

RINGKASAN

Tripa Sri Pinanta **ANALISIS PUTUSAN PENGADILAN NEGERI**
NIM 220510158 **LHOKSEUMAWE NOMOR 3/PDT.SUS-BPSK/2022/PN-**
 LSM DALAM MENGADILI KEBERATAN TERHADAP
 PUTUSAN BADAN PEYELESAIAN SENGKEA
 KONSUMEN
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Keberadaan Badan Penyelesaian Sengketa Konsumen sebagai lembaga penyelesaian sengketa konsumen diluar pengadilan berdasarkan Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen memberikan kewenangan kepada BPSK untuk menyelesaikan sengketa konsumen dengan putusan bersifat final dan mengikat. Namun pada praktik peradilan, putusan BPSK masih sering diajukan keberatan ke Pengadilan Negeri dan dapat dibatalkan, sehingga menimbulkan permasalahan hukum terkait kepastian hukum dan kedudukan BPSK dalam sistem penyelesaian sengketa konsumen.

Penelitian ini bertujuan untuk menganalisis pertimbangan hukum oleh hakim Pengadilan Negeri Lhokseumawe dalam memutus perkara nomor 3/Pdt.Sus-BPSK/2022/PN-Lsm mengenai keberatan terhadap putusan BPSK, serta untuk mengetahui akibat hukum yang ditimbulkan oleh putusan tersebut terhadap kedudukan BPSK dan penyelesaian sengketa konsumen.

Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Data diperoleh melalui penelitian kepustakaan (*library research*) terhadap bahan primer, sekunder, dan tersier yang selanjutnya dianalisis secara deskriptif kualitatif.

Berdasarkan hasil penelitian diketahui bahwa majelis hakim Pengadilan Negeri Lhokseumawe telah melampaui batas kewenangan pemeriksaan keberatan dengan menilai kembali substansi sengketa dan kewenangan BPSK. Pertimbangan hukum tersebut tidak sejalan dengan ketentuan Pasal 6 ayat (3) Peraturan Mahkamah Agung Nomor 1 Tahun 2006 juncto Pasal 70 Undang-Undang Arbitrase dan Alternatif Penyelesaian Sengketa yang membatasi keberatan hanya pada alasan pembatalan putusan arbitrase secara limitatif. Akibatnya, putusan tersebut melemahkan kedudukan BPSK dan menimbulkan ketidakpastian hukum bagi para pihak.

Berdasarkan uraian tersebut dapat disimpulkan bahwa pertimbangan hukum hakim dalam mengabulkan keberatan terhadap putusan BPSK tidak sepenuhnya sesuai dengan ketentuan hukum yang berlaku. Oleh karena itu, diperlukan konsistensi penerapan Peraturan Mahkamah Agung Nomor 1 Tahun 2006 serta penguatan pengaturan hukum guna mempertegas batas kewenangan pemeriksaan keberatan demi menjamin kepastian hukum dan memperkuat fungsi BPSK.

Kata Kunci: BPSK, keberatan, arbitrase, sengketa konsumen, kepastian hukum, final dan mengikat

SUMMARY

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ANALYSIS OF THE LHOKSEUMAWE DISTRICT COURT DECISION NUMBER 3/PDT.SUS-BPSK/2022/PN-LSM IN EXAMINING OBJECTIONS TO THE DECISION OF THE CONSUMER DISPUTE SETTLEMENT AGENCY (BPSK)
(Supervisors: Dr. Sulaiman, S.H., M.Hum., and Tri Widya Kurniasari, S.H., M.Hum.)

The existence of the Consumer Dispute Settlement Agency (Badan Penyelesaian Sengketa Konsumen/BPSK) as an out-of-court consumer dispute resolution institution under Law Number 8 of 1999 on Consumer Protection grants BPSK the authority to resolve consumer disputes through decisions that are final and binding. However, in judicial practice, BPSK decisions are still frequently challenged before the District Court and may be annulled, thereby giving rise to legal issues concerning legal certainty and the institutional position of BPSK within the consumer dispute resolution system.

This study aims to analyze the legal considerations applied by the judges of the Lhokseumawe District Court in deciding Case Number 3/Pdt.Sus-BPSK/2022/PN-Lsm concerning an objection to a BPSK decision, as well as to examine the legal consequences arising from the judgment with regard to the institutional position of BPSK and the consumer dispute resolution mechanism.

This research employs a normative juridical method using a statutory approach and a case approach. The data were obtained through library research on primary, secondary, and tertiary legal materials, which were subsequently analyzed using descriptive qualitative analysis.

The findings of this study indicate that the panel of judges of the Lhokseumawe District Court exceeded the limits of its authority in examining the objection by reassessing the substance of the dispute and the jurisdiction of BPSK. Such legal reasoning is inconsistent with Article 6 paragraph (3) of Supreme Court Regulation Number 1 of 2006 in conjunction with Article 70 of the Law on Arbitration and Alternative Dispute Resolution, which restricts objections solely to the limited grounds for the annulment of arbitral awards. Consequently, the decision weakens the institutional position of BPSK and creates legal uncertainty for the parties.

Based on the foregoing analysis, it can be concluded that the judges' legal considerations in granting the objection to the BPSK decision were not fully in accordance with the applicable legal provisions. Therefore, consistent application of Supreme Court Regulation Number 1 of 2006, along with the strengthening of the legal framework, is necessary to clearly delineate the scope of authority in examining objections, in order to ensure legal certainty and to reinforce the function of BPSK.

Keywords: *BPSK, objections, arbitration, consumer disputes, legal certainty, final and binding.*