Legal Standing of Non-Governmental Consumer Protection (LPKSM) in Consumer Dispute Lawsuits

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Abstract

Consumer losses due to the actions of business actors can file a lawsuit in the General Court using the legal standing of LPKSM which has a legal entity and is registered and recognized by the government based on Article 46 paragraph (1) letter c of the consumer protection law (UUPK). This writing aims to determine the legal basis for the legal standing LPKSM. This research was conducted normatively using a descriptive analytical approach. The results of the discussion that the legal basis for the legal standing LPKSM can be found in Article 46 paragraph (1) letter c of the UUPK and Book II of the Supreme Court concerning Guidelines for the Implementation of Duties and Administration of Courts in Four Courts page 53 letter F concerning Power of Attorney/Deputy number 1 letter d, which is the proxy/representative as the Plaintiff/Defendant or Petitioner in Court is “Director/manager or employee appointed from a legal entity” and is in accordance with Meijers theory, namely the theory of juridical reality (Juridische Realiteitsleer). Legal subjects are LPKSM which have legal standing. An example of an LPKSM having legal standing is YAPERMA in decision no. 3/Pdt.G/2017/PN.Tlg.

Key words: legal standing, LPKSM

Introduction

The State of Indonesia is a state of law as stated in Article 1 paragraph 3 of the 1945 Constitution, which states that: (Computell, tt) "The State of Indonesia is a State of Law". Because Indonesia is a legal state that has benefits and goals that are just and legal certainty, so that from all aspects of the life of the nation and state, even in everyday life, the rules of law that apply to both individuals and legal entities are not spared. Consumer protection is based on benefits, justice, balance, consumer security and safety, as well as legal certainty. (UURI NO. 8/1999.pdf, tt)

In addition to the legal rules applied in everyday life, legal provisions apply to legal entities that are and legally domiciled in the unitary state of the republic of Indonesia, one of the rules or legal authority that applies to legal entities is a non-governmental organization (NGO) that has the authority to handle consumer protection, namely the independent and independent Consumer Protection Agency (LPKSM). Non–Governmental Consumer Protection Institutions (LPKSM) described in Article 1 paragraph 9 UUPK are Non–Government Institutions registered and recognized by the Government that have activities to handle consumer protection. (Shidarta, 2006)
Non-Governmental Consumer Protection Institutions (LPKSM) are non-governmental organizations. Government that is recognized and registered with the government that has activities to handle consumer protection as mandated by Article 1 paragraph 9 of the Consumer Protection Act (UUPK), LPKSM has the right to sue the organization/legal standing in defending and defending consumer rights for violations of business actors. The right of lawsuit/Legal Standing LPKSM is able to accommodate consumers in dealing with legal issues that harm consumers. (Azizah, 2018)

Legal Standing is an organizational right to sue that is used by LPKSM in filing a civil lawsuit to the general court. Consumer protection is based on benefits, justice, balance, consumer safety and security, and legal certainty. Organizational legal standing/Legal Standing LPKSM is a right of lawsuit that is able to defend the rights of consumers who have been violated by business actors for their actions so that it can cause disputes between consumers and business actors. Consumer protection is all efforts that guarantee legal certainty to provide protection to consumers (see Article 1 paragraph 1 UUPK). The legal basis for the legal standing of the organization/legal standing of LPKSM is found in Article 44 paragraph (1) and Article 46 paragraph (1) letter c which reads: “The government recognizes non-governmental consumer protection institutions that meet the requirements, the meaning of a qualified LPKSM is explained in Article 46 Paragraph (1) letter c of the UUPK which states that a lawsuit for violation of business actors can be carried out by: “a non-governmental consumer protection institution that meets the requirements, namely in the form of a legal entity or foundation, which in its articles of association clearly states that the purpose of establishing the organization is to interests of consumer protection and has carried out activities in accordance with its articles of association.” (Shidarta, 2006)

The duties of LPKSM in Article 44 paragraph (3) of the UUPK include the following activities: a. Disseminate information in order to increase awareness of the rights and obligations and prudence of consumers in consuming goods and/or services; b. provide advice to consumers who need it; c. cooperate with relevant agencies in an effort to realize consumer protection; d. assist consumers in fighting for their rights, including receiving consumer complaints or complaints; e. carry out joint supervision with the government and the community on the implementation of consumer protection.

