



THE AUTHORITY OF BADAN PENYELESAIAN SENGKETA KONSUMEN (BPSK) AND TRIBUNAL TUNTUTAN PENGGUNA MALAYSIA (TTPM) IN CONSUMER DISPUTE RESOLUTION

Ahmad Wahidi, Musataklima, Nur Jannani
Universitas Islam Negeri Maulana Malik Ibrahim, Malang, Indonesia
Email: ahmadabdilwahid@gmail.com

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ABSTRACT

The violation of consumer rights is the cause of disputes. Consumer disputes are defined as disputes between the consumers and business actors in which consumers demand compensation due to damage, pollution, and/or because of consuming products sold by business actors. The existing conditions of Malaysian consumers, consumer dispute resolution in Malaysia and its regulations, which are undergoing improvements, are rational reasons for the subject of comparison. The purpose of this study is to explore the factors behind the success of consumer dispute resolution in Malaysia, in this case the Tribunal Tuntutan Pengguna Malaysia (TTPM) from the side of its authority that can be adopted in Indonesia to reconstruct the Badan Penyelesaian Sengketa Konsumen (BPSK) so that it can be more successful in resolve consumer disputes. The results show that TTPM's authority is more specific on dispute resolution and only accepts claims with definite value limitations, while BPSK's authority has no limitations on the value of claims, the limitation on the value of compensation is only in the provision of administrative sanctions to business actors, for parties (business actors) who do not comply with the BPSK decision, the BPSK decision is the initial evidence for carrying out an investigation regarding whether there was a crime in the non-compliance. Meanwhile, non-compliance with the TTPM decision has been considered a criminal act with criminal sanctions of imprisonment and fines.

Keywords: authority; consumer dispute; resolution

1. INTRODUCTION

By regulation, each of Indonesia and Malaysia, as ASEAN members, already has national laws for consumer protection, namely for Indonesia is Law No. 8 of 1999 concerning Consumer Protection (hereinafter shall be referred to as the UUPK, which is applicable in Indonesia and the law has never been amended). While in Malaysia, the 1999 User Protection Act (Deed 599) has been amended 5 (five) times. The two countries' laws above are regulatory arrangements to protect consumers.

The National Consumer Protection Agency (BPKN) recorded that it had received 3,555 consumer complaints from 2017 to 19 October 2020.¹ The Indonesian Consumers Foundation (YLKI) in 2019 had received 1,871 complaints, consisting of 563 cases in the individual category and 1,308 cases in the group/collective category.² In 2020, consumer complaints at YLKI experienced a total increase to 3,692 from a total of 1,871 in the previous year.³ In January-August 2021 the Directorate General of Consumer Protection and Commerce Order, Ministry of Trade reported a recapitulation of complaints by sector: (1) food medicine 4 complaints, (2) electronics/vehicles 11 complaints, (3) financial services 75 complaints, (4) e-commerce 6,914 complaints, (5) housing 16 complaints, (6) telecommunication 7 complaints, (7) transportation 73 complaints,

- 1 Rifa Yusya Adilah, "BPKN Terima 3.555 Aduan Konsumen, 70 Persen Dari Sektor Bisnis Perumahan | Merdeka.com," accessed March 6, 2023, <https://www.merdeka.com/uang/bpkn-terima-3555-aduan-konsumen-70-persen-dari-sektor-bisnis-perumahan.html>.
- 2 Yayasan Lembaga Konsumen Indonesia, "Pada 2019, YLKI Telah Menerima 1.871 Aduan, Terdiri Atas 563 Kasus Kategori Individual Dan 1.308 Kasus Kategori Kelompok/Kolektif," 2019, <https://ylki.or.id/2020/01/pengaduan-konsumen-dan-kinerja-ojk/>. Accessed November 5, 2021
- 3 Tulus Abadi, "YLKI Catat 3.692 Pengaduan Masyarakat di 2020, Terbanyak Soal Produk Jasa Keuangan," Merdeka.com, 2021, <https://www.merdeka.com/uang/ylki-catat-3692-pengaduan-masyarakat-di-2020-terbanyak-soal-produk-jasa-keuangan.html>. Accessed November 5, 2021

and (8) others 140 complaints.⁴

Regarding the consumer disputes above, UUPK adopts two settlement approaches: settlement in and out of court. BPSK is formed to handle disputes resolution in an efficient, fast, inexpensive, and professional manner. In resolving consumer disputes, BPSK has three mechanisms, namely mediation, arbitration, conciliation,⁵ the three are not tiered.⁶

However, the BPSK arbitration decision has not been able to provide consumer protection because, according to Kurniawan, an annulment can be filed at the District Court, even up to cessation to the Supreme Court.⁷ BPSK decision also does not contain in words “For the sake of Justice Based on Belief in the One and Only God,” so it does not have the execution power.⁸

Supreme Court has reviewed of 40 (forty) decisions. The study found that there were several reasons why the BPSK decision was set aside at the cassation level by the Supreme Court, namely:⁹ (1) The BPSK Arbitrator Council has no authorization to examine and adjudicate the contents of the contract, (2) the decision convened types of consumer disputes heard by BPSK which have not been classified as consumer disputes under prevailing laws and regulations, (3) decisions regarding personal disputes in the form of defaults and unlawful acts, (4) dispute decisions that do not contain elements of severe losses resulting from the consumption of goods and/or services that have been enjoyed by consumers, (5) cases of bank debt disputes that are not included in consumer disputes.

The BPSK decision which was canceled by the Supreme Court above (as well as the decision which was canceled at the District Court level) has implications for consumer protection itself. Consumers’ hopes to get their rights from business actors have failed, thus consumers do not have adequate legal protection in country that is based on law. This case in turn could have a parallel impact on reducing the level of consumer confidence in BPSK as an alternative institution. Hence the goal of the UUPK to provide an easy, fast, and low-cost consumer dispute resolution mechanism is not realized.¹⁰ This condition exacerbates the level of empowerment of Indonesian consumer. Based on the report of the ASEAN Consumer Empowerment Index, Indonesian consumers are in a powerless position.¹¹

Based on field data in the 2016-2020 range, BPSK reaped a significant failure rate in resolving consumer disputes, namely 578 cases, as shown in the following table:

Table 1. Consumers Dispute Resolution at BPSK

year	BPSK report	Incoming			Finished				Fail	In the process	Objection filed
		Goods	Service	Numbers	Conciliation	Mediation	Arbitration	Numbers			
2016	47	173	355	728	98	370	164	632	141	93	27
2017	58	179	585	762	55	447	144	646	92	24	24
2018	62	291	886	1.157	105	618	197	320	126	99	27
2019	42	277	772	1,049	38	748	106	892	74	56	27
2020	77	375	838	1.213	45	870	207	1.122	51	25	15

4 Direktorat Jenderal Perlindungan Konsumen dan Tertib Niaga, “Info Grafik Layanan Perlindungan Konsumen,” Instagram, 2021, <https://www.instagram.com/p/CTTeYZXpeVQ/>.

