

THE STUDY OF CONSUMER DISPUTE RESOLUTION AGENCY (BPSK) AND NON-GOVERNMENTAL ORGANIZATION FOR CONSUMER PROTECTION (LPKSM)

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Abstract

Consumer protection institutions were built to help consumers fight for their rights. The purpose of this study is to analyze the form of consumer protection programs by the two institutions through the effectiveness of the powers, roles, and duties of the two institutions in handling consumer protection cases. The research method used is a combination of quantitative and qualitative research. A total of 100 respondents for the online survey were selected using voluntary sampling and in-depth interview techniques. Data analysis using SPSS 25.0. The results showed that general knowledge about the UUPK tended to be very good so the attitude assessment of the performance carried out on BPSK and LPKSM was also good. In carrying out its main tasks, LPKSM has succeeded in providing understanding to the community compared to BPSK. The effectiveness of the two institutions is shown through the performance of the two institutions by the responsibilities that must be carried out by each institution with the full support of the Government to continue to achieve and realize consumer empowerment. The implication of the research is that the government pays more attention to BPSK and LPKSM, especially in funding.

Keywords: consumer dispute protection agency (bpsk), consumer protection, non-governmental organization for consumer protection (lpksm), consumer protection law

KAJIAN BADAN PENYELESAIAN SENGKETA KONSUMEN (BPSK) DAN LEMBAGA PERLINDUNGAN KONSUMEN SWADAYA MASYARAKAT (LPKSM)

Abstrak

Lembaga perlindungan konsumen dibangun untuk membantu konsumen memperjuangkan haknya. Tujuan penelitian ini adalah untuk menganalisis bentuk program perlindungan konsumen yang diberikan kedua lembaga tersebut melalui efektivitas dari wewenang, peran serta tugas kedua lembaga dalam menangani kasus perlindungan konsumen. Metode penelitian yaitu gabungan penelitian kuantitatif dan kualitatif. Sebanyak 100 responden untuk survei online dipilih dengan teknik *voluntary sampling* dan *in-depth interview*. Analisis data menggunakan *SPSS 25.0*. Hasil penelitian menunjukkan bahwa berdasarkan hasil analisis, pengetahuan umum mengenai UUPK cenderung sangat baik sehingga penilaian sikap dari kinerja yang dilakukan terhadap BPSK dan LPKSM juga baik. LPKSM dalam menjalankan tugas utamanya telah berhasil memberikan pemahaman kepada masyarakat dibandingkan BPSK. Efektivitas kedua lembaga tersebut ditunjukkan melalui kinerja yang dilakukan oleh kedua lembaga tersebut sesuai dengan tanggung jawab yang harus dilakukan masing-masing lembaga dengan didukung sepenuhnya oleh Pemerintah untuk terus mencapai dan mewujudkan keberdayaan konsumen. Implikasi penelitian yaitu pemerintah lebih memperhatikan BPSK dan LPKSM terutama dalam pendanaan.

Keywords: badan penyelesaian sengketa konsumen (bpsk), lembaga perlindungan konsumen swadaya masyarakat (lpksm), perlindungan konsumen, uupk.

INTRODUCTION

Many people have carried out consumption activities, of course, have problems related to consumer activities themselves which lead to dissatisfaction. The need for knowledge about consumer protection to equip consumers in consuming goods and services (Setianingrum, 2017). Consumer knowledge is related to the role of consumer protection agencies so that people understand and understand what actions and obligations must be taken before and when there is a violation of consumer rights. Knowledge affects attitudes so that it will ultimately affect feelings or emotions and then allow the emer-

gence of reactions or responses or tendencies to act (Ellis, 2007). Therefore, consumer protection is necessary. Consumer protection efforts can be considered successful if Indonesian consumers are empowered (Trade Policy Research and Development Agency of the Ministry of Trade, 2016).

The challenges of consumer protection in the current digital era were answered at the G20-2019 JAPAN Conference such as 1) policy adjustment for fast-changing technology; 2) strengthening cross-border cooperation; 3) increasing the impact of product recalls in the digital era; 4) dispute resolution through ODR; 5) sustainable consumption; and 6) protection of vulnerable consumers in the digital era (Consumer Services, 2019). Based on these six points, consumer protection challenges are important to discuss. The government is not silent and continues to provide education and how the public can apply protection related to a product or service that is consumed so that the community remains empowered.

According to the Directorate of Consumer Empowerment (2015), consumer empowerment is an increase in consumer control that has a positive impact on consumer behavior related to the consumption of goods and services. This means that consumers have understood their rights and obligations and can protect themselves from potential losses so that they have adequate basic skills in their daily behavior as consumers. A skill that is owned is comparing prices, checking expiration dates, labels, and product registration numbers, and paying attention to the quality of the products purchased (Simanjuntak, 2014).

Based on the above statement, of course, the community needs help from an institution to fight for their rights. In this case, BPSK and LPKSM are needed to protect to create empowered consumers. Unfortunately, according to BPKN (2016), only 22,2 percent of Indonesians are aware of consumer protection institutions, including knowing their functions and roles; then as many as 38,6 percent of Indonesians only recognize consumer protection institutions, but do not know the functions and roles of these institutions; and as many as 39,2 percent of Indonesians do not know at all about consumer protection institutions.

