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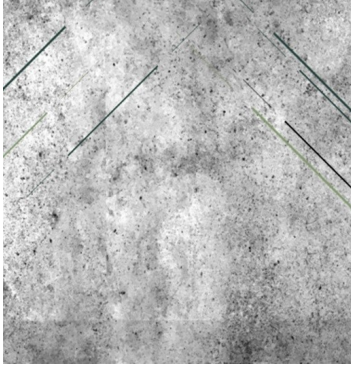


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Monitoring and Evaluation Function of BPKN RI regarding Consumer Protection Issue in Housing Sector

Celline David*, Keizahra Alifia Putri Wardhani, Salsabila Farenza Putri, Salwani Isnaini, Ana Sabhana Azmy

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Abstract

The National Consumer Protection Agency of the Republic of Indonesia (BPKN RI) is a bureaucratic body derived from the Ministry of Trade that focuses on handling consumer problems in Indonesia. The paper further examines what makes the housing sector have a high level of complaints at BPKN RI, what types of complaints are filed by consumers and how the form of monitoring and evaluation functions within the scope of BPKN RI in solving problems given by BPKN RI to consumers. This research uses a qualitative method by conducting direct interviews with staff of the Advocacy Division of BPKN RI. The findings obtained are that the monitoring and evaluation of BPKN RI is quite optimal, especially for problems in the housing sector. The number of incoming cases had shown a high number due to the pandemic situation. BPKN RI's evaluation function runs quite well with the achievement of BPKN RI's recommendations being able to become the main basis for the formation of PUPR Ministerial Regulations to protect consumer rights in Indonesia.

Keywords: BPKN; Monitoring and Evaluation; Bureaucracy; Consumer

Introduction

The National Consumer Protection Agency of the Republic of Indonesia or usually called *Badan Perlindungan Konsumen Nasional* (BPKN RI) is an effort to respond to the dynamics and needs of consumers who are growing rapidly in society. BPKN RI was established based on Law Number 8/1999 on Consumer Protection (UUPK). The duties, functions and membership of BPKN RI are further regulated in Government Regulation No. 57/2001. BPKN RI has the function of providing advice and consideration to the government in an effort to develop consumer protection in Indonesia. To carry out this function, BPKN RI has several tasks including: (1) providing advice and recommendations to the government in the context of formulating policies in the field of consumer protection; (2) conducting research and studies of applicable laws and regulations in the field of consumer protection; (3) conducting research on goods and/or services concerning consumer safety; (4) encourage the development of non-governmental consumer protection organizations; (5) disseminate information through the media on consumer protection and socialize the attitude of partiality to consumers; (6) receive complaints about consumer protection from the public, non-governmental consumer protection organizations, or business actors; (7) conduct surveys concerning consumer needs. In order to carry out its duties, BPKN RI may cooperate with international consumer organizations. The monitoring and evaluation process is always there, not only in terms of government practice but also in every single thing that we do. It needs the monitoring and evaluation factor to make sure everything goes under the plan and nothing goes off the grid. This reflects a lot of research that analyzes monitoring and evaluation. It is also importa-

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nt to do monitoring and evaluation because with these processes then we can know the shortcomings, susceptibility, and even strengths of the program (Sulfiani & Ulfa, 2018). Not only in the matter of monitoring and evaluating a program, monitoring and evaluation is crucial for government bodies or agencies. In this case, BPKN as a part of government bodies means BPKN also needs to implement the process of monitoring and evaluation. This also could be part of honesty to the government and the public regarding what the BPKN agency will and has done, because according to Kurniati, et al (2020), in this democratic state every public body that uses funds, whether partly or wholly from the public, must convey their information openly. This notion, of course, aligns with the importance of monitoring and evaluation in BPKN RI as a part of the public agency that serves the community.

Every government agency in Indonesia has a monitoring and evaluation function in its implementation. The monitoring function in this case means that there is a form of supervision which starts from collecting information from an agency/organization which is then provided to program managers and stakeholders to find out whether a program is achieved or not. The monitoring function also provides information on indications of progress and shortcomings in program implementation (Nasihi & Hapsari, 2022). Government Regulation No. 39/2006 on the Procedures for Controlling and Evaluating the Implementation of Development Plans also further explains the importance of monitoring and evaluation in development and government activities in Indonesia. The government regulation states that there is a monitoring process which is then interpreted as an activity where observations are made in the development of the implementation of development plans. Evaluation itself means that there is a process of comparison between the realization of inputs, outputs and outcomes of a plan and standards.

