

## **Requirements and Procedures for Submitting a Request for Consumer Disputes Regarding Products and Services Through the Consumer Dispute Resolution Agency (BPSK)**

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**Abstract.** This study aims to determine and analyze the requirements and procedures for submitting consumer dispute resolution for service products through the Consumer Dispute Resolution Agency (BPSK), specifically in Semarang City. The urgency of this research is based on the fact that in the relationship between consumers and service product business actors often arise problems that are detrimental to consumers, while dispute resolution through litigation in court is considered time-consuming, expensive, and complicated procedures. BPSK as an alternative dispute resolution institution exists to provide legal protection with a fast, inexpensive, and simple mechanism. The research method used is an empirical juridical method with a qualitative approach. Primary data was obtained through interviews with BPSK Semarang City, consumers, and business actors who have had disputes. Meanwhile, secondary data was obtained through literature studies in the form of laws and regulations, legal literature, and related official documents. The analysis was conducted descriptively and analytically to describe practices in the field and compare them with applicable legal provisions.

**Keywords:** BPSK; Consumers; Dispute Resolution; Procedures; Requirements.

### **1. Introduction**

Indonesia is affirmed as a state of law in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This concept of a state of law requires that all aspects of national and state life run based on laws that guarantee

certainty, justice, and protection of citizens' human rights. In line with Jimly Asshiddiqie's view, the elements of the Indonesian state of law are a combination of the Continental European concept of *Rechtsstaat* and the Anglo-Saxon Rule of Law, which prioritizes the supremacy of law as the foundation of state life.

As a nation governed by law, Indonesia positions law not only as a regulator of relations between citizens, but also as a controlling and directing instrument for various sectors, including the economy, social, cultural, technological, and private spheres. The 1945 Constitution affirms the principles of justice, legal certainty, and protection of rights through relevant articles, such as Article 28D and Article 28G. These principles provide a strong foundation for legal protection, including in the context of trade in goods and services.

The Indonesian economy is based on national development aimed at advancing the general welfare through a system of economic democracy. Law No. 7 of 2014 concerning Trade explains that trade encompasses transactions of goods and/or services within and outside the country for legitimate compensation. This means that service transactions play a strategic role as part of national economic activity.

Unlike goods, services possess unique characteristics, such as intangibility, inseparability, heterogeneity, and perishability. The diversity of services is also extensive, encompassing transportation, communications, education, healthcare, finance, recreation, and even digital services. These characteristics create unique dynamics in service transactions, which often lead to disputes.

The increasingly complex nature of service transactions is exacerbated by the impact of globalization, digitalization, and advances in information technology. These developments present new challenges for consumers, as not all service transactions proceed as agreed, potentially leading to consumer harm. In this context, the law plays a crucial role in providing legal protection and certainty, ensuring that consumer rights remain secure amidst the increasingly dynamic development of the service industry.

As a form of legal protection for consumers, Law Number 8 of 1999 concerning Consumer Protection (UUPK) provides a normative basis, including the establishment of the Consumer Dispute Resolution Agency (BPSK) as an out-of-court dispute resolution body. The BPSK is mandated to resolve disputes quickly, simply, and affordably, while prioritizing win-win solutions through conciliation, mediation, and arbitration.

However, the implementation of the BPSK's functions in the field still faces various obstacles, ranging from limited facilities, low socialization, to overlapping authority with other agencies, especially in the context of digital disputes (Yunimar & Fitri, 2021 and Gumilar et al., 2025). Several research findings and

recommendations from related institutions, such as the BPKN, indicate the need to strengthen the BPSK and update the substance of the UUPK to be able to accommodate the characteristics of service disputes that differ from disputes over goods.

Based on these conditions, this research is important to conduct a specific study on the requirements, procedures, and mechanisms for resolving consumer disputes regarding service products through the Consumer Dispute Resolution Agency (BPSK), particularly in Semarang City. This research is expected to provide a concrete picture of the practice of resolving service disputes, the obstacles faced, and relevant opportunities for improvement to strengthen consumer protection in Indonesia. The title of this research is: "Requirements and Procedures for Submitting Consumer Dispute Resolution for Service Products Through the Consumer Dispute Resolution Agency (BPSK)."