5 Ahmad Sofian, Shidarta, and Abdul Rasyid, *Aspek Hukum Ekonomi Dan Bisnis*, 2nd ed. (Jakarta: Kencana, 2009), 190.

6 “Keputusan Menteri Perindustrian Dan Perdagangan Republik Indonesia No 350/MPP/Kep/12/2001 Tentang Pelaksanaan Tugas Dan Wewenang Badan Penyelesaian Sengketa Konsumen” (2001). Art 4

7 Andi Saputra, “Tok! 127 Keputusan Sengketa Konsumen Dianulir MA,” Detiknews, 2017, <https://news.detik.com/berita/d-3669668/tok-127-keputusan-sengketa-konsumen-dianulir-ma>.accessed on 5 November 2021

8 Kurniawan, *Kedudukan Dan Kekuatan Putusan Badan Penyelesaian Sengketa Konsumen (BPSK) Dalam Menjamin Perlindungan Hukum Bagi Konsumen*, Malang: *Disertasi FH Universitas Brawijaya Malang*, 2010, n.d.399-394

9 M. Syamsudin, “The Failure of the Court to Protect Consumers: A Review of Consumer Dispute Resolution in Indonesia,” *Journal of Consumer Policy* 44, no. 1 (2021): 117–30, <https://doi.org/10.1007/s10603-020-09470-0>. 22.

10 M. Syamsudin, “The Failure of the Court to Protect Consumers: A Review of Consumer Dispute Resolution., 129.

11 The ASEAN Secretariat, “Pilot Project ASEAN Consumer Empowerment Index 2020” (Jakarta, 2020).

TOTAL	1.309	4.121	5.230	380	2.597	1.491	4.468	578	340	151
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Source: Direktorat Perlindungan Konsumen dan Tertib Niaga¹²

Meanwhile, the number of decisions objected to in the last 5 years, namely 151. However, based on the second report, the Supreme Court cassation panel for the last five months (before this news was released on 4/10/2017), has annulled 127 BPSK decisions.¹³ Meanwhile, based on the Supreme Court's decision directory page, data on civil decisions specifically for consumer protection were obtained as many as 1,389. A total of 830 cassation decisions were inkracht and the remaining 828,611 decisions were first level.¹⁴

Based on the empirical facts above, this will cause disappointment for consumers who will and have used BPSK. It is then important to see consumer dispute resolution practices in other countries as a comparison in carrying out legal reforms,¹⁵ Malaysia, for example, has a consumer protection law that was enacted in the same year Indonesian's consumer protection law, namely 1999, and Malaysia also has a consumer dispute resolution institution similar to BPSK, namely the Malaysian Consumers Claims Tribunal (TTPM)¹⁶ formed under the User Protection Act 1999.¹⁷

Malaysian consumer protection law, even though it was ratified in the same year as the Indonesian consumer protection law, has currently undergone 8 (eight) amendments, namely in 2002, 2003, 2007, 2010, 2015, 2017 and 2019. One of the materials amendments was an increase in the number of losses that can be settled in TTPM, which was initially limited to a maximum of RM.10,000 to RM.25,000 (amendment of 2003), then from RM. 25,000 to RM.50,000 (amendment of 2019).¹⁸

During the 2017-2020 period, TTPM did not fail in resolving consumer disputes, as shown in the following table:

Table 2. Consumers Dispute Resolution at TTPM

Year	Total Claims	Claim Type		Settlement Method			Finished numbers	Remainder
		Goods	Service	Pull Back	Mediation	The judge		
2017	6111	3246	2865	2983	1952	1294	6111	0

- 12 Direktorat Perlindungan Konsumen dan Tertib Niaga, "Lampiran Keputusan Direktur Jenderal Perlindungan Konsumen Dan Tertib Niaga Kementrian Perdagangan No. 162 Tahun 2020 Tentang Rencana Strategis Direktorat Perlindungan Konsumen Dan Tertib Niaga 2020-2024" (2020), 14
- 13 Saputra, "Tok! 127 Keputusan Sengketa Konsumen Dianulir MA."
- 14 "Direktori Putusan," accessed February 3, 2023, <https://putusan3.mahkamahagung.go.id/direktori/index/kategori/perlindungan-konsumen-1.html>.
- 15 Reframasi hukum merupakan salah satu tujuan dalam perbandingan hukum. Ratno Lukito, *Perbandingan Hukum: Perdebatan Teori Dan Metode*, Cetakan Ke (Yogyakarta: Gadjah Mada University Press, 2019).13
- 16 "KPDNHEP, Peranan Tribunal Tuntutan Pengguna Malaysia (TTPM) Dalam Menangani Aduan Pengguna.Pdf," accessed February 4, 2023, [https://www.st.gov.my/ms/contents/files/download/167/5_KPDNHEP_-_Peranan_Tribunal_Tuntutan_Pengguna_Malaysia_\(TTPM\)_dalam_menangani_Aduan_Pengguna.pdf](https://www.st.gov.my/ms/contents/files/download/167/5_KPDNHEP_-_Peranan_Tribunal_Tuntutan_Pengguna_Malaysia_(TTPM)_dalam_menangani_Aduan_Pengguna.pdf).
- 17 "E-Tribunal," accessed February 5, 2023, <https://tppm.kpdn.gov.my/portal/home>.
- 18 "E-Tribunal Besaran Maksimal Tuntutan," accessed February 5, 2023, <https://tppm.kpdn.gov.my/portal/tppm/jurisdiction>. see to Zalina Zakaria, Nadiatul Husna Mohd Amin, and Mohd Zaidi Daud, "Kaedah Penyelesaian Pertikaian Di Tribunal Tuntutan Pengguna Malaysia: Satu Kajian Lapangan," *Kanun: Jurnal Undang-Undang Malaysia* 33, no. 1 (January 7, 2021): 159–84, [https://doi.org/10.37052/kanun.33\(1\)no7](https://doi.org/10.37052/kanun.33(1)no7).which was established under the Consumer Protection Act 1999. The aim was to ensure consumers receive the best protection of their rights. However, numerous issues have been highlighted, such as the TTPM's limited jurisdiction followed by inadequate understanding of consumers concerning the role and function of TTPM as a platform for remedial claims. Aiming to address the objectives of this research, the current study employed a qualitative approach to gather information by way of interview and observation. This study finds that the TTPM plays a very important role in providing a platform for remedial claims for consumers in Malaysia. The existence of the TTPM as a medium for consumer protection should be well-exploited as it benefits consumers. However, the roles and functions of the TTPM should be further developed. Thus, it is recommended that the relevant parties take steps to improve consumer protection rights in this country, in particular involving the TTPM. \nKeywords: Tribunal for Consumer Claims Malaysia, claim, remedy", "container-title": "Kanun: Jurnal Undang-undang Malaysia", "DOI": "10.37052/kanun.33(1

