CISAK 2019
The 11th Conference of Indonesian Students Association in South Korea
Empowering National Innovation and Prosperity through Industry 4.0 in Indonesia
THE 11th OF CONFERENCE OF INDONESIAN STUDENTS ASSOCIATION IN SOUTH KOREA (CISAK) 2019

THEME
Empowering Innovation and Prosperity through Industry 4.0 in Indonesia

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March 30 & 31 2019

KEYNOTE AND INVITED SPEAKERS
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Muhammad Farras Bari Zain (invited Speaker), Co-Founder Damogo

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PREFACE

The 11th Conference of Indonesian Students Association in South Korea (CISAK 2019) was held by (PERPIKA) and took place at Korean Maritime and Ocean University (KMOU) in Busan which was held on Saturday to Sunday, 30-31 March 2019. CISAK 2019 was carrying ‘Empowering National Innovation and Prosperity through Industry 4.0 in Indonesia’ as the main theme. We realized that understanding the importance of Industry 4.0 will empower our country’s strength and advance us as a part of the global society, an essential part that acts as a trigger to stimulate country’s growth. Therefore, we brought the innovative spirit through industry 4.0 in CISAK 2019.

CISAK 2019 was open for all Indonesian students, academics and professionals, who lived in South Korea, Indonesia, and other countries. The total participants of CISAK 2019 in two days were more than 200 participants, which most of them were Indonesian students who came from more than 10 different universities in Indonesia.

Through academic conference and workshop, CISAK 2019 gave a good opportunity for Indonesian students to share and develop brilliant ideas, create a networking among them to integrate their various researches. Furthermore, we hope the mindset towards the importance of Industry 4.0 will continue growing innovative and competitively to achieve a better future of our beloved country, Indonesia.

This conference had been held with all contributions from steering committee, organizing committee, invited speakers, authors, editors and all the participants. Therefore, we would like to express our sincere appreciation to all of them especially to the sponsors, Indonesian Embassy in South Korea, Korean Maritime and Ocean University (KMOU) Indonesian Trade Promotion Center (ITPC), Bank Negara Indonesia (BNI) and our honorary lecturers from a various universities in Indonesia for their supports.

Finally, we hope this conference can provide an interesting program and serve as an excellent forum for innovative and technical discussion.

Sincerely yours,

Busan, South Korea, August 2019 Editorial Boards
Welcome to Busan, South Korea

On Behalf of the Indonesian Students Association in South Korea, Organizing Committee, it is our great pleasure to welcome you all to the Conference of Indonesian Students Association in South Korea (CISAK) at a wonderful city called Busan and reputable university, Korea Maritime and Ocean University as a host. We emphasize empowering national innovation and prosperity through industry 4.0 in Indonesia.

Now, industry revolution 4.0 is one of the trending topics in the innovation and technology field for a couple of years. How the digitization era would impact on all sectors, it is important that our country, Indonesia, should be more aware of this high-end era. Developed countries such as Germany, South Korea, and Japan can no longer afford to compete on price for itself, with the growth of the internet-driven economy in recent years, a country who can dominate on innovation and technology-oriented and high-added value could be led the market globally.

In this conference is a very important event where we can share our ideas, experiences, of each cluster from many diversities of background. We hope this meaningful event could give some insight to our government in order to survive the industrial revolution 4.0. We greatly thank all committee members who have done a excellent job in order to made this events, keynote speakers who like to share theirs experience for us, also we would like to express our sincere appreciation to ours sponsors for this conference. Korea Maritime and Ocean University for the hospitality, Bank Negara Indonesia (BNI)-Seoul, International Development Trade Promotion Center (ITPC)-Busan, Consortium of private university in Indonesia, also Indonesia Embassy in South Korea (KBRI) which has given great help for us.

Once again, we hope that you will have a unforgettable experience through this conference. Finally, we sincerely thank for your memorable contribution and participation in the 11th CISAK.

Rianmaharchika Sahid Budiarseno,

President of PERPIKA 2018/2019
Please anticipate the 11th CISAK at KMOU!

Bismillahirrahmanirrahim

Assalamu 'alaikum warahmatullahi wabarakatuh

Indonesia, from Sabang to Marauke has the strands of exotic Islands with its unique beauties, attractive and distinctive cultures. It is like a piece from heaven. From Indonesia far away from home and chosen South Korea, Many of students if I may call as “4.0 Digital Generation” who have many dreams. That are as a successful person, a nation builder, a seeker for new changes to unite the nations to be the great bridge to create mutual benefit in developing of each of their people.

In the name of God. I am Nadhilla Suha with a great pleasure welcome you to The 11th Conference of Indonesia Student Association in South Korea (CISAK) 2019 by presenting ‘Empowering Innovation and Prosperity Through Industry 4.0 in Indonesia’ as a theme. In this conference. As Indonesian students along with our ideas, our vision, our creation hoping all of its can bring the bright changes in the future for us, for them and the millenials. All in one term "our precious life". From this conference all of us may have this worthy experience meeting to be the memorable of warm hearts to each others. As well as the good sweet scent of the beautiful of cherry blossom and its wonderful. Kind people of Korea in Busan especially and in South Korea. I believe all of it have already inspiring of happiness of friendship between us.

