

Strategic Lawsuit Against Publik Participation dalam Hukum Perlindungan Konsumen = Strategic Lawsuit Against Public Participation in Consumer Protection Law

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Abstrak

ABSTRAK
Skripsi ini membahas mengenai perlindungan konsumen terhadap serangan balik pelaku usaha atas penggunaan hak kebebasan berpendapat oleh konsumen. Serangan balik tersebut dikenal dengan istilah Strategic Lawsuit Against Public Participation (SLAPP). Di Indonesia belum memiliki peraturan khusus mengenai perlindungan konsumen terhadap SLAPP tersebut. Karena itu, di sini penulis mengangkat negara Amerika Serikat, khususnya negara bagian California yang telah memiliki peraturan khusus mengenai perlindungan SLAPP tersebut yaitu Anti-SLAPP Statute section 425.16. Penulis merasa Indonesia perlu juga memiliki peraturan mengenai Anti-SLAPP karena sudah terdapat kasus-kasus di Indonesia mengenai pelaku usaha yang melakukan gugatan balik kepada konsumennya karena konsumen tersebut menuntut haknya melalui mengeluarkan pendapat di muka umum atau mengajukan gugatan kepada pelaku usaha tersebut ke pengadilan. Dengan tidak adanya peraturan khusus mengenai Anti-SLAPP tersebut, dikhawatirkan SLAPP tersebut dapat membungkam partisipasi publik terhadap keikutsertaannya dalam permasalahan publik.

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Abstract

This paper discusses the protection of consumers against In addition to the meaning behind the acronym SLAPP, Strategic Lawsuit Against Public Participation, that described as actions without substantial merit brought against individuals or groups with the intention of silencing the opponents, interfering with the defendants' past or future exercise of constitutionally protected rights. Therefore, here the authors raised the United States, especially the state of California which has had special rules concerning the protection of the Anti-SLAPP Statute section 425.16. The author thought that Indonesia should also have the Anti-SLAPP legislation because there have been cases in Indonesia on businesses that make counter claim to the consumers because consumers are demanding their rights through an opinion in public or filed a lawsuit against the business to court. In the absence of specific regulations regarding the Anti-SLAPP, SLAPP feared could chill public participation to participation in public issues.