## **2. Research Methods**

This type of research is normative legal research. Normative legal research is research that positions law as a system of norms. The normative system in question concerns the principles, norms, and rules of statutory regulations, court decisions, agreements, and doctrines. This research attempts to describe (reveal and explain) the validity of e-signatures in authentic deeds as a digital transformation of notaries.

## **3. Results and Discussion**

### **3.1. Requirements and Implementation of Procedures for Submitting Consumer Dispute Resolution for Service Products through the BPSK of Semarang City**

The Consumer Dispute Resolution Agency (BPSK) is an institution established under Law Number 8 of 1999 concerning Consumer Protection. Article 52 of the law stipulates that the BPSK's function is to handle and resolve disputes between businesses and consumers outside of court. To process a dispute, the BPSK requires clear administrative requirements to ensure the process runs smoothly and avoids legal uncertainty.

In Semarang City, the BPSK falls under the auspices of the Central Java Provincial Department of Industry and Trade. The administrative requirements imposed on the public are essentially based on statutory regulations and technical policies of the Ministry of Trade.

#### **1. Administrative Requirements**

In general, consumers who feel they have been harmed can submit a request for dispute resolution by fulfilling the following conditions:

- a. Personal identification in the form of a photocopy of your KTP or other official identification.
- b. A written complaint letter containing a brief description of the dispute, the identity of the business actor, and the consumer's demands.
- c. Proof of transactions such as receipts, notes, invoices, written agreements, warranty cards, or other forms that show a legal relationship with the business actor.
- d. Supporting evidence includes photos of products/services, communication recordings, or witness testimonials.
- e. Power of attorney, if the complaint is submitted by another party, either an individual or a Non-Governmental Consumer Protection Institution (LPKSM).

## 2. Normative Analysis

Completing these requirements is crucial for legal certainty. With clear documentation, the BPSK panel can assess whether a dispute truly exists and determine appropriate resolution steps. According to Philipus M. Hadjon, preventative legal protection is realized through clear procedures and administrative requirements that protect all parties from the outset.

However, in practice, not all consumers are able to meet these requirements. In service disputes, for example, transactions are often conducted without written evidence. This makes it difficult for consumers to prove their losses. Thus, while administrative requirements are necessary to maintain order, they can also hinder access to justice for small consumers.

## 3. Implementation of Consumer Dispute Resolution Procedures through the Semarang City BPSK

### a. Registration and Verification Stage

Once the documents are complete, the complaint is filed with the Semarang City BPSK secretariat. Officers will verify whether the dispute falls within the BPSK's jurisdiction, specifically concerning the legal relationship between businesses and consumers. Disputes outside the BPSK's jurisdiction, such as between businesses and other businesses, will not be accepted.

### b. Summons of the Parties

After receiving a complaint, the BPSK summons the consumer and business owner to attend the resolution process. This summons is done formally through a summons letter. A common obstacle is the absence of the business owner, which delays the process.

c. Selection of Settlement Method

The BPSK facilitates meetings between the two parties to find a fair solution. There are three methods of resolution: conciliation, mediation, and arbitration. A panel hearing can be held if the consumer and business actor agree on a resolution method.

d. BPSK Assembly Session

The BPSK forms a panel consisting of government officials, business actors, and consumers. During the hearing, the panel examines evidence and hears testimony from the parties, ultimately reaching a decision agreed upon by all parties.

e. Decision and its Implementation

The BPSK's decision is binding, but an appeal may be filed with the District Court within 14 days of its pronouncement. If no objection is filed, the decision becomes final and binding. However, in practice, not all business actors are willing to implement the decision.

4. Empirical Analysis

Based on field research (interviews with the Semarang BPSK secretariat), the majority of consumer disputes can be resolved through mediation. This demonstrates the effectiveness of non-litigation procedures. However, when business actors refuse to appear or enforce decisions, consumers' positions are weakened. Consumers are still required to file legal proceedings in the district court, which contradicts the BPSK's original goal of expeditious and affordable dispute resolution.

