception of the parties.

In the resolution of disputes, the Chairman of the Court appoints a competent judge to handle the case. The judge can annul the decision if important documents are concealed by the opposing party or if there is deception in the dispute resolution. If an objection is filed, the judge considers the BPSK decision and the case file submitted in the hearing. The District Court judges must issue a decision within 21 working days from the first hearing. Supreme Court Regulation No. 01 of 2006 on Procedures for Submitting Legal Objections to BPSK Decisions was issued on March 15, 2006, to address the ambiguity in UUPK. Although not binding, this regulation is expected to provide guidance for submitting objections. Legal objections can only be made against BPSK arbitration decisions and do not cover decisions from mediation or conciliation. Supreme Court Regulation No. 01 of 2006 serves as a reference for District Court judges, although it is not binding. However, the resolution of consumer disputes follows three stages: BPSK, objections to the District Court, and cassation at the Supreme Court, with maximum time limits for resolution that benefit both consumers and business operators in obtaining legal certainty more quickly. Although UUPK does not explicitly regulate procedural law, Supreme Court Regulation No. 01 of 2006 is expected to provide guidance for handling objections.

The examination of legal objections to BPSK decisions refers to Supreme Court Regulation No. 01 of 2006 and the Civil Procedure Law (HIR/Rbg). Although the Civil Procedure Law applies unless otherwise specified in the Supreme Court's regulations, there are significant differences in several aspects. In the context of mediation proceedings, legal objections do not specifically regulate the time for mediation, although parties are encouraged to resolve issues voluntarily. In contrast, the Civil Procedure Law (HIR/Rbg) allows more time for parties to mediate, especially with reference to Supreme Court Regulation No. 01 of 2016 on Mediation Procedures in Court. Another difference lies in the duration of rendering decisions. Legal objections to BPSK have a time limit of 21 days from the first hearing for the panel of judges to deliver a decision. Meanwhile, under the Civil Procedure Law (HIR/Rbg), there is no specific time limit set for judges to deliver a decision. Although there is currently a provision that the panel of judges in civil cases should render their decision no later than 6 months from the date the case is registered. This difference indicates that in handling legal objections, there is a stricter time limit for delivering decisions, while the Civil Procedure Law allows for greater flexibility in this regard.

The Judge's Considerations in Nullifying the Consumer Dispute Resolution Board's Decision as in Decision Number: 24/PDT.SUS-BPSK/2022/PN.SBG

1. The Judge's Approach in Rendering a Decision

Basically, every case filed with the District Court must be examined and decided by a panel of judges, following the principle of *ius curia novit*. Article 10 paragraph ^[1] of Law No. 48 of 2009 on the Judiciary emphasizes that the court is obligated to examine, adjudicate, and decide on a case without claiming that the law does not exist or is unclear. This underscores the role of judges in discovering and applying the law to deliver justice.

Understanding the independence of the judiciary is key to ensuring impartial, honest, and neutral behavior. The separation of powers from the executive and legislative branches is crucial to guarantee judicial independence. Judicial freedom allows judges to give substance and strength to legal norms through their decisions.

The primary function of judges is to issue rulings on cases brought before them through the court system. Judges do not merely follow legal provisions but also consider their beliefs and conscience. When examining civil cases, judges are passive regarding the substance of the case but actively assist the parties in seeking the truth.

The judicial process is not an easy task, especially in an era of increased demand for transparency. Judicial decisions become topics of public discussion and consumption, often leading to public comments and reactions. Judicial independence must be safeguarded from any intervention or pressure from any party to ensure that the decisions rendered reflect justice.

Before delivering a verdict, judges need to consider various factors, including the sense of justice, honesty, appropriateness, and the benefit to all parties involved and the broader society. According to Mackenzie, there are several theories or approaches that judges can use when considering their decisions ^[17], including:

First, there is a balanced approach that focuses on harmonizing legal requirements and the interests of the

disputing parties. In the context of civil cases, regulations such as Article 163 HIR, Article 283 Rbg, and Article 1865 KUHPerdata establish the obligation for each party to prove their claims.

Furthermore, there is an artistic and intuitive approach where the decision depends on the discretion or authority of the judge. The judge's instinct or intuition plays a significant role in assessing the situation of the disputing parties, although the use of this theory without caution can increase the risk of errors or inaccurate judgments.