After the establishment of consumer protection institutions in Indonesia, consumer protection efforts were also marked by the presence of academic studies aimed at preparing fundamental principles for the realization of consumer protection laws (Sitinjak in Rahmah et al, 2023). BPKN RI is a bureaucratic agency derived from the Ministry of Trade that focuses on handling the problems of Indonesian consumers. As an agency that serves the public, BPKN RI certainly faces a variety of consumer problems. From various complaint sectors such as the financial services sector, e-commerce, electronic goods, medicine and food, to health services, the author sees that the most common problem complained by consumers is in the housing sector (BPKN RI, 2024). Referring to complaint statistics from the official website of BPKN RI regarding the comparison of the number of complaints in 2023-2024 from most complaint sectors, the housing sector has 314 cases throughout 2023. This makes the housing sector the sector that has the most number of complaints from various other sectors and is an interesting thing to discuss in this research.

We have reviewed several previous studies that have similar themes or topics. However, there is no research that specifically discusses the evaluation and monitoring of BPKN functions and/or consumer problems in the housing sector. We compare research conducted by Rahma et al (2023) entitled *The Study Of Programs And Roles Of National Consumer Protection Agency Using Qualitative And Quantitative Approaches*, which aims to identify the role and performance of BPKN with two research methods, the results of this study show that BPKN is able to create new innovations in online services in the covid-19 situation. But of course this research is still very limited to see what kind of monitoring and evaluation of BPKN performance in certain sectors such as the housing sector that we will study. In addition, research conducted by Kerti (2023) entitled *Consumer Protection Institutions Strengthening in the Digitalization Era*, has highlighted the large number of consumer complaints in the housing sector received by BPKN in the last 5 years. this research looks at it from a different perspective from our research. the research looks at how consumer protection is in the digitalization era. Meanwhile, we see how consumer protection is during the critical situation of covid-19. Although this is the case, we agrees with this research statement that economic policy is not only measured by an increase in output, but also by an increase in public consumption as a result of consumer confidence in the goods and/or services available in the market, which then drives the rate of productivity growth to realize the welfare of Indonesian consumers.

In accordance with the mandate of the Consumer Protection Law as outlined in Government Regulation Number 4 of 2019, the existence of consumer protection institutions in Indonesia strengthens consumer protection with the function of BPKN providing recommendations and considerations to the government. Especially in the critical situation of covid-19 which has an impact on hampering the progress of public housing development to the emergence of conflicts between contractors and consumers. So that studies on consumer protection in Indonesia need to be carried out in order to assess how monitoring and evaluation of the development of government performance from time to time in protecting consumer rights, especially in the housing sector. This journal wants to further examine 3 things: first, what makes the housing sector have a high level of complaints at BPKN RI? Second, what types of complaints are filed by consumers? And then how the form of monitoring and evaluation functions within the scope of BPKN RI in solving problems given by BPKN RI to consumers? The purpose of this research is to assess the extent to which the monitoring and evaluation process carried out by BPKN is able to resolve consumer complaints effectively and efficiently and identify constraints and challenges faced by BPKN in carrying out its monitoring and evaluation functions and the impact on consumer protection.

Methods

This research uses a qualitative method. According to Moleong in Nasution (2023), qualitative research is a study designed to understand social phenomena by translating and describing the behavior and perceptions of the subjects studied in the form of words. Qualitative research places the researcher as a key instrument in data analysis (Creswell, 2018). In this study, researchers used data collection techniques in the form of interviews. There were two resource persons from the Advocacy Division of BPKN RI. The interviewees were selected based on purposive sampling technique, which is by considering the background knowledge and information possessed by the interviewees (Nasution, 2023). The criteria for subjects who will be used as sources are staff or bureaucrats who have information about the monitoring and evaluation process at BPKN RI, and have access to data related to consumer complaints, especially in the housing sector. Therefore, researchers chose resource persons from the advocacy division as the division that handles consumer complaints. In conducting data analysis, we decided to use an analysis called Miles and Huberman data analysis technique which can be described with three important stages (Rijali, 2018). The three stages consist of reducing data collection, and then proceed by presenting the data after the reduction with graphs or describing the important notes, and the last stage is drawing conclusions after processing qualitative data. In the first step of Miles and Huberman's data collection technique, it is stated that the author needs to reduce data collection. This step is important because after we interviewed our informants, we got an abundance of new information and data that drowned us in information overload. We then carefully reduce data collection by keeping the most relevant data and incorporating them into our findings. After making sure every data that we have has been cleaned up and reduced we can now move to the next step. The second step is to describe data with important notes to make it easier for the audience to have more understanding of the collected data in our research. Last step is to draw conclusions from our research with our data, findings, discussions and it will make a new comprehension and conclusion.

