

ABSTRAK
TANGGUNG JAWAB PELAKU USAHA TERHADAP KONSUMEN
TELEKOMUNIKASI YANG DIRUGIKAN AKIBAT TIDAK
BERJALANNYA *CREDIT LIMIT SERVICE* (CLS)
(Studi Putusan Nomor: 90/Pdt.Sus-BPSK/2021/PN Mdn)

Oleh

ARTANAMI SITANGGANG

Perkembangan industri telekomunikasi di Indonesia menghasilkan beragam inovasi layanan, salah satunya adalah *Credit Limit Service* (CLS) pada layanan pascabayar yang berfungsi sebagai mekanisme pembatasan penggunaan layanan agar tagihan konsumen tidak melampaui batas kredit yang telah disepakati. Namun dalam praktiknya, sistem CLS tidak selalu berjalan sebagaimana mestinya, sehingga menimbulkan kerugian materiil maupun immateriil bagi konsumen seperti pada Studi Putusan Nomor 90/Pdt.Sus-BPSK/2021/PN Mdn. Rumusan masalah dalam penelitian ini yaitu tentang tanggung jawab pelaku usaha telekomunikasi terhadap konsumen pascabayar yang dirugikan akibat kegagalan sistem CLS, serta bentuk perlindungan hukum yang tersedia menurut Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (UUPK).

Penelitian ini menggunakan metode penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan (*statute approach*), pendekatan kasus (*case approach*) dan konseptual (*conceptual approach*). Pengumpulan data dilakukan melalui studi kepustakaan (*library research*) terhadap bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa literatur, jurnal ilmiah, dan pendapat ahli hukum.

Hasil penelitian menunjukkan bahwa tanggung jawab pelaku usaha telekomunikasi atas kegagalan CLS dapat dikualifikasikan melalui tiga jalur hukum, yaitu Pasal 19 dan 26 UUPK, Pasal 15 UU Telekomunikasi, serta Pasal 1243 KUHPerdara. Prinsip *presumption of liability* dengan pembalikan beban pembuktian dinilai paling tepat diterapkan, mengingat sistem CLS sepenuhnya berada dalam kendali teknis operator. Perlindungan hukum yang diberikan mencakup dimensi preventif dan represif, namun implementasinya dalam putusan masih menunjukkan keterbatasan, terutama tidak adanya pemulihan finansial yang komprehensif bagi konsumen. Oleh karena itu, diperlukan penguatan regulasi teknis, kapasitas kelembagaan BPSK, serta penerapan prinsip *full compensation* guna mewujudkan perlindungan konsumen yang efektif di sektor telekomunikasi.

Kata Kunci: *Pelaku Usaha, Konsumen, Telekomunikasi*

ABSTRACT***BUSINESS ACTOR LIABILITY TOWARD TELECOMMUNICATION
CONSUMERS HARMED BY THE FAILURE OF CREDIT LIMIT SERVICE
(CLS) (Study of Court Decision Number: 90/Pdt.Sus-BPSK/2021/PN Mdn)***

By
ARTANAMI SITANGGANG

The development of the telecommunications industry in Indonesia has produced various service innovations, one of which is the Credit Limit Service (CLS) in postpaid services, which functions as a mechanism to limit service usage so that consumer bills do not exceed the agreed credit limit. However, in practice, the CLS system does not always function as intended, causing material and immaterial losses to consumers, as seen in Case Study Decision Number 90/Pdt.Sus-BPSK/2021/PN Mdn. The research problems in this study concern the liability of telecommunications business actors toward postpaid consumers harmed by CLS system failures, as well as the forms of legal protection available under Law Number 8 of 1999 on Consumer Protection (UUPK).

This study employs a normative legal research method using a statute approach, a case approach, and a conceptual approach. Data collection was conducted through library research on primary legal materials in the form of legislation and court decisions, as well as secondary legal materials in the form of literature, scientific journals, and legal expert opinions.

The findings indicate that the liability of telecommunications business actors for CLS failures can be qualified through three legal channels, namely Article 19 and Article 26 of the UUPK, Article 15 of the Telecommunications Law, and Article 1243 of the Civil Code. The principle of presumption of liability with a reversal of the burden of proof is considered the most appropriate to apply, given that the CLS system is entirely under the technical control of the operator. The legal protection provided encompasses both preventive and repressive dimensions; however, its implementation in court decisions still shows limitations, particularly the absence of comprehensive financial recovery for consumers. Therefore, strengthening technical regulations, the institutional capacity of the BPSK (Consumer Dispute Settlement Agency), and the application of the full compensation principle are needed to achieve effective consumer protection in the telecommunications sector.

Keywords: *Business Actor, Consumer, Telecommunication*