Legal standing can be found in Law no. 23 of 1997 concerning Environmental Management, Law no. 18 of 1999 concerning Construction Services and Law no. 41 of 1999 concerning Forestry, in principle that the legal standing of LPKSM is the Spirit of the LPKSM itself, what will happen if LPKSM cannot file a civil lawsuit in the general court because the legal standing of LPKSM is rejected and not accepted by the judge in court on the basis of Law no. 18 of 2003 concerning Advocates, this refusal makes LPKSM which has a legal entity or foundation and has been registered and recognized by the government in accordance with applicable legal provisions. (Azizah, 2018)

The correlation between the legal basis contained in Article 46 paragraph (1) letter c of the UUPK and the provisions contained in Book II of the Supreme Court concerning Guidelines for the Implementation of Duties and Administration of Courts in the Four Courts of Justice page 53 on letter F concerning Proxies/Deputies number 1 letter d who becomes the proxy/representative as the Plaintiff/Defendant or Petitioner in Court are : (Book II of the Supreme Court of the Republic of Indonesia, 2013)

a. Advocate  
b. Prosecutor  
c. Government Law Bureau  
d. Directors/Managers or appointed employees of a legal entity”.  
e. Those who have an incidental power of attorney determined by the head of the court, for example LBH, family relations, the TNI/POLRI legal bureau, for cases involving members/families of the TNI/POLRI.  
f. Incidental power of attorney by reason of blood or marriage relations.

UUPK Article 1 point 10 Jo Article 1 paragraph (1) PPRI No. 59 of 2001 concerning LPKSM, that LPKSM must: 

a. Form a legal entity or foundation  
b. The articles of association clearly state that the establishment of the organization is for the benefit of consumer protection and to carry out activities in accordance with its articles of association.  
c. To obtain recognition as an LPKSM, it must fulfill the requirements to be registered with the Regency/City Government and be engaged in consumer protection as stated in the LPKSM’s articles of association.

Settlement of consumer disputes in Article 45 of the UUPK states that:

a. Every consumer who is harmed can sue business actors through institutions tasked with resolving disputes between consumers and business actors or through courts within the general court environment.  
b. Settlement of consumer disputes can be reached through the court or outside the court based on the voluntary choice of the disputing parties.  
c. Settlement of disputes outside the court as referred to in paragraph (2) does not eliminate criminal responsibility as regulated in the Act.
d. If an out-of-court consumer dispute resolution effort has been chosen, a lawsuit through the court can only be taken if the attempt is declared unsuccessful by one of the parties or by the disputing parties.

A consumer dispute lawsuit is the end of a right and obligation that cannot be achieved properly in accordance with their respective rights and obligations, disputes between parties can be resolved by the parties through deliberation, if there is no agreement in deliberation then the final step is through the General Court, but previously based on the order of UUPK there was a special institution that handled disputes between consumers and business actors, namely through the Consumer Dispute Settlement Agency with the settlement of Mediation, Conciliation and Arbitration. (Shidarta, 2006)

LPKSM in carrying out consumer dispute resolution activities is guided by the provisions of Article 45 of the Law. Law No. 8 of 1999 concerning Consumer Protection (UUPK):

- Every consumer who is harmed can sue business actors through institutions tasked with resolving consumer and business disputes or through courts within the general judiciary;
- Settlement of consumer disputes can be reached through the courts or outside the courts based on the voluntary choice of the disputing parties.

Settlement of consumer disputes with business actors through the Consumer Dispute Settlement Agency (BPSK) can be categorized as non-litigation settlement, but if the BPSK decision is final and binding from one of the parties objecting, the party can file an objection request to the chairman of the court country within 14 days after the BPSK decision is read/decided by the BPSK chairman.

Article 46 paragraph (2) of the UUPK states that a lawsuit filed by a group of consumers, a non–governmental consumer protection agency (LPKSM) or the government as referred to in paragraph (1) letter b, letter c, or letter d is submitted to the general court after deliberation between consumers with the business actor declared a failure so that the parties can determine in which direction the dispute resolution can be resolved in a fast time and inexpensive trial costs. Civil action is a civil matter containing a dispute between 2 (two) or more parties which is submitted to the Consumer Dispute Settlement Agency with the settlement of Mediation, Conciliation and Arbitration.

