

Legal Protection for Consumers on the Right to be Heard Regarding Indihome Service Complaints on Twitter

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Abstract. This study discusses consumer complaints regarding indihome services via DM indihome twitter which were not immediately responded to by customer service. The formulation of the problem is first, how is the legal protection for consumers for the right to be heard regarding complaints about indihome services on twitter?, second, how can indihome consumers make complaints if the right to be heard regarding is violated by TELKOM?. This study uses normative legal research with statutory and conceptual approaches. Research objects include the Civil Code, Law Number 8/1999 concerning Consumer Protection, Law Number 36/1999 concerning Telecommunications, Indihome Subscription Agreement. Collection techniques include literature study and document study. Data analysis was descriptive qualitative. The results of the research, first, preventive legal protection are regulated in Article 4 letters c and d UUPK concerning consumer rights, Article 7 letters b, c, d UUPK regarding obligations of business actors and indihome subscription agreements regarding consumer rights and obligations of business actors. Repressive legal protection is regulated in Article 19 paragraph (1) and paragraph (2) of the UUPK and Article 15 paragraph (1) and paragraph (2) of the Telecommunications Law in the form of providing compensation if business actors harm consumers. Second, efforts to make complaints that can be made by indihome consumers through consumer protection agencies (BPKN, LPKSM, BPSK), if they are not successful, consumers can file a lawsuit with the court as specified in Article 45 paragraph (4) UUPK.

Keywords: Consumers, Complaints, Indihome, Legal Protection

Abstrak. Penelitian ini membahas pengaduan konsumen terkait layanan indihome melalui DM twitter indihome yang tidak segera direspon oleh customer service. Rumusan masalah yaitu pertama, bagaimana perlindungan hukum bagi konsumen atas hak untuk didengar terhadap pengaduan layanan indihome di twitter?, kedua, bagaimana upaya pengaduan yang dapat dilakukan konsumen indihome apabila hak untuk didengar dilanggar oleh pihak TELKOM?. Penelitian ini menggunakan penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Objek penelitian meliputi KUHPerduta, UU Nomor 8/1999 Tentang Perlindungan Konsumen, UU Nomor 36/1999 tentang Telekomunikasi, Perjanjian Berlangganan Indihome. Teknik pengumpulan meliputi studi pustaka dan studi dokumen. Analisis data secara deskriptif kualitatif. Hasil penelitian, pertama perlindungan hukum secara preventif diatur dalam Pasal 4 huruf c dan d UUPK tentang hak konsumen, Pasal 7 huruf b, c, d UUPK tentang kewajiban pelaku usaha serta perjanjian berlangganan indihome tentang hak konsumen dan kewajiban pelaku usaha. Perlindungan hukum secara represif diatur dalam Pasal 19 ayat (1) dan ayat (2) UUPK serta Pasal 15 ayat (1) dan ayat (2) UU Telekomunikasi berupa pemberian ganti kerugian apabila pelaku usaha merugikan konsumen. Kedua, upaya pengaduan yang dapat dilakukan konsumen indihome melalui lembaga perlindungan konsumen (BPKN, LPKSM, BPSK), jika tidak berhasil, konsumen dapat mengajukan gugatan ke pengadilan sebagaimana diatur dalam Pasal 45 ayat (4) UUPK.

Kata kunci: Indihome, Konsumen, Pengaduan, Perlindungan Hukum.

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INTRODUCTION

One of the developments in technology, information and communication is the internet. According to the Big Indonesian Dictionary, the internet is an electronic communications network that connects organized computer networks and computer facilities throughout the world via telephone or satellite. Based on the *We Are Social* report quoted by databoks, as of January 2022 there were 204.7 million internet users in Indonesia¹. The survey results prove that the internet is needed to support community activities, for example as a means of communication, information, education and so on. Therefore, various internet providers compete to offer the best services and products to consumers. One of the internet providers in Indonesia is Indonesia Digital Home (Indihome). PT Telkom Indonesia (Persero) Tbk (hereinafter referred to as TELKOM) as the provider of indihome services is a State-Owned Enterprise (BUMN) in the field of technology, information and communication services and telecommunications networks in Indonesia. A company in the service sector Technology, information and communication services and telecommunications networks must guarantee good service quality so that there is a sense of consumer loyalty and trust in the use of Indihome services.

One of the things that can support the quality of Indihome services is *customer service* in responding to consumer complaints or complaints so that consumers feel comfort and satisfaction when using Indihome services. Due to this, one way to complain if there is a service disruption is via *direct message* (DM) Twitter @IndiHome @indihomecare. In reality, TELKOM's strategy in handling Indihome service complaints is not suitable for providing good service complaints. It can be seen that several Indihome consumers who are less comfortable and satisfied with the quality of Indihome services have submitted complaints about Indihome services experiencing problems via Indihome Twitter DM, but these complaints were not immediately responded to by *customer service*, in fact some were not responded to, so Indihome consumers made *tweets* with Mark (*mention*) the Indihome Twitter account,

¹ <https://databoks.katadata.co.id/datapublish/2022/03/23/ada-2047-juta-user-internet-di-indonesia-awal-2022> , Accessed November 21, 2022.

then say to immediately respond to the consumer's DM in question. Consumer complaints Not responding immediately or providing a solution by *customer service* can result in losses for consumers, because they cannot utilize the service according to the Indihome subscription agreement.