5. Theoretical Analysis: Legal Protection Perspective

Based on Satjipto Rahardjo's theory of legal protection, the law should be a means to protect the vulnerable, namely consumers. The Semarang City BPSK (Regional Consumer Protection Agency) has attempted to achieve this by providing simple and free procedures. However, the limited power to enforce decisions actually reduces its repressive protection function for consumers.

Meanwhile, according to Soerjono Soekanto, legal effectiveness is influenced by legal substance, legal structure, and legal culture. In terms of substance, the regulations regarding the BPSK's authority are quite clear. In terms of structure, the capacity of the Semarang BPSK is still limited due to the number of members and infrastructure. Meanwhile, in terms of legal culture, many business actors remain reluctant to respect BPSK decisions. This demonstrates the need for institutional strengthening to ensure the achievement of legal protection.

## 6. Evaluation of Requirements and Procedures

### a. Strength

- 1) The process is simple, fast, and does not burden consumers with large costs.
- 2) Mediation is a means of a win-win solution.
- 3) The tripartite element (government, business actors, consumers) ensures a balance of perspectives.

### b. Weakness

- 1) Evidence requirements are sometimes burdensome for consumers who are not familiar with the law.
- 2) The absence of business actors often hampers the process.
- 3) There is no direct execution mechanism for BPSK decisions.

## **3.2. Consumer Dispute Resolution Mechanism for Service Products Through the Semarang City BPSK**

The dispute resolution process through the Consumer Dispute Resolution Agency (BPSK) is the same in all regencies/cities in Indonesia. However, since the enactment of the Regional Government Law, the BPSK formation process has been delegated to the Regional Government/Provincial Government, which was previously regulated in the Decree of the Minister of Industry and Trade. In Central Java Province, the legal basis for the BPSK formation is regulated in Governor Regulation (Pergub) Number 17 of 2017 concerning the Consumer Dispute Resolution Agency. Pergub No. 17 of 2017 regulates, among other things, the formation of the BPSK, its duties and authorities, its membership structure, the appointment and dismissal of BPSK members, and its funding. Meanwhile, technical regulations regarding the BPSK's legal proceedings are not explained in detail by statutory regulations. However, the Consumer Dispute Resolution Law only provides a general outline of the BPSK's legal proceedings, which the author will discuss later.

Before we discuss consumer disputes, it's helpful to first understand the terms "dispute" and "conflict." While the terms "dispute" and "conflict" are often used interchangeably, these two terms actually have distinct characteristics. Not every conflict leads to a dispute; rather, every dispute is a conflict. In psychology, there are psychological conflicts that are not legal disputes. This is based on the definition of conflict, which is defined as the simultaneous occurrence of two or more antagonistic influences or motives. An actual conflict usually precipitates a mental crisis and can be distinguished from a basic conflict (root conflict) that

arises from childhood. Similarly, in sociology, there are group conflicts and other types of conflict.

Individual disputes involving businesses and consumers are facilitated by laws and regulations, including Law Number 8 of 1999 concerning Consumer Protection. If a dispute arises between a consumer and a business, the dispute can be resolved through litigation (court) or non-litigation (outside the court). Dispute resolution through non-litigation is guided by the Consumer Protection Law.

The term "conflict" comes from the English word "conflict," which means disagreement, dispute, quarrel, or conflict. A conflict or dispute about something occurs between two or more parties. Today's society is faced with several dispute resolution options, depending on the level of importance and fulfillment of basic needs in viewing the conflict or dispute itself. Conflicts or disputes can be resolved through litigation, non-litigation, or advocacy mechanisms.

According to Soerjono Soekanto, conflict is a social process where individuals or groups attempt to achieve their goals by opposing opposing parties, using threats and/or violence. Meanwhile, according to Robert MZ Lawang, conflict is a struggle for values, status, and power, the goal of which is not only to gain profit but also to defeat rivals.(Muhammad Ibn Azzulfa, 2022).