Intelligence is not only how we obtain a certificate and win the awards, however it is much more of on how to have a strong determination to pursue our dream, to extend our social networking like we all know that a book not a collection but to be read, to open the mind, to broaden the thoughts, and strengthen you by doing what’s in it. In relation to knowledge as well as our precious object that is water and our meaningful life, here I am to deliver what I.B.J. Habibie have ever said, Be a water well, one has the clear water so its environment will be clean, one has the dirty water so its environment will be damage.

Again Thank you and God bless you all

Nadilla Suha,
Chairman CISAK 2019
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# TABLE OF CONTENTS

Title .............................................................................................................................................. I

Disclaimer ...................................................................................................................................... ii

Preface ........................................................................................................................................... iii

Welcome by President of Perpika 2018/2019 ................................................................................... iv

Welcome by Chairman Cisak 2018/2019 ...................................................................................... v

Conference Organization .............................................................................................................. vi

Editorial Team ............................................................................................................................... viii

Table of Content ............................................................................................................................. ix

<table>
<thead>
<tr>
<th>No</th>
<th>Title</th>
<th>Author(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Digital Social Sciences 1</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Kampung Investasi as the Regional Independence Solution</td>
<td>Rais Fikri Fathin, Widhyka Fakhriyakansa, and Zulfikar Fauzi</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Does Digitalization as G20 Financial Inclusion Indicator relate to GDP Growth?</td>
<td>Yani Parasti Siregar</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Madhang App as an Empowerment Medium to improve The Economic Welfare of The Local Food Sellers in The 4.0 Industrial Revolution in Indonesia</td>
<td>Nikita Desverose, Aiman Bahalwan</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>RURAL INDUSTRY OF KERUPUK KAKAP AS A GATE OF COMMUNITY ECONOMIC GROWTH IN SAMBIREJO NGAWI VILLAGE IN SUPPORTING SDG’S 2030.</td>
<td>Muhammad Farchan Juliansyah, Moch Rizal Bayu Bakti Nugroho</td>
<td>14</td>
</tr>
<tr>
<td>5</td>
<td><em>Kerja Lagi</em> Website as The Solution of Ex-Offender’s Unemployment Problem Through Small and Medium Enterprises (SMEs)</td>
<td>Ratu Ghifa Nazila Ramdiania Ziyah Sakinah Alisa</td>
<td>21</td>
</tr>
<tr>
<td>6</td>
<td>Improving the Performance of Traditional Market through Making Sharia Compliance Online Platform for Traditional Market</td>
<td>Salma Fioren Salsabella, Muhammad Iqbal Rifqi Ardianto, Dita Trisna Puspita Martha, Raditya Sukmana</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td><strong>Digital Social Sciences 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Analysing The Effectiveness of Digital Marketing Strategy of Small Business Entreprises in Bandung City, Indonesia</td>
<td>Bimo Priambudi, Adnan Kresna Mustafid, Moc. Akbar Selamat, and Yera Ichsana</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>Sharia Economic Development Through Islamic Boarding School (Pesantren) Economic Empowerment with Optimization of Digital Technology in West Java</td>
<td>Widhyka Fakhriyakansa, Zulfikar Fauzi, and Rais Fikri Fathin</td>
<td>42</td>
</tr>
<tr>
<td>9</td>
<td>Optimizing E-Learning to Improve Indonesia Labor Force Skills Facing Needs in 4.0 Industry Era</td>
<td>Muhammad Reza Wasistha, and Helmi Afan Fahmi</td>
<td>51</td>
</tr>
<tr>
<td>10</td>
<td>Face Recognition (FR) Technology as a Payment Method in Indonesia by Using Eigenfaces Method</td>
<td>Putri Nadia Suryadi, Adiyana Putri, Muhammad Galih Prawiradilaga</td>
