

CHAPTER V

CONCLUSION AND RECOMMENDATION

A. CONCLUSION

Based on the discussion of procedural law, a class action lawsuit can be summarized as follows:

1. Based on Law No. 8 of 1999 on consumer protection, procedure law in court in the case of consumer disputes has been regulated in Article 46 paragraph 1, which in this case can be settled by using a class action lawsuit. The basis for the application of class action lawsuits in Indonesia is explained in Law No. 8 of 1999 concerning consumer protection, Law No. 23 of 1997 on environmental management, Law No. 18 of 1999 on Construction Services and Law No. 41 of 1999 about forestry. With the regulation of class action lawsuits in the law, it becomes the basis that the class action has been widely applied in various cases in Indonesia. As an example, in the case of consumer protection, cases of forestry, and cases of environmental management mentioned above, it can be concluded that the class action lawsuit is considered very effective in the settlement of a case that harms many people and with very low cost.

2. The procedure in filing a class action lawsuit is stipulated in the Supreme Court Regulation No. 1 of 2002 concerning the law of the class action lawsuit in which it states that the class action lawsuit filing is still the same as the civil lawsuit but has little difference in the case of the verdict, the examination of the case, the test group representation, validation of his or her case whether the loss occurred or not and the distribution of compensation to each group if in the settlement of the case the judge decides the indemnification. The obstacles encountered are often in the distribution of compensation to group members that sometimes members of the group are in a difficult area to reach.

B. RECOMMENDATION

The class action lawsuit is a very effective civil lawsuit but the difficulty that arises is the lack of community knowledge about class action and causes many people who have the same problems but do not dare to file a lawsuit because they judge the expensive cost of litigation in court yet again expensive attorneys' fees are sometimes not worth the demands raised, as well as the lack of dissemination of class action information that causes people to lack the class action that is actually quite effective in solving cases at a low cost, let alone the group in considerable numbers and reasonable tries. The government is expected to play an active role in the dissemination of information on class action and to educate the public at large about how to conduct law in court and to motivate the public about how the people are protected by the state.