Furthermore, according to Laura Nader and Harry Tood in BN Marbun, what is meant by a dispute is a dispute, disagreement or something that causes differences of opinion, quarrels, arguments, which can escalate into a legal dispute. Meanwhile, JCT Simorangkir, provides the definition of a dispute as a problem or matter. Laura Nader and Harry Todd state: "The definition of conflict (dispute) with dispute (dispute), even conflict (dispute) itself can be distinguished between pre-conflict (pre-dispute) and conflict (dispute). Conflict is a dispute that only involves two parties, while a dispute is a dispute between two or more parties that is already open and the resolution involves a third party."(BN Marbun, 2008).

The Consumer Protection Act (UUPK) does not define what constitutes a consumer dispute. The term "consumer dispute" is found in several sections of the UUPK, namely:

1. The mention of consumer disputes as part of a state administrative institution that has the authority to resolve disputes between business actors and consumers, in this case the Consumer Dispute Resolution Agency (BPSK) (Article 1 point 11 UUPK);
2. The resolution of consumer disputes concerning the procedures for resolving disputes is contained in Chapter X Dispute Resolution. In this Chapter, the term

consumer disputes is used consistently, namely Article 45 paragraph (2) and Article 48 of the Consumer Protection Law.

Because there are no limitations regarding the definition of consumer disputes in the law, it can be defined that what is meant by consumer disputes is disputes that occur between consumers as users of goods or services on the one hand and business actors or producers on the other hand who are deemed to have violated consumer rights.

Based on the Decree of the Minister of Industry and Trade Number: 350/MPP/Kep/12/2001, it is stated that consumer disputes are disputes between business actors and consumers who demand compensation for damage, pollution and/or who suffer losses due to consuming goods or using services. Thus, a consumer dispute is categorized if the elements of a dispute are met, business actors, consumers and the existence of losses on the part of consumers. Regulations for the resolution of consumer disputes in the Consumer Protection Law are regulated in Articles 45 to 48. In the regulations, it is explained that consumers who are harmed can sue business actors through institutions tasked with resolving consumer disputes or through courts within the general court environment. Thus, the resolution of consumer disputes can be carried out through litigation (court) and non-litigation (outside the court).

Article 48 of the Consumer Protection Law explains that the litigation route is taken by filing a lawsuit through the court referring to the provisions on general courts that apply by taking into account Article 45 of the Consumer Protection Law. This Consumer Protection Law has provided four ways to file a lawsuit to the court, namely a lawsuit by an aggrieved consumer or the relevant heir (individual), a lawsuit filed by a group of consumers with the same interests, a non-governmental consumer protection agency, and the government. As for the settlement of consumer disputes through non-litigation channels, the reference is Law Number 30 of 1999 concerning Arbitration which consists of mediation, conciliation, and arbitration.

Non-litigation routes in resolving consumer disputes are taken through conciliation, mediation and arbitration where the aim is to reach an agreement regarding the form and amount of compensation and/or regarding certain actions to ensure that the losses suffered by consumers will not happen again or will not be repeated.(Kurniawan (b), 2011).

Non-litigation consumer dispute resolution processes include conciliation, mediation, and arbitration. Below, the author will discuss each non-litigation dispute resolution process one by one:

## 1. Conciliation

Conciliation is an alternative dispute resolution method that can also be pursued outside the courts. It is defined as an independent person (conciliator) bringing the parties together and encouraging a mutually acceptable resolution of the dispute. The purpose of conciliation is to resolve consumer disputes through either a judicial process or through a general court. Therefore, consumer dispute resolution can be conducted through litigation (court) or non-litigation (outside the courts).

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Non-litigation methods for resolving consumer disputes include conciliation, mediation, and arbitration, with the goal of reaching an agreement on the form and amount of compensation and/or specific actions to ensure the loss suffered by the consumer will not recur or be prevented from recurring. This can be achieved by facilitating communication between the parties. Conciliation is also a possible alternative to resolving consumer disputes under the Consumer Protection Law. This dispute resolution method shares many similarities with arbitration, and also allows a third party to provide their opinion on the dispute submitted by the parties. However, the conciliator's opinion is not binding, as is an arbitration decision. The parties' non-binding nature of the conciliator's opinion on the dispute makes the resolution highly dependent on the parties' willingness.(Ahmadi Miru and Suratman Yodo, 2015, p.17-19).