2018	5076	2781	2295	2029	558	2489	5076	0
2019	6106	2211	2895	2083	1037	2986	6101	5
2020	6603	3345	3258	2543	1986	2074	6603	0

Source: *Legal Framework of Alternative Dispute Resolution in Tribunal for Consumer Claims in Malaysia*¹⁹

The increase in the value of claims that can be filed at TTPM above, and the absence of consumer cases that fail to be resolved are the evidence proof that TTPM has succeeded in resolving consumer disputes in Malaysia, so it is reasonable that this institution has a place in the hearts of consumers and even its popularity exceeds that of the courts.²⁰ And based on The Report of the ASEAN Consumer Empowerment Index, Malaysian consumers are in a quite empowered position.²¹

The existing conditions of Malaysian consumers, consumer dispute resolution in Malaysia and its regulations which are undergoing continuous improvements, are rational reasons for the subject of comparison. This comparison is not only in a juxtaposition²², however, philosophically exploring the factors behind the success of consumer dispute resolution in Malaysia, so the system can be adopted in Indonesia to reconstruct BPSK to be successful in resolving consumer disputes.

This paper discusses the comparison between BPSK authority and TTPM authority in consumer disputes resolution where several previous studies discussing consumer disputes, according to researchers' investigations, have not yet focused on discussing the authority of institutions related to consumer dispute resolution.

2. METHOD

The type and research approach used in this study is doctrinal research with a statutory and comparative approach. The comparison adopted in this study is a micro comparison, which is a comparison focused on small units such as positive law (existing law/de lege lata), which is about legal institutions.²³ (BPSK and TTPM). The comparatum is consumer dispute resolution, the comparandum is consumer protection law, and the tertium comparationis (general characteristics that exist in the legal system) are civil law and common law.²⁴ As Zweigert and Kotz point out, comparative methods provide a much richer range of model solutions than legal science dedicated to a single country, simply because the world's different systems can offer a much wider variety of solutions than they can.²⁵ As for doctrinal research, the legal materials needed are primary, secondary, and tertiary legal materials that are relevant to research legal issues. These legal materials

19 Su'aida Safei, "Legal Framework of Alternative Dispute Resolution in Tribunal for Consumer Claims in Malaysia" (phd, Universiti Teknologi MARA (UiTM), 2022), <https://ir.uitm.edu.my/id/eprint/72628/>. the non specification of the settlement method led to the wide discretion of the President. The imbalance capability of disputing parties due to non-legal representation, enforcement of awards and difficulties faced by the President in deciding technical issues are also unsettled issues. This thesis, firstly, aims to identify the relevant provisions governing the TCC, which contain elements of alternative dispute resolution (ADR)

20 Azimon Abdul Aziz et al., "Permasalahan Dalam Mekanisme Penyelesaian Pertikaian Pengguna: Impak Ke Atas Pengguna Dalam Mendapatkan Keadilan," in *Prosiding Sixth Malaysian National Economic Conference (PERKEM VI), High Income Economy: Transformation Towards Improving Innovation, Productivity and Quality of Life 5 – 7 June 2011 Melaka Bandaraya Bersejarah, vol. 1, 2011, 228–37. 233.*

21 Nadiatul Husna Mohd Amin, Zalina Zakaria, and Mohd Zaidi Daud, "Perlindungan Pengguna Dan Tribunal Tuntutan Pengguna Malaysia: Sorotan Literatur: Consumer Protection According to Islam and Its Assurance Through the Tribunal for Consumer Claims Malaysia: A Review of Literatures," *Journal of Shariah Law Research* 7, no. 1 (June 15, 2022): 75–77. See also The ASEAN Secretariat, "Pilot Project ASEAN Consumer Empowerment Index 2020.", 30

22 P. Ishwara Bhat, "Comparative Method of Legal Research: Nature, Process and Potentiality," *Journal of the Indian Law Institute* 57, no. 2 (2015): 147–73.

23 P. Ishwara Bhat, "Comparative Method of Legal Research: Nature, Process and Potentiality," *Journal of the Indian Law Institute* 57, no. 2 (2015): 147–73.

24 Ratno Lukito, *Perbandingan Hukum: Perdebatan Teori Dan Metode*, Cetakan Ke 2 (Yogyakarta: Gadjah Mada University Press, 2019), 27

25 P. Ishwara Bhat, "Comparative Method of Legal Research: Nature, Process and Potentiality."150

were obtained through library research and online data searches through internet searching, browsing, and downloading. The analytical method used for these legal materials is descriptive qualitative.

3. FINDINGS AND DISCUSSION

3.1. History of the Consumer Protection Movement in Malaysia

Malaysia is the only representative country in the Asia Pacific that was the center of the consumer protection movement at the emergence of the consumer protection movement, more precisely at the third stage of the consumer protection movement in the world. However, this does not reflect the beginning of consumer protection thinking in Malaysia itself. Based on the results of a literature search, consumerism in Malaysia began in the 1960s.²⁶ The emergence of this movement was in response to price volatility during the festive season, at the end of 1964, under these conditions the people were moved to urge the government to take action to stabilize the prices of basic necessities.²⁷

Simultaneously, the first consumer association in Malaysia was formed in 1965, namely the Selangor Consumer Association, which was the oldest consumer association in Asia, its members consisted of professionals, intellectuals, and middle-income people.²⁸ The establishment of this association contributed positively to the development of consumer protection in Malaysia, four years later, the Penang Consumer Association was established in November 1969, this consumer association became the most recognized association due to its volume in dealing with consumer issues.²⁹

The Federation of Malaysian Consumer Associations (FOMCA) was founded in 1973 as the coordinating body for consumer movement operations in Malaysia since the consumer associations that already existed at the state level as previously indicated had not joined the national organization. FOMCA was a volunteer organization whose goal was to raise consumer awareness via information and education. The National Consumer Protection Advisory Council (MPPPK), which was established in July 1977, provided support for these consumer movements in Malaysia.³⁰

The struggle and movement for consumer protection in Malaysia have become the focus of the community, FOMCA as the coordinator of consumer movement activities in Malaysia, in 1992 established the Center for Research and Consumer Resources, a non-governmental and non-profit organization that aims to collect information relevant to consumers and food safety.³¹ Then in 2004, the National Consumer Complaint Center (NCCC) was formed as a media for solving problems faced by consumers. The NCCC also acts as a mediator for consumers and merchants to resolve disputes before they are referred to the Malaysian Consumers Claims Tribunal (TPPM).³²

The struggle and movement for consumer protection in Malaysia do not only stop at forming associations as described above but consumer protection is also enhanced by enforcing actions. KPDNHEP as the locomotive of domestic trade and consumer protection has enacted and amended various laws to meet today's consumer needs, such as the 1999 Consumer Protection Act as the main basis for consumer protection which was ratified

26 Norhoneydayatie Abdul Manap, "Perlindungan Hak Pengguna Dalam Pembelian Dalam Talian (Online)," *International Journal of Social Science Research* 4, no. 3 (September 7, 2022): 46. See too Afida Mastura, "Sejarah Pergerakan Pengguna," accessed February 4, 2023, https://www.academia.edu/31779790/Consumer_Finance_BUKU_JPM_VOL_16_JUN_2011_1_pdf.