As a result of the many violations committed by business actors against consumers and not a little cause harm to consumers, so it can causing disputes between consumers and business actors coupled with consumer misunderstanding in taking legal remedies, so that many consumers make complaints to LPKSM to take legal action in defending consumer rights, then the Main Duties and Functions of LPKSM are based on Article 44 paragraph 1 in conjunction with Article 46 paragraph 1 letter (c) UUPK then the Government through the Supreme Court as the end of the law in Indonesia should pay attention to the legal steps that have been taken by LPKSM in fighting for the rights of consumers in various regions to immediately issue Technical Regulations in filing claims for protection disputes consumers in the General Courts, so that there is no counterproductive occurrence between Judges and
LPKSM in the District Courts as the successor to the movement of consumers in seeking justice and legal certainty in defending their rights in consumers in the field of Consumer Protection.

Whereas legal standing of LPKSM in general is based on the basic principles that have been known, namely: “there is no lawsuit without legal interest” (point d’interst point d’action) based on the description above and the background that has been described, the writer can draw a problem formulation as a basis the law on the application of the legal standing of the LPKSM organization and legal considerations of judges in deciding consumer protection disputes. (Purwendah, tt)

Method

This research was conducted normatively using a descriptive analytical approach which was carried out with a normative juridical approach. The types and sources of data used are secondary data. Data collection is carried out mainly by document study techniques (library research and online research) by making an inventory of the required secondary data, both in the form of primary, secondary and tertiary legal materials, then synchronizing these legal materials. The primary legal materials used consist of statutory regulations, especially those relating to the preparation of statutory regulations and Book II of the Supreme Court. Secondary legal materials that will be used include: scientific works, research results and literature related to the substance of the research. Tertiary legal materials, namely materials that support information on primary and secondary legal materials, including data from newspapers, journals, dictionaries, encyclopedias.

Results & Discussion

Non-Governmental Consumer Protection Agency (LPKSM)

in Article 1 paragraph 9 UUPK is a non-Government institution registered and recognized by the Government which has activities to handle consumer protection. (UURI NO. 8/1999.pdf, n.d.) LPKSM is an independent and independent non-governmental organization (NGO) which is supervised by the Government in this case by the ministry of industry and trade, LPKSM can also be called an NGO (non-government organization).

As an independent and independent non-governmental organization LPKSM expects recognition as an institution registered and recognized by the Government contained in Article 44 of the UUPK as follows:

a. The government recognizes non-governmental consumer protection institutions that meet the requirements.
b. Non-governmental consumer protection institutions have the opportunity to play an active role in realizing consumer protection.
c. The duties of non-governmental consumer protection institutions include the following activities:
   1. Disseminating information in order to increase awareness of the rights and obligations and prudence of consumers in consuming goods and/or services;
   2. Provide advice to consumers who need it;
   3. Cooperate with relevant agencies in an effort to realize consumer protection;
   4. Assist consumers in fighting for their rights, including receiving consumer complaints or complaints;
   5. Carry out joint supervision with the government and the community on the implementation of consumer protection.
d. Further provisions regarding the duties of non-governmental consumer protection institutions as referred to in paragraph (3) shall be regulated in a Government Regulation.

Authority of LPKSM Article 7 PPRI No. 89 of 2019 concerning Amendments to PPRI No. 59 of 2002 concerning LPKSM which reads "In helping consumers to fight for their rights, LPKSM can advocate or empower consumers to be able to fight for their rights independently, both individually and in groups". (Azizah, 2018)

Legal Standing of Non-Governmental Consumer Protection Institutions (LPKSM)

Legal standing is the right to sue Non-Governmental Organizations (NGOs) or known as (NGO's Standing) or organizational rights that are used by LPKSM in filing civil lawsuits to the general court. (Shidarta, 2006) UUPK formulation of Legal Standing can be found in Article 44 paragraph 1 UUPK which reads "The government recognizes non-governmental consumer protection institutions that meet the requirements. The meaning of fulfilling the requirements in this Article is explained in Article 46 paragraph (1) letter c which reads that a lawsuit for violation of business actors can be carried out by: "a non-governmental consumer protection institution that meets the requirements, namely in the form of a legal entity or foundation, in which its articles of association explicitly states
that the purpose of the establishment of the organization is for the benefit of consumer protection and has carried out activities in accordance with its articles of association”.

Every LPKSM legal entity wants to be recognized and registered with the provincial government as regulated in PERMENDAG No. 35 of 2021 concerning Procedures for Registration and Cancellation of Registration of Non-Governmental Consumer Protection Institutions, if a legal entity has been registered and recognized by the Regional Government, an LPKSM legally obtains a Registration Certificate of Consumer Protection Agency from the regional government.