<td>60</td>
</tr>
<tr>
<td>11</td>
<td>Local Product Marketing Optimization Of E-</td>
<td>Oda Parwati</td>
<td>64</td>
</tr>
<tr>
<td>12</td>
<td>Motivation And Competence: Their Relationships And Influences Toward The Work Performance Of The Head Farm Hands</td>
<td>Achmad Faqih, Siti Aisyah</td>
<td>70</td>
</tr>
<tr>
<td>13</td>
<td>Online Fundraising During Force Majeure : Can It Be Trusted?</td>
<td>Ida Rosnidah1, Mukarto Siswoyo2, Endang Sutrisno3, Ayatulloh Michael Musyaffi4, Arinal Muna5, Nelia Fariani6</td>
<td>76</td>
</tr>
<tr>
<td>14</td>
<td>Model Of Corporate Social Responsibility’s Implementation In Kudus Sharia Banking</td>
<td>Suparnyo1</td>
<td>83</td>
</tr>
<tr>
<td>15</td>
<td>A New Measurement of Instagram Addiction: Psychometric Properties of The Instagram Addiction Scale (TIAS)</td>
<td>Achmad Sholeh1 and Ahmad Rusdi2</td>
<td>91</td>
</tr>
<tr>
<td>16</td>
<td>Application of Geographic Information System for WebGIS-Based Ground Plot of Village Treasury Database Arrangement for Spatial Planning in Post Disaster Areas in Ringinharjo, Palbapang, Bantul District of Yogyakarta Special Region</td>
<td>Lutfiana Pasebhan Jati1, Laksa Ersa Anugratama2</td>
<td>98</td>
</tr>
<tr>
<td>17</td>
<td>Empowering Popular Social Media Platform to Disseminate Indonesia Weather and Meteorology Information</td>
<td>Ahmad Wirantoaji Nugroho1*, Mohamad Tio Faizin2**, and Oktavia Dea Monika3***</td>
<td>103</td>
</tr>
<tr>
<td>18</td>
<td>Towards Smart Coffee Industry: Designing IS/IT Portfolio for Sustainability of Smallholder in Gunung-Tilu Cooperative, West Java</td>
<td>Arariko Rezeki Pasa and Widya Ayu Agustania</td>
<td>109</td>
</tr>
<tr>
<td>19</td>
<td>Community Empowerment Program as a Motivation for Increasing Internet Use in the Village (Case Study in Ciseupang Village, Nagrog Village)</td>
<td>Yulianingsih 1, Khalid Abdul Hakim 2, Falya Alifa Ihyana 3</td>
<td>114</td>
</tr>
<tr>
<td>20</td>
<td>“TANAH NGATAS ANGIN&quot; BRANDING AS AN OPTIMIZING OF LOCAL REGION POTENTIAL BASED ON FREE TRADE SYSTEM TO REALIZE PROSPEROUS COMMUNITY IN NGANJUK</td>
<td>Laililia Binti Mohamad Sofyan[1], Muhammad Fadhel Maulana[2], Novia Anggita Aprilianti[3]</td>
<td>119</td>
</tr>
<tr>
<td>21</td>
<td>How Student Cafes in Tembalang Build Their Atmospheres</td>
<td>Adani Fildzah Handiani, Aqmarina Sekar Cynantya, Bangun IR Harsritanto*</td>
<td>122</td>
</tr>
<tr>
<td>22</td>
<td>A PRODUCT OF INDUSTRY REVOLUTION 4.0 : CHANGE.ORG AS A NEW SOCIAL MOVEMENT</td>
<td>Anjumuzzuhriyyah1, Raisa Akmalie2, Safara Akmaliah2</td>
<td>130</td>
</tr>
<tr>
<td>23</td>
<td>The Impact of Enterprise Resource Planning (ERP) Systems on Earning Management Activities (Case Study of Indonesian Companies)</td>
<td>Alfi Jauharo1 Nur Alif2 Tryana R3 Rafi Riyanto4</td>
<td>134</td>
</tr>
<tr>
<td>24</td>
<td>Farmer’s Technology Bank as Inclusive Places Using Technology</td>
<td>Dian Agustin1, Aditya Putra Pratama Santosa2, Fitra Riyanto3, and Mohammad Fakhru Ardiyansyah4</td>
<td>139</td>
</tr>
<tr>
<td>25</td>
<td>Accumulation of Pb and Cu in Padina sp. in Tawang and Pidakan Beaches, Pacitan, East Java</td>
<td>Ilham Cahyo Nugroho1*, Chalvia Zuyyina1 , Andhika Puspito Nugroho2</td>
<td>143</td>
</tr>
<tr>
<td>26</td>
<td>The Effect of Avocado Seed (Persea americana Mill.) to Pre-Starter Feed on Growth Performance and The Weight of Lien and Bursa Fabricius in Rooster Layer [(Gallus Gallus Gallus (Linnaeus, 1758)]</td>
<td>Adinda Rizki Ramadhan1.2, Nur Octaviana Jaya Puspita1.2, Hendry T. S. S. G. Saragih1.2</td>
<td>147</td>
</tr>
<tr>
<td>No.</td>
<td>Title</td>
<td>Author(s)</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>27</td>
<td>Development of Shellfish/Melamine-based Eco-Composite Tiles for Conventional Tiles Replacement</td>
<td>Kevin Oktaviandra*, Bobby Yusuf Haka, Muhammad Nur Slamet and Shochibul Ma’arif</td>
<td>151</td>
</tr>
<tr>
<td>28</td>
<td>Biosorption Of Copper (Cu) From Silver Industrial Wastewater Using Chitosan</td>
<td>Sevina Rahmi1, Arisma Kusuma Dewi 1,* and Andhika Puspito Nugroho2</td>
<td>154</td>
</tr>
<tr>
<td>29</td>
<td>Biosorption of Silver (Ag) in Silver Industrial Waste with Chitosan</td>
<td>Arisma Kusuma Dewi1, Sevina Rahmi1, and Andhika Puspito Nugroho1*</td>
<td>157</td>
</tr>
<tr>
<td>30</td>
