ABSTRACT

This research aims to develop a model law for civil class action in an environmental case. From problems, limitations, obstacles and inappropriateness of class action procedure under Chapter 4: Civil Procedure Code and laws relating to damages. This study uses the Qualitative Research Methodology that consists of documentary research, in-depth interview, and hearing.

This study found that class action under Chapter 4: Civil Procedure Code, has problems and cannot be used properly in an environmental case. Therefore an amendment of the National Environment Quality Promotion and Preservation Act (No. …), BE …. , is drafted to include the Chapter 6/1 Class Action into Chapter 6. The including chapter has 20 sections separate into six parts: Part 1: General Provisions, Part 2: Legal Action, Part 3: Civil Procedure, Part 4: Judgment or order, Part 5: Appeal and Supreme Court Appeal, and Part 6: Enforcement.

This research suggests that the amendment should proceed to be legislated. Subsequently, the law will be used for a civil class action case effectively, for the benefit of court and civilians involving in the civil class action of an environmental case. Recommendation for further study should be the establishment of the environmental court, including the drafting of environmental procedure act.