27 Afida Mastura, "Sejarah Pergerakan Pengguna," , 47

28 Afida Mastura, "Sejarah Pergerakan Pengguna," , 48

29 "Sejarah FOMCA," accessed February 5, 2023, <https://www.fomca.org.my/v1/index.php/profil-fomca/sejarah-fomca>.

30 Mohd Hamdan Adnan, *Kepenggunaan* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1987),. 15

31 Zalina Zakaria, Nadiatul Husna Mohd Amin, and Mohd Zaidi Daud, "Kaedah Penyelesaian Pertikaian Di Tribunal Tuntutan Pengguna Malaysia: Satu Kajian Lapangan," *Kanun: Jurnal Undang-Undang Malaysia* 33, no. 1 (2021): 159–84, [https://doi.org/10.37052/kanun.33\(1\)no7](https://doi.org/10.37052/kanun.33(1)no7).

32 Norhasliza Ghapa and Nor Aida Ab Kadir, "Information Regulation: A Measure of Consumer Protection," *Pertanika Journal of Social Sciences and Humanities* 29, no. S2 (May 17, 2021): 60, <https://doi.org/10.47836/pjssh.29.s2.05>. "Fungsi NCCC," accessed February 6, 2023, <https://www.nccc.org.my/v2/index.php/mengenai-nccc/fungsi-nccc>.

by the Malaysian Consumers Claims Tribunal and the National Consumer Advisory Council, Law The 1957 Goods Sales Act as a vehicle for the realization of justice for consumers who have been injured because the information provided by business actors is incomplete.³³

The promulgation of the 1999 User Protection Act was a history for the people of Malaysia, the regulation that had been awaited by all parties. It was a special law on consumer protection, the formation of the User Advisory Council (Consumer Advisory Board) and the Consumers Claims Tribunal as well as cases related to consumers. This law is the fruit of the aspirations of the Malaysian people who want a special and comprehensive law that can be used as a guide by consumers in carrying out activities, where previously consumer protection was spread across various laws which in the end consumers did not receive protection. The promulgation of the 1999 User Protection Act was to cover the drawbacks of the existing law.

The 1999 User Protection Act consists of 14 Chapters and 150 Articles. In an effort to protect consumers, the provisions of this law cover several important aspects, namely containing misleading and deceptive acts, false information and unfair practices, security of goods and services, supplier rights related to a guaranteed supply of goods, producer rights related to guarantees for the supply of goods, rights for suppliers relating to guarantees in the provision of services, absolute responsibility, defective products and the establishment of the National Consumer Advisory Council and an alternative dispute resolution mechanism through the establishment of the Consumers Claims Tribunal.

Consumer disputes arise from the actions of business actors who do not respect consumer interests which are embodied in consumer rights. Settlements can be made directly by asking for compensation from the business actor. but if it is not responded to, the consumer submits a request for settlement to the judiciary or non-judicial institutions. the competent authority outside the judiciary is the Malaysian Consumers Claims Tribunal.³⁴

3.2. History of the Consumer Protection Movement in Indonesia

History The consumer protection movement in Indonesia was only really popularized around 20 years ago, namely with the establishment of the Indonesian Consumers Foundation (YLKI). Then followed by similar institutions, such as the Consumer Development and Protection Institute (LP2K) in Semarang which was founded in February 1988 and 1990 joined as a member of Consumers International (CI).³⁵

YLKI was originally formed to promote Indonesian products which were named Pekan Swakarsa. Starting from this activity, the idea emerged to establish a platform for the consumer protection movement. YLKI has branches in various provinces and has considerable influence because it is supported by mass media such as Kompas and Media Indonesia. These two national media regularly provide special columns to discuss consumer complaints. Besides, YLKI is also seen as a representative partner in various scientific meetings and discussion of legislation.³⁶

YLKI research results published in the mass media also have an impact on consumers. Producers' attention to such publications can also be seen from the reactions given, both in the form of corrections and rebuttals. This shows that in its journey YLKI has been able to play a big role, especially in the movement to make consumers aware of their rights.³⁷

When compared to the long journey of consumer movement abroad, especially in the United States, YLKI is fortune because it doesn't have to start from the scratch. Experience in handling cases that harm consumers in more developed countries can be used as a useful study so that Indonesia does not need to repeat similar mistakes. The same goes for cases of failed consumer advocacy.³⁸

YLKI's major achievement in the consumer movement in Indonesia is the success of the academic text of the UUPK being brought to the DPR and passed into law.³⁹The Draft Law (RUU) on Consumer Protection

33 Afida Mastura, "Sejarah Pergerakan Pengguna," 50

34 Amin, Zakaria, and Daud, "Perlindungan Pengguna dan Tribunal Tuntutan Pengguna Malaysia."

35 Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen* (Jakarta: Sinar Grafika, 2017). 15

36 Shidarta, *Hukum Perlindungan Konsumen Indonesia*, Edisi Revi (Jakarta: Grasindo, 2006).50

37 Shidarta, *Hukum Perlindungan Konsumen Indonesia*...

38 Shidarta, *Hukum Perlindungan Konsumen Indonesia*...

39 Shidarta, *Hukum Perlindungan Konsumen Indonesia*...

is the second Initiative Proposal of the House of Representatives (DPR) after the Bill on the Prohibition of Monopolistic Practices which was initiated by 33 members of the DPR from four factions, and on December 10, 1998, this bill was approved as a Proposal The Council's initiative and subsequent deliberations were carried out like a bill originating from the government, namely the Level I Discussion, Statement of the Special Committee (Pansus) on the Bill (18 December 1998), Level II Discussion or Government Response (15 February 1999), and the response of the Special Committee (22 February 1999)), and Level III Talks.⁴⁰

According to Shidarta, the birth of UUPK was influenced by international pressure and also the efforts made by YLKI.. After the Indonesian government passed Law no. 7 of 1994 concerning the Agreement Establishing the World Trade Organization (WTO), there is an obligation for Indonesia to follow the legal standards that apply and are widely accepted by WTO member countries. One of them is the need for the existence of UUPK.⁴¹

UUPK was born in the era of Baharuddin Jusuf Habibie's government with a transitional political configuration, namely the transition from an authoritarian political configuration to a democratic one. The energy of the pro-democracy forces was oriented towards reforming the political system towards democracy, so that the issues of amending the 1945 Constitution, releasing political prisoners, freedom of the press and freedom of association were the dominating political issues at that time, while legal reforms became rather neglected.⁴²

According to Mahfud MD, democratic political configurations can produce responsive laws, while authoritarian political configurations can produce orthodox, conservative, and elitist laws. However, a law that is responsive in nature can be born from an authoritarian political configuration, if the law is not related to power, such as Law Number 5 of 1960 concerning Agrarian Principles.

