

NATIONAL FRAMEWORK FOR CONSUMER COMPLAINTS HANDLING AND DISPUTE RESOLUTION IN INDONESIA

25 October 2022



Presentation of the Report

- Background
- Aims and objectives
- Research methodology
- CDR legal framework
- Institutional and Policy framework
- Implementing Consumer ODR and challenges
- Conclusions and recommendations



Background
Aims and objectives
Research methodology



CDR legal framework



DODR
Delivering Online
Dispute Resolution

- **Law Number 8 of 1999 on Consumer Protection (GCPL)**
- **Legal mechanisms for CDR**
- **Out-of-court mechanisms for CDR**
- **Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution (AADR Law)**
- **Law Number 7 of 2014 (Trade Law)**
- **Government Regulation on E-Commerce - GR 80, 2019 (GR E-Commerce)**
- **Electronic Information and Transactions (EIT Law)**

Institutional and Policy framework



DODR
Delivering Online
Dispute Resolution

Authority and Institutions

- Consumer Dispute Settlement Agency (BPSK)
- National Consumer Protection Agency (BPKN)
- Non-Governmental Consumer Protection Institutions (LPKSM)
- The Ministry of Trade
- Financial Services Sector (LAPS SJK)

Implementing Consumer ODR and challenges



E-commerce and ODR

Ongoing ODR developments

- BPKN
- Ministry of Trade

Challenges in implementing Consumer ODR

Conclusions and recommendations



- 1. Harmonize provisions of Consumer Protection Law and Consumer Dispute Resolution** with regards to national legislation and sectoral regulations to clarify institutional mandates, roles and responsibilities , as well as define terminology and concepts.
- 2. Increase cooperation among the authorities in building a full-fledged national consumer ODR platform.**
- 3. Design an ODR platform having two stages and modules tailored according to authorities' mandates:** a primary module with B2C direct negotiation feature for complaints handling (overseen by the national consumer protection agency, BPKN) and; a second module dedicated to mediation (by BPSK).
- 4. Create a national policy to support ODR activities,** including measures aimed at developing, implementing, and improving the forthcoming national consumer ODR to incorporate into the ASEAN ODR Network.

5. **Enable various consumer stakeholders to participate and monitor the national ODR platform.** This requires a modular system, which would allow the implementation of various stages through pilot projects.
6. **Develop and harmonize policies that encourage business participation in the forthcoming national consumer ODR** and healthy competition among businesses to better assist consumers.
7. **Use statutory instruments to facilitate the implementation of a national consumer policy for ODR.** This includes **capacity building and awareness-raising activities** such as public education, financial literacy and financial inclusion with regards to using the new national consumer ODR.
8. Conduct **research to identify the causes of Supreme Court rulings that have annulled BPSK's decisions**, so that consumer protection law and policy can be better implemented.

Terima kasih

Thank you

Ana Cipriano

Ana.Cipriano@un.org