The same literature also suggests that in addition to the UUPK, consumer empowerment is also regulated in the Trade Law (2014: 5) paragraphs (2) and (3) which state "... domestic trade policies are directed at and regulate consumer protection. Consumer empowerment is one of the efforts in consumer protection...". This is in line with Government Regulation No. 58 (2001:4-5) which discusses the Development and Supervision of Protection Implementation that "...a minister must also coordinate in improving consumer empowerment through education, training and skills...".

The government established a body or institution that has been regulated by law. The regulation is Law Number 8 Year 1999 on Consumer Protection. The law states that there are institutions that regulate consumer protection, namely BPSK and LPKSM. The definition of BPSK according to UUPK article 1 paragraph (11) explains that BPSK is a body tasked with handling and resolving disputes between business actors and consumers, while LPKSM as stated in UUPK article 1 paragraph (9), is a non-governmental institution registered and recognized by the Government to handle consumer protection activities.

BPSK and LPKSM are public service institutions for the community as consumers who want to complain about consumption activities. It is intended that the community knows what to do in dealing with consumer cases so that, it is necessary through the existence of knowledge. The need for this knowledge is to equip consumers to have good knowledge of consuming goods and services (Setianingrum, 2017).

Consumer empowerment in consumer protection efforts is considered very important for Indonesian society. There is a Consumer Empowerment Index (IKK) which is the basis for determining policies in the field of consumer protection, measuring consumers' awareness and understanding of their rights and obligations, as well as their ability to interact with the market (Media Indonesia, 2019). The Consumer Empowerment Index in Indonesia has improved quite well from year to year. The latest data for 2019 in Indonesia is at 40,41 points (Tribunnews.com, 2020).

Although the IKK value in Indonesia is increasing from year to year, the IKK value is still relatively low. According to Simanjuntak (2019), the low value of the Consumer Empowerment Index (IKK) is partly due to the low understanding of regulations that explain consumer rights and obligations. This is also followed by a low understanding of consumer protection institutions and also less careful purchasing behavior and reluctance for consumers to submit a complaint (Berita IPB, 2019).

Consumer education is considered important to equip people to gain knowledge and skills in managing individual finances, taking action when making purchasing decisions, and participating in becoming

responsible citizens because of the influence of their consumption (Wening, 2007). This is also related to the authority, roles, and duties that will be carried out by BPSK and LPKSM in handling consumer protection cases. Throughout 2019, YLKI, which is one of the LPKSMs, received 1871 consumer complaint cases with details of 1308 cases filed in groups or collectively, and the remaining 563 cases were filed individually.

Banking cases ranked first in YLKI's complaint cases with 106 cases. The next cases were followed by online loans (96 cases), housing sector (81 cases), online shopping (34 cases), leasing (32 cases), transportation (26 cases), electricity (24 cases), telecommunications (23 cases), insurance (21 cases), and public services (15 cases) (Harsono, 2019). Several BPSKs in several regions in 2019 have also received several cases.

In the administrative area of DKI Jakarta Province, there were 50 complaint cases (Zulnadi, 2019), East Java Province with 36 complaint cases (Sabdanews.com 2020), Banjarmasin City with 25 complaint cases (Thohir, 2019), Makassar City with 50 complaint cases (Yunus, 2019), Cirebon City with 62 complaint cases (Wawan, 2020), Sukabumi City with 30 complaint cases (Mbinews, 2020), Payakumbuh City with 37 complaint cases (Hidayat, 2019). There are various types of cases handled by BPSK starting with cases of insurance, leasing, banking, online buying and selling transactions, expired food and drinks.

The awareness of Indonesian consumers complaining about the complaint habit is quite good even though it is still limited to individual awareness (Setianingrum, 2017). However, if compared to similar phenomena in other countries, it could be that the complaint habit in Indonesia is still relatively low (YLKI, 2016).

This research focuses on the effectiveness of consumer protection institutions in Indonesia, namely BPSK and LPKSM in carrying out their authority, roles, and duties in providing consumer protection. Therefore, this research is important because it is relatively new research due to the limited research that discusses at the same time how the role of BPSK and LPKSM in protecting Indonesian consumers. Specifically, this study aims to: 1) identify consumers' knowledge and attitude towards BPSK and LPKSM; 2) identify consumer protection programs conducted by BPSK and LPKSM; and 3) analyze the effectiveness of consumer protection programs conducted by BPSK and LPKSM.

METHODS

This research applies a mixed method, which is a combination of quantitative and qualitative research (Sugiyono, 2011) with one method being the main priority compared to other methods. The type of research design used is concurrent embedded strategy, where one method is prioritized over the other. In this research, the qualitative approach is more dominant than quantitative. The subjects of this research are two consumer protection institutions, namely the Consumer Dispute Resolution Agency (BPSK) and the Non-Governmental Consumer Protection Agency (LPKSM). This research was conducted by identifying the form of consumer protection programs provided by the two institutions through the achievement of performance based on the authority, role, and duties of the two institutions in handling consumer protection cases.

Quantitative data collection techniques were conducted using survey techniques, while qualitative research was conducted using in-depth interviews and documentation studies. This research began by collecting primary data through online surveys and in-depth interviews of trusted BPSK and LPKSM subjects, as well as secondary data through documentation studies related to information on the two institutions. The online survey involved 100 respondents selected using a voluntary sampling technique, which is sampling based on the ease of respondents' willingness to participate and this technique does not require a sample frame (Elder, 2009). The research approach was to answer objective 1, identifying consumers' knowledge and attitudes towards BPSK and LPKSM.