<td>Effect of Different Biome4 Doses on Black Soldier Fly (Hermetia illucens) Flour to Optimize Nutrition of Fish Feed</td>
<td>Nada Dzatalini1, Muhammad Fauzan1, Mirni Lamid2 Annur Ahadi Abdillah2 and Widya Paramitha2</td>
<td>161</td>
</tr>
<tr>
<td>31</td>
<td>Flavor Characteristics of Lemi from Blue Swimming Crab (Portunus pelagicus) with Different Maltodextrin and Carrageenan Concentration</td>
<td>Rani Tri Mustika Novitasari1*, Fatchatus Sholicha1, Nindita Praba Daniswara1, Dinda Viera Nursabrina1, Prianindio Muhammad Izmail1</td>
<td>164</td>
</tr>
<tr>
<td>32</td>
<td>Diversity of Biota Marine in Intertidal Zone of Reudeup Beach, Nasi Island, Aceh Besar, Aceh</td>
<td>Chalvia Zuyyina1, Ilham Cahyo Nugroho1,2, Shafira Arini Sundari1,2, Rury Eprilurahman1,2</td>
<td>168</td>
</tr>
<tr>
<td>33</td>
<td>Analysis of Pigment Concentration Common Macroalgae on the South Coast of Gunungkidul, Yogyakarta by Spectrophotometric Method</td>
<td>Afifah Nur Ain 1, Duwi Ayu Sulistiyani1, Muhammad Miftah Jauhar1, Aditiana Vimala Gun1, Arisa Ayu Prasmasari1, Nofita Ratman1, Abdul Basith Azzam1, Abdul Razaq Chasani2</td>
<td>173</td>
</tr>
<tr>
<td>34</td>
<td>Comparison of Macroalgae Abundance and Diversity in Intertidal Zone of Porok Beach, Gunungkidul between Two Seasons</td>
<td>Arisa Ayu Prasmasari1*, Nofita Ratman1, Duwi Ayu Sulistiyani1, Aditiana Vimala Gun1, Afifa Nur Ain Putri1, Muhammad Miftah Jauhar1, Abdul Basith Azzam1, Sri Eko Purwanti1, Abdul Razaq Chasani2</td>
<td>177</td>
</tr>
<tr>
<td>35</td>
<td>The Diversity of Echinoderms (Echinoidea, Ophiuroidea, and Holothuroidea) in Sili Beach, Gunung Kidul, Yogyakarta</td>
<td>Alfi Fatona Putri1*, Ni Made Sri Winasti1, Safira Rizki Ramadhanti1, Septi Lutfiatus Nafiah1, Herin Yoga Lest1, Naila Nabilah Rahmani1, Farhan Wali Bachtet1, Bellia Alda A. P.1 and Rury Eprilurahman2</td>
<td>181</td>
</tr>
<tr>
<td>36</td>
<td>Exploiting the Shell Wastes for Fishermen’s Health Insurance in Kenjeran Beach Surabaya through INSAM (Integrated Smart Management)</td>
<td>Farid, and Shulkhiatus Syafa’ah</td>
<td>186</td>
</tr>
<tr>
<td></td>
<td><strong>Food agriculture</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Integrated Tools of Seeding Process: Smart Farming Product Innovation as a Solution To Minimize Complaints of Musculoskeletal Disorders (MSDs) To Increase Productivity</td>
<td>M. Iqbal Sabit1*, Dennis Kusuma2, Adidya Rangga Pratama3, Rahmawati Fanansyah Pur4, M Awfar Iskar Ahya5, Ali Parkhan6</td>
<td>189</td>
</tr>
<tr>
<td>38</td>
<td>Tealurku (Eggshell Tea) as A Product Environmental-Based Economy Creative</td>
<td>Ndaru Luriadi1, Sarah Tsabituddinilla1 and Mohammad Adhiyaksa prima2</td>
<td>194</td>
</tr>
<tr>
<td>39</td>
<td>Yogurt Tempe with Extract Flour Bone Catfish Fortified As Functional Beverages Stunting Alleviation in Indonesia</td>
<td>Ririn Rahmawati1 and Amanatul Amriyah2</td>
<td>202</td>
</tr>
<tr>
<td></td>
<td><strong>Health care pharmacy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>SI POLWAN: Alternative Mouthwash Made from Salam Leaves (Syzygium polyanthum) in Antibacterial Activity Tests</td>
<td>Lalu Alan Kadarisman1, Alfia Husna2, Zulfan Khairid3</td>
<td>207</td>
</tr>
<tr>
<td>41</td>
<td>SCOFA literature review: SNEDDS Coconut husk (Cocos nucifera) as a targeted treatment for breast cancer</td>
<td>Alfia Husna1, Lalu Alan Kadarisman2</td>
<td>211</td>
</tr>
<tr>
<td>42</td>
<td>Mat Electric Repellent as an Alternative for Dengue Fever’s Prevention using Ocimum basilicum Essential Oil</td>
<td>Tiara Puspa Arisingrum, Fiona Lisa Yulinar, and Nisa Nur Laila</td>
<td>220</td>
</tr>
<tr>
<td>No.</td>
<td>Title</td>
<td>Authors</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>43</td>
<td>Challenge for E-Health: e-appointment Implementation in Wonosobo Primary Healthcare</td>
<td>Anita Damayanti Putri1* and Intan Dewiyanti2</td>
<td>224</td>
</tr>
<tr>
<td>44</td>
<td>Dendrimer Nanosensor and Smartphone-based Platform Healthcare: An Integrated and Remote Healthcare for Health and Lifestyle Self-Monitoring</td>
<td>Irbah Arifa1, Dea Dian Nurhikmah1, Diane Fauzi1 and Sandra Megantara1</td>
<td>227</td>
</tr>
<tr>
<td>45</td>
<td>Antibacteria Activity Test of Mayana (Plectranthus scutellarioides) Leaf Infusion Against Salmonella typhi</td>
<td>Shily Rahmatika Amna1, Husnul Khotimah1 and Ilham Amien2</td>
<td>231</td>
</tr>
</tbody>
</table>

