

**PELAKSANAAN MEDIASI DALAM PENYELESAIAN SENGKETA
KONSUMEN
(STUDI KASUS BPSK KOTA TANJUNGPINANG)**

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Abstrak

BPSK Kota Tanjungpinang untuk cara penyelesaian sengketa konsumen dengan cara mediasi di tahun 2017, 2018 dan 2019 sebanyak 16 kasus, 6 di antara dengan jalur mediasi, 1 arbitrase, 8 selesai prasidang dan 1 terlapor tidak memenuhi panggilan prasidang. Selanjutnya di tahun 2020-2021 sebanyak 29 kasus. 6 di antara dengan jalur mediasi, 2 selesai prasidang, 3 diluar BPSK, 1 pra sidang dan 17 terlapor tidak memenuhi panggilan prasidang. Tujuan penelitian untuk mengetahui pelaksanaan mediasi dan faktor penyebab. Metode penelitian kualitatif. Jenis penelitian normatif empiris dengan pendekatan perundang-undangan dan kasus. Objek penelitian pelaksanaan mediasi. Fokus penelitian cara penyelesaian sengketa mediasi. Sumber data adalah data primer dan sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Hasil penelitian adalah Pelaksanaan mediasi di mulai dari konsumen membuat laporan aduan dengan mengisi formulir permohonan penyelesaian sengketa konsumen di lanjutkan panggilan prasidang. Jika pelaku usaha memenuhi panggilan prasidang. Tetapi jika tidak hadir maka BPSK tidak dapat melanjutkan ke sidang. Karena belum ada kesepakatan cara penyelesaian yang dipilih antara pelaku usaha dan konsumen. Selanjutnya sidang dengan cara penyelesaian yang dipilih oleh pelaku usaha dan konsumen. Apabila mediasi berhasil maka di buat keputusan atau ketetapan oleh BPSK dengan putusan kesepakatan perdamaian yang di tanda tangani oleh pelaku usaha dan konsumen, ketua beserta anggota BPSK Kota Tanjungpinang. Cara penyelesaian sengketa mediasi dinilai efektif karena efisien dari segi waktu, hemat biaya, tempat penyelesaian sengketa yang mudah di akses oleh para pihak, melindungi hak-hak dari pihak yang bersengketa, putusan yang adil, jujur, bersifat final dan mengikat, dan putusan yang dapat bahkan mudah di eksekusi. Kesimpulan pelaksanaan mediasi dapat diwujudkan melalui penyelesaian kesepakatan perdamaian yang dapat dilakukan secara mediasi dilakukan secara optimal dan menyeluruh, tidak adanya permasalahan regulasi tugas dan wewenang, sarana dan prasarana, sehingga perlindungan konsumen efektif dalam penyelesaian sengketa melalui mediasi oleh BPSK Kota Tanjungpinang.

Kata kunci: Penyelesaian Sengketa, Mediasi, BPSK

**IMPLEMENTATION OF MEDIATION IN CONSUMER DISPUTE
SETTLEMENT
(CASE STUDY BPSK TANJUNGPINANG CITY)**

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Abstract

BPSK Tanjungpinang City for the method of resolving consumer disputes by mediation in 2017, 2018 and 2019 as many as 16 cases, 6 of them through mediation, 1 arbitration, 8 completed pre-trial and 1 reported did not fulfill pre-trial summons. Furthermore, in 2020-2021 there will be 29 cases. 6 of them went through mediation, 2 finished pre-trial, 3 outside BPSK, 1 pre-trial and 17 reported did not fulfill pre-trial summons. The aim of this research was to find out the implementation of mediation and the causative factors. Qualitative research methods. This type of empirical normative research with statutory and case approaches. The object of research is the implementation of mediation. The focus of research on how to resolve disputes is mediation. Sources of data are primary and secondary data consisting of primary, secondary and tertiary legal materials. The results of the study are that the implementation of mediation starts with the consumer making a complaint report by filling out a consumer dispute resolution application form, followed by pretrial summons. If the business actor fulfills the pretrial summons. But if it is not present, the BPSK cannot proceed to the hearing. Because there is no agreement on the chosen settlement method between business actors and consumers. Furthermore, the trial with the method of settlement chosen by business actors and consumers. If the mediation is successful, a decision or decision is made by BPSK with a peace agreement decision signed by business actors and consumers, the chairman and members of BPSK Tanjungpinang City. The mediation dispute resolution method is considered effective because it is efficient in terms of time, cost-effective, a place for dispute resolution that is easily accessible by the parties, protects the rights of the disputing parties, a fair, honest, final and binding decision, and a decision that can be even easier to execute. The conclusion of the implementation of mediation can be realized through the settlement of a peace agreement which can be carried out by mediation carried out optimally and thoroughly, there are no problems with regulation of duties and authorities, facilities and infrastructure, so that consumer protection is effective in resolving disputes through mediation by BPSK Tanjungpinang City.

Keywords: Dispute Resolution, Mediation, BPSK