In the qualitative research, in addition to focusing on documentation studies, in-depth interviews were also conducted with the Surabaya Consumer Dispute Settlement Agency (BPSK) and the Sukmantara NGO Consumer Protection Agency (LPKSM), and the Association of Indonesian Consumer Agencies in West Java (HLKI). This research approach was conducted to answer objectives 2 and 3, namely identifying consumer protection programs conducted by BPSK and LPKSM and analyzing the effectiveness of consumer protection programs conducted by BPSK and LPKSM.

The variables studied in this research are the analysis of BPSK and LPKSM institutions based on the Consumer Protection Law (UUPK), consumer protection programs by the Consumer Dispute Resolution Agency (BPSK) and the Non-Governmental Consumer Protection Agency (LPKSM). The consumer

protection program is seen from the authority, role, and duties of the two institutions in providing consumer protection. The analysis also looks at the characteristics of the BPSK and LPKSM institutions, the performance process carried out, and cases of problems that have been carried out by the two consumer protection institutions. The last variable is the performance achievement of consumer protection programs carried out by BPSK and LPKSM which also refers back to the authority, role, and duties of the two institutions.

The survey data were processed and analyzed using Statistical Package for Social Science (SPSS) 25.0 for Windows. Cross tabulation was used to see the relationship between knowledge of UUPK and consumer protection institutions (BPSK and LPKSM) and respondents' attitudes towards the performance of these two institutions in terms of differences in gender and respondents' latest education. Chi-Square was used to analyze the data to see the relationship between respondent characteristics and knowledge and attitudes towards BPSK and LPKSM. According to the Directorate General of Consumer Protection and Trade Order (2020), there are five classes of the Consumer Empowerment Index including : (a) 0-20 (Aware); (b) 20,1-40 (Understand); (c) 40,1-60 (Capable); (d) 60,1-80 (Critical); and (e) 80,1-100 (Empowered). The index is used to measure consumers' awareness and understanding of their rights and obligations as well as their ability to interact with the market.

The results of the in-depth interviews were shown to be authentic without any manipulation. The data that had been obtained entered the reduction stage through the process of selection and simplification before entering the data presentation. When presenting the data, all data obtained will be interpreted into a sentence that supports the research results through the analysis process. The content analysis process plays a role in discussing and processing data.

RESULTS

Indonesian society is inseparable from consumption activities. Consumption activities in Indonesia are carried out by the Indonesian population, which has reached 266.91 million people (Purnamasari, 2017). When many people have carried out consumption activities, there are certainly problems for consumers that lead to dissatisfaction. Therefore, consumer protection is needed. As regulated by UUPK (1999: 1) paragraph (1) explains that "...consumer protection is all efforts that ensure legal certainty to protect consumers...". The same law (1999:2) states that "...consumer protection must be based on benefits, justice, balance, security and safety of consumers and legal certainty...". As the purpose of consumer protection according to Article 3 of the UUPK, namely increasing awareness, ability, and independence of consumers to protect themselves, raise the dignity of consumers by preventing them from the negative excesses of using goods and/or services, increase consumer empowerment in choosing, determining, and demanding their rights as consumers, creating a consumer protection system that contains elements of legal certainty and information disclosure and access to information, fostering awareness of business actors regarding the importance of consumer protection to grow an honest and responsible attitude in business, improving the quality of goods and/or services that guarantee the continuity of the business of producing goods and/or services, health, comfort, security, and safety of consumers.

Knowledge of UUPK and Consumer Protection Institutions

This study presents the results of a survey involving 100 respondents regarding their knowledge of the UUPK and the consumer protection institutions regulated therein. The results showed that more than half of the respondents knew the UUPK (57%) and their rights and obligations as consumers (58%). The largest percentage, 43 percent, did not have full knowledge of consumer protection institutions under the UUPK (Table 1).

Table 1 Distribution of respondents based on their knowledge of UUPK and consumer protection institutions

Code	Knowledge	Percentage (%)
UUPK1	Knowledge of UUPK	
	Know	57,0
	Dont Know	43,0
	Knowledge of consumer rights and obligations	
UUPK2	Know	58,0
	Dont Know	42,0
	Knowledge of consumer protection agencies	
	Don't Know	29,0
	Only Partially	43,0

Know Everything

28,0

Consumer Dispute Resolution Agency (BPSK) Knowledge about BPSK

More than half of the respondents knew BPSK as a consumer protection institution that assists consumers through consumer dispute resolution (61%). However, more than half of the respondents did not know more detailed information regarding BPSK's role (52%) and duties (51%), and more than two-thirds of the respondents did not know BPSK's authority (69 percent) (Table 2).