John F. Kennedy stated that consumers have basic rights that must be protected, including²:

1. The right to obtain security is a right intended to protect consumers from the marketing of goods and/or services that threaten consumer safety, so government intervention and responsibility is needed to ensure consumer safety and security.
2. The right to choose is a consumer prerogative, meaning that consumers have the right to choose to buy or not buy the goods and/or services they want.
3. The right to obtain information means that when consumers buy goods and/or services they must obtain complete and honest information from business actors so as not to mislead the consumers concerned.
4. The right to be heard is the right to ensure that consumers are taken into account in government policies, including being heard in the formation of these policies.

Consumer rights related to the above issues are the right to be heard, meaning that complaints, opinions and hopes from consumers must be heard and responded to by business actors, so that there is no loss to consumers. This is in accordance with Article 4 letter d of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as UUPK) which states that consumer rights are the right to have their opinions and complaints heard regarding the goods and/or services they use. The right to be heard is a right that emphasizes consumers' ability to express complaints and concerns about a particular product so that the problem is immediately handled efficiently and responsively.³ It is concluded that the right to be heard is related to consumer complaints regarding the use of goods and/or services that do not meet expectations which can result in losses.

² Zulham, *Consumer Protection Law*, Kencana Prenada Media Group, Jakarta, 2013, p. 47-48.

³ Retno Sari Dewi, "Consumer Protection in the Era of the Corona Virus Pandemic", *Tulungagung University Faculty of Law Journal*, 2020, p. 43.

Regarding complaints or complaints submitted by consumers regarding Indihome services experiencing disruption via DM, the *customer service* responds to complaints or complaints only using an answer template to wait and periodically check the DM, so that TELKOM as the Indihome service provider has not been able to fulfill the consumer's rights. Based on this background, researchers intends to discuss and analyze legal protection for consumers regarding the right to be heard regarding complaints about Indihome services on Twitter.

METHODOLOGY

The type of research used is normative legal research. The approach methods used are the statutory approach and the conceptual approach. Research objects include the Civil Code, Law Number 8 of 1999 concerning Consumer Protection, Law Number 36 of 1999 concerning Telecommunications and Indihome Subscription Agreements. Data sources were obtained from primary legal materials, secondary legal materials and tertiary legal materials. Data collection techniques include literature study and document study. This research data analysis is descriptive qualitative.

RESULT AND DISCUSSION

Legal Protection for Consumers for The Right to be Heard Regarding Indihome Service Complaints on Twitter

3 in 1 service and product in the form of home internet, home telephone and interactive television from PT Telkom Indonesia (TELKOM) which was released in 2015. Indihome has several service package options, including:

- a. Single Play is one service in the form of landline telephone or internet;
- b. Dual Play is two services in the form of landline telephone and internet or landline telephone and interactive TV or internet and interactive TV;
- c. Triple Play is three services in the form of landline telephone, internet and interactive TV.

Twitter is a social media platform that is used to communicate between users or create *tweets* without being bound by time and place. Twitter has a logo depicting a bird and is identical to the colors blue and white. Twitter has features to make it easier for users, such as ⁴:

- a. Tweets are a feature that users can use to upload articles, photos, GIFs, videos.
- b. Message (*direct message*) is a feature to make it easier for users to send messages privately without being read by other users.
- c. Reply is a useful feature for replying to *tweets*.
- d. *Mention* is a useful feature for marking other users by writing "@" followed by the other user's account name.
- e. Username (*username*) is a feature that aims to differentiate between users.

Indihome is an internet provider in Indonesia. To provide satisfaction to consumers when using Indihome services and products, it is necessary to be supported by *customer service* in responding to consumer complaints or complaints regarding Indihome services. Complaints or complaints are important information to support a company's performance. There are complaints because consumers' expectations of the services provided do not match reality, resulting in dissatisfaction. Service quality in handling complaints is one aspect that influences consumer satisfaction and perception, so it becomes an opportunity for companies to improve the quality of the company⁵. Therefore, responding to consumer complaints is an important topic in a company.

The problem that occurs when Indihome consumers submit complaints about Indihome services when they experience problems via Indihome's Twitter DM, but the complaints are not immediately responded to by *customer service* and some are not even responded to, so Indihome consumers make *tweets* by tagging (*mentioning*) Indihome's Twitter account, then saying to immediately respond to the consumer's DM in question. Some of the Indihome consumer tweets that researchers found are as follows:

⁴ Fahmi, Understanding Twitter, History, Features, Benefits, available at <https://idmetafora.com/news/read/1211/Pengertian-Twitter-Sejarah-Fitur-Manfaatnya.html>, accessed March 6, 2023.

⁵Daniel Oktavianus Kristian S, "Overview of Indihome Customer Complaint Handling Management on Twitter Social Media", *Journal of Economics and Business*, Edition No. 4 Vol. 11, Open University, 2022, p. 746.