Results

BPKN RI's bureaucratic atmosphere is very thick with monitoring and evaluation functions. The implementation of BPKN RI monitoring is found in every time it carries out advocacy or mediation efforts between business actors and consumers. Evaluation of the implementation of BPKN's tasks then produces recommendations aimed at various policy makers or stakeholders. In practice, the concrete form of monitoring and evaluation of BPKN RI is in the form of monitoring the extent of follow-up and reconciliation in terms of consumer protection. In resolving consumer issues in the housing sector, BPKN RI's monitoring takes the form of coordinating with relevant institutions such as the Ministry of Public Works and Public Housing (PUPR), the Financial Services Authority (OJK), banks such as Bank Indonesia, and other related institutions. BPKN RI monitors the extent -

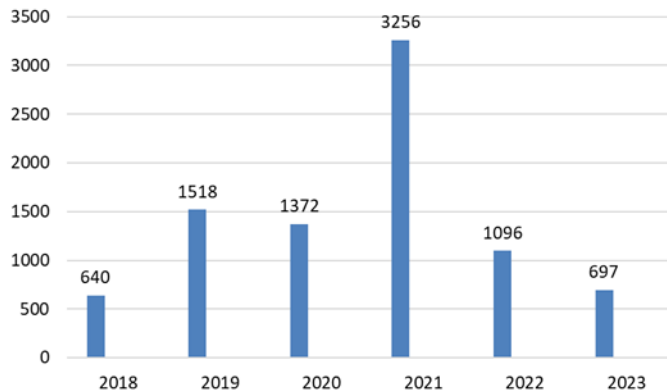
of follow-up and reconciliation in terms of consumer protection. In resolving consumer issues in the housing sector, BPKN RI's monitoring takes the form of coordinating with relevant institutions such as the Ministry of Public Works and Public Housing (PUPR), the Financial Services Authority (OJK), banks such as Bank Indonesia, and other related institutions. BPKN RI monitors the extent to which consumer complaints are handled. In the interview we conducted, for example, if the business actor has not followed up, BPKN RI calls the party concerned to be resolved. So that the stakeholder as the regulator of the perpetrator.

The monitoring and evaluation function of BPKN RI is considered strong. This is evidenced by the routine activities of BPKN RI Commissioners conducting plenary meetings, discussing what the most massive problems are, in this case the housing sector. So, to make sure that there are no more problems in the housing sector, recommendations are then made. As a concrete example in 2018 BPKN RI has made recommendations to the Ministry of Public Works and Public Housing (PUPR). In the recommendation, BPKN RI outlined several parts. The first part, facts or field findings, explains several issues that often occur, such as misleading advertisements, inadequate consumer understanding of agreements / contracts, house payments with Home Ownership Credit (KPR), unclear land status and standard clauses that shift responsibility. The second part, problems related to the authority of the Ministry of PUPR, BPKN RI highlighted 3 things: (1) there is no Government Regulation (PP) governing the Implementation of Law No. 20 Year 2011 on Flats, thus hampering the issuance of Regional Regulations and *Pergub/Perbup-Walkot* on Flats in the Region (*Rumah Susun di Daerah*); (2) There are still parts that are private and public that have not been regulated in the planning of mixed flats that have separated access, utilities, and shared objects and land; (3) The content and spirit of the PPJB and/or AJB are not fully in accordance with Law Number 8 Year 1999 on Consumer Protection, Law Number 1 Year 2011 on Housing and Settlement Areas, and Law Number 20 Year 2011 on Flats.

Then the third part is recommendations, BPKN RI emphasizes the Minister of PUPR to: (1) immediately issue PP and its implementing regulations as mandated in the relevant laws; (2) Issue Ministerial Regulation (*Peraturan Menteri*) on the Defense of Residential Flats which must be planned separately from Non-Residential Flats; (3) Together with the Minister of Home Affairs, develop more detailed Standard Guidelines/Technical Guidelines regarding the bylaws to be used by all P3SRS; if there is a change in the bylaws, it must be known by the local Regional Head as a function of Guidance and Supervision by the government; (4) Together with the Minister of Trade, prepare a Joint Regulation on Online Transaction Security specifically for KPR and KPA; (5) Together with the Minister of Trade, develop a Standard PPJB as a substitute for the Decree of the Minister of State Housing No. 11/KPTS/1994 on Guidelines for Sale and Purchase Agreements of Flat Units and Decree of the Minister of State Housing No. 09/KPTS/1995 on Guidelines for Sale and Purchase Agreements of Houses; (6) Intensifying supervision and imposing strict sanctions on developers who do not comply with the provisions of laws and regulations related to housing and consumer protection (BPKN RI, 2018). Based on information from the Advocacy Division in our interview, the Ministry of PUPR's response to these recommendations as a form of follow-up is the issuance of PUPR Ministerial Regulation Number 11 of 2021 concerning Procedures and Technical Guidelines for the Corruption Dispute Council. This Ministerial Regulation consists of the subjects of construction, civil, architect, building, and infrastructure - standards/guidelines.

Furthermore, based on the BPKN RI Consumer Complaint Receipt Data dated March 15, 2023, we found that there was a spike in cases in 2021. The number of incoming complaints is very significant when compared to the number of cases in the years before and after. So the graph of complaints from year to year illustrates a fluctuating situation. Based on these data findings, we began to wonder what caused consumer complaints to jump dramatically in 2021. If we look back at the national situation in 2021, Large-Scale Social Restrictions (PSBB) are still in effect as an effort to tackle the spread of the virus which has an impact on the political, social, cultural, defense and security aspects, as well as public welfare in Indonesia. Moreover, this restriction is still valid until the end of 2021 as evidenced by the issuance of Presidential Decree Number 24 of 2021 concerning the Determination of the Factual Status of the 2019 Coronavirus Disease (Covid-19).