LPKSMs that have legal entities or foundations can be used as a means of protection for LPKSMs themselves and consumers because LPKSMs that have been legally registered and registered with the Ministry of Trade of the local government automatically have legal standings as an organization engaged in consumer protection to carry out their duties as regulated in Article 44 paragraph 3 UUPK. In fighting for the rights of consumers, LPKSM can play an active role in providing advice to consumers in the use of goods and/or services.

If it is linked between Article 44 paragraph 1 of the UUPK and Article 44 paragraph (1) letter c and Book II of the Supreme Court 53 letter F concerning Proxy/Deputy number 1 letter d who becomes the proxy/representative as the Plaintiff/Defendant or Petitioner in Court is “the Directors/Managers or appointed employees of a legal entity. (Book II of the Supreme Court of the Republic of Indonesia, 2013) to the theory of juridical reality (juridische realiteitsleer) in Meijers’ theory, it states that: "legal entities are juridical facts that are formed and recognized the same as private humans, should equate legal entities with humans limited to the legal field” it is very simple that entities LPKSM law has made and has legal standing in filing consumer dispute lawsuits in the General Court. (Annisa Dwi Laksana, 2017)

Defending consumers who have been harmed by LPKSM business actors can advocate or empower consumers to be able to fight for their rights independently, both individually or groups in the event of a dispute between consumers and business actors as stipulated in Article 7 PPRI No. 89 of 2019 concerning Amendment to PPRI No. 59 of 2002 concerning LPKSM.

Because LPKSM has been registered and registered with the Ministry of Law and Human Rights and has also been registered and registered with the PERMENDAG of the Regional Government, in line with the laws and regulations it has the right to sue the organization/legal standing based on the provisions of Article 44 paragraph 1 in conjunction with Article 46 paragraph (1) letter c LPKSM which is a legal entity or foundation can file a lawsuit against business actors through the general court and based on Book II of the Supreme Court in its book on Guidelines for the Implementation of Duties and Administration of Courts in Four Judicial Environments on page 53 letter F concerning Power of Attorney/Deputy number 1 letter d which become a proxy/representative as the Plaintiff/Defendant or Petitioner in Court are:

a. Advocate
b. Prosecutor
c. Government Law Bureau
d. Directors/Managers or appointed employees of a legal entity”.
e. Those who have an incidental power of attorney determined by the head of the court, for example LBH, family relations, TNI/POLRI legal bureau, for cases involving members/families of TNI/POLRI
f. Incidental power of attorney by reason of blood or marriage relations.

Civil Lawsuits

The legal relationship between consumers and business actors is a very crucial matter and cannot be separated because they are related and depend on each other and are interconnected, this dependence can trigger a conflict of interest between the two which cannot be prevented and cannot be prevented. its integrity is returned because both have the same rights and responsibilities.

Dependence between consumers and business actors often arises and cannot be avoided because the rights and obligations of one party cannot be fulfilled, resulting in disputes between consumers and business actors, this can change the economic conditions in a country. In Indonesia, so that disputes that occur can be resolved properly, a law was born that accommodates consumer dispute resolution, namely Law no. 8 of 1999 concerning Consumer Protection. In UUPK if there is a consumer dispute, it can be resolved in 2 (two) ways, the first is by mediating, conciliation and arbitration through the agency that handles consumer disputes, namely BPSK or through the General Court as mandated by UUPK Article 45 which reads:

a. Every Aggrieved consumers can sue business actors through institutions tasked with resolving disputes between consumers and business actors or through courts within the general court environment.
b. Settlement of consumer disputes can be reached through the court or outside the court based on the voluntary choice of the disputing parties.
c. Settlement of disputes outside the court as referred to in paragraph (2) does not eliminate criminal responsibility as regulated in the Act.

d. If an out-of-court consumer dispute resolution effort has been chosen, a lawsuit through the court can only be taken if the attempt is declared unsuccessful by one of the parties or by the disputing parties.

Consumer disputes that occur if the dispute resolution amicably has been taken but does not get a resolution, they can submit a dispute resolution request through the Consumer Dispute Resolution Agency (BPSK) domiciled in the Regency/City in each region, but at this time BPSK is not so active and in line with authority the provincial area withdraws BPSK within the territory of the Province which is no longer under the authority of the Regency/City.