Table 2 Distribution of respondents based on knowledge about BPSK institutions

No	Code	Indicator	Don't Know (%)	Know (%)
1	PK 4	Knowledge about BPSK	39,0	61,0
2	PK 5	Knowledge about the authority of BPSK	69,0	31,0
3	PK 6	Knowledge about the role of BPSK	52,0	48,0
4	PK 7	Knowledge about the duties of BPSK	51,0	49,0

Attitude towards BPSK

Most respondents believed that BPSK could help with consumer disputes (84%) and that it was able to carry out its duties properly (81%). More than two-thirds of respondents were also convinced that making a complaint to BPSK would benefit them and cause them to feel happy to seek help from BPSK to resolve consumer problems (75%). The same portion of respondents was also occupied with respondents' belief that making a complaint to BPSK (73%) would cause a good feeling (73%). This was inversely proportional to consumers' attitudes toward having good information related to BPSK at 39 percent (Table 3).

Table 3 Distribution of respondents based on attitude towards BPSK

No	Code	Indicator	Strongly Disagree (%)	Disagree (%)	Agree (%)	Strongly Agree (%)
1	SKBP 1	BPSK helps to handle problems	1,0	6,0	84,0	9,0
2	SKBP 2	Confidence that BPSK carries out its duties correctly	2,0	9,0	81,0	8,0
3	SKBP 3	Confidence in making complaints to BPSK	3,0	19,0	71,0	7,0
4	SKBP 4	Happy to make a complaint to BPSK	1,0	20,0	73,0	6,0
5	SKBP 5	Getting the benefits of making a complaint to BPSK	1,0	17,0	75,0	7,0
6	SKBP 6	Feeling happy to ask BPSK for help in overcoming consumer problems	1,0	19,0	75,0	5,0
7	SKBP 7	Possession of good information related to the BPSK complaint flow	11,0	39,0	48,0	2,0

Characteristics, Performance, and Cases of BPSK

BPSK is an institution that was established at the level II region according to UUPK Article 49. BPSK was also established based on UUPK Article 45 paragraph (2) explaining that BPSK exists to resolve consumer cases through consumer disputes. BPSK according to UUPK Article 49 paragraphs (3) and (4) has members consisting of three elements: 1) government; 2) consumers; and 3) business actors. Settlement of consumer disputes conducted by BPSK is pursued non-litigatively (outside of court) through three channels: 1) conciliation; 2) mediation; 3) arbitration. In addition to resolving consumer disputes, the function of BPSK itself as stated in Article 52 of UUPK is to supervise the inclusion of standardized clauses by business actors. In an in-depth interview with Drs. MSU (2021), the decision of the consumer dispute settlement conducted by BPSK is final and binding.

An example of BPSK's existence is BPSK DKI Jakarta. The dispute cases obtained by BPSK DKI Jakarta experienced fluctuations. This means that there have been increases and decreases over the past five years (2016-2020). In 2016, BPSK DKI Jakarta obtained 112 consumer dispute cases. In the following year, 2017, there was an increase in cases to 129 cases until 2018 there was a higher spike to 171 cases received by BPSK DKI Jakarta. 2018 became the year with the highest number of cases. In 2019 there was a resolution (decrease) of cases totaling 150 cases and again decreased by 10 cases to 140 cases in 2020. Property cases; leasing and finance as well as Credit and Banking are the dominant cases handled by BPSK DKI Jakarta (Figure 1).

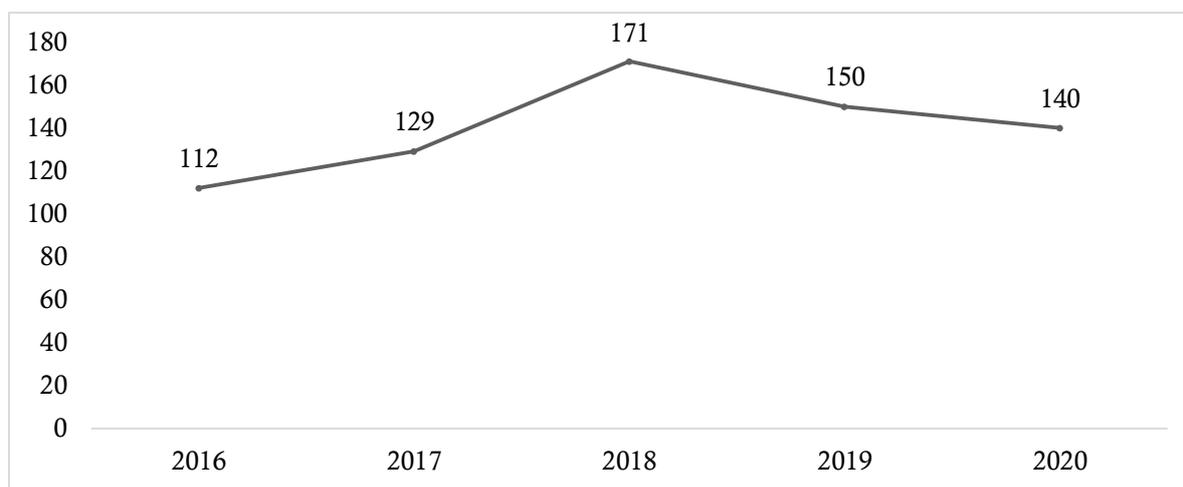


Figure 1 Dispute cases received by BPSK DKI Jakarta (2016-2020)

The settlement of cases handled by BPSK DKI Jakarta shows that for five years BPSK DKI Jakarta resolved consumer cases out of court in three ways: 1) mediation; 2) conciliation; 3) arbitration. This is stated in Article 52 of UUPK jo. Decree of the Minister of Industry and Trade of the Republic of Indonesia Number: 350/MPP/Kep/12/2001 on the Implementation of Duties and Authority of BPSK as explained as follows mediation, the process of resolving consumer disputes out of court with the mediation of BPSK as an advisor and the settlement is submitted to the parties. Conciliation, the process of resolving consumer disputes outside the court with the mediation of BPSK to bring together the parties to the dispute and the settlement is submitted to the parties. Arbitratio, the process of resolving consumer disputes out of court in which the parties to the dispute fully submit the dispute resolution to BPSK. In the settlement of consumer disputes by way of arbitration, the parties choose an arbitrator from BPSK members who come from elements of business actors, government elements, and consumers as members of the panel.