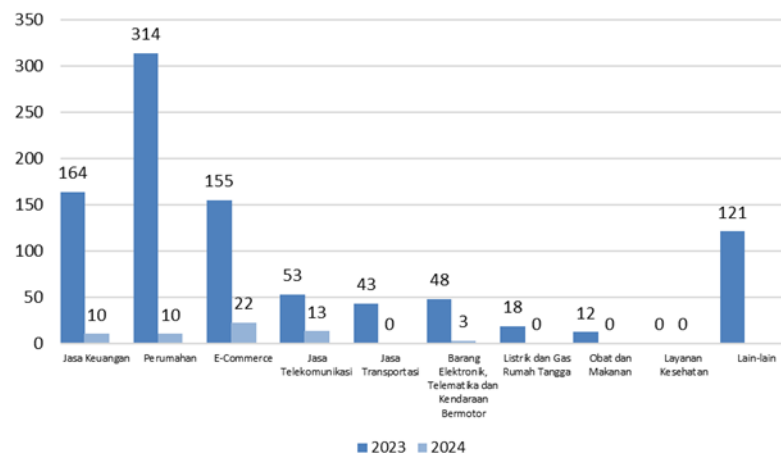
Figure 1. Chart of Receipt of Complaints to BPKN RI 2018-2023



Source: BPKN, 2023.

Meanwhile, the highest number of complaints categorized as the housing sector ranks first with 314 complaints in 2023 which can be seen in the graph below. According to the statement of BPKN RI Advocacy Commission Staff, Irfan Cahyo, one of the factors that caused the high number of complaints from the housing sector in 2023 was the impact of the Covid-19 pandemic which significantly affected the business sector. The implementation of PSBB caused many stalled developments that led to default cases. In addition, the situation at that time, which was still in the transition period of Covid-19, caused consumers' financial conditions to be unfavorable, but they had already paid, then asked for a refund. The incompatibility of the development agreement between the developer and the consumer also affects the high number of complaints in the housing sector. Hence, the consumers who pay late make it difficult for the business actors themselves. Still related by the Covid-19 situation, the problems that arise in the housing sector have an impact on the continuity of the distribution of related goods and services. The cessation or fiber of the flow of funds coming in from consumers makes it difficult for the developer and the development becomes stalled. So that BPKN RI received many complaints about the problem of non-compliance with the time promised by business actors or developers. For example, BPKN RI mentioned that the construction should have been completed in March, but it was delayed in June.

Figure 2. Comparison of Number of Complaints 2023-2024



Source: BPKN, 2023

In 2024 itself, it is known that the complaints from the housing sector that are most often complained about by consumers are related to delays in the issuance of Property Rights Certificates (SHM). An example of a case is in Grand Taruna Jaya Housing, Bekasi, where there are 120 consumers whose Property Rights Certificates have not been issued. This can be resolved by BPKN by coordinating with BTN Bank to take care of certificate splitting. During 2024, it is known that approximately 130 consumers have had their cases resolved by BPKN RI, or in other words recovered. This was conveyed by Irfan Cahyo as staff from the Advocacy Division of BPKN RI.

Monitoring and evaluation cannot be separated from output because output is one of the monitoring and evaluation indicators as explained by Suharto (2010), that there are at least five indicators in carrying out monitoring and evaluation, namely: input, process, output, outcome and impact. The inputs in this case are complaints and problems reported by consumers to BPKN. Input can also be in the form of input, suggestions, or criticism from consumers or from related stakeholders. The process is in the form of activities or programs implemented by BPKN in order to overcome the problem of consumer complaints, especially in the housing sector. The output of the monitoring and evaluation process at BPKN is in the form of recommendations from BPKN as well as government regulations related to consumer protection, such as the Minister of Public Works and Public Housing Regulation Number 11 of 2021 concerning Procedures and Technical Guidelines for the Corruption Dispute Council, as one of BPKN's recommendations in the housing sector. The next indicator is the outcome, which in this case is the success of BPKN in resolving consumer complaints. The impact indicator, which is needed to see the extent to which BPKN's performance has an impact on consumer protection in Indonesia. BPKN's optimality in handling consumer problems in the housing sector is marked by a significant number of recovered cases. This indicates that the monitoring and evaluation process within BPKN has been running well. The implementation of monitoring and evaluation is very important in the bureaucracy, especially in BPKN itself. Moreover, BPKN is a 'protection' body for consumer rights. Of course there must be supervision and monitoring so that BPKN can carry out its duties and functions optimally. This is as explained by Rifai in Suparno and Asmawati (2019) that monitoring and evaluation functions as an instrument to prevent irregularities, losses, and unwanted things.

