

Model Ombudsman Sebagai Penguatan Akses Keadilan Konsumen di Indonesia

INTISARI

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Penelitian ini terinspirasi oleh fenomena pembentukan Ombudsman di Indonesia, khususnya Ombudsman Swasta di DIY. Selain itu, juga didorong oleh masalah yang dihadapi konsumen dalam mendapatkan akses terhadap keadilan. Ada 3 (tiga) masalah yang diangkat dalam penelitian ini, yaitu: (1) Bagaimana perkembangan Ombudsman dan signifikansinya dalam konteks akses terhadap keadilan? (2) Apakah keberadaan Ombudsman Swasta meningkatkan akses konsumen ke keadilan dan apa saja tantangan dan hambatnya? (3) Berdasarkan pada tantangan dan hambatan yang ada, bagaimana seharusnya Ombudsman Swasta dikembangkan dalam konteks pengembangan lembaga-lembaga hukum di Indonesia untuk meningkatkan akses konsumen terhadap keadilan? Tujuan penelitian ini adalah untuk menguji perkembangan Ombudsman dan signifikansinya dalam konteks akses terhadap keadilan di bidang perlindungan konsumen. Itu juga diperiksa dan ditinjau dinamika faktor internal dan eksternal dalam pengembangan ombudsman, termasuk tantangan dan kendala dan kemungkinan untuk dikembangkan di tingkat nasional. Pendekatan sosial-hukum dipilih untuk melihat bagaimana dinamika Ombudsman Daerah di tengah-tengah faktor internal dan eksternal yang mempengaruhi kinerjanya. Keberadaannya juga diteliti dalam konteks keberadaan Ombudsman Republik Indonesia (ORI) sehingga di masa depan tugas dan wewenang ORI dapat diperluas untuk "menyentuh" sektor swasta / bisnis. Dari penelitian ini ditemukan bahwa Ombudsman telah berevolusi untuk memenuhi lingkungan sosial-politik yang berubah, untuk memastikan bahwa kekuasaan dilakukan dengan integritas, transparansi, dan akuntabilitas. Ombudsman di tingkat lokal merupakan kebutuhan sekaligus memperkuat upaya untuk mewujudkan prinsip-prinsip tata kelola yang baik dan tata kelola perusahaan yang baik. Keberadaan Ombudsman Swasta di Yogyakarta juga membuktikan bahwa nilai Ombudsman mampu mengisi dan menjawab kebutuhan konsumen dalam meningkatkan akses terhadap keadilan, di tengah keberadaan lembaga lain seperti BPSK, Organisasi Konsumen, OJK, dll. Berdasarkan karakteristiknya, keberadaan Ombudsman Swasta di Yogyakarta harus diperkuat dan dikembangkan ke tingkat nasional dan menjadi bagian dari ORI sehingga praktik bisnis dapat dikontrol dengan baik dan prinsip-prinsip tata kelola perusahaan yang baik dapat diwujudkan dan memberikan dampak positif dalam memenuhi hak-hak konsumen.

Kata kunci: Ombudsman, Perlindungan Konsumen, Akses terhadap Keadilan

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Ombudsman Model as Strengthening Consumers' Access to Justice in Indonesia

ABSTRACT

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This research is inspired by the phenomenon of the establishment of the Ombudsman in Indonesia, specifically the Private Sector Ombudsman (PSO) in Yogyakarta Province. In addition, it is also driven by problems faced by consumers in gaining access to justice. There are 3 (three) problems raised in this study, namely: (1) How is the development of the Ombudsman and its significance in the context of access to justice? (2) Has the existence of Private Sector Ombudsman increased consumers' access to justice and what are its challenges and constraints? (3) Based on the challenges and obstacles that exist, how should the Private Sector Ombudsman be developed in the context of the development of legal institutions in Indonesia in order to improve consumers' access to justice? The purpose of this study is to examine the development of ombudsman and its significance in the context of access to justice both in the field of consumer protection. It was also examined and reviewed the dynamics of internal and external factors in the development of the ombudsman, including its challenges and constraints and the possibility to be developed at the national level. The socio-legal approach was chosen to see how the dynamics of Local Ombudsman amidst internal and external factors that affect its performance. Its existence is also examined in the context of the existence of the Ombudsman of the Republic of Indonesia (ORI) so that in the future the tasks and authority of the ORI can be expanded to "touch" the private / business sector. From this study it was found that the Ombudsman had evolved to meet the changing socio-political environment that exists, to ensure that power is carried out with integrity, transparency, and accountability. The Ombudsman at the local level is a necessity while strengthening efforts to realize the principles of good governance and good corporate governance. The existence of the Private Sector Ombudsman in Yogyakarta also proves that the ombudsman values are able to fill and answer consumer needs in improving access to justice, amid the existence of other institutions such as BPSK, Consumer Organization, OJK, etc. Based on its characteristic, the existence of the Private Sector Ombudsman in Yogyakarta should be strengthened and developed to the national level and becomes part of the ORI so that business practices could be well controlled and good corporate governance principles could be realized and provide a positive impact in fulfilling consumer rights.

Keywords: Ombudsman, Consumer Protection, Access to Justice

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