Mediation is the most common way taken by consumers who complain about their cases to BPSK DKI Jakarta because this method is confidential and in the process, mediation prioritizes the Win-Win Solution principle (BPSK DKI Jakarta, 2020). The settlement through mediation continued to increase from 2016 until it reached its peak in 2019, namely 120 cases resolved through mediation, and decreased in 2020 to 107 cases. Despite the decline in 2020, mediation is the method most used by consumers in disputes at BPSK DKI Jakarta for the past five years.

According to the results of a study conducted by the Directorate General of Consumer Protection and Commercial Order in the context of Government Policy Development in Monitoring and Guidance of BPSK and LPKSM in the Regions (2020) explained that from 2001 to 2015 there were 171 BPSKs spread across 31 provinces. However, only 63 BPSKs are listed and receive funding from the Provincial Government spread across Indonesia: Aceh (1); North Sumatra (4); South Sumatra (2); Riau Islands (2); West Sumatra (10); Jambi (3); Bangka Belitung Islands (1); DKI Jakarta (1); West Java (17); Central Java (4); Yogyakarta (1); East Java (5); East Kalimantan (2); South Kalimantan (1); Central Sulawesi (3); South Sulawesi (3); West Nusa Tenggara (2); and Gorontalo (2). Although there are many BPSKs spread across Indonesia, there are only three regions that currently do not have BPSKs: 1) West Sulawesi; 2) Maluku; and 3) West Papua.

Non-governmental consumer protection organization (LPKSM) Knowledge of LPKSM

More than half of the respondents were aware of LPKSM (52%). However, this percentage is still small compared to ignorance of detailed information about the LPKSM (authority, role, and duties) with 66 percent, 59 percent, and 61 percent respectively (Table 4).

Table 4 Distribution of respondents based on knowledge about LPKSM

No	Code	Indicator	Don't Know (%)	Know (%)
1	PK 8	LPKSM knowledge	48,0	52,0
2	PK 9	Knowledge of LPKSM's authority	66,0	34,0
3	PK 10	LPKSM role knowledge	59,0	41,0
4	PK 11	Knowledge of LPKSM duties	61,0	39,0

Attitudes towards LPKSM

More than two-thirds of respondents recognize LPKSM as a consumer protection organization that can help consumers (77%). Most respondents were also confident that the LPKSM would do its job properly (84%). Unfortunately, this confidence was not matched by more than two-thirds of respondents' confidence to report their problems to the LPKSM (70%). Even so, there is still a feeling of pleasure in making complaints to the LPKSM (68%) and asking for help from the organization (70%). This is supported by the data that more than two-thirds of respondents believe they will benefit from making a complaint to LPKSM (72%). Moreover, making a complaint must also be followed by having the right information for consumers who want to complain to LPKSM, 68 percent (Table5).

Table 5 Distribution of respondents based on attitude towards LPKSM

No	Code	Indicator	Strongly Disagree (%)	Disagree (%)	Agree (%)	Strongly Agree (%)
1	SKLP 1	LPKSM can help deal with problems	1,0	13,0	77,0	9,0
2	SKLP 2	Confidence that the LPKSM is doing its job correctly	1,0	8,0	84,0	7,0
3	SKLP 3	Confidence in making a complaint to LPKSM	3,0	22,0	70,0	5,0
4	SKLP 4	Feeling good about making a complaint to LPKSM	2,0	24,0	68,0	6,0
5	SKLP 5	Getting the benefits of making a complaint to LPKSM	1,0	19,0	72,0	8,0
6	SKLP 6	Feels good about asking LPKSM for help in solving consumer problems	1,0	23,0	70,0	6,0
7	SKLP 7	Possession of good information regarding the LPKSM complaint flow	1,0	23,0	69,0	7,0

Characteristics, Cases, and Performance of LPKSM

LPKSM is a non-governmental organization registered and recognized by the government that handles consumer protection. The government recognizes the establishment of an LPKSM if it has met the requirements as stated in the UUPK, namely registered with the district/city government. Engaged in consumer protection as stated in its articles of association. Voices in the interests of consumers. LPKSM has the right to sue in the context of consumer interest litigation. The right to sue can be exercised by LPKSMs that have met the requirements, namely that the consumer protection organization is a legal entity or foundation whose articles of association contain the purpose of consumer protection.

Although not much is regulated in the Law on consumer protection regarding LPKSM, given the strategic position of LPKSM in the BPKN membership and also the basic interest of consumers for an organization that will protect their rights.

