# CLASS ACTION LAWSUIT IN AN ATTEMPT TO RESOLVE CONSUMER DISPUTE

#### **DECLARATION PAGES**



I hereby declare that the Undergraduate Thesis which is entitled "CLASS ACTION LAWSUIT IN AN ATTEMPT TO RESOLVE CONSUMER DISPUTES" its content is truly the work of my own and I did not do a plagiarism or quotation in ways that are inconsistent with the prevailing ethnic in the scientific community. On this statement, I am ready to bear the risk/any sanctions imposed to me in accordance with applicable regulations, if in the future found a breach of scientific ethnics, I am willing to accept the sanctions.

Name	: Yudha Kusuma Wardani
Student Number	: 20140610362
Faculty	: Law
Major	: International Program for Law and Sharia
University	: Universitas Muhammadiyah Yogyakarta

Yogyakarta,20 December 2018

Yudha Kusuma wardanI

# DEDICATION

## THIS UNDERGRADUATED THESIS DEDICATE TO

My lord, Allah swt

Prophet Muhammad saw

My beloved parents Suwardi Rahmadanis

My lovely sisters and brother

Emilayanti, S.P. Susi Fitriyani, S.E. Trilaksana Adi Sastra, S.ip.

#### FOREWORD

#### Alhamdulillah Walhamdulillah tsumma Alhamdulillah, thank you Allah

SWT, The Most Merciful and Most Gracious who has given me His blessing and an opportunity to accomplish my Undergraduate Thesis as my final work to

fulfill the requirement to obtain the degree of Bachelor of Law entitled **CLASS ACTION LAWSUIT IN AN ATTEMPT TO RESOLVE CONSUMER DISPUTES** at International Program for Law and Sharia, Fakultas Hukum, Universitas Muhammadiyah Yogyakarta.

First of all, I would like to express deeply grateful to my parents Bapak Suwardi and Ibu Rahmadanis and my Sisters and Brother Emilayanti, Susi Fitriyani, Trilaksana Adi Sastra for the prayer, support, guidance and love.

Extraordinary thanks to my advisors Bapak Mukti Fajar ND. Who guided me with patient, wisdom and compassion. I also thanks to Kakak Yuliani Iriana Sitompul, kakak Hari Abdul Hakim who did a great deal to correct and improve my English. Allow me also to express my deepest gratitude to Bapak Nasrullah, S.H., S.Ag., MCL, Ibu Fadia Fitriyanti, S.H., M.Hum., M. Kn, and all the lecturers of faculty of law for their assistance and inspiration for my great future.

I would like to thanks to my best friends, Deam Adam, Risky Habibullah, FE. Fikran Al-Furqon, Alya Kemala Munaf and beloved IPOLS Batch 2014. Special thanks also goes to all IPOLians and for all prayers and supports. Finally, I do expect the thesis will give benefit for reader and their future research.

Yudha Kusuma

Wardani

## TABLE OF CONTENT

ABS	TRACT	i
APP	ROVAL PAGE	ii
END	ORSEMENT PAGE	iii
DEC	LARATION PAGE	iv
MO	TTO PAGE	V
DED	ICATION	vi
FOR	EWORD	vii
TAB	LE OF CONTENTS	ix
LIST	OF FIGURES	xii
LIST	T OF STATUTES	xiii
LIST	SABREVIATIONS	xiv
СНА	PTER ONE – INTRODUCTION	
A.	Background	1
B.	Statement of Problem	8
C.	Objective of Research	9
D.	Benefits of Research	9
СНА	PTER TWO – LITERATURE REVIEW	
A.	Law of Consumer Protection	10
B.	Consumer Dispute	16

C.	Class Action	18
D.	The Event Law Book on Consumer Disputes	24
СНА	PTER THREE – RESEARCH METHOD	
A.	Type of Research	35
B.	Type of Data	35
C.	Method of Collecting Data	36
D.	Data Analysis	37
СНА	PTER FOUR – FINDING AND ANALYSIS	
A.	Class Action in Procedural Law in Indonesia	38
	1. Case use Class Action as a Resolution	40
	a. Case of Consumer Protection	40
	b. Case of Environmental Management	42
	c. Case of Forestry	45
	2. Class Action Procedures in Procedural Law	47
B.	Class Action Procedural in Consumer Dispute	56
	1. Class Action Lawsuit Filling	56
	2. Certification for Litigation Through a Class Action Process	59
	3. Notification	61
	4. Examination and Verification	64
	5. Execution of Decision	66
СНА	PTER FIVE – CONCLUSION AND RECOMMENDATION	
A.	Conclusion	70
B.	Recommendation	71

# BIBLIOGRAPHY

# LIST OF FIGURES

4.1 Table of Legal Differences Between Civil Law Procedures 42

and Class Action Procedures

.....

#### LIST OF STATUTES

#### **INTERNATIONAL**

## HIR STAATBLAD 1848

**Rbg STAATBLAD 1927** 

#### INDONESIA

Civil law code Criminal law procedure code Law no. 1 of 1997 on marriage and implementation Law no. 2 of 1986 on general court Law no. 5 of 1986 on state administration court Law no. 5 of 1989 on state administration court Law no. 7 of 1989 on religious court Law no. 8 of 1999 on consumer protection Law no. 4 of 2004 on judicial power Law no. 14 of 1970 on basic provision of judicial power Law no. 14 of 1985 on supreme court Act no. 2 of 2004 on industrial relation dispute settlement Act no. 3 of 2006 on religious court

Supreme court regulation no. 1 of 2002 on legal proceeding in class action

# LIST OF ABBREVIATION

: Indonesian Center for Environmental Law
: Supreme Court Regulation
: Liquified Petroleum Gas
: Het Herzine Indonesich Reglement
: Reglemet Buitengweten
: Civil Law Procedure Regulation for European Group
: <u>Fundamentum Petendi</u>
: The Plaintiff's Answer In Both Written And Oral Terms Against The Defendant's Answer to His Lawsuit.
: The Defendant's Response to A Reply Filed by The Plaintiff.
: What the Plaintiff Is Asking the Judge to Grant
: Part of The Decision That Contains the Decision