1. The Twitter account **@masfir08** on October 21 2022 said, "@IndiHomeCare @IndiHome My complaint, my DM was not responded to. My internet really can't be used. Please respond immediately to my DM report⁶."
2. The Twitter account **@DotkomHendra** on October 2 2022 said, "Dear IndiHome admin, why didn't you respond to our DM complaint. Please respond to the DM⁷."
3. The Twitter account **@jagajag70290391** on October 21 2022 said, "The @IndiHomeCare @IndiHome internet server feels that it is the only internet server in Indonesia, that's why it doesn't want to serve customer complaints. I just want to pay... but customer complaints are not responded to. So I give this server a red value⁸."
4. The Twitter account **@ibcg09** on May 30 2020 said, "Bad! Didn't mean to! No response on DM until now! So what's the point of Indihome opening CS via social media if it doesn't respond to complaints! ⁹."
5. The Twitter account **@djong_susantho** on October 26 2022 said, "@IndiHomeCare The telephone at home has been dead for a month, but it hasn't been answered since DM has been there. How?" ¹⁰.
6. Twitter account **@chochomaniaa** on October 21 2022 said, "My suggestion to @IndiHome@IndiHomeCare is that the response regarding services should be improved further. There have been several times recently that Indihome has been late in responding to complaints/problems from customers. Please re-evaluate the Customer Service section¹¹."
7. Twitter account **@xom01** on November 4, 2022 said, "@IndiHomeCare is really bad now with Indihome's response. Wifi pays on time but it's intermittent, sometimes it disappears, it doesn't work at all. Asking CS took a long time to reply, once we only had 5 minutes left to end the chat. It's really cool, even though it's for college and doing assignments. Thumb"¹².

Whereas consumers and business actors are on an equal footing, mutually beneficial and not detrimental¹³, however, in fact, consumer rights as regulated in Article 4 of the UUPK are often violated by business actors. Therefore, looking at some of the Indihome consumer tweets above, protection is needed for consumers, considering

⁶ <https://twitter.com/masfir08/status/1583236017049325568> , Accessed November 22, 2022.

⁷ <https://twitter.com/DotkomHendra/status/1576594875742490624> , Accessed November 22, 2022.

⁸ <https://twitter.com/jagajag70290391/status/1583353893429182465> , accessed November 22, 2022.

⁹ <https://twitter.com/ibcg09/status/1266759488771506177> , Accessed November 22, 2022.

¹⁰ https://twitter.com/djong_susantho/status/1585118649144479747 , accessed November 22, 2022.

¹¹ <https://twitter.com/chochomaniaa/status/1585457198603591680> , Accessed November 22, 2022.

¹² <https://twitter.com/xom01/status/1588385705272561664> , Accessed November 22, 2022.

¹³ Ari Purwadi, *Advertising Responsibilities in Consumer Protection*, Trisakti, Jakarta, 2000, p.3.

that consumers are often the ones who suffer losses¹⁴. Article 1 number 1 UUPK states that consumer protection is all efforts to ensure legal certainty to provide protection to consumers. The term consumer protection is related to legal protection, so consumer protection contains legal aspects. Satjipto Raharjo believes that legal protection is providing protection to human rights that have been violated by others and is followed by providing protection to the community so that they can enjoy all the rights granted by law¹⁵. Forms of legal protection both preventive (preventing disputes or violations) and repressive (fines or compensation given after a dispute or violation occurs)¹⁶

TELKOM as the provider of indihome services also needs to pay attention to Law Number 36 of 1999 concerning Telecommunications (hereinafter referred to as the Telecommunications Law). Based on Article 17 of the Telecommunications Law, it states that telecommunications network operators and/or telecommunications service providers are obliged to provide telecommunications services based on the principles:

- a. equal treatment and the best possible service for all users;
- b. increasing efficiency in telecommunications operations; And
- c. fulfillment of service standards and facilities and infrastructure provision standards.

The above principles must be implemented by TELKOM. Service plays an important role in company activities, if the service provided to consumers is not good it will affect consumer confidence in the company, so that consumers can turn away and choose another company that is able to offer better service. On the other hand, if the company can respond to consumer complaints quickly, it can increase consumer loyalty when using Indihome services.

Legal protection for consumers regarding the right to be heard regarding complaints about Indihome services via Twitter DM is preventive and repressive. Preventive legal protection is regulated in Article 4 letters c and d of the UUPK which states that *consumer rights are:*

¹⁴ Janus Sidabalok, *Consumer Protection Law in Indonesia*, PT. Citra Aditya Bakti, Bandung, 2014, p. 4.

¹⁵ Satjipto Raharjo, *Legal Studies*, PT Citra Aditya Bakti, Bandung, 2000, p. 54.

¹⁶ Eli Wuri Dewi, *Consumer Protection Law*, Graha Ilmu, Yogyakarta, 2015, p. 20.

