

Judges' Considerations in Assessing the Criteria for Class Action Lawsuits during the Covid 19 Pandemic Based on Supreme Court Regulation Number 1 of 2002 concerning Class Action Lawsuits (Study of Decision Number: 581/Pdt.G/2020/Pn/Mdn)

Sahala Pardamean Harahap¹, Risdalina², Indra Kumalasari M³

^{1,2,3} Universitas Labuhanbatu, Indonesia

sahala956@gmail.com, risdalinasiregar@gmail.com, indrakumalasari@gmail.com

Abstract

This study aims to determine the judge's considerations in assessing the criteria for Class Action lawsuits in accordance with Supreme Court Regulation No. 1 of 2002 concerning Class Action Lawsuit Procedures. This research is descriptive normative legal research with a case approach. This study uses the types and sources of legal materials consisting of primary legal materials and secondary legal materials. The Class Action lawsuit filed must be examined first and must meet the criteria for a class action lawsuit before the trial is held. The lawsuit in the Decision has met the three criteria for a Class Action lawsuit in the Supreme Court Regulation Number 1 of 2002 concerning Class Action Lawsuit Procedures. Based on the results of the research and discussion, it can be concluded that the lawsuit filed in the decision has met the criteria for a Class Action lawsuit, but there are differences in the fulfillment of the class action criteria in the decision, including the criteria for numerosity, commonality and typicality, and adequacy of representation. The legal consequences if the lawsuit does not meet the criteria to be examined as a Class Action lawsuit, namely the lawsuit is declared invalid, the case examination is terminated, the lawsuit is declared unacceptable, and the losing party is punished to pay the court costs incurred.

Keywords

judge's consideration; class action lawsuit; class action lawsuit criteria



I. Introduction

The legal awareness of society today is increasing. People are starting to realize that every aspect of life has its own rules. The law regulates the lives of members of society from birth to death. Through the law, people know what their rights and obligations are. This is evidenced by the many lawsuits filed in the District Court by the community, both from small problems such as the principle of propriety in neighborly life to big problems that are of public concern. A lawsuit filed in a jurisdiction in a District Court often has the same problems as the party being sued and the object being the lawsuit even though the Plaintiff is a different person. Such justice makes the proceedings in the Court less efficient when examined separately, because the panel of judges must examine tens to hundreds of lawsuits with the same subject matter and the same Defendant. The group representative lawsuit is a breakthrough in procedural law, especially civil procedural law to overcome these problems (Latifah Nur Aini et al., 2012).

Lawsuits for group representatives were formally regulated in 2002 in the form of Supreme Court Regulation No. 1/2002 on Group Representative Lawsuits (PERMA

Group Representative Lawsuits) on 26 April 2002 (Yahya Harahap, 2012). The PERMA regulates lawsuits filed in groups, one of which is class action. The definition of class action based on PERMA A lawsuit against a group representative is a method of filing a lawsuit in which one or more people who represent a group file for themselves or themselves and at the same time represent a large group of people, who have the same facts or legal basis between the representatives. Groups and Group Members in question. A class action lawsuit is a form of lawsuit in the name of the public interest. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). The success of leadership is partly determined by the ability of leaders to develop their organizational culture. (Arif, 2019).

The problem of class action lawsuits becomes even more complicated when the parties who are class members are very large in number. Judges in examining cases must be guided by the PERMA Lawsuit for Group Representatives by carefully examining who is a class member. The parties listed in the lawsuit are not necessarily part of the group that is directly harmed, it is necessary to review the possibility that the names listed are simply withdrawn without the knowledge and approval of the parties concerned. This must be proven by a statement made in writing by each class member, that they include parties who feel that their interests have been harmed. Another thing that needs to be observed regarding class action lawsuits is that the proceedings are different from ordinary civil lawsuits.

