



GOVERNMENT REGULATIONS

HANDLING AND SETTLEMENT OF CONSUMER DISPUTE

(Circular of Domestic Trade Director General

No. 40/PDN/SE/02/2010, dated February 15, 2010)

DIRECTORAT GENERAL OF DOMESTIC TRADE,

1. General

Referring to Presidential Decree No. 90 Year 2001 (BN No. 6687 page 13B) on the Establishment of an Agency for the Settlement of Consumer Dispute (BPSK = Badan Penyelesaian Sengketa Konsumen), the handling and settlement of a consumer dispute thru arbitrage becomes the authority of BPSK, therefore circular of the Director General of Domestic Trade No. 365/ DJPDN/VII/2001 dated July 5, 2001 is necessary to be perfected.

Related with the above matter, it is necessary for the Director General of Domestic Trade in the context of supporting the performance of handling consumer disputes by the Service in Charge of Trade in regency/city, to issue a circular on the handling and settlement of consumer dispute.

2. Purpose and Objective

a. Purpose

To realize a uniformity of handling in the context of the settlement of a consumer dispute thru mediation in the Service in charge of trade in a regency/city where BPSK is not yet established.

b. Objective

To speed up the handling and settlement of complaints of consumers by the Service in charge of trade in a regency/city where BPSK is not yet established.

3. Scope

- a. A service authorized to exercise the handling and settlement of a consumer dispute is the Service in charge of trade in a regency/city where BPSK is not yet established.
- b. Object of a complaint on a dispute to be handled by the Service are violations of provisions of Law No. 8 Year 1999 on Consumer Protection on disputes related with the Civil Law.
- c. The Service may execute the handling and settlement of a consumer dispute thru mediation.

4. Basis

- a. Law No. 8 Year 1999 (BN No. 6311 pgs 5B-11B etc) on Consumer Protection.
- b. Government Regulation No. 58 Year 2001 (BN No. 6660 pgs 7B-9B) on Management and Control on the Performance of Consumer Protection.

- c. Circular of Domestic Trade Director General No. 365/DJPDN/VII/2001 concerning Handling of Consumer Complaint.

5. Guidance for the Handling and Settlement of Consumer Dispute

a. The parties

- Complaining party

Complaints acceptable by the Service are complaints submitted by a consumer or his/her proxy. Complaint of a consumer shall be submitted and directed directly by the consumer to the Service completed with identity and event chronology.

- Indicted party

Parties that can be indicted to the Service are business performers, either individual or business entities in the form of legal entity or not, including BUMD and BUMN, except Government institutions or agencies.

b. Principle of handling in the context of the settlement of consumer dispute

- 1) Simple, easy, and fast.
- 2) Consideration on justice and appropriateness.
- 3) Mediator shall not side either party.
- 4) Consensus to achieve an agreement.
- 5) Not collecting any expenses from the parties.
- 6) Handling process in the context of consumer dispute settlement is not for publication.

- 7) It is better off for the disputing parties not to be represented or accompanied by a lawyer.

c. Pre-Mediation

1) Registration and Documentation of Complaint

- a) A consumer shall submit a complaint directly to the Service.

- b) Registration of a complaint is made by filling in the Consumer Complaint Form set forth in Attachment I of this Circular.

- c) An officer shall take notes on the complaint in an agenda after being completed with:

1. consumer identity in the form of name, domicile, and other information;
2. identity of business performer in the form of name, domicile, business activity and other information;
3. supporting proof of the complaint in the form of receipt, invoice, goods/ services that is complained or other proofs in the form of remnants of goods not totally consumed;
4. chronology of the event; and
5. indictment demanded by the consumer, except immaterial compensation.

- d) The officer compiles a Matrix on Settlement of Consumer Complaint set forth in Attachment II of this Circular,

to facilitate a mediator in the handling of consumer dispute.

- 2) In the event the registration and administering of a complaint is correct and complete, the mediation is ready to be carried out, and the Service determines the mediation performance day.
- 3) If during the first invitation opportunity the consumer is not present without any reason/notification to the Service, the Service will not re-invite, and the complaint of the consumer is declared annulled.
- 4) If during the first invitation opportunity the business performer is not present with or without any reason/notification to the Service, the Service will invite the business performer again.
- 5) Pre-mediation shall be carried out within a maximum of seven (7) work days accounted for from the date the consumer signed the Consumer Complaint Form.

d. Mediation

- 1) Mediation is lead by an employee of the Service acting as a mediator and assisted by a recorder of minutes of meeting.
- 2) The mediator explains the order of the mediation required to be observed and obeyed by the parties during the mediation.
- 3) The mediator explains the principles of handling in the context of settlement of consumer dispute to the parties.
- 4) The mediator explains the obligations and rights of the parties as regulated in Law No. 8 Year 1999 on Consumer Protection.
- 5) The mediator provides equal opportunity by turns to the consumer and business performer to submit his/her problem and expected hope.
- 6) The recorder takes notes during the mediation set forth in the form of Mediation Report.
- 7) The mediator shall try to direct the parties to settle the consumer dispute by means of deliberation and family relationship (win-win solution).
- 8) In the event a settlement agreement is achieved by the parties, result of the agreement shall be set forth in a Report on Consumer Dispute Settlement as set forth in Attachment III of this Circular, and signed by the parties, the mediator, and witnesses.
- 9) In the event the business performer cannot accept the demand of the consumer, the mediator shall:
 - a) provide an opportunity in a maximum of five (5) work days to complete proofs of protest against the demand of the consumer; and
 - b) determine the time for the performance of a follow up mediation.
- 10) In the event an agreement for the settlement of the dispute is not achieved by the parties, the mediator shall provide an

option for the settlement of dispute thru the local District Court.

