

Analisis yuridis sengketa perlindungan konsumen jasa telekomunikasi melalui penyelesaian sengketa di luar pengadilan menurut hukum perlindungan konsumen : studi kasus penetapan BPSK No. 269/K/BPSK-DKI/III/2010 antara Taufan Oktora Punu melawan PT. Excelcomindo Pratama Tbk. = Jurisdiction analysis of resolving conflict regarding protection of telecommunication service consumer outside of court based on the consumer protection law : case study BPSK statue No. 269/K/BPSK-DKI/III/2010 Taufan Oktora Punu vs PT. Excelcomindo Pratama Tbk

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Abstrak

Telekomunikasi sebagai bagian dari komunikasi menjadi salah satu kebutuhan hidup manusia dalam bermasyarakat, oleh karena itu perkembangan usaha dan konsumen di bidang jasa telekomunikasi meningkat pesat. Pada akhirnya, masyarakat membutuhkan perlindungan hukum atas terjadinya sengketa di bidang jasa telekomunikasi. Adanya hukum perlindungan konsumen dapat dijadikan dasar dalam menyelesaikan sengketa di bidang jasa telekomunikasi. Penyelesaian sengketa antara konsumen dan pelaku usaha jasa telekomunikasi dapat dilakukan melalui peradilan umum atau melalui lembaga khusus yang dibentuk oleh Undang-Undang, yaitu BPSK. Penyelesaian sengketa melalui BPSK dapat dilakukan dengan mediasi, konsiliasi, dan arbitrase. Taufan Oktora Punu sebagai konsumen dari pelaku usaha jasa telekomunikasi PT. Excelcomindo Pratama Tbk merasa dirugikan dan tidak dipenuhi hak-haknya. Taufan Oktora Punu menggugat PT. Excelcomindo Pratama Tbk melalui BPSK dan atas kesepakatan bersama telah memilih untuk menyelesaikan sengketa konsumen secara damai dengan konsiliasi.

*Telecommunication as a part of communication has become one of the primary needs for people to function in a day to day life. Today, telecommunication is one of the most vital tools for the functionality of a modern human civilization. As a result of this human social behaviour, there had been a sharp increase in the number of companies that provide telecommunication services. Telecommunication companies compete very strongly with each other in the varieties of services they provide to the consumers; as the more options they provide, the more they can reach to different kinds of consumers. Consumers became very vulnerable targets for high-valued promotional campaigns created by telecommunication companies, whose aim is to obtain bigger market shares in exchange of the cost utilized for the purpose to provide customer services. The lack of customer services can often create conflicts between telecommunication service providers and the consumers. When such conflicts regarding the legal rights and obligations of the two parties arise, it is necessary to have customer protection law in place to be used for the basis of settling an agreement or litigation. Conflict resolution can be done through court or through an organization formed by the constitution namely BPSK.*