**Natural science engineering**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Authors</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>The Effect of Chemical Elements on the Artesian Well on Groundwater Quality in Karang Tengah, Demak, Central Java</td>
<td>Selvi Elviana Putri1, Yonas Rio Pambudi1, and Hananto Asyam1</td>
<td>235</td>
</tr>
<tr>
<td>47</td>
<td>Extremely thin, biocompatible, and stretchable electronic devices with surface-modified silver nanowires on chitosan biopolymers</td>
<td>Zeno Rizqi Ramadhan1* and Yong Hyun Kim1</td>
<td>239</td>
</tr>
<tr>
<td>48</td>
<td>Comparative Study of Bulged Leading Edge Delta Wing and non-Bulged Leading Edge Delta Wing with CFD Method</td>
<td>David F. Sinurat1, Haidar A. Yazid1 and Arya M. Prabantara1</td>
<td>242</td>
</tr>
</tbody>
</table>

**Social science humanities**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Authors</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Decreasing the Digital Divide for People with Disabilities in the 4th Industrial Revolution: Case Study Kerjabiliritas Users</td>
<td>Atikah Az Zahidaha, Reza Duratin Nasirab</td>
<td>251</td>
</tr>
<tr>
<td>50</td>
<td>Sasi Laut As Social Eco-Tourism Concept In Maluku To Realize Sustainable Development Based Culture And Environment</td>
<td>Nur Lailiya Hartanti1, Selvi Purwandari1 and Ayu Oktaviana Putri2</td>
<td>255</td>
</tr>
<tr>
<td>51</td>
<td>A Strategy To Strengthen The Local Food Security In The Area Of Industrial Revolution 4.0 (A Case Study Of Independent Sustainable Village In Yogyakarta)</td>
<td>Mohamad Ridwan</td>
<td>259</td>
</tr>
<tr>
<td>52</td>
<td>Turning Challenges into Opportunities: Urban Kampung Heritage Planning as Industrial Tourism in Revolution Era 4.0, Case Study Kampung Peneleh Surabaya, Indonesia</td>
<td>Aldi Dio Afrada1, Eka Nurul Farida2, Yunaz Ali Akbar Karaman3</td>
<td>263</td>
</tr>
<tr>
<td>53</td>
<td>Addressing the Indonesia’s Legal Stance on ISIS Foreign Fighters</td>
<td>M Choirul Hidayat1*, Annisa Lintang Hapsari1, Cahyani Aisyiah1, Farah Salsabilah1,*</td>
<td>270</td>
</tr>
<tr>
<td>55</td>
<td>Existence of Pluralism Customary Law in Resolving Indigenous Peoples Conflicts in Globalization Era</td>
<td>DR. Tarmizi, S.H., M.Hum1</td>
<td>279</td>
</tr>
<tr>
<td>56</td>
<td>Civil Liability Of Unlawful Acts In Environmental Dispute</td>
<td>Edy Lisdiyono1</td>
<td>285</td>
</tr>
<tr>
<td>57</td>
<td>Protection Of Children Conflicting With Law In Relations With Children’s Rights</td>
<td>Farhana1,2,3,, Bambang Sukamto2, and Mimin Mintarsih3</td>
<td>289</td>
</tr>
<tr>
<td>58</td>
<td>Indonesian Archipelago Insights In Facing World Globalization</td>
<td>Firman Freaddy Busroh1,2 and Fatria Khairo2</td>
<td>295</td>
</tr>
<tr>
<td>59</td>
<td>Restorative Justice As A Discussion Of The Criminal Justice System Based On Law Number 11 Of 2012 Concerning Children's Criminal Justice System</td>
<td>Ir. Endang Sri Sarastri, SH., CN., MM., MBA</td>
<td>299</td>
</tr>
<tr>
<td>60</td>
<td>Impact Of Industrial Revolution 4.0 On Legal Profession, Notaries</td>
<td>Liliana Tedjosaputro1</td>
<td>305</td>
</tr>
<tr>
<td>61</td>
<td>Banking Dispute and Alternative Dispute Resolution in Financial Services Sector as a Means to Resolve Disputes between Bank and Consumers in Indonesia</td>
<td>Pan, Lindawaty Suherman Sewu*</td>
<td>310</td>
</tr>
<tr>
<td>62</td>
<td>Copyright Law And Its Impact On Enhancing The Development Of Creative Industry In Indonesia</td>
<td>Professor Tomi Suryo Utomo, SH., LL.M., Ph.D1</td>
<td>314</td>
</tr>
<tr>
<td>63</td>
<td>Law and Language; A Study of Communication Aspect to Improve Law Enforcement Effectiveness in Indonesia</td>
<td>Rahel Octora, S.H.,M.Hum1</td>
<td>321</td>
</tr>
<tr>
<td>64</td>
<td>Implementation Of Local Law Of Doctor Letter Certificate In Indonesia</td>
<td>Sri Nurdiana Purwaningsih</td>
<td>326</td>
</tr>
<tr>
<td>65</td>
<td>Legal Enforcement Model In Indonesia Capital Market Disputes To Make Substantive Justice</td>
<td>Sudiyan1</td>
<td>330</td>
</tr>
<tr>
<td>66</td>
<td>Electronic Traffic Law Enforcement Reconstruction As An Effort To Humanist Interacion In Order To Realize Indonesia As An Orderly Traffic Country</td>
<td>Umi Enggarsasi1,2 and Nur Khalimatus Sa’diyah2</td>
<td>337</td>
</tr>
<tr>
<td><strong>Energy</strong></td>
<td><strong>Energy</strong></td>
<td><strong>Energy</strong></td>
<td><strong>Energy</strong></td>
</tr>
<tr>
<td>67</td>
<td>Predictive Maintenance of Signal LED Light on Railway Signaling Utilizing Radio Frequency 433 MHz in Indonesia</td>
<td>Muhammad Fauzi Nuryasin1*, Dendi Hazik Fuadi2, and Oki Mochammad Fauzan3</td>
<td>345</td>
</tr>
<tr>
<td>68</td>
<td>Solidification As An Effective Solution For Tackling Electronic Waste In Industry 4.0</td>
<td>Fatma Cahyani1,2, and R.A. Septya Wulan Sari2</td>
<td>350</td>
</tr>
<tr>
<td>69</td>
<td>Re:Aim (Renewable Electrical Energy From Air Measurement) Using Gnss Wind Turbine In Balikpapan City</td>
<td>Adhe Yusphie Panca Tentra Sandika1, Dean Nugraha1 and Mohammad Saiful Rozikin 2</td>
<td>354</td>
</tr>
<tr>
<td>70</td>
<td>Utilization of Orange Peel Waste (Citrus nobilis Lour.) as Biogas for Electricity Source in Isolated Areas</td>
<td>Anindya Ramadhanti Yufinanda1,*, An Nisa Nur Laila1, Andi Mar’ie Ramadan Nurusalam1, Yuna Fajar Herdiansyah1, Hadi Nur Romadlon1</td>
<td>361</td>
</tr>
<tr>
<td>71</td>
<td>Recirculating Bioremediation Integrated System (RBIS): Water Revitalization System Based on Microbial Remediation Method as a Concept to Overcome the Impact of Water Pollutant and Energy Requisite in the Fisheries Agroindustry</td>
<td>Muhammad Fauzan1, Annur Ahadi Abdillah1</td>
<td>366</td>
</tr>
<tr>
<td>72</td>
<td>Hydrogeological Analysis at Non-Artesian Wells Based on Groundwater Facies and Water Quality Index : Case Study in Karangawen, Demak Regency, Central Java</td>
<td>Joshua Simanjuntak1, Hananto Asyam1 and Debby Citra Kumala Dewi2</td>
<td>370</td>
</tr>
<tr>
<td>73</td>
<td>Disaster Level and Geological Formation of Bongkah Village, Banyubiru, Ambarawa Central Java, Indonesia: Analysis of Stability Slopes with the Slide Application</td>
<td>Miftahul Jannah1, Hezron Christian Marbun2, Joshua Simanjuntak3 and Asyuara Farah4</td>
<td>374</td>
</tr>
<tr>
<td>74</td>
<td>Smart Box Solar Collector Fresnel Lens Based on Thermoelectric Generator Sp1848-27145 SA to Support Renewable Energy</td>
<td>Mohammad Haris1, Roberto Abimanyu Baggio2, Adamul Istikanah3</td>
<td>378</td>
</tr>
<tr>
<td>75</td>
<td>The Use Of Smart Concrete Sensor In Controlling The Quality Of Strength And Temperature Of Concrete Through Real Time Data For Construction Project (Case Study: The Construction Of Utan Kayu Building)</td>
<td>Muhammad Dafa Sultan Pasha1, Muhammad Faqih Nashiruddin1* and Miftahul Firdaus2</td>
<td>387</td>
</tr>
</tbody>
</table>
Banking Dispute and Alternative Dispute Resolution in Financial Services Sector as a Means to Resolve Disputes between Bank and Consumers in Indonesia