In practice, conciliation is a dispute resolution undertaken on the initiative of one or more parties, while the Consumer Dispute Resolution Body (BPSK) is passive, so that the BPSK Assembly only acts as an intermediary between the disputing parties. BPSK as a conciliator clarifies the problems that occur and joins the parties, provides approaches to the parties, although not too active and is left entirely to the parties, and brings together different views between the parties that must be met. BPSK as an institution that resolves consumer disputes has the task of summoning consumers and business actors in dispute, summoning witnesses and expert witnesses if necessary, providing a forum for consumers and business actors in dispute, answering questions from consumers and business actors regarding laws and regulations in the field of consumer protection.

Another out-of-court dispute resolution pathway is mediation. Mediation is a process used to reconcile disputing parties. Mediation is an alternative and method of dispute resolution in which the disputing parties submit their disputes to a mediator with the aim of achieving a fair and acceptable outcome for all parties.

In practice, in consumer dispute resolution, mediation is a dispute resolution process in which a third party acts as a neutral party, with the Consumer Protection and Asset Management Agency (BPSK) acting as the third party. The BPSK panel acts only as an intermediary and advisor. The BPSK's duties as mediator include summoning consumers and businesses in dispute, summoning witnesses and expert witnesses if necessary, providing a forum for consumers and businesses in dispute, actively reconciling consumers and businesses in dispute, and actively providing advice or recommendations for resolving consumer disputes in accordance with laws and regulations in the field of consumer protection. (Aries Kurniawan, 2008).

The dispute resolution process at the Consumer Dispute Resolution Agency (BPSK) consists of three types: conciliation, mediation, and arbitration. According to Article 4, paragraph 2 of Decree of the Minister of Industry and Trade Number 350/MPP/Kep/12/2001 concerning the Duties and Authorities of the Consumer Dispute Resolution Agency, these three dispute resolution methods are carried out based on the choice and agreement of the parties, rather than a hierarchical dispute resolution process.

## 2. Mediation

Mediation is a flexible, non-binding dispute resolution method that involves a neutral party, the mediator, who facilitates negotiations between the parties and helps them reach a compromise or agreement without resorting to court. The mediator's services include offering a basis for dispute resolution but not rendering a decision or opinion on the ongoing dispute.

Moore, CW (2003) defines mediation as dispute resolution involving a neutral third party, or mediator, to help facilitate communication and negotiation between the disputing parties. The goal of mediation is to reach an agreement that satisfies both parties. The approach used in mediation is collaborative and oriented toward achieving a mutually beneficial solution.

The mediation process is conducted voluntarily by the parties and is non-coercive. The mediator acts as a neutral, impartial party, facilitating dialogue and negotiation between the parties to reach a mutually beneficial agreement.

The advantage of resolving disputes through mediation is that the settlement approach is directed at cooperation to reach a compromise, so that each party

does not need to defend the facts and evidence they have and does not need to defend and maintain their respective truths.

The next out-of-court consumer dispute resolution method is arbitration. The legal basis for arbitration institutions is Presidential Decree No. 31 of 1981, Law No. 14 of 1970 which has been replaced by Law No. 14 of 1980 and updated again by Law No. 4 of 2004 and updated again by Law No. 48 of 2009 concerning Judicial Power and Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

Settlement of cases outside the court on the basis of peace/arbitration is still permitted according to Law Number 1 of 1950 which states that the Supreme Court is the second level court for arbitration decisions. The characteristics of arbitration are the agreement and freedom of the parties to appoint an arbitrator; the dispute resolution procedure is based on provisions made by the parties; the arbitration decision is binding on the parties, taken by the parties.(Celina Tri Siwi Kristiyanti, 2008).

### 3. Arbitration

Consumer dispute resolution by arbitration is a dispute resolution in which the parties fully submit to the Consumer Dispute Resolution Body Assembly to decide and resolve consumer disputes fully to the Consumer Dispute Resolution Body Assembly. Arbitration is a dispute resolution method in civil matters that can be agreed upon by both parties which can be binding and enforceable. Redfern, A., & Hunter, M. (2014) define arbitration as a dispute resolution involving a neutral third party or arbitrator to decide a dispute between the disputing parties. The arbitrator issues a decision that is final and binding on both parties. The approach used in arbitration is a formal and procedural approach.