- a. "The right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services". Indihome consumers are waiting for information in the form of a definite answer from *customer service* regarding Indihome service problems, but Indihome *customer service* responds to complaints or complaints only using an answer template to wait and check the DM periodically.
- b. "The right to have opinions and complaints heard regarding the goods and/or services used". The right to be heard is a right that emphasizes the consumer's ability to express complaints and concerns about a particular product or service so that the problem is immediately handled efficiently and responsively¹⁷. When consumers take a long time to receive a *customer service response* regarding a complaint submitted, it can result in losses, both direct (*material*) losses and indirect (*immaterial*) losses. Direct losses are losses that are clearly experienced by consumers, such as consumers not being able to access Indihome services (internet, home telephone, interactive TV) and indirect losses are losses to the usefulness of Indihome services that will be received, such as being disturbed when doing college assignments, doing work that requires internet access or a landline telephone.

On the other hand, TELKOM as a business actor has obligations regulated in Article 7 letters b, letter c, letter d UUPK states that, *the obligations of business actors are:*

- a. "Provide correct, clear and honest information regarding the condition and guarantee of goods and/or services and provide explanations of use, repair and maintenance." The information that consumers want is in the form of a solution when there is a disruption to the Indihome service, not just an answer template to wait and check DM periodically.
- b. "Treating or serving consumers correctly and honestly and not discriminatory." In the UUPK explanation, there is a prohibition on business actors not to discriminate between consumers, both when providing services and service quality, so that consumers' wishes to be able to exercise their right to be heard regarding complaints about Indihome services must be immediately responded to by *customer service*.
- c. "Guarantee the quality of goods and/or services produced and/or traded based on the provisions of applicable quality standards for goods and/or services." The quality or quality of services provided to consumers must be in accordance with the contents of the Indihome subscription agreement, so that consumer satisfaction will arise when using the service because it meets their expectations.

¹⁷ Retno Sari Dewi, *Loc. Cit.*

Apart from being regulated in the UUPK, the rights and obligations of consumers and business actors are regulated in the Indihome subscription agreement. Based on Article 1313 of the Civil Code, an agreement is an act between one or more people binding themselves to one or more people. The agreement contains standard clauses, so it is called a standard agreement¹⁸. Sutan Remy Sjahdeini believes that a standard agreement is an agreement whose clauses are standardized by the maker, so that the other party does not have the opportunity to request a change¹⁹, so that Indihome consumers only have 2 (two) choices, namely accepting or rejecting the agreement without having the opportunity to request appropriate changes. consumer desires.

The Indihome subscription agreement regulates consumer rights relating to complaints, namely ²⁰"Getting IndiHome Services in accordance with the Subscription Contract and TELKOM technical provisions that apply from time to time" , so that consumer complaints are a form of exercising their rights to get Indihome services as stated in agreed functions. Apart from that, "Get good and transparent service from TELKOM regarding IndiHome Services". Good service means that business actors are able to prioritize services that are able to satisfy consumers according to specified standards²¹, while transparency means openness in service, so that consumers are able to understand easily and clearly²².

In addition to the rights of Indihome consumers, there is TELKOM's obligation²³, namely "Follow up on CUSTOMER reports if the IndiHome Service connection at the Installation Address is interrupted or damaged". The reports in question are in the form of complaints or complaints from Indihome consumers regarding internet network disruptions, home telephones not being able to be used and so on. In

¹⁸Melisa Aquaria Putri S, "Standard Clauses in an Agreement Based on Law Number 8 of 1999 concerning Consumer Protection", *Journal of Legal Ideas* , Edition No. 2 Vol. 2, Lancang Kuning University, 2020, p. 125.

¹⁹ Agus Satory, "Standard Agreements and Consumer Protection in Financial Services Sector Business Transactions: Application and Implementation in Indonesia", *Journal of Legal Studies*, Edition No. 2 Vol. 2, Padjadjaran University, 2015, p. 274.

²⁰ [https://indihome.co.id/terms and conditions](https://indihome.co.id/terms-and-conditions), accessed March 19 2023.

²¹ Kasmir, *Customer Service Ethics*, PT Raja Grafindo Persada, Jakarta, 2006, p. 49.

²² Maya Septia, *Strategy for Realizing Transparency and Participation in Public Services* , available at <https://ombudsman.go.id/article/r/article--strategi-mewujudkan-transparansi-dan-partisipasi-dalam-peanggaran-publik#:~:text=Transparency%20in%20service%20public%20shows,%20it%20is%20easy%20and%20clear,> Accessed March 24, 2023.

²³ [https://indihome.co.id/terms and conditions](https://indihome.co.id/terms-and-conditions), accessed March 19 2023.

addition, TELKOM's obligation is to "Provide a Service Level Guarantee for IndiHome Services in accordance with applicable TELKOM technical provisions." The Service Level Guarantee is a guarantee of the best service from TELKOM for Indihome consumers, such as new installation and after-sales services²⁴.