The scholarly approach is another aspect in the process of rendering decisions, where judges are expected to carry out this process systematically and meticulously. Mastery of legal knowledge and scholarly insights by judges is considered crucial to ensure consistency in decisions.

The experiential approach is also taken into account, considering that a judge's experience is seen as valuable capital in handling cases. Experience helps judges understand the impact of decisions on the parties involved and society in a more holistic manner.

Finally, the ratio decidendi approach is based on a philosophy that considers all aspects related to the essence of the case. Judges seek relevant legal regulations as the legal basis for their decisions. The judge's considerations should be based on a clear motivation to uphold the law and provide justice.

When delivering a decision, judges need to present legal considerations systematically. Relevant and direct considerations related to the essence of the case are called ratio decidendi, which binds the parties. In contrast, considerations that are not directly related to the essence of the case are called obiter dictum, which is not binding.

In analyzing a case in the Sibolga District Court, the panel of judges combines the Ratio Decidendi approach with their prior experience and the jurisprudence of the Supreme Court. By considering aspects related to the essence of the case, searching for relevant legal regulations, and referring to past experiences and decisions, judges deliver decisions that follow scholarly and practical approaches. The facts show that the Sibolga District Court tends to uphold objections to decisions of the Consumer Dispute Resolution Board, demonstrating consistency in decision-making regarding consumer disputes.

2. Consideration of the Panel of Judges in Case Number: 24/Pdt.Sus-BPSK/2022/PN.Sbg

In the case of Number 24/Pdt.Sus-BPSK/2022/PN.Sbg held at the District Court of Sibolga on March 24, 2022, PT. Capella Multidana (Applicant of Objection) filed an objection against the Decision of the Sibolga Consumer Dispute Resolution Body (BPSK) Number 02/PTS-Arbitration/BPSK-Sbg/III/2022 issued on March 10, 2022. The Applicant of Objection made this legal action for the following reasons:

Filing of Legal Action: The Applicant of Objection submitted the objection in accordance with the Supreme Court of the Republic of Indonesia Regulation No. 01 of 2006 concerning the Procedures for Submitting Objections to Decisions of Consumer Dispute Resolution Bodies.

Reasons for Legal Action: The Applicant of Objection provided various reasons for filing the objection, including:

- a. The Respondent of the Objection (NG) received financing for a car unit from the Applicant of Objection based on a fiduciary agreement dated April 19, 2021.

- b. The Respondent of the Objection made late installment payments, even being in arrears since the 5th installment due on September 19, 2021.
- c. The Applicant of Objection issued both verbal and written warnings to the Respondent of the Objection but did not receive a response.
- d. The Applicant of Objection executed the vehicle that was the subject of the financing on January 22, 2022, after the arrears reached 5 months.
- e. The Applicant of Objection gave the option to the Respondent of the Objection to either settle the entire debt or find another financing company willing to continue the financing, but the Respondent of the Objection declined the option.

Decision of BPSK: The Consumer Dispute Resolution Body (BPSK) partially granted the consumer's request and ordered both parties to comply with the decision and execute the Minutes of the Meeting. BPSK also declared that the vehicle's seizure was not valid due to procedural errors and administrative defects, and it ordered the Respondent of the Objection to return the vehicle and normalize the financing agreement.

Opinion of the Applicant of Objection on BPSK's Decision: The Applicant of Objection disagreed with the legal considerations used by BPSK, particularly those prioritizing the consumer's statement made after the vehicle was stored on January 22, 2022. The Applicant of Objection also questioned the legality and validity of the vehicle seizure officers who did not appear as witnesses in the trial. Furthermore, the Applicant of Objection emphasized that their vehicle financing business was registered and supervised by the Financial Services Authority (OJK).

Conclusion: The Applicant of Objection stated that BPSK's legal considerations did not take into account the full scope of the issues and that the legality of the vehicle seizure officers was not in doubt. The Applicant of Objection also asserted that they always treated consumers in accordance with the applicable agreements and regulations.

Furthermore, this case became controversial as the Respondent of the Objection filed a counterclaim, citing fiduciary law, Constitutional Court decisions, alleged legal violations by the Applicant of Objection, and the submission of a consumer dispute in response to the actions of the Applicant of Objection. This case will continue to be considered by the Sibolga District Court to find a resolution in accordance with the applicable law.