Before the trial is carried out, the lawsuit must be examined by the judge whether the lawsuit meets the criteria for a class action lawsuit or not. The criteria are divided into three, namely numerosity is the number of group members so that it is not effective and efficient if the lawsuit is carried out individually or together in one lawsuit, commonality and typicality is that there are similarities in facts or events and similarities in legal basis substantially, as well as the similarity of types of demands between Group Representatives and Group Members, the adequacy of representation is that Group Representatives must have honesty and sincerity to protect the interests of the group members they represent (Harjono, 2017).

The fact is that class action lawsuits are not widely known by the public, even the skills of judges in handling these cases are still limited. This can be observed in the decision on the Supreme Court's website regarding class action, from 15 (fifteen) decisions regarding class action lawsuits, there is only one decision whose class action lawsuit is accepted, including the lawsuit in Supreme Court Decision Number 581/Pdt. G/2020/PN Mdn The judge's considerations in assessing the criteria for a class action lawsuit that must be met above are interesting to study because the regulations that regulate have not been regulated clearly, in detail, and in depth.

Based on the description of the background above, the author is interested in researching and reviewing more deeply and pouring it into a Journal Writing with the title: "Judges' CONSIDERATIONS IN ASSESSING THE CLASS ACTION CLAIMS CRITERIA (DECISION STUDY NUMBER 581/Pdt.G/2020/PN Mdn) "

II. Research Method

Legal research is an activity carried out to solve legal issues faced so that it takes the ability to identify legal problems, perform legal reasoning, analyze the problems encountered and then provide solutions to these problems (Peter Mahmud Marzuki, 2014). This research is a normative or doctrinal legal research; therefore, a case approach is used.

The analysis of legal materials is carried out using the syllogism method through deductive thinking patterns, which uses the Medan District Court Decision Number: 581/Pdt.G/2020/PN Mdn as research material that the author examines and is associated with the criteria in the Class Action Lawsuit.

III. Result and Discussion

As one of the new phenomena in the practice of civil justice, the government responded by issuing several laws and regulations that use the class action lawsuit system in order to realize a short and efficient trial for the community (Bambang Sutiyo, 2007). Some of them are Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 1999 concerning Construction Services, Law Number 19 of 2004 concerning Forestry, Law Number 32 of 2009 concerning Environmental Protection and Management, and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE). Class action lawsuits were formally regulated in 2002 in the form of Supreme Court Regulation No. 1 of 2002 concerning Class Actions on April 26, 2002 (Yahya Harahap, 2012). The thing that needs to be observed regarding class action lawsuits is that the proceedings are different from ordinary civil lawsuits.

Prior to the trial, the lawsuit must be examined by the judge whether the lawsuit meets the criteria for a class action lawsuit or not. The criteria for a class action lawsuit are regulated in Article 2 letters a to c, PERMA Number 1 of 2002 which contains:

“A lawsuit can be filed using the Class Representative Lawsuit procedure if: a. The number of group members is so large that it is not effective and efficient if the lawsuit is carried out individually or jointly in one lawsuit, b. There are similarities in facts or events and similarities in the legal basis used that are substantial, and there are similar types of claims between group representatives and group members, c. Group representatives have honesty and sincerity to protect the interests of the group members they represent.

Based on the contents of the article, three criteria can be found that must be met in a class action lawsuit, including:

1. numerosity, the number of group members is so large that it is not effective and efficient if the lawsuit is carried out individually or jointly in one lawsuit;
2. Commonality and typicality, there are similarities in facts or events and similarities in the legal basis used which are substantial, and there are similarities in the types of claims between the Group Representative and the group members;
3. Adequacy of Representation, Group representatives have honesty and sincerity to protect the interests of the group members they represent (Harjono, 2017).

Regulation of the Supreme Court Number 1 of 2002 concerning Procedures for Lawsuits for Group Representatives (PERMA Number 1 of 2002). PERMA Number 1 of 2002 is a new breakthrough regarding the procedure for filing a class action lawsuit.