11) In the event Report on Consumer Dispute Settlement had been signed by the parties, the complaint is declared as concluded.

12) A handling process in the context of the settlement of consumer dispute thru mediation shall be made within a maximum of 12 (twelve) work days accounted for from the registration and recording of the complaint is declared as correct and complete.

e. Result of Mediation

1) Result of mediation in the form of Report on Consumer Dispute Settlement shall be issued within 1 x 24 hours at the latest accounted for from the time an opportunity is available to the parties, signed by the consumer, business performer, and acknowledged by the mediator.

2) Result of a mediation that was accepted by the parties shall be executed within a maximum of five (5) work days accounted for from the date of the Report on Consumer Dispute Settlement.

f. Handling of follow-up

1) The parties agreed upon the result of mediation

- If a business performer did not perform his/her obligations in accordance with the mediation result, and the consumer reported such matter to the Service, the Service shall send a letter to the busi-

ness to perform the result of the agreement consistently.

- If the consumer did not want to receive the indemnification agreed upon in the mediation, the Service shall send a letter to the consumer proposing the consumer to submit the settlement of consumer dispute thru the local District Court.

2) The parties did not agree upon the result of mediation

- The parties shall make a statement that the settlement of the consumer dispute thru mediation by the Service is not successful to achieve an agreement, and the mediator shall propose to the parties to settle it thru the local District Court.

6. If there is any information that is not clear on the handling and settlement of consumer dispute as meant in this Circular, it is kindly requested to contact the Directorate of Consumer Protection of the Directorate General of Domestic Trade Ministry (), telp. (021) 3858187; fax. (021) 3857954; e-mail: dmr-pk-pdn@depdag.go.id,

Stipulated in Jakarta

On February 15, 2010

DIRECTOR GENERAL OF DOMESTIC TRADE

sgd.

SUBAGYO

ATTACHMENT I**GUIDANCE TO SERVE CONSUMER COMPLAINTS**

I appreciate your attention and assistance,
and thank you

.....

CONSUMER COMPLAINT FORM

The undersigned:

Consumer,

Name :

Domicile :

Telephone/Fax :

.....

Hereby indict the following business performer:

(Clear Name)

Name/Company :

Domicile :

Telephone/Fax :

judged as inflicting losses to me on the use, consumption, utilization of goods and/or services with the following chronology of the case:

1.....;

2.....;

3.....etc

hereby sue the following business performer:

1.....;

2.....etc

Thus I make this complaint truly, hoping the assistance of the Service to handle it in the context of the settlement of consumer dispute.

ATTACHMENT II**GUIDANCE TO SERVE CONSUMER COMPLAINTS****MATRIKS SETTLEMENT OF CONSUMER COMPLAINTS*)**

No.	Event Chronology	Complained Problem	Demand of Consumer	Analysis

*) To be filled in by the Officer

ATTACHMENT III
GUIDANCE TO SERVE CONSUMER COMPLAINTS

REPORT ON CONSUMER DISPUTE SETTLEMENT

Today,, on the(date), of(month), in year, taking place in the Office of Service, Street, a Report on Consumer Dispute Settlement thru mediation is compiled and signed by:

1. Name :
 Domicile :
 Telephone/Fax :

Hereinafter referred to as **FIRST PARTY**;

2. Name/Company :
 Domicile :
 Telephone/Fax :

Hereinafter referred to as **SECOND PARTY**.

The **FIRST PARTY** and the **SECOND PARTY** hereinafter referred to as the **PARTIES**, facilitated byService and the Mediator agreed upon

to adopt the settlement of consumer dispute in the form of:

(Example)

1. Indemnification in the form of money as of Rp.....
2. Restitution as of Rp.....
3. Replacement of goods equivalent with its value.
4. Health care.
5. etc.

Result of the agreement on the settlement of consumer dispute has a binding nature on the parties to be performed in good faith.

.....

FIRST PARTY,	MEDIATOR,	SECOND
		PARTY,
.....
(Clear Name)	(Clear Name)	(Clear Name)

—==(D)==—

**AMENDMENT TO BANK OF INDONESIA REGULATION NO.10/29/PBI/2008 ON
 INTER-DAY LIQUIDITY FACILITY FOR COMMERCIAL BANKS**

(Regulation of Bank of Indonesia Acting Governor

No. 12/13/PBI/2010, dated 4 August 2010)

WITH THE BLESSING OF THE ONE AND ONLY GOD
BANK OF INDONESIA GOVERNOR,

Considering :

a. that in order to support the smoothness of

payment system and the development of financial market, Bank of Indonesia is required to extend securities that can be used to obtain inter-day liquidity facility for commercial banks;