- a. In this case, the Respondent of the Objection submitted a request to the Panel of Judges of the Sibolga District Court for the following decisions:
- b. **In the Exception:** Granting the exception of the Respondent of the Objection in its entirety and declaring the Applicant of Objection's objection inadmissible.
- c. **In the Convention:** Rejecting the Applicant of Objection's objection in its entirety.
- d. **In the Reconviction:** Granting the Applicant of Objection's request in its entirety; Declaring the decision of the Consumer Dispute Resolution Body (BPSK) of Sibolga Number 02/PTS-Arbitration/BPSK

Sbg/III/2022, dated March 10, 2022, valid and legally binding.

- e. In the Convention and Reconviction:** Sentencing the Applicant of Objection to pay the costs arising from this case.

The trial process involved several stages, including the Applicant of Objection filing an objection against the decision of the Sibolga Consumer Dispute Resolution Body; the Respondent of the Objection responding by submitting exceptions, conventions, and reconvictions as part of the legal process; the Applicant of Objection submitting a reply, and the Respondent of the Objection submitting a rejoinder in response to the reply; The trial was conducted by presenting documentary evidence and witnesses by both parties; Both parties were given the opportunity to present conclusions; The Panel of Judges provided legal considerations regarding exceptions and the substance of the case, and made a Decision; The result of the decision by the Panel of Judges was: Rejecting the exceptions filed by the Respondent of the Objection regarding the form of the objection application and *Plurium Litis Consortium*. Partially granting the request of the Applicant of Objection by declaring that BPSK of Sibolga was not authorized to adjudicate this case; Declaring the decision of BPSK of Sibolga Number 02/PTS-Arbitration/BPSK-Sbg/III/2022 null and void; Rejecting the Applicant of Objection's request otherwise and in all other respects; Rejecting the request of the Applicant of Reconviction/Respondent of the Convention in reconviction; Sentencing the Respondent of the Convention/Applicant of Reconviction to pay the entire case costs amounting to Rp 225,000.00.

The Panel of Judges' considerations were based on applicable laws, such as the Consumer Protection Law, the duties and authorities of BPSK, and the existing vehicle financing agreement between both parties. The Panel of Judges also took into account the fact that the disputed vehicle had been stored due to long-term arrears. Although there were some differences of opinion on how the legal process should have been conducted, the Panel of Judges' decision was based on the interpretation of the law in force.

Factors Affecting Consumer Protection Law Enforcement

The principle of responsibility is crucial and closely related to consumer protection law. There needs to be a principle of caution in determining who is responsible and to what extent responsibility is assigned in handling consumer rights violation issues. Therefore, for legal certainty and justice, there is a need to limit the liability imposed through agreements between both parties and refer to the applicable laws.

The principles of responsibility in the law can be classified as follows^[18], namely:

- a. Principle of Responsibility Based on Fault Elements:** The main principle for holding someone accountable for their unlawful actions; Unlawfulness consists of acts, errors, losses, and causality; In the context of consumer protection, businesses can be held responsible if there is evidence of errors related to products or services that harm consumers.

- b. Presumption of Always Being Responsible:** Establishing that the defendant is always presumed responsible until proven not to have committed any wrongdoing; In consumer disputes, the burden of proof is on the business as the defendant to prove the absence of a consumer rights violation.

- c. Presumption of Not Always Being Responsible:** The opposite of the presumption of always being responsible; Limited to specific consumer transactions, and the burden of proving wrongdoing lies with the party that possesses and owns the goods. For example, in cases of loss or damage to carry-on baggage, initial responsibility lies with the passenger but can be shifted if there is evidence of fault on the part of the carrier.

- d. Absolute Responsibility Principle:** Also known as absolute liability; There are two views regarding absolute liability, one that excludes fault in determining liability except in cases of force majeure, and one that links it to the causality between the responsible party and the wrongdoing.

According to R.C. Hoeber, et. al^[18], the Absolute Responsibility Principle is usually applied in consumer protection because consumers are in a disadvantaged position to prove errors in complex production and distribution processes. In this context, manufacturers are assumed to have a greater capacity to anticipate and be cautious, given the potential for claims due to errors. This principle effectively forces manufacturers to take more responsibility for any harm that consumers may suffer from the use of marketed products. Additionally, there are liability limitations that businesses may prefer to include as exculpatory clauses in standard agreements. These exculpatory clauses involve the exemption or transfer of liability in agreements. However, the author's analysis highlights that this principle can be detrimental to consumers if businesses unilaterally determine it. Therefore, it is recommended that liability limitations be regulated based on legislation to protect consumer interests.

