

## AN OVERVIEW OF PROTECTIVE LAW ENFORCEMENT CONSUMERS (BPSK DECISION STUDY No.01/BPSK/MDN/2003)

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### *Abstract*

*Initially, this research on consumer protection in Indonesia by the government did not have a specific law, but the legal instruments were scattered in several laws that only limited certain consumers, for example electricity, health, small businesses, food and others. After the reform under the leadership of President BJ. Habibie only then had a special law governing consumer protection, which actually originated from the DPR's initiative, namely Law no. 8 of 1999 which was ratified on April 20, 1999 State Gazette of 1999 No. 42. The decision issued by the Consumer Dispute Settlement Agency (BPSK) Medan City 01/BPSK/MDN/2003 against brother P. Silalahi's lawsuit against Macan Yaohan Merak Jingga complies with the provisions stipulated in Law no. 8 of 1999 concerning Consumer Protection, the provision referred to is Business Actors. Obligated to provide clear, correct and honest information regarding the conditions and warranties of goods and or services as well as provide explanations and use of repair and maintenance. Another provision is that Business Actors are required not to resell expired biscuits by replacing/re-melting or changing the expiration date, month and year. The BPSK Panel of Judges could not grant other matters, namely an apology to Mass Media because it was not regulated in Law no. 8 of 1999. Another provision is that Business Actors are required not to resell expired biscuits by replacing/re-melting or changing the expiration date, month and year. The BPSK Panel of Judges could not grant other matters, namely an apology to Mass Media because it was not regulated in Law no. 8 of 1999. Another provision is that Business Actors are required not to resell expired biscuits by replacing/re-melting or changing the expiration date, month and year. The BPSK Panel of Judges could not grant other matters, namely an apology to Mass Media because it was not regulated in Law no. 8 of 1999.*

**Keywords:** liberalization, globalization, and consumer protection

### INTRODUCTION

Consumer protection in Indonesia for a long time has not received a sufficient portion by the government. This may have been caused by the New Order government's emphasis on political stability to boost economic performance, thus ignoring the rights of disadvantaged communities. manufacturers for example, victims of poisoned biscuits, expired goods, lost goods, deceived into buying products and so on. Even if there were consumer protection efforts that were implemented during the New Order government, the legal foundations were spread across various sectors which basically contained aspects of consumer protection.

Regulations governing issues related to consumer protection at that time included: Laws, Government Regulations, Ministerial Decrees, Director General's Decrees, Director General's Instructions, Regional Regulations and Governor's Decrees.

The number of laws and regulations that are mostly related to consumer protection issues are Ministerial Decrees. As for the law, it does not directly regulate consumer protection issues, but can be categorized relating to consumer protection. For example, Law on Basic Health No. 23 of 1992 assigns the Government the task of maintaining and enhancing the health status of the people, among other things by supervising (over medical equipment, medical devices and health personnel) (Article 4 jo. Article 10). Likewise, this law also assigns the Government to increase people's awareness of health maintenance and protection (Article 9). Meanwhile what is meant by health according to this law is not limited to the state of being free from disease, disability and weakness, but includes physical, spiritual (mental) and social health (Article 1).

Regulation of the Minister of Health No. 79/1978 concerning Labels and Advertising as well as Regulation of the Minister of Health No. 329/1976 concerning the Production and Distribution of Food prohibits advertising that misleads, confuses or creates a wrong interpretation of the advertised product.

### **METHOD**

Indonesia is one of the countries with the largest population of more than 250 million people. This amount is seen from the entrepreneur's point of view is very potential. It can be imagined if the per capita expenditure of the Indonesian population to buy food reaches 55.27%, including 13.45% staple food, 33.34% other food and 8.48% processed food while the remaining 44.73% is just non-food expenditure. So the higher the income of the population, the smaller the portion of expenditure for food and will shift to non-food expenditure.

For example, Law no. 23 of 1992 concerning Health, among other things, assigns the government the task of increasing people's awareness of [maintenance and protection of health; as well as assigning the government to maintain and enhance the degree public health, such as supervising medical equipment, medical devices and health workers. However, this provision is merely preventive in nature, so that consumers who suffer losses cannot obtain compensation for the losses (health, life, or material) that befall them. In fact, provisions that are actually preventive in nature, in practice are often only applied reactively, namely as a reaction when a victim has fallen, for example in the case of a poisoned biscuit which claimed quite a number of lives.

### **RESULTS AND DISCUSSION**

Based on the Medan City BPSK decision No. 01/BPSK/MDN/2003 it can be concluded:

1. The decision has complied with the provisions stipulated by Law no. 8 of 1999 namely that Business Actors are obliged to provide clear, correct and honest

information regarding the conditions and warranties of goods and/or services as well as provide explanations and use of repairs and maintenance (Article 7 point b). The provisions are ignored by Business Actors by selling biscuits with a label on the biscuit tin that has been replaced.

2. As a result of negligence, the said business actor must pay compensation and is required not to sell expired biscuits by replacing, re-melting or changing the expiration date, month and year. The negligence of business actors apart from violating the provisions of Law no. 8 of 1999 also Article 72 of Law no. 7 of 1996 concerning Food.
3. Not all consumer lawsuits are granted because consumers have not consumed the biscuits they bought and apologies in the mass media, because this is not regulated in Law no.8 years.

## **CLOSING**

### **Conclusion**

Based on the description stated above, the conclusions that the authors put forward are as follows:

1. In the beginning, the government did not have a specific law on consumer protection in Indonesia, but the legal instruments were scattered in several laws which were limited to regulating certain consumers, for example electricity, health, small businesses, food and others. After the reform under the leadership of President BJ. Habibie only then had a special law governing consumer protection, which actually originated from the DPR's initiative, namely Law no. 8 of 1999 which was ratified on April 20, 1999 State Gazette of 1999 No. 42.
2. The decision issued by the Consumer Dispute Settlement Agency (BPSK) Medan City 01/BPSK/MDN/2003 against the lawsuit of brother P. Silalahi against Macan Yaohan Merak Jingga has complied with the provisions stipulated in Law no. 8 of 1999 concerning Consumer Protection, the provision referred to is Business Actors. Obligated to provide clear, correct and honest information regarding the conditions and warranties of goods and or services as well as provide explanations and use of repair and maintenance. Another provision is that Business Actors are required not to resell expired biscuits by replacing/re-melting or changing the expiration date, month and year. The BPSK Panel of Judges could not grant other matters, namely an apology to Mass Media because it was not regulated in Law no. 8 of 1999.

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