Repressive legal protection is regulated in Article 19 paragraph (1) UUPK which states that, Business actors are responsible for providing compensation for damage, pollution and/or consumer losses resulting from consuming goods and/or services produced or traded. The form of compensation as intended in Article 19 paragraph (2) UUPK is in the form of a refund or replacement of goods and/or services of the same type or equivalent value, or health care and/or provision of compensation in accordance with the provisions of the applicable laws and regulations. Apart from that, the Telecommunications Law is also in line with the UUPK regarding consumers who experience losses. As regulated in Article 15 paragraph (1) and paragraph (2) of the Telecommunications Law that:

- (1) For errors and/or negligence by telecommunications operators which cause losses, the injured parties have the right to submit a claim for compensation to the telecommunications operator.
- (2) Telecommunications operators are obliged to provide compensation as intended in paragraph (1), unless the telecommunications operator can prove that the loss was not caused by its fault or negligence.

That the compensation referred to in Article 15 paragraph (1) of the Telecommunications Law is not explained in detail regarding the error or negligence in question, only in the explanation of Article 15 paragraph (1) of the Telecommunications Law it states that compensation is given to users or the wider community who are harmed.

Consumer protection from an Islamic legal perspective is stated in the Al-Qur'an and Sunnah. According to the Qur'an, a fair and honest business is a business that does not tyrannize or is not wronged. As Allah SWT says in QS. Al-Baqarah verse 279 ²⁵:

²⁴ <https://text-id.123dok.com/document/6qm086g8y-service-level-guarantee-slg.html> , accessed March 24, 2023.

²⁵ <https://tafsirq.com/2-al-baqarah/ayat-279> , Accessed February 20, 2023.

" So if you do not do (abandon the remainder of usury), then know that Allah and His Messenger will fight you. And if you repent (from taking usury), then the principal of your wealth will be yours; you have not persecuted nor (nor) been wronged" (QS. Al-Baqarah verse 279)."

At first glance, this verse discusses usury, but it implicitly contains aspects of consumer protection. Referring to the end of the verse, it says "not to persecute and not (also) be persecuted", meaning not to oppress or be wronged. Based on a business perspective, the end of this paragraph contains an order to provide protection to consumers, so that consumers and business actors do not oppress or harm each other. This understanding is related to the rights of consumers and business actors, so that doing business in Islam must be based on values and ethics that prioritize honesty and justice.

Consumer protection is also guided by the Sunnah, namely:

"From Abu Sa'id Sa'd bin Sinan al-Khudri he said, the Messenger of Allah SAW said, "You must not do actions that bring harm and you must not repay harm in the wrong way." (HR. Ibn Majjah and al-Daruqutni) ²⁶.

If related to consumer protection, this sunnah means that the parties (consumers and business actors) have an obligation to understand each other and carry out their rights and obligations, so that there is no misuse that could cause harm ²⁷.

Complaints that can be made by Indihome consumers if the right to be heard is violated by TELKOM

Efforts to complain about Indihome consumers as a form of protest against Indihome services that do not match reality, thus causing dissatisfaction and even losses for consumers. Therefore, to be able to resolve disputes between consumers and business actors there are 2 (two) ways through litigation (court) or through non-litigation (outside of court) as regulated in Article 45 UUPK states that,

²⁶Imam Mahyiddin an-Nawawi, *ad-Dhurrah as-Salafiyah Syarh al-Arba'in an-Nawawiyah* , Pustaka Arafah, Solo, 2006, p. 245.

²⁷Muhammad Djakfar, *Business Law: Building a Discourse on the Integration of National Legislation with Sharia*, PT LKis Printing Cemerlang, Yogyakarta, 2009, p. 358.

- (1) Every consumer who suffers losses can sue a business actor through an institution tasked with resolving disputes between consumers and business actors or through courts within the general judiciary;
- (2) Consumer dispute resolution can be pursued through court or outside court based on the voluntary choice of the parties to the dispute;
- (3) Settlement of disputes outside of court as intended in paragraph (2) does not eliminate criminal responsibility as regulated in the Law;
- (4) If an effort to resolve a consumer dispute outside of court has been chosen, a lawsuit through court can only be pursued if the effort is declared unsuccessful by one of the parties or the parties to the dispute.

Article 45 UUPK is a form of implementation of one of consumer rights, namely obtaining advocacy, protection and efforts to resolve consumer protection disputes appropriately as regulated in Article 4 letter e UUPK. As Indihome consumers who feel disadvantaged due to their rights not being fulfilled by TELKOM, Indihome consumers can submit complaints or resolve disputes to consumer protection institutions as regulated in the UUPK. The position of consumer protection institutions is very crucial, because they play a role in guaranteeing consumer rights, assisting the government and society in carrying out supervision related to consumer protection²⁸.

There are 3 (three) consumer protection institutions that can receive consumer complaints, namely:

1. National Consumer Protection Agency (BPKN)

Based on Article 1 number 12 UUPK, the National Consumer Protection Agency is a body formed to assist efforts to develop consumer protection. BPKN is domiciled in the capital of the Republic of Indonesia. BPKN in carrying out its functions and duties is responsible to the President. Based on Article 33 UUPK, BPKN's function is to provide advice and considerations to the government in efforts to develop consumer protection in Indonesia. One of BPKN's duties is to receive complaints about consumer protection from the public, non-governmental consumer protection

²⁸ Magdalena Peggy Pantouw, "The Role and Function of Supervisory Institutions in the Responsibilities of Business Actors According to Law no. 8 of 1999 concerning Consumer Protection", *Lex Crimen*, Edition No. 6 Vol. V, Sam Ratulangi University, 2016, p. 106.

institutions or business actors as regulated in Article 34 paragraph (1) letter f UUPK. BPKN's duties relate to efforts to fulfill its function in providing advice and evaluation to the government regarding improving consumer protection in Indonesia.