Based on the above, UUPK which has a responsive character, can be born in any political configuration, whether authoritarian or democratic, and it can also not be born at all. After the 1999 elections, the political configuration can be said to be quite democratic, but the UUPK has not undergone any amendments even though it has lagged far behind the development of society and is often voiced.

As stated in Article 45 paragraph (4) of the UUPK that if an out-of-court consumer dispute settlement effort has been chosen, a lawsuit through a court can only be taken if the attempt is declared unsuccessful by one of the parties or by the parties to the dispute. The article above opens up opportunities for one or both parties who do not have good faith to declare that BPSK's dispute resolution efforts have been unsuccessful even though the process is ongoing. This certainly degrades BPSK's authority before the parties.

The above is one of the arguments that democratic political configurations are not always sensitive to the legal needs of ordinary people. However, what clear and certain is that a responsive law is born from any configuration and is not a guarantee that the material content does not contain problems, whether it is the clarity of the formulation, its consistency, or coherence.

3.3. Comparison of Consumer Dispute Resolution at the Malaysian User Claims Tribunal and the Indonesian Consumer Dispute Settlement Agency (BPSK).

The presence of BPSK in the realm of legal institutions in the country is indeed quite a unique phenomenon. Some argue that BPSK is a kind of Small Claim Court (SCC)⁴³ or Small Claims Tribunal (SCT) or adaptations of both.⁴⁴ The existence of the Small Claim Court (SCC) in several countries is the inspiration

40 "Risalah Rapat Proses Pembahasan Rancangan Undang-Undang Tentang Perlindungan Konsumen Tahun Sidang 1998/1999 Session Period III on Friday" (February 26, 1999).

41 Shidarta, *Hukum Perlindungan Konsumen Indonesia.*, 52

42 Rudi Priyosantoso, "Hak Asasi Manusia di Indonesia: Tinjauan Politik Hukum Era Reformasi," *Jurnal Ilmu Kepolisian* 15, no. 3 (2021): 199–204.

43 Deviana Yuanitasari and Hazar Kusmayanti, "Eksistensi Bpsk (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku Dalam Sistem Hukum Perlindungan Konsumen Indonesia," *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (November 30, 2019): 428.

44 Rifki Putra Perdana, Fuad Fuad, and Said Munawar, "Implementasi Penyelesaian Sengketa Konsumen Oleh Badan Penyelesaian Sengketa Konsumen Di Yogyakarta," *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (September 27, 2021): 9.

for the formation of the BPSK. However, because BPSK’s adaptation to SCC and/or SCT above was not carried out in its entirety, there was a very significant difference between the two.⁴⁵ In the end, unlike SCC and SCT in resolving consumer disputes, BPSK experienced many obstacles.

SCC in Indonesia is known as a simple lawsuit which is last stated in Supreme Court Regulation No. 4 of 2019 concerning Simple Lawsuit Settlement Procedures, which states that civil lawsuits with a maximum value of Rp. 500,000,000 (five hundred million Rupiah) is settled with a simple proof procedure. Such lawsuits usually occur in cases of default and/or unlawful acts (PMH).⁴⁶

Settlement of civil lawsuits with predetermined loss thresholds through straightforward lawsuits stems from an awareness that new laws in the economic and other civil fields call for dispute resolution with simpler, quicker, and less expensive procedures; this is a form of open access for the general public to access justice.

Some researchers are similar to this study, but there are differences in several aspects. Research conducted earlier with the title “Consumer Dispute Resolution: Comparative Study of Indonesian and Malaysian Laws”, states that the nominal that can be submitted to TTPM, which is RM.25, has been changed to RM.50 based on amendments to the 2019 consumer protection law, researchers in previous research also said that there is no time limit for litigation in BPSK; even though it is stated in Article 27 that the time limit for consumer dispute cases is 4 years. These two things are two proof that although there are similarities in the topic, there are differences in substance.⁴⁷

BPSK as an institution adapted from SCC or SCT, of course there are differences and similarities when comparing BPSK and TTPM in terms of equality. These similarities and differences can be seen from several aspects as shown in the table below:

Table 3. Similarities and Differences between BPSK and TTPM

No	Aspect	BPSK	TTPM
1	Position	Regencies/Cities but Partly in the Province	State (Province)
2	Affiliation	Under the Ministry of Commerce	Under the Ministry of Domestic Trade and Consumer Affairs
3	Membership Requirements	Must come from several elements, namely elements of the government, consumers and business actors and must at least have a background in the field of law	Must have a legal background. (a) is a member of the judiciary and statutory bodies or a person who fulfills the requirements for understanding in the Deed of Profession Act 1976 (Deed 166), Sabah Advocate Ordinance (Chapter 2) or Sarawak Advocate Ordinance (Chapter 110) as needed, (b) or other than those mentioned above but have previously held the position specified in the Fourth Schedule for the Deed of the Lower Court 1948 (deed 92), or (c) a combination of a and b.
4	Application Type	Complaints and Claims	Only accept Lawsuits and do not accept complaints

45 Maudy Andreana Lestari et al., “Optimalisasi Badan Penyelesaian Sengketa Konsumen (BPSK) dalam Upaya Proteksi Hak Konsumen di Ranah Siber,” *Jurnal Hukum Lex Generalis* 2, no. 4 (April 20, 2021): 313–314.

46 Mahkamah Agung, PSHK, and LeIP, *Buku Saku Gugatan Sederhana* (Jakarta: Mahkamah Agung, 2015). 9

47 Norma Sari, “Consumer Dispute Settlement: A Comparative Study on Indonesian and Malaysian Law,” *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 5, No. 1 (May 13, 2018): 109–26.

