LEGAL FORCE OF THE AWARDS OF CONSUMER DISPUTE SETTLEMENT BOARD AS AN ALTERNATIVE DISPUTE RESOLUTION IN RELATION TO LAW NUMBER 30 OF 1999 ON ARBITRAGE AND ALTERNATIVE FOR DISPUTE SETTELEMENT AND DECISION OF MINISTER OF INDUSTRY AND TRADE NUMBER 350/MPP/KEP/12/2001 ON THE IMPLEMENTATION OF DUTIES AND AUTHORITIES OF CONSUMER DISPUTE SETTLEMENT BOARD

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Abstract

Consumer Dispute Settlement Board is an agency with a duty to deal with and settle disputes between businesses and consumers outside court. In the Decision of Minister of Industry an Trade Number 350/MPP/Kep/12/2001 on the Implementation of Duties and Authorities of Consumer Dispute Settlement Board there is a provision that the award of Consumer Dispute Settlement Board Arbitrage is final in nature and of permanent legal force. However, there is also a provision on legal remedies to its award. Thus, the meaning of final that there should no legal remedy to be taken by those who have objection to an arbitrage award of Consumer Dispute Settlement Board becomes invalid. This differs from provision on arbitrage awards which is final and binding in nature in Law number 30 of 1999 on Arbitrage and Alternative Dispute Resolutions, where an award that is final and binding in nature cannot be challenged by a legal remedy. There are some problems that arise, among others, how is legal force of the rewards of Consumer Dispute Settlement Board in securing a legal protection to consumers and what legal remedies can be taken on an award of a consumer dispute settlement.

This research was descriptive-analytical, with a juridical-normative. Data obtained was analyzed by Juridical-qualitative way, so that the hierarchy of legislations could be attended and could secure legal certainty.

Based on a legal analysis, it could be concluded that the legal force of an award of Consumer Dispute Settlement Board as an altenative for dispute settlement could not fully protect consumers, because some substances of the provisions are contradictive against one another, thus resulting in legal uncertainty. A legal remedy on an award of Consumer Dispute Settlement Board may be taken by consumers and businesses according to Regulation of Supreme Court Number 1 of 2006 on Procedures of Proposing Objection against Award of Consumer Dispute Settlement Board.