BPKN is similar to LPKSM because both have the task of receiving complaints from consumers. The thing that differentiates BPKN from LPKSM is the purpose of its formation, if the formation of BPKN comes from the government or top down, while the formation of LPKSM comes from society or bottom *up*. The purpose of BPKN comes from the top line because it has the authority specifically mandated by law to handle consumer protection, while the purpose of LPKSM comes from the bottom line because it can represent and strive for consumer expectations ²⁹.

The complaint mechanism to BPKN is submitted online, via ³⁰:

- a. *WhatsApp* : 08153153153
- b. *Email* : advocacy@bpkn.net or sekretariat.komisi3@gmail.com
- c. *Website* : www.bpkn.go.id or <https://bpkn-apps.com/>

Indihome consumers can submit complaints via *WhatsApp* or *email*. When submitting a complaint, consumers must be honest, polite, not rude, cooperative, then consumers provide clear and complete identification, prepare the necessary documents, then tell the chronology or problems experienced by consumers clearly and completely. If you submit a complaint via *the website* , consumers need to register an account (for consumers who don't have an account), while consumers who already have an account only need to log in to their account, after that consumers can make a complaint by following the procedures listed on the website.

Consumer complaints that have been received by BPKN will be handled in a way that BPKN will provide advice regarding dispute resolution or BPKN will provide suggestions and references to the government to design consumer protection policies ³¹. This has been regulated in Article 33 and Article 34 of the UUPK regarding the

²⁹ Ahmadi Miru and Sutarman Yodo, *Consumer Protection Law*, PT Raja Grafindo Persada, Jakarta, 2004, p. 217.

³⁰ <https://bpkn-apps.com/> , Accessed May 17, 2023.

³¹ <https://www.Hukumonline.com/klinik/a/tas-dan-function-badan-perlindungan-konsumen-nasional-bpkn-lt5ee046de7671e/> , accessed 19 May 2023.

functions and duties of BPKN. Based on this law, BPKN does not have the authority to resolve disputes between consumers and business actors.

2. Non-Governmental Consumer Protection Institute (LPKSM)

Based on Article 1 number 9 UUPK, LPKSM is a non-government institution registered and recognized by the Government which has activities dealing with consumer protection. The government recognizes LPKSM if it meets the requirements, namely being registered with the district/city government and is in the field of consumer protection. LPKSM is an opportunity given by the government to the community to play an active role in optimizing the implementation of consumer protection³². In Indonesia, efforts to protect consumers through LPKSM were marked by the establishment of the Indonesian Consumers Institute Foundation (hereinafter referred to as YLKI)³³. YLKI is an NGO organization that focuses on providing protection to consumers and acting as consumer representatives with the aim of providing services and fighting for consumer interests³⁴. YLKI has been registered with the Department of Industry and Trade of the DKI Jakarta Regional Government and has TDLPK (Consumer Protection Institution Registration Certificate) No. 470/1,824,221 of 2005.

YLKI as LPKSM has duties regulated in Article 44 paragraph (3) UUPK. One of YLKI's duties is to assist consumers in fighting for their rights, including receiving complaints or complaints from consumers (Article 44 paragraph (3) letter f UUPK). The complaint mechanism to YLKI can be submitted through³⁵:

- a. *Call Center* : (021) 7981858 or 7971378
- b. *Website* : <http://pe.jasa.ylki.or.id>

In the first method, there are 2 (two) classifications of complaints via telephone (*call center*), namely simply asking for information or suggestions or complaints requiring

³² Burhanuddin, *Legal Thoughts on Consumer Protection and Halal Certification*, UIN-Maliki Press, Malang, 2011, p. 59.

³³ <https://www.Hukumonline.com/klinik/a/3-anggaran-perlindungan-konsumen-di-indonesia-lt62e272415e4f4/>, accessed 12 May 2023.

³⁴ Yusuf Shofie, *Consumer Protection and Legal Instruments*, Citra Aditya Bakti, Bandung, 2011, p. 16.

³⁵ <https://ylki.or.id/kontak-kami/#:~:text=Pejalan%20pengaduan%20YLKI%20telah%20beralih,ylki.or.id>, Retrieved May 14, 2023.

follow-up³⁶. First, just ask for information or advice, YLKI will answer verbally regarding the information or advice needed, after that it is considered complete. Second, if the complaint requires follow-up, the consumer makes a written complaint letter to YLKI. The complaint letter contains a chronology of problems experienced by consumers and the resulting losses. Apart from that, consumers are required to include personal data, address and evidence or photocopies of documents, such as letters of agreement and so on.

