

REGULATION OF THE SUPREME COURT OF THE REPUBLIC OF INDONESIA
NUMBER 01 OF 2006
ON
PROCEDURES FOR THE FILING OF OBJECTION AGAINST DECISION OF
CONSUMER DISPUTE RESOLUTION BODY¹

SUPREME COURT OF THE REPUBLIC OF INDONESIA

Considering:

- a. that against final and binding decision of Consumer Dispute Resolution Body (*Badan Penyelesaian Sengketa Konsumen – BPSK*), in principle, objection cannot be filed, unless certain requirements are fulfilled as addressed under this Regulation of the Supreme Court;
- b. that up to the current condition, there has been no provision addressing procedures for the filing of objection against decision of Consumer Dispute Resolution Body (BPSK);
- c. that the absence of regulation on such procedures becomes obstacle for District Court in performing examination of objection remedy;
- d. that for the smoothness of examination of objection against decision of BPSK, Supreme Court deems it is necessary to address procedures for the filing of objection against decision of BPSK under Regulation of the Supreme Court;
- e. that prior to revision of Law [No. 8 of 1999](#) on Consumer Protection is made, then it is deemed necessary to establish Regulation of the Supreme Court in order to smoothen the implementation of such Law.

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In view of:

1. Updated Indonesian *Reglemen* (HIR) *Staatsblad* Number 44 of 1941 and *Reglemen* of Procedural Law for Territories Outside Java and Madura (RBg), *Staatsblad* Number 227 of 1927;
2. Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
3. Law [Number 8 of 1999](#) on Consumer Protection;
4. Law [Number 30 of 1999](#) on Arbitration and Alternative Dispute Resolution;
5. Law [Number 4 of 2004](#) on Judiciary Power;
6. Law [Number 14 of 1985](#) on Supreme Court, as amended and added by Law [Number 5 of 2004](#);
7. Law [Number 2 of 1986](#) on General Judiciary, as amended and added by Law [Number 8 of 2004](#).

HAS DECIDED:

To establish:

REGULATION OF THE SUPREME COURT OF THE REPUBLIC OF INDONESIA ON PROCEDURES FOR THE FILING OF OBJECTION AGAINST DECISION OF CONSUMER DISPUTE RESOLUTION BODY (BPSK).

CHAPTER 1 GENERAL PROVISIONS

Article 1

Under this Regulation of the Supreme Court, the following definitions are employed:

1. District Court is court which examines objection case.
2. BPSK is Consumer Dispute Resolution Body as addressed under Law [Number 8 of 1999](#) on Consumer Protection, hereinafter abbreviated as BPSK.
3. Objection is remedy for businesses and consumer which refuse to accept decision of BPSK.
4. Day is business day;

Article 2

Objection may only be filed against arbitral award which is handed down by BPSK.

Article 3

- (1) Objection against Decision of BPSK may be filed both by Businesses and/or Consumer to District Court where such consumer is domiciled.
- (2) Consumer who does not have domicile in Indonesia should file objection to District Court within the jurisdiction of BPSK which handed down the decision.
- (3) In case objection is filed, BPSK is not a party.

Article 4

Objection against Decision of BPSK is examined and decided by Panel of Judges.

CHAPTER II

PROCEDURES FOR THE FILING OF OBJECTION AGAINST DECISION OF BPSK

Article 5

- (1) Objection is made within a grace period of 14 (fourteen) days since Businesses or Consumer received notification on decision of BPSK.
- (2) Objection is filed through Registrar of District Court in accordance with registration procedures for civil case.
- (3) Objection as referred to in paragraph (2) is filed in 6 (six) identical copies to be sent by registrar to concerned parties, including BPSK.
- (4) In case objection is filed by consumer and businesses against the same decision of BPSK, then such case should be registered using the same number.

CHAPTER III

PROCEDURES FOR EXAMINATION OF OBJECTION

Article 6

- (1) Chief of District Court appoints Panel of Judges, of whom, as possible, be composed by Judges who have adequate knowledge within the sector of consumer protection.
- (2) Examination of objection is performed only based on decision of BPSK and case briefs.
- (3) Objection against arbitral award of BPSK may be filed if fulfilling requirements for annulment of arbitral award as addressed under Article 70 of Law [Number 30 of 1999](#) on Arbitration and Alternative Dispute Resolution, namely:
 - a. Letter or document which is filed during examination, after the decision has been handed down, is acknowledged to be false or declared to be false;
 - b. After arbitral award of BPSK has been handed down, document which is decisive in nature that is buried by the counterparty is discovered; or
 - c. Decision is handed down from the result of fraud which is committed by one of the parties to dispute examination.
- (4) In case objection is filed using the ground as referred to in paragraph (3), Panel of Judges may hand down annulment of decision of BPSK.
- (5) In case objection is filed using other grounds beyond provisions as referred to in paragraph (3), Panel of Judges may make judgment on its own authority against consumer dispute in question.
- (6) If it makes judgment on its own authority, Panel of Judges must take regards indemnity as addressed under Article 19 paragraph (2) of Law [Number 8 of 1999](#).
- (7) Panel of Judges should hand down decision within a time period of 21 (twenty-one) days since the first hearing was held.

CHAPTER IV EXECUTION ORDER

Article 7

- (1) Consumer files execution petition against decision of BPSK, against which, no objection is filed, to District Court where consumer in question is domiciled or within the jurisdiction of BPSK which handed down the decision.
- (2) Execution petition against decision of BPSK which has been examined through objection procedures, is stipulated by District Court which judged objection case in question.

CHAPTER V FINAL PROVISIONS

Article 8

Unless deemed otherwise under this Regulation of the Supreme Court, the prevailing Civil Procedural Law is also implemented against objection of arbitral award of BPSK.

**SAMPINGAN
SAMPE KAYA**

Article 9

This Regulation of the Supreme Court enters into force on its establishment date.

Established in Jakarta

on 13 March 2006

CHIEF OF SUPREME COURT OF THE REPUBLIC OF INDONESIA,

signed.

BAGIR MANAN