5	Authority	Not only handling consumer disputes	Only handle consumer disputes, namely: (1) disputes arising from personal injury or death, (2) disputes to restore land or plantations or interests in land, (3) disputes that question the ownership of land or plantations or interests in land, or what franchise also, (4) disputes involving disputes about (a) the right to carry out a will or provisions, or the cause of death of the will, (b) good name, (c) anything in the act, (d) trade secrets or other intellectual property; and, (5) when a tribunal is established by other written law to hear and decide claims on the subject matter of the claim.
6	Expansion of Authority	can act as an executive, namely supervising the inclusion of standard clauses, and a judiciary, namely the dispute resolution function, also playing the Ombudsman function, namely serving complaints and consultations.	In certain cases, the Ministry of Domestic Trade and Consumer Protection can expand the authority of TTPM
7	Limitation of Lawsuit Value	There is no limit to the value of the lawsuit, it's just that in imposing administrative sanctions it is limited to a maximum of Rp. 200,000,000	Limited to a maximum of RM. 50,000., however based on the agreement, TTPM can settle the lawsuit above such value
8	Settlement Model	Conciliation-mediation and arbitration are not tiered and are based on the agreement of the disputing parties	Mediation and arbitration without having to go through the agreement of the parties
9	Summons of the parties	Requesting assistance of investigators, both Civil Servant Investigators, and Investigators from the Police	Summons must be submitted and enforced as if they were summons issued by a lower court (Majistret Court).
10	Failed, case recall	One of the parties can declare that the dispute resolution is failed and if one party does not appear in court, then the dispute settlement is also considered a failure.	A lawsuit that goes to court becomes invalid unless: (a) the claim has been tried at the Court before being submitted to TTPM, (b) the claim has been withdrawn or canceled by the parties. The lawsuit is still being processed until the decision is issued even though the defendant is not present.
11	Connection with the Court	There is no connection to consult with the court when BPSK has difficulty resolving dispute	TTPM can consult the high court regarding the legal issues it faces, and the high court fatwas must be made into a TTPM decision
12	Legal fees	No charge	Cost RM.5.00.
13	Advocate Engagement	Get involved	Do not engage. It's just that if the party being sued is a legal entity, then it can be represented by an employee who is fully paid by the legal entity. On this occasion the company often sends the division that is the legal division
14	Nature of the verdict	Final and binding	Final and binding

	Completion time and content of the verdict	Decision will be given within 21 working days as of the acceptance of claim.	TTPM will issue a decision (Award) within 60 days of the start of the trial. The contents of the decision may include the following: 1) The party to the trial must pay money to any other party. 2) Goods supplied are recalled. 3) Goods supplied or resupplied to consumers are replaced or repaired. 4) Prices or other considerations paid or provided by consumers or other people will be returned to consumers. 5) Either party must fulfill the guaranteed guarantee. 6) Giving compensation money to cover the loss or damage suffered by the plaintiff. 7) The contract must be amended or waived, in whole or in part. 8) Payment of fees to or against any party. 9) Interest payments do not exceed 8% per year unless there is another agreement. 10) Claim denied.
15	Legal action against the verdict	Objection to District Court and Cassation to Supreme Court	Review to the High Court because the TTPM decision is characterized as a decision of the Majistret Court
16	Criminal sanctions for not complying with the verdict	BPSK decisions can be used as initial evidence of criminal investigations	Everyone who fails to comply is considered to have committed a crime with a criminal penalty: 1) Fines not exceeding RM.10,000.00 or imprisonment for a period of not more than 2 (two) years or both. 2) If the deduction continues, in addition to the above penalties, it is also subject to not less than RM 100.00 and not more than RM 5000.00 for each day.
17	Verdict Execution	Through the process of fiat execution to the District Court	Execution is in the majistret court without going through fiat execution because it has been characterized as a majistret court decision

Source: Research Report by Ahmad Wahidi and Nur Jannani⁴⁸

Based on the Presidential Decree which became the basis for the formation of BPSK, members of BPSK who have been legally appointed will receive honorariums which are charged to the regional budget and expenditure revenues. This is in accordance with Article 3 of the Decree of the President of the Republic of Indonesia Number 27 of 2014, which states that all costs required for carrying out BPSK tasks are borne by the Regional Revenue and Expenditure Budget.

BPSK has duties and authorities in essence: (a) handling and resolving consumer disputes through mediation, conciliation and/or through arbitration, (b) consultation, (c) supervising standard clauses, (d) reporting to investigators, (e) receiving complaints, (f) research and examination, (g) summoning business actors, (h) submitting sanctions and expert witnesses, (i) requesting the assistance of investigators to present witnesses, (j) studying documents, (k) disclosing whether or not there was a loss consumers, (l) give decisions, and (m) impose administrative sanctions.

⁴⁸ Ahmad Wahidi and Nur Jannani, "Politik Hukum Penyelesaian Sengketa Konsumen di Indonesia dan Malaysia" (Malang: UIN Maulana Malik Ibrahim, 2022), 71–73.

Taking into account the duties and authorities of BPSK above, according to Mas Ahmad Santosa, there are at least 5 (five) roles assigned to BPSK and that is a problem faced by BPSK, namely: first, the role of the dispute resolution service provider as a mediator, conciliator and arbitrator, second, the role of community consultant or public defender, third, the role of the administrative regulator, fourth, the role of the ombudsman, and fifth, the role of a jury or worker.⁴⁹

Meanwhile, the authority of TTPM is limited to a number of cases as stipulated in Article 99 consumer protection act, namely: (1) disputes arising from personal injury or death, (2) disputes to restore land or plantations or interests in land, (3) disputes involving land ownership or estates or land interests, or any franchises, (4) disputes involving disputes over (a) the right to carry forward a will or provisions, or the cause of death of a will, (b) reputation, (c) anything in action, (d) trade secrets or other intellectual property; and, (5) when a tribunal is established by other written law to hear and decide claims on the subject matter of the claim.

The maximum claim value of RM.50,000 is not permanent, the parties may agree to resolve the problem with a loss value of more than RM.50,000, and based on this agreement, TTPM has the authority to settle it. In addition, the Ministry of Domestic Trade and Cost of Living can increase the authority of the TTPM by announcing it in the State Gazette and Supplement to the State Gazette for a case that has not been regulated in certain written laws regarding the settlement mechanism. Based on this, the Minister has full power to prevent the emergence of a legal vacuum in the settlement of consumer disputes.

TTPM does not accept complaints but only registers consumer demands which are carried out by submitting a claim at TTPM counters in all areas of Malaysia including the Putra Jaya, Kuala Lumpur, and Labuan Areas, or via online <https://ttpm.kpdnhep.gov.my>, by paying a fee of RM.5.00.⁵⁰

Regarding dispute resolution, BPSK does not necessarily demand on a matter that can be sued, but the existence of the dispute must be based on the agreement of the parties, namely consumers and business actors. This is regulated in Article 45 paragraph (2) UUPK which states that consumer dispute resolution can be reached through court or out of court based on the voluntary choice of the parties to the dispute.

The authority carried out by BPSK is currently very broad, it can act as the executive, namely, to supervise the inclusion of standard clauses, and also the judiciary, namely the dispute resolution function, also playing the Ombudsman function, namely serving complaints and consultations, which if not limited in levels can reduce the independence of BPSK.

BPSK's authority is important to be specialized in the main and strategic authorities, namely the settlement of consumer disputes as the authority of TTPM. Other authorities, such as oversight of standard clauses, must be returned to the government. The authority to supervise the inclusion of standard clauses currently rests with the provincial government, but as with supervision over the distribution of goods, because the reach of the provincial government is very broad, empirically this supervision has not been optimal.