In handling cases or consumer complaints, there are often obstacles that cause cases to become unresolved or obstructed. There are several factors behind this, but most of these factors are external. This means that the obstacles are in the business actors or consumers themselves, such as bankrupt developers and uncooperative consumer behavior. These are factors that have significant implications for the resolution of consumer problems, especially in the housing sector. This shows that the bureaucratic climate, especially the implementation of monitoring and evaluation at BPKN, has been running well. In addition, there are no problems related to organizational behavior within BPKN that can have implications for services in the housing sector. This is because organizational behavior can affect administrative performance, as explained by Gibson and Lewis, that organizational behavior can affect the performance of administrative services (Punya et al, 2019). Uncooperative consumer behavior can also hinder case solving. Consumer behavior is the actions and social relationships carried out by individual consumers, groups, and organizations to assess, obtain, and use goods and services through an exchange or purchase process that begins with decision making that determines these actions (Marliani and Sugiarto, 2019). Consumer behavior in the settlement of various cases in the housing sector, as we discussed earlier, is influenced by the precarious conditions of the covid-19 pandemic which has stalled public finances.

We found the fact that many cases were not resolved due to two things. The first is the long development due to certain conditions experienced by the developer. The second is the return of funds, where there must be prior coordination between the two parties, whether both parties agree to return the funds. Our source, Chairil Arman in the interview also explained one important thing related to this situation. In general, it is due to developer bankruptcy or insolvency. Sometimes it is also caused by uncooperative consumers, Chairil gave an example of a consumer who bought a house with installments, but the installments were stuck, so he got a warning from the developer several times. But the consumer still does not pay and in the end there is a unilateral-

cancellation where there is a down payment.

Chairil continued that according to the *Perjanjian Pengikatan Jual Beli* or PPJB, this will usually be forfeited, so consumers cannot receive the house. PPJB according to Government Regulation No. 12 of 2021 is an agreement between the development actor and any person to sell and buy a house or apartment unit that can be carried out by the development actor before construction for flats or in the development process for single houses and row houses made before a notary. Referring to the Circular Letter of the Supreme Court (*Mahkamah Agung*) No. 4/2016, the transfer of land rights based on PPJB legally occurs if the buyer has paid the full price of the land, has controlled the object of sale and purchase and is carried out in good faith (Apriandi and Sudiro, 2023). Meanwhile, in the case exemplified by our sources, the consumer is in installments, which means that it has not been paid off. So it is natural that there is a cancellation. The scheme described is what makes consumers complain to BPKN.

BPKN RI in carrying out the monitoring and evaluation functions related to consumer complaint issues in the housing sector, of course, has experienced certain obstacles. Generally in the form of internal obstacles related to the completeness of files from consumers that are incomplete so that they do not meet the requirements and cannot be processed further. The resource person mentioned several files such as the reservation letter, PPJB, *Akta Jual Beli* (AJB). Sometimes the unavailability of such consumer files makes it difficult for BPKN to study the data. It also makes it difficult to write a case summary.

PPJB and AJB are terms that are very closely related to the world of buying and selling land and property in Indonesia. The sale and purchase process according to the PPJB system must be accompanied by a surrender clause. AJB is a document that proves the legal transfer of land ownership from the seller to the buyer. AJB is made by a notary called a *Pejabat Pembuat Akta Tanah* (PPAT) as stipulated in Government Regulation Number 24/1997 regarding Land Registration. If in the case of a sale and purchase there is no AJB, there is no juridical handover. The fundamental difference between a PPJB and a sale and purchase agreement is that in a PPJB the transfer of goods or in this case the ownership of land/house only occurs at a later date, while in a sale and purchase agreement the transfer occurs at that time (Ramadhani, 2022).

Regarding the constraints of incomplete files that hinder the study of data and the writing of case summaries, BPKN RI has a solution, namely by listening to consumer testimony told chronologically. In general, by inviting consumers to explain and listen to the explanation. From these statements, BPKN then asks for confirmation from business actors regarding the validity of consumer statements. In addition, BPKN RI can also invite business actors to attend to be asked for incomplete documents. This effort is made to facilitate BPKN in studying the documents.

In order to overcome the existing problems, BPKN RI holds regular plenary meetings as one of the monitoring and evaluation instruments. BPKN plenary meetings are held every two or three times a month or approximately 15 times a year, and usually result in one or several important decisions. Plenary meetings conducted by The Commissioners in the work structure and scope of BPKN have an important role in the implementation of the main tasks and functions as an independent consumer protection institution. The plenary meeting also aims to evaluate performance and provide recommendations on problems that occur, including problems in the housing sector. Usually this authority is the domain of the commissioners. They discuss, draft, or record any massive complaints. This is done to find solutions that can be done so that such problems do not occur again in the future.