The stages for resolving consumer disputes through arbitration at BPSK are as follows:

#### a. Consumer Complaint Process

The legal process for resolving consumer disputes is regulated by the Consumer Protection Law (UUPK). Because the UUPK only regulates a few articles on procedural provisions, general procedural regulations, such as those in the Indonesian Consumer Protection Regulations (HIR) and the Criminal Procedure Code, remain in effect.

Article 45 paragraph (1) of the Consumer Protection Act states that "every consumer who is harmed can sue a business actor through an institution tasked with resolving disputes between consumers and business actors or through a court within the general court system." The provisions of the next paragraph state that "consumer dispute resolution can be pursued through the courts or

outside the courts based on the voluntary choice of the disputing parties." Several stages of dispute resolution through the BPSK are:(Gunawan Wijaya and Ahmad Yani, 2003):

b. Victim Application or Complaint Stage

Dispute resolution through the Consumer Dispute Resolution Agency (BPSK) begins with a written or verbal request or complaint from the victim regarding an incident that has caused harm to the consumer. Only the consumer or their heirs may file a lawsuit or request compensation through the BPSK. Other parties who may sue, as stipulated in Article 46 of Law Number 8 of 1999 concerning Consumer Protection, such as consumer groups, non-governmental organizations, and the government, may only file their lawsuits in court (general), not in the Consumer Dispute Resolution Agency (BPSK). Upon such request, the Consumer Dispute Resolution Agency (BPSK) forms a panel of at least three members, one of whom shall be the chairperson. During the hearing, the panel is assisted by a court clerk.

c. Examination or Trial Stage

The examination of consumer applications is carried out in the same way as trials in general courts, then the resolution of consumer disputes is left to the choice of the disputing parties, whether it will be resolved through conciliation, mediation or arbitration.(Husni Syawali and Neni Sri Imaniyati, 2010).

- 1) Conciliation is a process of resolving consumer disputes outside the courts through the Consumer Dispute Resolution Agency (BPSK) to bring together the disputing parties, the resolution of which is left to the parties accompanied by a panel that acts passively as a conciliator.
- 2) Mediation is a consumer dispute resolution process carried out by the disputing parties themselves, assisted by a panel that actively acts as a mediator. In this case, the panel is the Dispute Resolution Body.
- 3) Arbitration is a process for resolving consumer disputes outside of court, in which the parties fully delegate the dispute resolution to the Consumer Protection Agency (BPSK). The consumer (BPSK) acts as an advisor, and the resolution is then handed over to the disputing parties. Once an agreement has been reached through mediation, a settlement agreement will be issued, signed by the disputing parties.

The resolution of consumer disputes through arbitration is carried out entirely by the Consumer Dispute Resolution Agency (BPSK) panel which acts as Arbitrator, with the following flow:

- 1) Consumers can choose one of the three consumer elements in the BPSK as an arbitrator who becomes a member of the panel, then business actors choose one

of the three business actor elements as an arbitrator who becomes a member of the panel.

2) Then the two arbitrators choose a third arbitrator from the government who becomes the chairman of the panel.

3) The parties to the dispute fully submit the resolution to the panel, both regarding the form and amount of compensation.

#### 4) Consumer Dispute Resolution Body (BPSK) Decision Stage

Decisions of the Consumer Dispute Resolution Body (BPSK) are based on deliberation to reach a consensus. BPSK decisions can be divided into two types: decisions through conciliation and mediation. Decisions made through this method are essentially based on the results of deliberation, which constitute an agreement between the consumer and the disputing business entity. These decisions are then made in:

1) A written agreement signed by the disputing parties and submitted to the panel to be incorporated into the BPSK panel's decision, confirming the agreement. This decision essentially only confirms the contents of the settlement agreement already agreed to and signed by both disputing parties. Panel decisions in conciliation and mediation do not include administrative sanctions.