The BPSK authority specialization above is conditional, if based on a credible survey, Indonesian consumers are already at a power level. Because with these empowered consumers, case input to BPSK is maximized. One dimension of consumer empowerment is the high level of complaint behavior filed with consumer protection agencies, including BPSK, if they find and experience business activities that harm them. The primary source of cases at BPSK is legally empowered consumers, so if they are not yet empowered, the input of cases to BPSK is small.

Learn about consumer dispute resolution in Malaysia through the tribunal Malaysian Consumers Claims (TTPM), which this institution does not accept consumer complaints but only accepts consumer demands against business actors suspected of causing losses. Consumer disputes submitted to TTPM can be ascertained that a decision will be issued, whether the business actor is present, unless the claim is not within the authority of TTPM, withdrawn by the consumer or the same case is resolved through the Court first. Consumer disputes handled by TTPM are certain to be resolved with the birth of a decision after the mediation and trial processes have been passed. The parties are obliged to implement this decision, for those who do not implement it, are

49 Kurniawan, *Kedudukan Dan Kekuatan Putusan Badan Penyelesaian Sengketa Konsumen (BPSK) Dalam Menjamin Perlindungan Hukum Bagi Konsumen*, Malang: Disertasi FH Universitas Brawijaya Malang, 2010.

50 "E-Tribunal."

subject to criminal sanctions in the form of fines and confinement, this TTPM decision is seen as a decision of the Lower Court so that the legal action goes to the High Court.

Adapting the settlement model used by Malaysia above, can make BPSK powerful, high profile, and authoritative before the parties to the dispute. With an informal, fast and cheap procedure, TTPM is better known and has a better place in the hearts of consumers than the courts. The presence of BPSK in the realm of legal institutions in the country is indeed quite a unique phenomenon.

4. CONCLUSION

Comparison of consumer dispute resolution in Indonesia and Malaysia based on BPSK and TTPM authority as discussed above can be seen from several aspects. First, BPSK and TTPM are permanent alternative institutions, and both are not ad hoc institutions as well are not part of state courts like the SCT and SCC in common law countries. Furthermore, in terms of membership, TTPM requires members to have a legal background, while BPSK membership consists of 3 elements, namely consumers, business actors, and government elements, in this case, BPSK has advantages over TTPM, then TTPM has special authority for dispute resolution and only accepts claims with a clear limit of value, while the BPSK is not authorized to limit the value of complaints, it's just that in imposing administrative sanctions, the compensation value is limited. Furthermore, the settlement mechanism at BPSK is utilizing mediation, conciliation and arbitration which are independent, so that incoming cases cannot be guaranteed to be resolved by the issuance of a decision, while the mechanism at TTPM is utilizing mediation if they cannot proceed to trial, so that cases that go to TTPM can be confirmed by a decision. Furthermore, both BPSK and TTPM decisions are final and binding, it's just that both can be submitted to legal channels. The BPSK decision can be objected to by the District Court and cassation to the Supreme Court, while the TTPM decision can be submitted for review to the High Court because the TTPM decision is the same as the Lower Court decision. Then for the parties who do not comply with the BPSK decision, such BPSK decision is the initial evidence for the investigation of whether there is a crime in the non-compliance. Meanwhile, non-compliance with the TTPM decision is considered a criminal offense with imprisonment and fines. Finally, the decisions of TTPM and BPSK are final and binding, the two decisions can be used as legal remedies, for TTPM decisions a judicial review can be carried out to the High Court because they are seen as decisions of the Majistret Court, while objections to BPSK decisions can be submitted to the District Court and cassation to the Supreme Court.

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REFERENCES

- Adilah, Rifa Yusya. "BPKN Terima 3.555 Aduan Konsumen, 70 Persen Dari Sektor Bisnis Perumahan | Merdeka.Com." Accessed March 6, 2023. <https://www.merdeka.com/uang/bpkn-terima-3555-aduan-konsumen-70-persen-dari-sektor-bisnis-perumahan.html>.
- Adnan, Mohd Hamdan. *Kepenggunaan*. Kuala Lumpur: Dewan Bahasa dan Pustaka, 1987.

- Amin, Nadiatul Husna Mohd, Zalina Zakaria, and Mohd Zaidi Daud. "Perlindungan Pengguna Dan Tribunal Tuntutan Pengguna Malaysia: Sorotan Literatur: Consumer Protection According to Islam and Its Assurance Through the Tribunal for Consumer Claims Malaysia: A Review of Literatures." *Journal of Shariah Law Research* 7, No. 1 (June 15, 2022): 63–84.
- Azimon Abdul Aziz, Sakina Shaik Ahmad Yusoff, Rahmah Ismail, Shamsudin Suhor, Kartini Aboo Khalid, and Muhammad Rizal Razman. "Permasalahan Dalam Mekanisme Penyelesaian Pertikaian Pengguna: Impak Ke Atas Pengguna Dalam Mendapatkan Keadilan." In *Prosiding Sixth Malaysian National Economic Conference (PERKEM VI), High Income Economy: Transformation Towards Improving Innovation, Productivity and Quality of Life 5 – 7 June 2011 Melaka Bandaraya Bersejarah*, 1:228–37, 2011.
- Celina Tri Siwi Kristiyanti. *Hukum Perlindungan Konsumen*. Jakarta: Sinar Grafika, 2017.
- "Direktori Putusan." Accessed February 3, 2023. <https://putusan3.mahkamahagung.go.id/direktori/index/kategori/perlindungan-konsumen-1.html>.
- "E-Tribunal." Accessed February 5, 2023. <https://tptm.kpdn.gov.my/portal/home>.
- "E-Tribunal Besar Maksimal Tuntutan." Accessed February 5, 2023. <https://tptm.kpdn.gov.my/portal/tptm/jurisdiction>.
- "Fungsi NCCC." Accessed February 6, 2023. <https://www.nccc.org.my/v2/index.php/mengenai-nccc/fungsi-nccc>.
- Ghapa, Norhasliza, and Nor Aida Ab Kadir. "Information Regulation: A Measure of Consumer Protection." *Pertanika Journal of Social Sciences and Humanities* 29, No. S2 (May 17, 2021). <https://doi.org/10.47836/pjssh.29.s2.05>.
- Keputusan Menteri Perindustrian dan Perdagangan Republik Indonesia No 350/MPP/Kep/12/2001 tentang Pelaksanaan Tugas dan Wewenang Badan Penyelesaian Sengketa Konsumen (2001).
- Konsumen, Undang-Undang No. 8 Tahun 1999 tentang Perlindungan. No Title (n.d.).
- "KPDNHEP, Peranan Tribunal Tuntutan Pengguna Malaysia (TTPM) Dalam Menangani Aduan Pengguna.Pdf." Accessed February 4, 2023. [https://www.st.gov.my/ms/contents/files/download/167/5__KPDNHEP_-_Peranan_Tribunal_Tuntutan_Pengguna_Malaysia_\(TTPM\)_dalam_menangani_Aduan_Pengguna.pdf](https://www.st.gov.my/ms/contents/files/download/167/5__KPDNHEP_-_Peranan_Tribunal_Tuntutan_Pengguna_Malaysia_(TTPM)_dalam_menangani_Aduan_Pengguna.pdf).
- Kurniawan. *Kedudukan Dan Kekuatan Putusan Badan Penyelesaian Sengketa Konsumen (BPSK) Dalam Menjamin Perlindungan Hukum Bagi Konsumen, Malang: Disertasi FH Universitas Brawijaya Malang, 2010*, n.d.
- Lestari, Maudy Andreana, Dewi Ari Shia Wase Meliala, Puja Anudiwanti, and Nasya Nurul Amalina. "Optimalisasi Badan Penyelesaian Sengketa Konsumen (BPSK) dalam Upaya Proteksi Hak Konsumen di Ranah Siber." *Jurnal Hukum Lex Generalis* 2, No. 4 (April 20, 2021): 309–28. <https://doi.org/10.56370/jhlg.v2i4.48>.
- Mahkamah Agung, PSHK, and LeIP. *Buku Saku Gugatan Sederhana*. Jakarta: Mahkamah Agung, 2015.
- Manap, Norhoneydayatie Abdul. "Perlindungan Hak Pengguna Dalam Pembelian Dalam Talian (Online)." *International Journal of Social Science Research* 4, No. 3 (September 7, 2022): 42–48.
- Mastura, Afida. "Sejarah Pergerakan Pengguna." Accessed February 4, 2023. https://www.academia.edu/31779790/Consumer_Finance_BUKU_JPM_VOL_16_JUN_2011_1_pdf.
- Niaga, Direktorat Jenderal Perlindungan Konsumen dan Tertib. "Info Grafik Layanan Perlindungan Konsumen." Instagram, 2021. <https://www.instagram.com/p/CTTeYZXpeVQ/>.
- Niaga, Direktorat Perlindungan Konsumen dan Tertib. Lampiran Keputusan Direktur Jenderal Perlindungan Konsumen dan Tertib Niaga Kementerian Perdagangan No. 162 Tahun 2020 tentang Rencana Strategis Direktorat Perlindungan Konsumen dan Tertib Niaga 2020-2024 (2020).
- P. Ishwara Bhat. "Comparative Method of Legal Research: Nature, Process and Potentiality." *Journal of the Indian Law Institute* 57, No. 2 (2015): 147–73.