Based on this, it can be seen that the type of evaluation carried out at BPKN is formative evaluation, which is an evaluation carried out routinely to assess programs or performance. Formative evaluation is internal, meaning that it is conducted within the scope of the institution only and serves to improve organizational performance (Kenre, 2022). This is the same as what BPKN does, where there are plenary meetings that are held regularly, and are internal in nature where the plenary meetings are the domain of the commissioners. This is also as described in the research of Makbul, Saputri, and Ahmad (2022), where formative evaluation is used as an instrument to improve teacher performance (internal). Meanwhile, summative evaluation is conducted to improve-

student achievement (external).

In order to actualize its vision of becoming the leading institution for the realization of dignified consumers and responsible business actors, BPKN collaborates with several institutions called partner institutions. If we access the bpkn.go.id website, we can see 2 partner institutions, namely the *Lembaga Perlindungan Konsumen Swadaya Masyarakat* (LPKSM) and the *Badan Penyelesaian Sengketa Konsumen* (BPSK) in almost every province. LPSK consists of various non-governmental organizations (NGOs) in the fields of advocacy, consumer protection, and others. Meanwhile, BPSK is located in every district/city in every province.

According to Sitepu and Muhamad (2021) BPSK is an institution intended to assist consumers or business actors in resolving disputes, the establishment of which is mandated by Law Number 48/2009 concerning Judicial Power. BPSK is an institution mandated by law to provide an alternative way by providing out-of-court dispute resolution by means of conciliation, mediation, and arbitration, so that the procedure for resolving consumer disputes is carried out simply (Riza and Abduh, 2018). Cooperation with partner institutions is one form of BPKN in carrying out its functions. This refers to Article 3 paragraph (2) letter d of Government Regulation Number 4/2019: BPKN is tasked with encouraging the development of LPKSM. So it makes it clear that the form of cooperation with partner institutions is very important.

In relation to our findings regarding the plenary meeting, we tried to further explore the important relationship between institutional partners and the BPKN RI plenary meeting in resolving consumer issues. The BPKN RI plenary meeting as a crucial moment can even be said to determine the direction of resolving a problem. In a study conducted by Shofie (2013) on optimizing the role of BPSK in dispute resolution, BPKN RI received deep attention in strengthening BPSK institutional partners. BPKN RI in the 2009-2012 period had received the arrival of a number of BPSKs and accommodated all problems in the daily lives of the members and secretariat. BPKN then specifically assigned Commission III Complaints and Case Handling to conduct an assessment of complaint handling by its two partners, which are LPKSM and BPKN RI. As a result, BPKN issued Letter No. 126/BPKN/10/2012 on Recommendations for the Draft Law on Amendments to Consumer Protection Law No. 8/1999 in a plenary meeting. This is where the strength of the BPKN RI plenary meeting lies in the procedure for resolving consumer problems both from partner institutions and non-partners.

Discussion

Bureaucratic Situation of BPKN RI

In understanding the concept of bureaucracy, it is necessary to first analyze the paradigm of bureaucracy. Bureaucracy comes from the French "Bureaucratie", where "Bureau" is a writing desk and "Cratein" means power. Therefore, bureaucracy can be said to be a written concept that is able to explain functions and regulations to maintain mechanisms and order at work. In addition, the function of bureaucracy is also used as an effort to realize goals in an organization. Several scientists including Max Weber proposed their own concepts. Max Weber put forward the concept of ideal bureaucracy in 'Bureaucracy Management Theory'. In this theory, Weber explains that bureaucracy has characteristics where the flow of power is centralized or centralized, and the entire decision-making process is carried out in a strict vertical hierarchy. In addition, the bureaucratic system also requires a division of labor and specifications of each job to facilitate the effectiveness of performance in a company or organization (Yunandi, 2022).

Weberian bureaucracy largely emphasizes what bureaucracy should be like to be carried out professionally and rationally. In understanding Weberian bureaucracy, there is an ideal type that must be understood. Ideal types are applied in making comparisons between one organization and another. Here are some ideal types of rational bureaucracy according to Weber (Thoah, 2020):

1. The position of an official is personally free, but is also limited by his position which is when fulfilling duties or individual interests in his position. This means that officials are not free to simply use their positions for various personal interests.

use their positions for various personal interests;

2. Existing positions are arranged in a vertical and horizontal hierarchy, so that there are superiors and subordinates and there are greater and lesser powers.
3. Have different tasks and functions between positions in the hierarchy.
4. There is a contract of office that is agreed upon and must be carried out. The *job description* of each official is the domain of authority and responsibility that must be carried out in accordance with the agreed contract.
5. Each official is selected based on professional qualifications, generally through a competitive examination. In this case, it can also be said that the Weberian bureaucracy upholds the merit system.
6. All officials receive salaries and pensions based on their rank. All officials can leave their jobs at will and contracts can be terminated under certain conditions.
7. There is a clear career development structure through promotions. This is done by considering seniority and merit based on objective considerations.
8. Every official is strictly not allowed to use their position and all resources or facilities of the agency for personal or family interests.
9. Every official is under the supervision and control of a system mechanism that is carried out with discipline (Weber and Albrow in Thoha, 2020).