Therefore, the establishment of a Government Regulation to implement Article 44 paragraph (4) of UUPK is very important. This means that Government Regulation will be the basis for the establishment of LPKSM. This is stated in Article 44 paragraph (1) of UUPK, which states that only qualified LPKSMs are recognized by the government. This is the basis of consideration for the formation of Government Regulation No. 59/2001 which is now amended to Government Regulation No. 89/2019.

Based on the understanding contained in the consumer protection law, the financing or funds received by LPKSM in carrying out supporting its operational tasks are obtained independently. This means that the government is not responsible for funding to support the performance of LPKSM in providing consumer protection as stated in the applicable regulations.

LPKSM according to Government Regulation No. 89/2019 is a non-government institution registered and recognized by the government to handle consumer protection issues. Activities carried out by LPKSM in assisting the public in fighting for their rights as consumers as regulated by UUPK Article 44: 1) conducting education and socialization activities to increase consumer awareness and prudence; 2) providing advice to consumers; 3) cooperating with relevant agencies; 4) assisting consumers in fighting for their rights, including receiving consumer complaints or complaints; and 5) supervising with the government and the public the implementation of consumer protection.

An example that illustrates how cases received by LPKSM is an example of complaints received by YLKI from 2016 to 2020. The diagram shows fluctuations. From 2016 towards 2017 there was a decrease from 1819 cases to 642 cases. A year later in 2018, there was another decline to 564 cases. Cases returned to a high of 1871 cases in 2019 and this increase continued until 2020 when 3692 cases of complaints were received by YLKI (Figure 2).

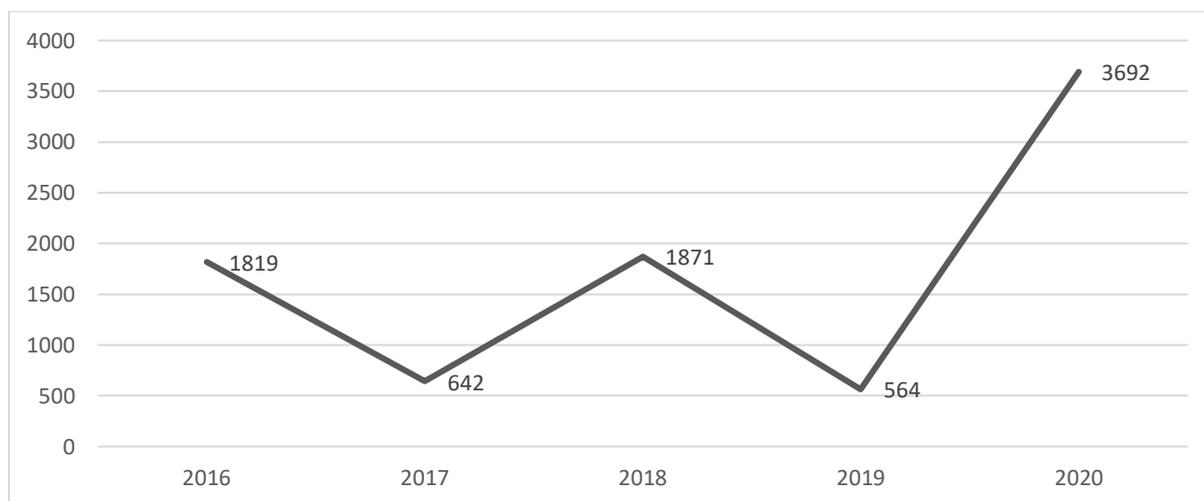


Figure 2 Cases of complaints received by YLKI (2016-2020)

Based on the results published by YLKI, it shows that there has been an increase in all five sectors. Sectors related to community activities during the pandemic in 2020 are telecommunications, e-commerce, electricity, and financial services, which increased from the previous year to 210 cases, 303 cases, 306 cases, and 1237 cases, respectively. The housing sector also experienced an increase from the previous year to 469 cases. In the previous year, namely 2019, the telecommunications, e-commerce, electricity, housing, and financial services sectors were 76, 120, 7, 268, and 876. Therefore, it can be seen that in 2020, YLKI received more complaint cases than in the previous four years in these five sectors although when viewed from these five sectors, financial, property, and e-commerce cases are the three largest cases handled by YLKI.

DISCUSSION

According to Mazlan, Redzuan, and Bakar (2014), the reasons for the need for consumer knowledge: 1) informed choice (consumers should be knowledgeable about goods and services by learning and getting more information about them); 2) value system (consumers should learn to share and care because consumers are part of society); 3) recognition of responsibilities and rights (there are three different roles, as workers, consumers, and citizens. It is important to articulate and understand both responsibilities and rights as consumers); and 4) catalyst for action (consumer education should be a catalyst for action). It is important to articulate and understand both responsibilities and rights as consumers); and 4) catalyst for action (consumer education should be a catalyst for action. Consumers should be aware of the avenues available for consumer complaints and redress and learn to use them to their advantage).

The creation of a guarantee in consumption activities, of course, the state will try to do the best it can for its citizens. The creation of Law No. 8/1999 on Consumer Protection was built and passed into a legal umbrella to guarantee justice in consumption activities. In this case, a consumer is someone who uses goods or services.