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Abstract: A bank is one of the financial institutions aiming to collect and distribute funds to the society. In collecting and distributing the funds to the society, a bank is always related to people. In the bank giving services to the consumers, the consumers may sometimes feel dissatisfied. This consumers’ dissatisfaction with the bank’s services, if unresolved, will cause a dispute between the consumers and the bank. When this takes place, some steps should be taken by the consumers so that they can have the resolution of the dispute. The research uses the normative juridical research method by analyzing the regulations related to banking as arranged in Law No. 7 of 1992 on Bank as changed into Law No. 10 of 1998 on Bank, and regulations of Dispute Resolution in the Financial Services Sector as arranged in Financial Service Authority Regulations as arranged in Number 1/POJK.07/2014 on Alternative Dispute Resolution in Financial Services Sector. This is a descriptive analytical research, which describes the causes of the disputes between the bank and consumers, and the alternative dispute resolution in the financial services sector. Moreover, it analyzes the facts in the banking practices when there is a dispute between the bank and the consumers, and then how the dispute is resolved. The data collection technique uses the secondary data as the main data and the primary data as supporting the secondary data. If there is a dispute between the bank and the consumers, the Financial Services Authority in Indonesia establishes two policies in the dispute resolution mechanism, namely the resolution of the complaints done by Financial Services Institution, which is known as Internal Dispute Resolution and dispute resolution through judicial institution or institutions other than the court, which is called External Dispute Resolution. Dispute resolution outside the court is done through Alternative Dispute Resolution in Financial Services Sector.

Keywords: Bank, Consumer, Banking Dispute, Alternative Dispute Resolution in Financial Services Sector

A. Background of the Study
The history of banking in Indonesia cannot be separated from Dutch East Indie colonialism. At that time De Javasche Bank, NV was founded in Batavia on 24 January 1828 and then it was followed by Nederlandsche Indische Escompto Maatschappij, NV in 1918 as the monopoly holder of the purchase of the country’s natural resources and their selling overseas as well as several banks which have important roles in the Dutch East Indie. The word bank comes from Italian, banca, meaning a place for money exchange. At present the bank institution in Indonesia runs well as a business entity which collect funds from the society in the form of savings and distributes it to the society in the form of credit and or other forms in order to increase the people’s living standards. As a financial institution, a bank has activities of giving fund and credit. Thus, as an intermediary institution, a bank functions as an intermediary between those with excess funds and those which need funds. As an intermediary institution, a bank has the function of a financial intermediary. In this role, there is a relationship between the bank and the customers which is based on two related elements, namely law and trust. A bank can only do its activities and develop the bank if the society has the “trust” to put the money in the products of the bank. Based on the society’s trust, a bank can mobilize the society’s funds to be put in the bank and distribute it again in the form of credit as well as giving the banking services. Consequently, a bank must give the best services to the customers so that there is a good relationship between the bank and its customers. However, in practice, there are some problems in the relationship between a bank and its customers. Some things that can trigger problems between a bank and its customers are:

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1. Inadequate information of the characteristics of the products or services offered by the bank;
2. The customers’ insufficient understanding of the banking activities and its products or services;
3. The inequality of the relationship between the customers and the bank, especially customers who borrow some funds, and;
4. The lack of adequate channels facilitating the early settlement of frictions taking place between customers and the bank.

B. Problems
Problems arising between a bank and its customers must be settled in a constructive way so that all sides can be satisfied. One supervision object done by Financial Services Authority (FSA) concerns disputes and their settlement in banking financial services sector. As a result, related to the dispute settlement in banking financial services sector, it is necessary to have an institutional strengthening effort to establish a mediation institution in banking financial services sector. In relation to the establishment of a mediation institution in banking financial services sector, FSA publishes Financial Services Authority Regulations No. 1/POJK.07/2014 concerning Alternative Dispute Resolution in Financial Services Sector.

This leads to the question of what the regulations are and how they set the alternative dispute resolution in financial services sector, and what is the mechanism of dispute resolution in financial services sector in Indonesia.

C. Research Method
The research uses the normative juridical research method by analyzing the regulations related to banking as arranged in Law No. 7 of 1992 on Bank as changed into Law No. 10 of 1998 on Change of Law No. 7 of 1992 on Bank, and regulations of Dispute Resolution in the Financial Services Sector as arranged in Financial Service Authority Regulations as arranged in Number 1/POJK.07/2014 on Alternative Dispute Resolution in Financial Services Sector. This is a descriptive analytical research, which describes the causes of the disputes between the bank and consumers, and the alternative dispute resolution in the financial services sector. Moreover, it analyzes the facts in the banking practices when there is a dispute between the bank and the consumers, and then how the dispute is resolved. The data collection technique uses the secondary data as the main data and the primary data as supporting the secondary data.

D. Discussion
Financial Services Authority (FSA) published Financial Services Authority Circular Letter No. 2/SEOJK.07/2014 on Circular Letter of The FSA about Concerning Handling and Resolution of Consumer Complaints at Financial Services Businesses through Financial Services Authority Regulation No. 1/POJK.07/2014 on Alternative Dispute Resolution in Financial Services Sector. These two regulations become a reference to resolve disputes which occur in Financial Services Sector.

Consumers’ protection in financial services sector aims to create a reliable consumers’ protection system, increase consumers’ empowerment, and raise the awareness of financial services institution until it manages to increase the society’s trust on financial services sector. Consumers’ protection is a series of policies and activities which cover education, information services, and complaints as well as facilitating dispute resolution for consumers of financial services sector and the society who uses financial services. The dispute resolution between a bank and consumers can be done as follows:

1. Internal Dispute Resolution
Internal Dispute Resolution is consumers’ complaint resolution done by the bank. Financial Services Authority Regulation No. 1/2013 obliges each bank to have a unit specifically formed in each bank office to handle and resolve complaints filed by consumers without any charge. This obligation is based on Article 32 Paragraph (1), which determines “Financial services businessmen must have and apply the mechanism of consumers’ complaint services and resolution”.

A complaint is an expression of consumer’s dissatisfaction which is caused by the loss or potential loss for the consumers which allegedly happens because of the mistake or negligence done by Financial Services Institution in the consumer’s fund placement in Financial Services Institution and/or in the utilization of services and/or consumers’ products of Financial Services Institution.

After receiving consumers’ complaints, a bank must have an internal checking on the complaints in a competent, correct, and objective way, analyze them so as to ensure the truth of the complaints, and submit an apology and offer redress or remedy, or repairs of products and/or services if the consumer’s complaint is proved true. A dispute will appear only when this consumer’s complaint process is not successful.

Article 1 number 13 POJK No.1/POJK.07/2014 defines a dispute to be that between consumers and Financial Services Institution in the fund placement on the Financial Services done by the consumers and/or the utilization of services and/or products of Financial Services Institution after going through the process of complaint resolution by Financial Services Institution.

Based on PBI No. 7/2005, the complaint can be done in written or orally, in each bank office, regardless whether the bank office is where the consumer opens his or her account or does the financial transaction.

When the complaint is done orally, the bank must resolve this within two working days starting from the recorded date of the complaint. If it is estimated to take a longer time, the officer of the unit that handles and resolves the complaint should ask the consumer to file a written complaint.

After receiving a written complaint from a customer, a bank must resolve the complaint in no more than 20 working days.
starting from the date when the written complaint is received, which can be extended for another 20 days on certain conditions. Such conditions are as follows: the written complaint is given at a different office from the location where the problem happens so that there is a communication problem between the two offices; the financial transaction complained by the consumer needs special research on the bank documents; or there are things beyond the bank’s control.