Indonesia went through a bureaucratic reform since Soekarno's regime and continued until now. It can be stated that bureaucratic problems in Indonesia are not only related to KKN (*korupsi, kolusi dan nepotisme*) but also things such as the lack of sufficient legitimacy for an order and the unequal distribution of tasks (Sawir, 2020). The implementation of this Weberian bureaucratic model can then be found in the composition and division of work system in BPKN RI. In BPKN RI, all performance units are divided into several divisions, each of which is led by commissioners. Referring to Law No. 8 of 1999 concerning Consumer Protection and Decree of the Chairman of BPKN RI Number 3/BPKN/KEP/1/2022 concerning the Organization and Work Procedures of the Secretariat and the National Consumer Protection Agency, there are 4 main divisions with different performance divisions. There is a research and development division, communication and education division, complaint and advocacy division, and institutional and cooperation division.

The four divisions are under the leadership of the head of the consumer protection division who directly coordinates and serves the public regarding complaints of problems faced by consumers. This is in accordance with the concept of ideal bureaucracy written by Weber where according to Weber himself the bureaucracy should be in the form of a hierarchy from top to bottom and sideways. Each division of BPKN RI has its own duties and functions, making each division have different obligations and responsibilities (Lunenburg, 2017). Differences in the form of authority or power of positions are also required in the concept of bureaucracy conveyed by Weber because the responsibilities carried out to the division of labor and specialization of each ASN in BPKN RI can be coordinated more efficiently according to their abilities and expertise. However, the organizational structure in BPKN's bureaucratic governance must continue to maximize its functions. Many good ideas and proposals are still needed to improve performance in order to maximize BPKN's bureaucracy. Bodhihanna (2022) argues that BPKN should improve its consultation function through increased monitoring of complaint data and follow-up of recommendation.

Housing Sector Becomes a Massive Problem

The main problem in this research is the high number of complaints in the housing sector and the sustainability of the monitoring and evaluation process at BPKN RI in resolving consumer complaint problems in the housing sector. The problem in the housing sector can be seen by how big of a demand for housing is (Nasution, 2019). This is because housing is one of the most important elements in human life. Housing developers then became important actors in this case but unfortunately, we found that BPKN handled a lot of complaints from customers in the housing

Therefore, this research will discuss what causes the high number of complaints in the housing sector, what types of complaints are filed in the housing sector, and how the continuity of the monitoring and evaluation function at BPKN RI in overcoming consumer complaint problems in the housing sector. We suspect that the high number of complaints in the housing sector is caused by the existence of 'rogue' developers who build houses that are not in accordance with the agreement. This is also influenced by the lack of supervision from related institutions such as the Financial Services Authority (OJK). In addition, we suspect that the bureaucratic climate at BPKN RI, especially in carrying out the monitoring and evaluation function, has an impact on the resolution of consumer complaints in the housing sector.

Referring to the research results, it was found that there are factors that cause the high number of complaints in the housing sector. The main factor is the impact of Covid-19 which is still felt today. It cannot be denied that the Covid-19 pandemic has had a significant impact on the business sector. Limited space for movement causes the development process to be hampered or even stalled. In addition, because it is still a transition from Covid-19, there are consumers whose economic conditions are still not good but have already paid, leading to requests for refunds. In addition, another problem that is also experienced in the housing sector is the rise of default cases.

According to research conducted by Halid et al (2024) in "Defaults in Housing Credit Agreements Judging from Law No.8 of 1999 concerning Consumer Protection", it explains that default happens because consumers often do not fulfill or carry out achievements as specified in the agreement. Then, the results of further research show that the continuity of monitoring and evaluation within the scope of BPKN RI has been running well. This can be seen from the plenary meetings held with the aim of evaluating and providing recommendations on certain cases. BPKN RI itself has resolved approximately 130 cases during 2024. Although there are cases that are not resolved, the problem is not caused by the internal bureaucracy of BPKN RI, but from the developers or consumers themselves. Thus, it can be concluded that the continuity of monitoring and evaluation at BPKN RI which has been running well has an impact on optimizing case resolution in the housing sector.

Research on the monitoring and evaluation function certainly has a significant impact on knowing whether an institution has good, less to bad performance. As in the research journal written by Taufik (2013) on "The Role of Monitoring and Evaluation of the Performance Accountability System of Local Government Agencies" where the research said that the results of the evaluation of the implementation of the accountability system of the performance of the Provincial Government agencies, Regency/City of Indonesia in 2011 still showed a score of somewhat less and less. The study also has a fairly large scope of research which in this case is the performance of Indonesian local government agencies, be it provincial, district/city.