2) Decisions through arbitration. Law no. 8 of 1999 concerning Consumer Protection states that acceptance or rejection of a BPSK decision can be submitted within 14 working days after the BPSK decision is read or notified. Business actors who receive a BPSK decision are required to comply with the decision within 7 working days from the date of stating they accept the BPSK decision. If the business actor refuses, they can file an objection to the District Court within 14 working days from the date the BPSK decision is read. The District Court must issue a decision within 21 working days.

#### d. Stages of Submitting an Objection to a BPSK Decision to the District Court

According to the provisions in Article 56 paragraph (2) of the Consumer Protection Act, if consumers and business actors reject the BPSK decision, they can file an objection to the District Court no later than 14 working days from the date the BPSK decision is notified. However, objections can only be filed against arbitration decisions issued by the BPSK, not including BPSK decisions arising from mediation and conciliation.

Objections to BPSK decisions are submitted in the form of a lawsuit (not a Voucher) as regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 01 of 2006. Objections must be submitted within 14 days of the business actor or consumer receiving notification of the BPSK decision.

Objections must be submitted through the clerk of the District Court where the business actor or consumer is legally domiciled.(Putranto, 2019).

In the process of filing an objection against the BPSK decision, a problem arises regarding how the court should treat the objection against the BPSK decision. This is evident from several objections filed against the BPSK decision based on several reasons, including: BPSK incorrectly applied procedural law so that formal law, the consumer as the plaintiff has filed the wrong lawsuit (error in persona), BPSK is considered to have made a wrong decision, the objection is interpreted as a lawsuit by the District Court so that it brings BPSK as a defendant, or the objection is interpreted as an appeal.

The District Court is required to issue a decision on an objection filed by a party within 21 (twenty-one) days of receiving the objection. If the disputing party is still dissatisfied with the court's decision, they may file a cassation appeal directly with the Supreme Court without going through the High Court within 14 working days of receiving the court's decision.

The Supreme Court must then issue a decision within 30 (thirty) days of receiving the cassation appeal. The Supreme Court's decision is final and binding, meaning there is no further legal recourse.

#### e. Implementation of BPSK Decisions

Regarding the Procedure for Requesting Execution of BPSK Decisions if no objection is filed and the decision has permanent legal force, according to the provisions of Article 57 UUPK junto Article 42 paragraph (2), then the BPSK Decision is requested for an execution order by BPSK to the District Court in the location of the consumer who was harmed. However, if there is a legal action (objection/cassation) filed against the decision, then the decision that must be attached to the execution applicant is the objection decision from the District Court and the Cassation Decision from the Supreme Court. Especially for BPSK cases that have permanent legal force (because no objection/cassation is filed), the requirement that must be fulfilled is notification of the decision. Usually in practice the BPSK/Execution Applicant only attaches proof of notification in the form of a written letter to the civil section of the District Court.

The stages of the execution process are as follows:

- 1) First, it is checked whether the case for which the execution request has been granted has permanent legal force (BHT). To determine whether the case has permanent legal force, the Bailiff can check the notification of the decision delivered by the Bailiff to the parties, whether it has passed the 14-day deadline. If there are multiple defendants, the benchmark for calculating whether the decision has permanent legal force is the number of defendants summoned last.

- 2) Then, in addition, in order for a civil case to be executed, it must first be seen whether the civil decision contains a condemnatory order or an order that punishes the defendant. A condemnatory order can be in the form of an order to pay a certain amount of money, to carry out an act such as emptying, stopping, dismantling, handing over, stopping, dividing. If after seeing the civil decision that will be requested for execution, there is no comdemnatoir or one that is punishing, then it is conveyed to the execution applicant to file a new lawsuit accompanied by an immediate decision (Article 191 paragraph (1) Rbg / 180 paragraph (1) HIR).
- 3) If the civil decision, after being viewed and examined, has permanent legal force and has a comdemnatoir injunction, then the applicant for execution can make payment of the execution SKUM after which the application for execution is submitted to the Chairman of the District Court by attaching the decision.
- 4) The application is then entered into the execution register. After completing all these steps, the next stage is preparing the Aanmaning (Acknowledgement Letter).(Putranto (b), 2019).