After the letter is received by YLKI, the receptionist will register all the letters. Then, the letter is given to the daily management. There are 3 things that will be done, namely (1) followed up/not followed up, (2) not a consumer dispute, (3) not a priority scale. Next, the letter will be disposed of in the Consumer Complaints Division and registered Special II as complaint data. After the letter reaches the handling personnel, an administrative selection will be carried out in the form of administrative completeness. After carrying out administrative selection and substance analysis, the next stage is correspondence with consumers and business actors. YLKI will pay close attention to responses and explanations from consumers and business actors regarding the veracity of these consumer complaints. At this stage, if the problem can be resolved, the business actor is asked to write a letter of apology addressed to the consumer and a resolution has been carried out³⁷.

If the steps above are not successful, mediation is carried out. YLKI as a mediator is obliged to prepare and make minutes related to deliberations between the parties to the dispute. At this stage, consumers and business actors are given the opportunity to raise problems. Once the problem is known, the parties have the right to convey their choices or demands, then negotiate to reach an agreement. The agreement is stated in the Minutes of Agreement and both parties must implement the results of the agreement. It is possible that if dispute resolution through mediation fails, the consumer's last resort is through court (litigation)³⁸.

³⁶ Andres Fatubun, *Procedures for Consumer Complaints to YLKI*, available at <https://www.ayobandung.com/bandung/pr-79616268/tata-cara-aduan-konsumen-pada-ylki>, accessed May 14, 2023.

³⁷ *Ibid.*

³⁸ *Ibid.*

In the second method, consumers can submit complaints via <http://pejalan.ylki.or.id>. Previously, consumers had to register to have an account. Account registration via <http://pejasa.ylki.or.id/account.php?do=create>. When registering, consumers must use an active *email* because the complaint and follow-up process will be conveyed via that *email*. After registering there will be an *email* verification notification, then consumers can *log in* and submit complaints via "open a new ticket" and select the commodity related to the problem they are experiencing³⁹. Regarding the problems experienced by Indihome consumers, the commodity chosen is telecommunications. Next, consumers follow the procedures listed on the website to resolve complaints.

3. Consumer Dispute Resolution Agency (BPSK)

Based on Article 1 point 11 UUPK, the Consumer Dispute Resolution Agency (BPSK) is the body tasked with handling and resolving disputes between business actors and consumers. BPSK is a non-structural body located in the Regency/City area and functions to resolve consumer disputes in a non-litigation manner⁴⁰. The aim of establishing BPSK is to make it easier, expedite and provide legal certainty to consumers in demanding their rights against business actors and to become a means of obtaining information and guarantees of legal protection for consumers and business actors⁴¹. One of the duties and authorities of BPSK as intended in Article 52 letter e UUPK is to receive complaints, both written and unwritten, from consumers regarding violations of consumer protection. When consumer rights are violated by business actors, they can complain to the consumer's domicile BPSK (level II region or Regency/City).

The complaint mechanism to BPSK is as follows⁴²:

Consumers can submit complaints directly to the BPSK secretariat, then the BPSK secretariat will record it on a special form with the consumer's stamp or signature

³⁹ <https://pejasa.ylki.or.id/kb/faq.php?id=2> , Accessed 14 May 2023.

⁴⁰ Hulman Panjaitan, *Consumer Protection Law: Repositioning and Strengthening Institutions of Consumer Dispute Resolution Bodies in Providing Protection and Guaranteeing Balance with Business Actors* , Jala Permata Aksara, Jakarta, 2021, p. 103.

⁴¹ Maryanto, *Consumer Dispute Resolution Procedures at BPSK (Consumer Dispute Resolution Agency)* , Unissula Press, Semarang, 2019, p. 13.

⁴²*Ibid*, p. 23- 24.

added, after that the consumer gets proof of receipt, whereas if the consumer submits a complaint in writing then the consumer makes a letter of application to the Chairman of BPSK, then fill out a complaint form containing the consumer's full name and address accompanied by proof of self, full name and address of the business actor, goods or services being complained about, evidence (receipt or other proof document), information about the place, time and date the goods or services were obtained, witnesses who know that the goods or services were obtained as well as photos of the goods or service implementation activities (if any). Next, the BPSK secretariat will record the complaint document and add the date and registration number ⁴³.

That after the complaint document is deemed correct and complete, the BPSK chairman then calls the parties to the dispute to unite on the pre-trial agenda ⁴⁴. The pre-trial agenda aims to reconcile the parties. If this fails, the parties can choose to resolve the dispute using mediation or conciliation or arbitration as regulated in Article 52 letter a of the UUPK. Definition of several methods, as follows:

- a. Conciliation is a method of resolving disputes based on the choices of the parties with the BPSK assembly as a passive conciliator (as an intermediary between the disputing parties). The conciliator's opinion is not binding, so dispute resolution depends on the willingness of the parties ⁴⁵.
- b. Mediation is a way of resolving disputes between parties by handing over dispute resolution to the BPSK panel as an active mediator (as an intermediary and advisor between the disputing parties) in order to reach an agreement without any decisions or opinions ⁴⁶.
- c. Arbitration is a way of resolving disputes between parties by entrusting everything to the BPSK panel as an arbitrator to provide binding decisions ⁴⁷.