There is also research written by Nasih and Hapsari (2022) entitled "Monitoring and Evaluation of Education Policy" which discusses the implementation of monitoring and evaluation in education policies in Indonesia such as education regulations, curriculum to the learning process set by the government. However, this study only focuses on the monitoring and evaluation of education policies prepared by the government and shows which actors are involved in the monitoring and evaluation process of education policies.

Another research done by Akhmadi et al (2016) talked about "Monitoring and Evaluation of Development Programs in Five Ministries: A Study on the System and Implementation" which was conducted in five Indonesian ministries, namely the Ministry of Finance, Ministry of Agriculture, Ministry of Health, Ministry of Education, and Ministry of Public Works and Housing. The study found that the role of monitoring and evaluation in the ministries is still not well recognized and stated that the infrastructure that supports the monitoring and evaluation process is still considered insufficiently supported. There are still many civil servants who think that monitoring and evaluation is only a formality and is considered a work task that burdens employees. In compiling this research, we collected data directly by conducting interviews related to the topic being analyzed. The interviews were conducted in the sector that handles the monitoring and evaluation pr-

process directly with the consumer complaint service. The data we obtained through these interviews certainly made the validity and credibility of the information obtained broader and more developed. In the discussion of the findings from the interviews we conducted, it is known that BPKN RI has successfully submitted its recommendations to the Minister of PUPR which resulted in the output of a Ministerial Regulation. It is known that recommendation No. 212/BPKN/07/2018 addressed to the Minister of PUPR was made in 2018. The contents of the recommendation are intended to convey exclusively consumer problems in the housing sector. Furthermore, the Ministerial Regulation that was later referred to as a response to the recommendation was Ministerial Regulation Number 11 of 2021 concerning Procedures and Technical Guidelines for the Corruption Dispute Council. However, the regulation does not fully answer the problems and recommendations issued by BPKN RI. The following is a description of the analysis that we found:

1. BPKN RI submitted recommendations to intensify supervision and impose strict sanctions on developers who do not comply with the provisions of laws and regulations related to housing and consumer protection. However, in *Permen* Number 11 of 2021, the Dispute Council was formed as an effort to prevent and resolve contract disputes. Where the parties involved here are Construction Services, not specifically to developers, which is one of the problems in consumer complaints.

2. This Ministerial Regulation as stated in Article 2 states "This Ministerial Regulation aims as a guideline for the formation of Dispute Councils for ministries, institutions, regional apparatus, and providers in preventing and resolving conflicts". Meanwhile, the recommendation expected by BPKN RI is the Ministerial Regulation on the Defense of Residential Flats which must be planned separately from Non-Residential Flats.

3. The problems in the field findings in BPKN RI's recommendations are about the planning stage, the transfer of rights stage and the maintenance/management stage of residential flats. After further research, this is further regulated in the Regulation of the Minister of PUPR Number 14 of 2021 concerning the Association of Owners and Occupants of Residential Flats, not the Regulation of the Minister of PUPR Number 11 of 2021.

We assessed that the interviewees' answers were still found to be invalid, so further research needs to be done. This could be due to the limited knowledge of the interviewees or their hierarchical position as staff so that they experience limited information. So for future research, we strongly recommend interviewing the Head of the Advocacy Division of BPKN RI.

Conclusion

The number of complaints in the housing sector in 2023 is relatively high. The high number of complaints in the housing sector is due to the impact of the situation from Covid-19 where PSBB or Large-Scale Social Restrictions were imposed. This situation continues in 2023 experiencing a transition period from Covid-19 where not all business sectors have fully recovered. This not only affects business actors and developers, but also consumers themselves. As a result, many consumers have complained to BPKN RI regarding the problem of default or applying for a refund. However, with the implementation of good monitoring and evaluation within the BPKN RI bureaucracy, incoming complaints can be resolved. This shows that a good bureaucratic climate, especially the application of monitoring and evaluation functions in an institution, is important in order to improve services to the community. This research has a limitation in examining BPKN RI's consumer problems in the housing sector, which could allow for future research to explore more deeply into other sectors that are complained about by Indonesian consumers. This is because there are still many other complaint sectors received by BPKN RI that can be the forerunner of further research, such as the food and medicine sector, electronic goods, financial services, telecommunications services, and many others. Even research on BPKN RI itself tends to be little done and is still not known by the public, so it is hoped that many parties from academia will begin to see the potential of BPKN RI in future studies. Not only that, another opportunity that can be obtained is to get more complete and clear data about BPKN RI by conducting research or interviews with parties who have higher authority. This is because this study, the authors had limited-

access to data because the sources did not have the authority to provide or share data with the public for research publication purposes. For future research, we suggest conducting research with an institutional approach by interviewing institutions or agencies that coordinate with BPKN RI to obtain more complete data. We suggest such as the Ministry of PUPR or the Financial Services Authority (OJK).

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