

ABSTRAK

Badan Penyelesaian Sengketa Konsumen (yang selanjutnya disebut dengan BPSK) dibuat sebagai lembaga alternatif penyelesaian sengketa konsumen di luar pengadilan, namun Putusan Pengadilan Negeri Lubuklinggau Nomor 1/Pdt.Sus-BPSK/2023/PN.LLG menyatakan pembatalan Putusan BPSK karena dinyatakan tidak berwenang untuk mengadili secara arbitrase. Tujuan penelitian ini untuk mengetahui dan menganalisis kewenangan BPSK dalam pelaksanaan penyelesaian sengketa konsumen secara arbitrase dan pertimbangan hukum hakim dalam Putusan Pengadilan Negeri Kota Lubuklinggau Nomor 1/Pdt.Sus-BPSK/2023/PN.LLG yang mengabulkan bahwa BPSK tidak berwenang dalam menyelesaikan sengketa perjanjian pembiayaan konsumen melalui proses arbitrase. Penelitian ini menggunakan metode penelitian yuridis normatif melalui pendekatan perundang-undangan dan kasus yang dianalisis secara normatif kualitatif menggunakan data sekunder berdasarkan studi kepustakaan.

Hasil penelitian ini menunjukkan bahwa kewenangan BPSK berdasarkan Pasal 52 UUPK adalah menyelesaikan sengketa konsumen melalui proses mediasi, konsiliasi atau arbitrase. Proses penyelesaian sengketa di BPSK tertuang dalam PERMENDAG Nomor 17 Tahun 2007. Pertimbangan hukum Majelis Hakim Pengadilan Negeri Kota Lubuklinggau telah sesuai dengan perundang-undangan yang berlaku, namun hal tersebut belum menyelesaikan sengketa antara para pihak karena Pemohon hanya meminta pembatalan atas Putusan BPSK. Pembatalan Putusan BPSK pada sengketa *a quo* dilakukan karena telah bertentangan dengan asas kesukarelaan dari ketentuan Pasal 45 ayat (2) Undang-Undang Perlindungan Konsumen.

Kata kunci: *Badan Penyelesaian Sengketa Konsumen, Arbitrase, Kewenangan*

ABSTRACT

The Consumer Dispute Resolution Agency (hereinafter referred to as BPSK) was established as an alternative institution for resolving consumer disputes outside the court system. However, the decision of the Lubuklinggau District Court No. 1/Pdt.Sus-BPSK/2023/PN.LLG annulled the BPSK decision, stating that it lacked authority to adjudicate disputes through arbitration. This research purposed to examine and analyze the authority of BPSK in resolving consumer disputes through arbitration and the legal considerations of the judges in the Lubuklinggau District Court Decision No. 1/Pdt.Sus-BPSK/2023/PN.LLG, which ruled that BPSK does not have the authority to resolve consumer financing agreement disputes through arbitration. This research employs a normative juridical method, using a legislative and case approach, analyzed qualitatively and normatively based on secondary data obtained through literature studies.

The research result that BPSK's authority, as stipulated in Article 52 of the Consumer Protection Act, includes resolving consumer disputes through mediation, conciliation, or arbitration. The dispute resolution procedures at BPSK are outlined in Ministry of Trade Regulation No. 17 of 2007. The legal considerations of the Lubuklinggau District Court judges align with applicable laws, but the decision didn't resolve the dispute between the parties, as the petitioner only sought annulment of the BPSK decision. The annulment of the BPSK decision in the a quo dispute was based on a conflict with the principle of voluntariness as stipulated in Article 45(2) of the Consumer Protection Act.

Keywords: *Consumer Dispute Settlement Agency, Arbitration, Authority*