- Perdana, Rifki Putra, Fuad Fuad, and Said Munawar. "Implementasi Penyelesaian Sengketa Konsumen Oleh Badan Penyelesaian Sengketa Konsumen di Yogyakarta." *Widya Pranata Hukum: Jurnal Kajian dan Penelitian Hukum* 3, No. 2 (September 27, 2021): 1–27. <https://doi.org/10.37631/widyapranata.v3i2.433>.
- Priyosantoso, Rudi. "Hak Asasi Manusia di Indonesia: Tinjauan Politik Hukum Era Reformasi." *Jurnal Ilmu Kepolisian* 15, No. 3 (2021): 10. <https://doi.org/10.35879/jik.v15i3.341>.
- Ratno Lukito. *Perbandingan Hukum: Perdebatan Teori dan Metode*. Cetakan Ke. Yogyakarta: Gadjah Mada University Press, 2019.
- "Risalah Rapat Proses Pembahasan Rancangan Undang-Undang Tentang Perlindungan Konsumen Tahun Sidang 1998/1999 Session Period III on Friday," February 26, 1999.
- Safei, Su'aida. "Legal Framework of Alternative Dispute Resolution in Tribunal for Consumer Claims in Malaysia." Phd, Universiti Teknologi MARA (UiTM), 2022. <https://ir.uitm.edu.my/id/eprint/72628/>.
- Saputra, Andi. "Tok! 127 Keputusan Sengketa Konsumen Dianulir MA." Detiknews, 2017. <https://news.detik.com/berita/d-3669668/tok-127-keputusan-sengketa-konsumen-dianulir-ma>.
- Sari, Norma. "Consumer Dispute Settlement: A Comparative Study on Indonesian and Malaysian Law." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 5, No. 1 (May 13, 2018): 109–26.
- "Sejarah FOMCA." Accessed February 5, 2023. <https://www.fomca.org.my/v1/index.php/profil-fomca/sejarah-fomca>.
- Shidarta. *Hukum Perlindungan Konsumen Indonesia*. Edisi Revisi. Jakarta: Grasindo, 2006.
- Sofian, Ahmad, Shidarta, and Abdul Rasyid. *Aspek Hukum Ekonomi Dan Bisnis*. 2nd ed. Jakarta: Kencana, 2009.
- Syamsudin, M. "The Failure of the Court to Protect Consumers: A Review of Consumer Dispute Resolution in Indonesia." *Journal of Consumer Policy* 44, No. 1 (2021): 117–30. <https://doi.org/10.1007/s10603-020-09470-0>.
- The ASEAN Secretariat. "Pilot Project ASEAN Consumer Empowerment Index 2020." Jakarta, 2020.
- Tulus Abadi. "YLKI Catat 3.692 Pengaduan Masyarakat di 2020, Terbanyak Soal Produk Jasa Keuangan." Merdeka.com, 2021. <https://www.merdeka.com/uang/ylki-catat-3692-pengaduan-masyarakat-di-2020-terbanyak-soal-produk-jasa-keuangan.html>.
- Wahidi, Ahmad, and Nur Jannani. "Politik Hukum Penyelesaian Sengketa Konsumen di Indonesia dan Malaysia." Malang: UIN Maulana Malik Ibrahim, 2022.
- Yayasan Lembaga Konsumen Indonesia. "Pada 2019, YLKI Telah Menerima 1.871 Aduan, Terdiri Atas 563 Kasus Kategori Individual Dan 1.308 Kasus Kategori Kelompok/Kolektif," 2019. <https://ylki.or.id/2020/01/pengaduan-konsumen-dan-kinerja-ojk/>.
- Yuanitasari, Deviana, and Hazar Kusmayanti. "Eksistensi Bpsk (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku Dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (November 30, 2019): 425–35. <https://doi.org/10.29303/ius.v7i3.676>.
- Zakaria, Zalina, Nadiatul Husna Mohd Amin, and Mohd Zaidi Daud. "Kaedah Penyelesaian Pertikaian Di Tribunal Tuntutan Pengguna Malaysia: Satu Kajian Lapangan." *Kanun: Jurnal Undang-Undang Malaysia* 33, No. 1 (January 7, 2021): 159–84. [https://doi.org/10.37052/kanun.33\(1\)no7](https://doi.org/10.37052/kanun.33(1)no7).