Consumers have the right to obtain protection that has been listed in Article 4 of the UUPK. According to Zulham (2013), consumers are divided into three: 1) commercial consumers are everyone who obtains goods and/or services that are used to produce other goods and/or services to make a profit; 2) intermediate consumers are traded back also with the aim of making a profit; and 3) the end-user or end user of a product. The distinction between these three consumers is important in relation to consumer disputes, which basically arise with final consumers and not intermediary consumers. Consumer protection is given to the final consumer, namely the last party in utilizing a product or service. The provision of consumer protection is intended because consumers are considered weak or powerless (Turmantara, 2021). Consumer protection will be maximized if consumers know detailed information regarding the consumer protection process that works with all the rules contained in the UUPK Law. Therefore, the survey results show that knowledge related to the existence of the UUPK is still quite good (more than 50%). Although this figure is not large.

According to Gunawan (1999), legal protection for consumers can be done before the transaction (no conflict/pre-purchase) and after the transaction (conflict/post-purchase). Legal protection for consumers after the transaction (conflict/post-purchase) can be done through: 1) litigation route (referring to the general court) and; 2) non-litigation route (through BPSK) while consumer protection measures before the transaction can be done in two ways, namely first, legislation, providing protection to consumers through legislation that has been made. The existence of these laws and regulations is expected that consumers will obtain protection before the transaction occurs because there are already limitations and provisions governing transactions between consumers and business actors. Second, voluntary self-regulation, business actors are expected to voluntarily make regulations for themselves to be more careful and vigilant in running their businesses.

The achievement of the consumer protection strategy in Indonesia is shown in the value of the Consumer Empowerment Index (CCI). The index is a parameter to measure consumers' awareness and understanding of their rights and obligations as well as their ability to interact with the market. The Consumer Empowerment Index (IKK) continues to increase from year to year. Currently, the CCI value is at 49,07 (Ministry of Trade, 2020). Therefore, based on the IKK value that Indonesia has in 2020, it means that Indonesian people in the aspect of consumer empowerment are still at a capable level. Although it has not exceeded the expectations expected by the Ministry of Trade. Based on a survey conducted by BPKN (2021), there are two dimensions of IKK that need to be improved again at this time: 1) the dimension of understanding UUPK and consumer protection institutions; and 2) the dimension of complaint behavior.

Based on the survey results, it is explained that the knowledge related to the existence of laws governing consumer protection (UUPK) is quite good, although this figure is not considered large. Knowledge can make someone have awareness so that someone will have an attitude according to their knowledge (Aini & Agustin, 2018).

Socialization and education activities must continue to be carried out even though, based on the survey results, public knowledge of consumer protection institutions is already quite good. This is done in order to provide understanding to the public to make a complaint if there is dissatisfaction in carrying out consumption activities. In Fitriyah's research (2017), the awareness of Indonesian consumers to complain about the complaint habit is actually quite good at the individual level, although when compared to similar phenomena in other countries, the complaint habit in Indonesia is still low (YLKI, 2016).

Basically, dispute resolution conducted by BPSK must have the following principles: 1) fast, conducted within 21 days; 2) simple, the dispute hearing is only conducted 3 times; and 3) light, the cost is not expensive and tends to be free. This statement was conveyed in an in-depth interview conducted by Dr. FTE (2021). According to Drs. MSU (2021) in an in-depth interview conducted, dispute resolution begins with the conciliation path, namely how the nature of BPSK will be passive because it will only bring together the two parties to the dispute (consumers and business actors) and legalize the deed of peace/agreement/compensation of both parties. If there is no agreement, BPSK will enter the mediation process. In this process, BPSK will be semi-active because it will assist both parties to provide advice or suggestions in resolving consumer disputes. If this method is rejected again, then BPSK will be active in resolving the case by conducting a trial. This is because BPSK will be active in case settlement. Previously, it was said that BPSK is a quasi-judicial body, which is a body that has a judicial function but is not a legal assembly in general. Therefore, the BPSK panel does not need to show an arbitrator. This is already stated in the UUPK Law where BPSK has a special nature to become an arbitrator who is chosen from business elements, government elements, and consumers as members of the BPSK assembly. The execution process will be decided through the BPSK panel on consumer dispute cases. Therefore, the BPSK hearing decision is final and binding (has legal force).

In carrying out its mandate in accordance with UUPK. LPKSM has a position as a community partner and even a business partner in efforts to protect and strengthen consumer rights (Shidarta, 2006). To carry out its function, LPKSM is also tasked with 1) accommodating consumer complaints; 2) bridging communication between consumers, business actors, and the government; 3) conducting critical studies; 4) providing assistance or advocacy up to court action; and 5) provide education and socialization in the context of consumer protection (Shidarta, 2006). The main task of LPKSM is to carry out activities in the context of consumer protection, one of which is to provide education and socialization to consumers. According to Dr. FTE (2021) in an in-depth interview, the statement contained in the UUPK Law explains that the duties of LPKSM are not the same as BPSK, which has the authority to resolve consumer disputes but can assist in assisting (advocating) consumer cases which will later cooperate with BPSK. The incoming case begins with data verification. This verification aims to find out what is the complaint or complaint by the consumer. Furthermore, the two parties concerned will be brought together and mediation will be conducted. However,

if the mediation does not lead to consumer satisfaction with the compensation demanded by the business actor, the case will be forwarded to a consumer dispute in which LPKSM will cooperate with BPSK.