According to SEBI No. 1/2014, consumers’ complaint resolution can be in the form of apology or compensation to the consumer. Compensation is given to material losses, under the following conditions: (a). The consumer has fulfilled the obligations; (b). The bank products and/or services are not in accordance with what has been agreed on; (c). The complaint is filed in maximum 30 days after it is known that the products and/or services are not in accordance with the agreement; and (d). The loss has a direct impact on the consumer. The maximum compensation is as big as the consumer’s loss value.

2. External Dispute Resolution

External Dispute Resolution is the resolution of disputes through judicial or non-judicial institutions. Dispute resolution can be done in two ways, namely:

a. Litigation

Dispute resolution through litigation is a dispute resolution done in court. This way can be said to be a resolution in which one party is compelled to resolve the dispute through court intermediary.

b. Arbitration

Article 1 verse (1) Act Number 1999 About Arbitration and Alternative Dispute Resolution states that: “An arbitrator (an independent person or body officially appointed to settle a dispute) is how a civil dispute is resolved outside the court which is based on an arbitrary agreement made in a written form by the party in dispute.”

Arbitration is a voluntary institution chosen and appointed based on the parties’ agreement if they want their dispute to be resolved by one or more arbitrators who will act independently. However, although the arbitrators are chosen and appointed by the parties in dispute, the decision made is final and binding.

c. Alternative Banking Dispute Resolution Institution

Alternative Dispute Resolution Institution (ADRI) is an institution that resolves a dispute outside the court. According to POJK No. 07/POJK.07/2014 about Alternative Dispute Resolution Institution, only alternative dispute resolution institutions listed by Financial Services Authority can handle disputes in financial services sector.

Alternative dispute resolution institutions that are in the list set by Financial Services Authority are those established by financial services institutions coordinated by an association and/or institutions having the function of a self-regulatory organization and having at least the dispute resolution services in the forms of mediation, adjudication, and arbitration.

The following institutions are in the list of alternative dispute resolution institutions set by Financial Services Authority:
1. Badan Mediasi dan Arbitrase Asuransi Indonesia (BMAI)
2. Badan Arbitrase Pasar Modal Indonesia (BAPMI)
3. Badan Mediasi Dana Pensiun (BMDP)
4. Lembaga Alternatif Penyelesaian Sengketa Perbankan Indonesia (LAPSPI)
5. Badan Arbitrase dan Mediasi Perusahaan Penjaminan Indonesia (BAMPI)
6. Badan Mediasi Pembiayaan dan Pergada Indonesia (BMPI)

A financial services institution must become a member of 1 (one) Alternative Dispute Resolution Institution in accordance with the primary business activity. When a banking dispute takes place, the customer and the bank can resolve this in Lembaga Alternatif Penyelesaian Sengketa Perbankan Indonesia (LAPSPI), an institution that resolves banking disputes.

The establishment of Pendirian Lembaga Alternatif Penyelesaian Sengketa Perbankan Indonesia (LAPSPI) cannot be separated from the fact that in the resolution of a consumer’s complaint against a banking institution, there is often disagreement between the consumer and the banking institution. In order to overcome this, it is necessary to have Alternative Dispute Resolution Institution outside the court that is handled by people with good comprehension of banking and able to manage to resolve disputes in a fast, fair, and efficient way.

According to Financial Services Authority Regulation Number 1/POJK.07/2014 about Alternative Dispute Resolution Institution in Financial Services Sector, Banking Association such as Perhimpunan Bank Nasional (Perbanas), Himpunan Bank Milik Negara (Himbara), Asosiasi Bank Pembangunan Daerah (Asbenda), Asosiasi Bank Syariah Indonesia (Asbisindo), Perhimpunan Bank-Bank Internasional Indonesia (Perbina), and Perhimpunan Bank Perkreditan Rakyat Indonesia (Perbarindo), have signed a Memorandum of Understanding on 5 May 2015 to found alternative dispute resolution institution, which is then called Lembaga Alternatif Penyelesaian Sengketa Perbankan Indonesia (LAPSPI).

The cases that can be filed to LAPPSI must meet the conditions: First, the dispute filed has to be a civil dispute that happens between the parties and banking. Second, there is an agreement between the parties in dispute that the dispute will be resolved through LAPSPSI and proved with an agreement, in Mediation, Adjudication, or Arbitration. Third, disputes which according to the legislation can be reconciled.

The forms of banking dispute resolution through LAPSPI are Mediation, Adjudication, and Arbitration. Mediation is the way of resolving a dispute through a negotiation process to gain agreement with the assistance of a mediator. Adjudication is the way of resolving a dispute which is done by a adjudicator to achieve a decision that can be accepted by the applicant so
as to make the decision bind the applicant. Arbitration is the way of resolving a civil dispute in banking and which is related to banking outside general court, which is held by LAPSPI by applying LAPSPI regulations and procedures.

E. Conclusion
Based on the discussion elaborated above, the writer draws some concluding points:
2. The dispute resolution between a bank and the customers can be done through:
   a. Internal Dispute Resolution,
   b. External Dispute Resolution, which covers:
      i. Litigation
      ii. Arbitration;
      iii. Alternative Dispute Resolution in Financial Services Sector (Specifically for a bank financial institution, the resolution is done through The Institution of Indonesian Banking Alternative Dispute Resolution in the forms of mediation, adjudication, and arbitration).

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Act Number 30 of 1999 on Arbitration and Alternative Dispute Resolution.

Financial Services Authority Regulation Number 1/POJK.07/2014 on Alternative Dispute Resolution in Financial Services Sector.


Financial Services Authority Regulation No. 07/POJK.07/2014 on Alternative Dispute Resolution.