The discussion on non-litigation consumer dispute resolution consists of three options: mediation, conciliation, and arbitration, which refer to the provisions of Law Number 30 concerning Arbitration. However, the author believes a practical guidebook is needed for the BPSK (Regional Consumer Protection Agency) to provide a reference point for action in carrying out its duties and authorities. To date, there are no specific regulations governing the BPSK's procedures.

#### **4. Conclusion**

1. Based on the results of research and discussion regarding the requirements and implementation of procedures for submitting consumer dispute resolution for service products through the Semarang City Consumer Dispute Resolution Agency (BPSK), several conclusions can be drawn as follows: a. The requirements set by the Semarang City Consumer Protection and Consumer Protection Agency (BPSK) are essentially based on the provisions of Law Number 8 of 1999 concerning Consumer Protection, the Minister of Trade Regulation Number 06/M-DAG/PER/2/2017 concerning BPSK, and the BPSK's internal regulations. In general, the main requirements that consumers must meet are: 1) There is a legal relationship between consumers and service product business actors that causes losses. 2) Consumers who file disputes must have clear and valid identity. 3) There is evidence of transactions or other supporting evidence that shows that losses have occurred due to the use of service products. Lawsuits or applications are submitted in writing to the Semarang City BPSK by filling out the available form. Thus, the applicable requirements are relatively simple, easily accessible, and do not burden consumers, thus supporting the principle of fair consumer protection. b. In practice, the implementation of dispute submission procedures

at the Semarang City BPSK has been carried out in accordance with the provisions of laws and regulations, namely: 1) The consumer or his/her attorney submits a written application. 2) BPSK conducts administrative checks on the completeness of the requirements. 3) Disputes are resolved through the available alternative mechanisms (mediation, conciliation, or arbitration). 4) The decision or agreement reached is final and binding, although it is still possible to appeal to the District Court. However, implementation in the field still faces several obstacles, including: limited number of BPSK members, low public understanding of the BPSK's existence, and a lack of outreach from local governments and the BPSK itself. These obstacles can impact the effectiveness of dispute resolution. 2. Based on the results of research and discussion regarding the mechanism for resolving consumer disputes regarding service products through the Semarang City BPSK, the following conclusions can be drawn: a. The consumer dispute resolution mechanism at the Semarang City Consumer Protection and Consumer Protection Agency (BPSK) is implemented in accordance with Law Number 8 of 1999 concerning Consumer Protection and the Minister of Trade Regulation governing the duties and functions of the BPSK. This mechanism includes several stages, namely: 1) Submission of a written application by the consumer to BPSK. 2) Administrative check of the completeness of documents and supporting evidence. 3) Formation of a dispute resolution panel. 4) The trial process with a choice of conciliation, mediation, and arbitration mechanisms. 5) Making a decision or agreement that is final and binding. With this mechanism, the Semarang City BPSK provides a simpler alternative for dispute resolution compared to the litigation process in court. b. Advantages of the BPSK Mechanism The dispute resolution mechanism at the Semarang City BPSK (Regional Consumer Protection Agency) offers advantages such as a fast process, low costs, and simple procedures. Furthermore, the mediation and conciliation mechanisms allow for peaceful resolutions that prioritize deliberation and consensus. This aligns with the principles of consumer protection, which guarantee legal certainty and justice for both parties. c. Obstacles in Implementing the Mechanism Even though it has been running according to the rules, there are a number of obstacles in implementing the dispute resolution mechanism at the Semarang City BPSK, including: 1) Lack of socialization to the community regarding the function and existence of BPSK. 2) Low understanding among consumers and business actors regarding the final and binding nature of BPSK decisions. 3) Limited human resources and infrastructure at BPSK affect the effectiveness of dispute resolution. d. Effectiveness of Dispute Resolution through the Semarang City BPSK Normatively, the BPSK mechanism meets the principles of speed, affordability, and simplicity. However, empirically, its effectiveness remains suboptimal due to the aforementioned obstacles. Therefore, the Semarang City BPSK requires institutional strengthening and support from both the regional and central

governments to optimally fulfill its function of providing legal protection for consumers of services.

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