In the implementation of consumer protection, of course, there are things that cause a lack of effectiveness in BPSK and LPKSM. These constraints can more or less affect both institutions in carrying out their obligations in protecting the community as consumers. The perceived constraints include the invalidity of BPSK decisions after 21 days; the lack of competence of members' resources, which is the performance benchmark of the institution (West Java Provincial Office of Industry and Trade, 2017); and simultaneously the crucial issue of operational financing and members' honorarium, although BPSK and LPKSM differ in funding sources. Another obstacle from the LPKSM side is that in carrying out the functions of guidance and supervision in UUPK Article 30, the Government focuses more on LPKSM so the institution has to work hard which is not accompanied by the efforts made by LPKSM to assist the government in order to realize consumer empowerment.

In LPKSM, based on Article 29 paragraph (1) of UUPK, it is explained that the act of providing consumer protection to the community is certainly the responsibility of the government to empower consumers in obtaining their rights. In connection with the provisions of Article 29 of UUPK, the main factor that becomes the weakness of consumers is the low level of understanding and awareness of their rights and this correlates with the low consumer education factor (Paryadi, 2018).

Therefore, it is necessary for the government to carry out the function of guidance and supervision to ensure consumer protection from the transaction process carried out by consumers with business actors who are also assisted by LPKSM. As stated in the Law on Consumer Protection (1999: 30) paragraph (1) which explains that "...supervision of the implementation of consumer protection and the application of the provisions of its laws and regulations is carried out by the government, the community, and non-governmental consumer protection institutions..." As for the performance carried out by LPKSM in UUPK (1999:30) paragraphs (3) and (5), it states "...supervision by the public and non-governmental consumer protection institutions is carried out on goods and/or services circulating in the market..." and "...the results of supervision organized by the public and non-governmental consumer protection institutions can be disseminated to the public and can be submitted to the Minister and technical ministers..."

The lack of public awareness to take preventive measures is difficult. This is what becomes a *simalakama*. Sometimes people choose to be more indifferent to existing problems and will only report actions to the authorities if a problem occurs related to consumption activities. Based on these regulations, Article 30 of UUPK explains that the supervisory function focuses more on the role of LPKSM than the role of the government. Therefore, the only institution expected to carry out this function is LPKSM. However, in carrying out the supervisory function based on this article, it is necessary to conduct: 1) research; 2) testing; 3) conducting a survey of a product and or service that is suspected of violating the provisions; 4) requires a lot of money (Paryadi, 2018).

At the same time, as stated by the Directorate General of Consumer Protection and Trade Order Study on the Development of Government Policies in Monitoring and Guiding BPSK and LPKSM in the Regions (2020) explained that the development of LPKSM from year to year has increased. The overall total in 2020 was 613 LPKSM in Indonesia and 191 of them are still active today. However, it is unfortunate that 422 LPKSMs are inactive due to: 1) not sending annual reports; 2) not being able to be contacted; 3) no replacement for LPKSM leaders who passed away.

The limitation of this study is that the survey respondents are still dominated by students (high school graduates), so it can be said that the respondents in this study are not diverse. Furthermore, the examples of settlement cases at BPSK and LPKSM are still limited to offices in one region only, so it cannot be comprehensive to see case data at other regional offices.

CONCLUSIONS AND SUGGESTIONS

Knowledge related to the existence of laws governing consumer protection (UUPK) is quite good. In addition, consumers know BPSK and LPKSM well. Consumers give a good and even very good attitude assessment to BPSK and LPKSM in carrying out their authority, role, and duties to provide consumer protection. The consumer protection program carried out by BPSK is helping consumers through consumer disputes, while LPKSM helps consumers by providing education and socialization, providing assistance to people who have problems related to consumer protection, and also bridging consumers to fight for their rights. The achievement of the performance of the two institutions is shown through the performance carried out by the two institutions in accordance with the responsibilities that have been mandated, although of course there are obstacles faced. It is also undeniable that this is actually an obstacle for both institutions and

a concern because it can indirectly reduce the performance achievements made by BPSK and LPKSM in carrying out their authority, roles and duties to protect consumers. These obstacles are overcome by strengthening institutions and also related to socialization and education that continues to be intensified. This institutional strengthening is intended so that the performance carried out by the two institutions can achieve and realize consumer empowerment.

The two consumer protection institutions, BPSK and LPKSM, are given more attention by the government in terms of financing funds even though this is very crucial. Then, it is expected to foster the quality of human resources for membership recruitment that is better and understands consumer protection for BPSK and LPKSM with competent members of both quality institutions. In this case, it is necessary to design policies related to recruitment technicians that can clearly and precisely provide standards so as to support the performance of the two institutions to be more effective in providing protection for consumers. In addition, it is necessary for both institutions that BPSK can collaborate together in educating consumers while for LPKSM, the findings or publications of LPKSM submitted by the community must also receive follow-up and complete resolution.

Suggestions for future research include selecting more in-depth interview sources from BPSK and LPKSM institutions in various regions. In addition, detailed research related to consumer protection agencies is also highly recommended along with solving case studies of cases that have been experienced by both institutions so as to provide a broad view of the performance carried out by these agencies. Institutions related to consumer protection can improve their performance in providing education and information related to security in making transactions or related to consumer protection. In addition, regarding the process of consumer complaints if they experience obstacles or problems in making transactions. Then, policy makers can enforce the law fairly to protect consumers.

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