Key Factors in Consumer Protection Law Enforcement

Law enforcement is the process of aligning values within legal norms to create and maintain social order. This involves implementing discretion, especially in situations where legal rules do not cover all aspects and require individual judgment. Disruptions in law enforcement can occur when there is no alignment between values, norms, and behavior patterns. Factors influencing law enforcement include legislation, the role of law enforcement authorities, the availability of resources and facilities, public perception, and cultural aspects.

According to Soerjono Soekanto, understanding and law enforcement can be influenced by these factors.

- a. Legislation Factors:** Legislation forms the primary basis for consumer protection law enforcement; The Consumer Protection Law (UUPK) serves as a reference for the rights and obligations of consumers and businesses; Although the UUPK has its advantages, there are conflicts between its articles, such as Articles 54 paragraph^[3] and 56 paragraph^[2], which raise doubts about the finality of BPSK decisions; There is a need

for revisions in the UUPK to address inconsistencies and weaknesses in consumer protection regulations.

- b. Law Enforcement Authority Factors:** Law enforcement authorities play a key role in enforcing rules and ensuring the continuity of the legal process; Differences in roles and perspectives among law enforcement authorities can hinder consumer law enforcement; For example, differences in perspectives between the BPSK Panel and Judges in a case, such as in Case Number: 24/Pdt.Sus-BPSK/2022/PN.Sbg, can impede law enforcement due to differing interpretations.
- c. Facility and Resource Factors:** Facilities and resources, including individual competence, organizational management, equipment, and material conditions, affect law enforcement; Although the Sibolga District Court has adequate facilities, there are shortcomings, such as the absence of specialized judges for consumer disputes; There is a need for training and capacity-building for law enforcement officials to be more competent in adjudicating consumer disputes.
- d. Community Factors:** Public perceptions of law and law enforcement affect legal compliance; The public's understanding of institutions like BPSK is not uniform, and the practice of installment purchasing without a complete understanding of agreements raises new legal issues; Legal education is needed to enhance consumer understanding of their rights and obligations in business transactions.

Conclusion

The submission of a legal objection to the decision of the Consumer Dispute Settlement Board (BPSK) to the District Court is based on the provisions of Article 56 paragraph ^[2] of Law No. 8 of 1999 on Consumer Protection in conjunction with Supreme Court Regulation No. 01 of 2006 on the Procedure for Submitting Objections to BPSK Decisions. BPSK decisions that are final and binding are set aside by the filing of an objection. The procedural law for adjudicating objections by the District Court Judges still refers to civil procedural law (HIR/Rbg) unless otherwise specified in Supreme Court Regulation No. 01 of 2006.

The Panel of Judges of the Sibolga District Court granted the objection against the BPSK Decision in Case Number: 24/Pdt.Sus-BPSK/2022/PN.Sbg filed by PT. Capella Multidana as the Objecting Party against Nasruddin Gea as the Objected Party. The legal reasoning behind this decision is that the dispute between the parties is based on a contractual relationship and allegations of breach of contract by one of the parties. Therefore, the Panel of Judges opined that the subject matter of the case is not a consumer dispute but a general/civil dispute, which is not within the jurisdiction of BPSK, in accordance with the jurisprudence of the Supreme Court Decisions No. 42 K/Pdt.Sus/2013, No. 208 K/Pdt.Sus/2012, No. 651 K/Pdt.Sus-BPSK/2013, and No. 451 K/Pdt.Sus-BPSK/2014, which establish the legal principle that BPSK is not authorized to adjudicate civil disputes related to breach of contract because such disputes fall outside the scope of BPSK's duties and authority, as stipulated in Article 52 of Law No. 8 of 1999

on Consumer Protection in conjunction with Article 3 of the Ministry of Trade Decree No. 350/MPP/Kep/2001.

Factors influencing the enforcement of consumer protection laws include several key factors: conflicting or contradictory provisions between legal articles; law enforcement authorities having differing perceptions of consumer protection; inadequate resources and facilities; and a lack of legal awareness among the public regarding the boundaries established in consumer protection.

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