

Pengaturan notifikasi sebagai syarat formil pengajuan gugatan mengatasnamakan warga negara citizen lawsuit dalam hukum acara perdata di indonesia = The regulation of notice letter as procedural requirement of citizen lawsuit in indonesia rules of civil procedure

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Abstrak

Citizen Lawsuit merupakan salah satu bentuk gugatan perwakilan yang keberadaannya sebagai hak gugat (Legal Standing) telah lama diakui di dalam praktek beracara di Indonesia. Namun meskipun demikian, belum ada hukum positif yang mengatur mengenai hak gugat ini di dalam sistem hukum Indonesia. Kekosongan hukum ini kemudian menimbulkan perbedaan penafsiran hukum di kalangan hakim dan berakibat pada ketidakpastian hukum. Sampai pada tahun 2013, Mahkamah Agung menerbitkan Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor: 36/KMA/SK/II/2013 tentang Pemberlakuan Pedoman Penanganan Perkara Lingkungan Hidup. Keputusan yang dimaksudkan untuk mengisi kekosongan hukum ini salah satunya mengatur mengenai Citizen Lawsuit dan syarat formil yang diwajibkan dalam pengajuannya.

<hr>Citizen Lawsuit as one of the Representation Lawsuit's Models has been known and approved as a Legal Standing in Indonesia. However, there is none of the Indonesia's positive laws have contains the provision about Citizen Lawsuit in Indonesia's legal system. This condition brings a legal vacuum on the practice of the court. And it makes so many differences in law interpretation among the judges. This differences brings an uncertainty for everyone about what is a Citizen Lawsuit and what are the procedural requirements needed to file one. Up until 2013, The Supreme Court had released Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor: 36/KMA/SK/II/2013 tentang Pemberlakuan Pedoman Penanganan Perkara Lingkungan Hidup. This regulation has been intended to fill the legal vacuum in the Indonesia Rules of Civil Procedure about Citizen Lawsuit and its procedural requirements.