

Perlindungan Hukum terhadap Konsumen atas Penjualan Garam Impor yang tidak Sesuai dengan Spesifikasi Ketentuan Impor Garam (Studi Kasus : Putusan Mahkamah Agung No. 36 K/PID.SUS/2019) = Legal Protection of Consumers Regarding the Sale of Imported Salt Which is not in Compliance with the Specifications of Imported Salt (Case Study: Decision of the Supreme Court No. 36K/PID.SUS/2019)

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Abstrak

Direktur Utama (Dirut) PT. Garam dinyatakan bersalah secara sah dan meyakinkan, sehingga dijatuhkan Pidana Penjara selama 2 Tahun oleh Hakim Pengadilan Negeri Gresik karena melanggar Pasal 9 Ayat (1) Huruf h Jo. Pasal 62 Ayat (1) Undang-Undang 8 Tahun 1999 Tentang Perlindungan Konsumen (UUPK). Jaksa Penuntut Umum (JPU) menganggap Pidana Penjara yang dijatuhkan Hakim Pengadilan Negeri Gresik terlalu rendah, sehingga JPU melakukan Banding, namun Hakim Pengadilan Tinggi Surabaya membatalkan Putusan Pengadilan Negeri Gresik dengan pertimbangan Dirut PT Garam terbukti melakukan Tindakan pada Pasal 9 Ayat (1) Huruf h UUPK, akan tetapi Tindakan tersebut adalah bukan tindak pidana. Atas Putusan Hakim Tingkat Banding tersebut, JPU mengajukan Upaya Hukum Kasasi yang amarnya membatalkan Putusan Pengadilan Tinggi Surabaya dan menguatkan Putusan Pengadilan Negeri Gresik. Tujuan dari Penelitian ini adalah untuk mengetahui tanggung jawab PT. Garam dan Perlindungan Hukum bagi Konsumen terhadap pelanggaran atas penjualan garam impor yang tidak sesuai dengan spesifikasi ketentuan impor garam. Penelitian ini menggunakan Metode penelitian hukum normatif dengan metode pendekatan penelitian deskriptif. Hasil penelitian ini adalah PT Garam dapat dimintai pertanggungjawaban secara Perdata dan Pidana. Perlindungan Hukum bagi Konsumen telah diatur pada beberapa Undang-Undang seperti Pasal 19 UUPK tentang Tuntutan Ganti Kerugian, 61-63 UUPK Tentang Sanksi Pidana, Pasal 86 dan 91 UU PANGAN tentang Standar Mutu Pangan dan Izin Edar. Kesimpulan Penelitian ini, Konsumen yang merasa dirugikan oleh PT. Garam dapat menuntut ganti kerugian ke BPSK ataupun ke Pengadilan Negeri, Selain itu, menurut penulis pemakaian Pasal 9 Huruf (h) dalam Putusan Mahkamah Agung No. 36 K/PID.SUS/2019 kurang tepat dikarenakan pertimbangan hakim kasasi menitikberatkan bahwa Garam PT Garam tidak sesuai dengan Spesifikasi yang telah ditetapkan.

.....President Director (CEO) of PT. Garam has been officially and convincingly found guilty, resulting in a 2-year prison sentence by the Judge of Gresik District Court for violating Article 9 Paragraph (1) Letter h of Law No. 8 of 1999 on Consumer Protection. The Public Prosecutor deemed the prison sentence imposed by the Gresik District Court Judge to be too lenient, so the Public Prosecutor filed an Appeal. However, the Surabaya High Court overturned the Gresik District Court's verdict, considering that the CEO of PT Garam was proven to have taken actions under Article 9 Paragraph (1) Letter h of the Consumer Protection Law, but those actions were not criminal offenses. In response to the Court of Appeal's decision, the Public Prosecutor filed a Cassation Legal Effort, requesting the cancellation of the Surabaya High Court's verdict and the affirmation of the Gresik District Court's verdict. The purpose of this study is to determine the responsibility of PT. Garam and the Legal Protection for Consumers regarding the violation of selling imported salt that does not comply with the specified import salt provisions. This study uses a normative

legal research method with a descriptive research approach. The results of this study indicate that PT. Garam can be held liable both in Civil Law and Criminal Law. Legal protection for consumers is regulated in several laws, such as Article 19 of the Consumer Protection Law concerning Claims for Damages, Articles 61-63 of the Consumer Protection Law regarding Criminal Sanctions, Article 86 and 91 of the Food Law concerning Food Quality Standards and Distribution Permits. In conclusion, consumers who feel aggrieved by PT. Garam can seek compensation through the Consumer Dispute Settlement Board (BPSK) or the District Court. Additionally, according to the author, the use of Article 9 Letter (h) in Supreme Court Decision No. 36 K/PID.SUS/2019 is not appropriate because the cassation judge emphasized that the salt produced by PT Garam did not meet the specified specifications.