BPSK can accommodate consumer disputes by means of Mediation, Conciliation and Arbitration, if the application submitted by the consumer for the loss suffered due to the actions of the business actor, it is decided within 30 (thirty days) which is final and binding, but if the result of the BPSK decision is wrong if one party objects to the BPSK decision, one of the parties can file a lawsuit against the BPSK decision objection through the local District Court within 14 days after the BPSK decision is read.

Civil lawsuits are civil matters containing disputes between 2 (two) or more parties that are submitted to the Head of the District Court where one party is the plaintiff to sue the other party as the.

a. DefendantSimple (Small Claim/GS) is a type of civil lawsuit that can be filed by consumers with a very small economic value. At PERMA No. 4 of 2019 concerning Amendments to Supreme Court Regulation No. 2 of 2015 has regulated civil lawsuits with a maximum value of material claims of Rp. 500,000,000, - (five hundred million rupiah).

b. Ordinary lawsuits are civil lawsuits based on the provisions of Article 1365 of the Civil Code, which stipulates: "Every act that violates the law and causes harm to others, obliges the person who caused the loss because of his mistake to compensate for the loss". In an ordinary lawsuit there are parties consisting of the plaintiff, the defendant, and the presence of a third party, the latter may consist of a person representing the plaintiff or defendant and a third party who entered the case because of an interventie (voeging and tussenkomst) and because it was withdrawn by the plaintiff or defendant. (vrijwaring).

c. Lawsuit Class Action on PERMA No. 1 of 2002 concerning Class Lawsuit Procedures is a procedure for filing a lawsuit, in which one or more people representing the group file a lawsuit for themselves or themselves and at the same time represent a large group of people, who have the same facts or legal basis between group representatives and members of the said group. is a procedure for filing a lawsuit, in which one or more people who represent a group file a lawsuit for themselves or themselves and at the same time represent a large group of people, who have the same facts or legal basis between the group representatives and the members of the group in question.

d. Organizational Legal Standing (Legal Standing LPKSM) is the right to sue Non–Governmental Organizations (NGOs) or known as (NGO’s Standing). UUPK formulation of Legal Standing can be found in Article 44 paragraph 1 UUPK Jo Article 46 paragraph (1) letter c UUPK.

e. Citizen Law Suit(CLS) is a lawsuit against the state/government with citizen plaintiffs who do not have to have a causal relationship with the losses incurred by the state/government.

One of the lawsuits filed through the Tulungagung District Court is the lawsuit No. 3/Pdt.G/2017/PN.Tlg by LPKSM YAPERMA representing the Plaintiff named H. Kusnan Thohari, S,Ag., M.Si having his address at Hamlet Jigang RT. 002/003, Pakisaji Village, Kalidjawi District, Tulungagung Regency as the Plaintiff and PT. Bank BRI. Tbk Tulungagung Branch is located at Jl. Diponegoro, No. 2B Tulungagung as a Defendant based on Article 1365 of the Civil Code (Unlawful Acts) carried out by the Defendant by using the organization’s right to sue/legal standing based on Article 44 paragraph (1) UUPK. (Registrar of PN. Tulungagung, 2017)

Decision No. 3/Pdt.G/2017/PN.Tlg, the panel of judges gave their legal considerations on page 27 stating as follows: "Considering that after the panel examined the contents of this exception point, the panel considered that in its lawsuit the plaintiff’s attorney argued that he was the administrator of the Consumer Protection Foundation. YAPERMA (YPKY) Ampera which based on the provisions of Law No. 8 of 1999 concerning Consumer Protection has the Legal Standing Right to represent consumers so that the assembly concludes that as long as the YLPK in question meets the requirements according to the provisions of the law, the YLPK management concerned has the right to proceed before the Court In accordance with the provisions of Article 44 paragraph (1) of UURI No. 8 of 1999 which states that the Government recognizes a Consumer Protection Agency that meets the requirements, the conditions that are fulfilled become an absolute obligation if a YLPK wants to use its legal standing to represent consumers in front of the Court. this thing aka It is also reviewed whether the YAPERMA Consumer Protection Foundation (YPKY) Ampera has fulfilled the requirements according to the provisions of the law".