That the result of resolving consumer disputes is in the form of an agreement made in the form of a written agreement signed by the consumer and the business actor. The written agreement is confirmed by a BPSK decision in the form of peace, the lawsuit

⁴³ *Ibid*, p. 24.

⁴⁴ Holijah, *Small-Scale Consumer Dispute Resolution Law in Indonesia*, Kencana, Jakarta, 2020, p. 83.

⁴⁵ Ahmadi Miru, *Principles of Protection for Consumers in Indonesia*, Raja Grafindo Persada, Jakarta, 2013, p. 162.

⁴⁶ Nurul Fibrianti, "Consumer Protection in Resolving Consumer Disputes Through Litigation", *Journal of Civil Procedure Law*, Semarang State University, Edition No. 1 Vol 1, 2015, p. 116-117.

⁴⁷ *Ibid*, p. 117-118.

is rejected or the lawsuit is granted. After receiving the BPSK decision, within a maximum of 7 (seven) days the business actor is obliged to implement the decision. Consumers or business actors can submit objections to the District Court no later than 14 (fourteen) working days from notification of the BPSK decision as regulated in Article 56 paragraph (2) UUPK.

The definition of complaint efforts is not directly contained in the Al-Qur'an, but is based on the word of Allah SWT in the QS. Al-Maidah verse 67 ⁴⁸:

“ O Messenger, convey what has been revealed to you from your Lord. And if you don't do (what you were ordered to do, that means) you are not conveying His message. Allah protects you from human (harm). Indeed, Allah does not guide those who disbelieve ” (QS. Al-Maidah verse 67).

This verse means that Rasulullah SAW conveyed the teachings of the Islamic religion to the People of the Book, even though this activity could endanger the life of Rasulullah SAW due to threats from them, Allah SWT has promised to protect Rasulullah SAW from harassment and deception by Jews and Christians ⁴⁹. This means that the verse discusses the protection that Allah provides for people who have transmitted religious teachings and implemented them for the benefit of the people by ensuring their needs ⁵⁰. In relation to consumer protection, the conclusion from the above paragraph can be drawn that consumer interests need to receive attention so that consumers receive protection. To obtain protection, consumers must make complaints regarding their rights which are not fulfilled by business actors.

As Allah SWT says in QS. Al-A'raf verse 33 ⁵¹:

Say: "My Lord only forbids abominable acts, whether visible or hidden, and sinful acts, violating human rights without a valid reason, (forbidden) associating partners with Allah with something for which Allah has not given proof and (forbidden) making things up against Allah what you do not know."

⁴⁸ <https://tafsirq.com/5-Al-Ma'idah/ayat-67> , Accessed 20 February 2023.

⁴⁹ Quraish Shihab, *Tafsir Al-Misbah Volume 3* , Lentera Hati, Jakarta, 2012, p. 153.

⁵⁰ *Ibid.*

⁵¹ <https://tafsirq.com/7-al-araf/ayat-33#tafsir-quraish-shihab> , Accessed 26 May 2023.

Piece of meaning in QS. Al-A'raf verse 33 "violating human rights without just cause" means injustice and actions that cross the line, thereby violating other people's rights⁵². In relation to consumer rights, especially the right to be heard, violations by business actors are acts of injustice towards consumers. Based on this Islamic law, TELKOM as a business actor has violated the rights of Indihome consumers because it did not provide the services that should have been provided to these consumers.

CONCLUSION

Legal protection for consumers regarding the right to be heard regarding complaints about Indihome services on Twitter takes the form of preventive and repressive measures. Preventive legal protection is regulated in Article 4 letters c and d of the UUPK in the form of consumers' rights to information and the right to have their opinions and complaints heard. Apart from that, it is regulated in Article 7 letters b, c, d UUPK regarding the obligations of business actors to provide information, treat or serve consumers, guarantee the quality of goods and/or services as well as the existence of consumer rights and obligations of business actors in Indihome subscription agreements. Repressive legal protection is regulated in Article 19 paragraph (1) and paragraph (2) of the UUPK and Article 15 paragraph (1) and paragraph (2) of the Telecommunications Law in the form of providing compensation if the business actor harms the consumer concerned.

Complaint efforts that can be made by Indihome consumers if the right to be heard is violated by TELKOM through consumer protection institutions such as BPKN, LPKSM or BPSK. Complaining consumers to the above institutions is a way of resolving disputes outside of court. If this is not successful, consumers can file a lawsuit in court as regulated in Article 45 paragraph (4) UUPK.

Consumers are expected to continue to strive to defend their rights by not being reluctant to complain to business actors. If unsuccessful, they can file a complaint with a consumer protection agency or file a lawsuit in court. Business actors are expected

⁵² Wahab Az-Zuhaili, *Tafsir Al-Munir Fil Aqidab Wasy-Syariah Wal Manhaj*, Darul Fikr, Beirut, 2009, p. 553.

to respond to every consumer complaint and strive to provide maximum service as regulated in the Indihome subscription agreement.

COMPETING INTEREST

There is no conflict of interest in the publication of this article.

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