The judge’s consideration stated: "Considering that based on the provisions of Article 2 of the Decree of the Minister of Industry and Trade of the Republic of Indonesia No. 302/M/1999 dated October 24, 2001 concerning the Registration of Non–Governmental Consumer Protection Institutions (LPKSM) it is stated in paragraph (1) that the Government recognizes every LPKSM that meets the requirements to operate in the field of consumer protection as stated in the articles of association of its establishment, while in paragraph (2) it states that the recognition of
LPKSM as referred to in paragraph (1) is carried out through registration and issuance of the Consumer Protection Agency Registration Certificate (TDLPK)".

Decision on case no. 3/pdt.g/2017/pn.tlg in his decree as follows: In Provisions, rejecting the plaintiff’s provisional claim in its entirety; In the Exception, rejecting the defendant’s exception in its entirety; In the main points of the case:

a. Granted the claim of the plaintiff in part;

b. To declare that the plaintiff’s claim is valid and reasonable;

c. To declare that the evidence submitted by the plaintiff is valid and valuable;

d. To declare that the defendant’s actions are against the law; Sentencing the defendant to pay material losses of Rp. 25,000,000,- (twenty five million rupiah) to the plaintiff;

e. Reject the plaintiff’s claim for other than and the rest;

f. Charge the defendant to pay all costs incurred in this case amounting to Rp. 901,000, - (nine hundred and one thousand rupiah).

lawsuit legal standing that was filed through the Tangerang District Court is a lawsuit no. 992/Pdt.G/2021/PN.Tng by LPKSM YAPERMA representing the Plaintiff named Hj. Herawati’s address is at Kp. Ciapus Indah RT. 001/002, Budi Mulya Village, Cikupa District, Tangerang Regency as the Plaintiff and PT. MayBank Finance’s address is Ruko Alam Sutera, Blok D29 No. 27, Jl. Alur Sutera, Paku Alam, North Serpong, South Tangerang City as a Defendant based on Article 1365 of the Civil Code (Unlawful Acts) committed by the Defendant by using the right of organization/legal standing based on Article 46 paragraph (1) letter c of the UUPK.

Decision No. 992/pdt.g/2021/pn.tng The Panel of Judges gave legal considerations that the plaintiff filed a lawsuit for the individual interest of Hj. Herawati and not for the general interest/people who use goods and/or services as a whole and the judge is of the opinion that the plaintiff does not meet the formal requirements to file a lawsuit and proceed in the General Court as mandated by Law No. 8 of 1999 concerning consumer and plaintiff protection. LPKSM can file a lawsuit in court in the form of aclass action lawsuit or organizational lawsuit/legal standing , while a lawsuit by an LPKSM that sues for individual/personal interests of consumers is not accommodated and is not allowed if it is related to the duties of the LPKSM because the LPKSM plaintiff’s attorney is not an advocate as stated. has been regulated in the provisions of law no. 18 of 2003 concerning Advocates. (Decision no. 992–pdt.g–2021– pn.tng.pdf, tt)

Conclusion

Based on the description above, the writer has conclusions and suggestions in conducting this research, among others:

a. The legal basis of LPKSM already has the right to sue the organization/legal standing as regulated in Article 44 paragraph 1 UUPK and Article 46 paragraph (1) letter c UUPK and confirmed by Book II of the Supreme Court concerning Guidelines for the Implementation of Duties and Administration of Courts in Four Courts of Justice on page 53 letter concerning Proxy/Deputy number 1 letter d who become the power of attorney/representative as Plaintiff/Defendant or Petitioner in Court :areor appointed employee of a legal entity", thus this is the legal basis of LPKSM’s legal standing in filing a lawsuit in a civil case at the District Court. The author can conclude that the lawsuit filed by LPKSM YAPERMA at the Tulungagung District Court No. 3/pdt.g/2017/pn.jkt.sel is correct. Tangerang District Court related to the lawsuit filed by LPKSM YAPERMA, is a lawsuit filed by LPKSM YAPERMA by using the right of organization/legal standing should not be rejected by the Tangerang Court judges because LPKSM YAPERMA has been incorporated as a foundation as mandated in the UUPK which later has been confirmed by the provisions of Book II MA

b. In order to avoid counter-productivity in court proceedings between LPKSM throughout Indonesia and judges, in this case the Supreme Court as the legal arbiter must be able to provide a regulation relating to the procedure for LPKSM to sue business actors in the General Court because of their actions that can harm consumers. In Indonesia, whether it is in the form of procedural law issued through law or through regulations of the Supreme Court, so that LPKSM as the spearhead in defending the rights of consumers can maximally defend consumers, especially in court.

References


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