In one of the considerations of PERMA Number 1 of 2002, it is stated that while waiting for the laws and regulations and taking into account the authority of the Supreme Court in regulating judicial proceedings which have not been sufficiently regulated by laws and regulations, for the sake of ensuring order and smoothness in examining the claims of group representatives, deemed necessary to stipulate a Supreme Court Regulation.

Although it is only in the form of a PERMA and is "temporary" in nature, its existence can temporarily be used as a guide for legal practitioners, especially for judges in examining and adjudicating group representative claims while continuing to explore the values that live in society and waiting for the arrangement of the class lawsuit. action in the

form of a law that has more binding and complete power. PERMA Number 1 of 2002 regulates in more detail the class action or class action lawsuit, starting from the understanding, procedures and procedures for filing a lawsuit, the process of examining and taking and implementing the decision of a class representative lawsuit.

In case No. 581/Pdt.G/2020/PN Mdn the class action lawsuit filed by the plaintiff was decided to be valid, according to the consideration the Panel of Judges decided to continue the examination of this case which was submitted by H. Aidan Nazwir Panggabean, et al, because of these considerations the Panel of Judges stated The Plaintiffs' attorneys have complied with the Procedures and Requirements class action lawsuit as specified in article 3 Perma No. 1 of 2002, so the class representative's lawsuit is declared valid.

The decision whose class action lawsuit is accepted and declared valid by the Judge will be seen whether or not there are differences in the fulfillment of the criteria in the lawsuit. The first criterion, numerosity (Article 2 letter a PERMA Number 1 of 2002) is that the number of group members is so large that it is not effective and efficient if the lawsuit is carried out individually or jointly in one lawsuit. Based on the judge's consideration in Decision Number 581/Pdt.G/2020/PN Mdn, the lawsuit filed by H. Aidan Nazwir Panggabean, et al is considered to have met the numerosity criteria, it can be seen that the Plaintiffs I to 4 are the Management in the Movement Organization The National Fatwa Guard (GNPF) of North Sumatran Ulama consisting of the General Chair, Secretary, Treasurer and Chair of the Pokja Pilkada GNPF North Sumatra Ulama and Plaintiffs 5 and 6 are Organizational Management consisting of the Chair and Secretary of the Regional Representatives Council (LPD) of the North Sumatra Mujahidin Council. While Plaintiff 7 is the Chairman of the North Sumatran Muslim League which is engaged in the field of Community Benefits, especially the City of Medan. Plaintiffs 8, 9 and 10, are the Chairperson, Secretary and Treasurer of the Darul Maslaha organization and from several group organizations and then H. Aidan Nazwir Panggabean, et al gave power of attorney to Raja A. Makayasa Harahap, SH et al, who is the UMAT HEALTH ADVOCACY TEAM "officed" on Jalan Sutomo No. 6 Medan, so that the lawsuit has been assessed as effective and efficient.

Criteria second, commonality and typicality (Article 2 letter b PERMA Number 1 of 2002), namely that there are similarities in facts or events and similarities in the legal basis used that are substantial, and there are similarities in types of claims between Group Representatives and group members. Based on the judge's consideration in Decision Number 581/Pdt.G/2020/PN Mdn, the lawsuit filed by H. Aidan Nazwir Panggabean, et al was judged to have met the criteria of commonality and typicality, this can be seen from the group members being a social organization that is concerned in the field of fostering the people, doing good deeds, criticizing government policies that are deemed not in favor of the people,

The third criterion, Adequacy of Representation (Article 2 letter c PERMA Number 1 of 2002) is that Group Representatives have honesty and sincerity to protect the interests of the group members they represent. Based on the judge's consideration in Decision Number 581/Pdt.G/2020/PN Mdn, the lawsuit filed by H. Aidan Nazwir Panggabean, et al is considered to have met the Adequacy of Representation criteria, this can be seen from the willingness of the group representatives, namely Plaintiffs I to Plaintiffs. 4 is the Management in the Organization of the National Movement to Guard Fatwa (GNPF) North Sumatran Ulama consisting of the General Chair, Secretary, Treasurer and Chairperson of the Pokja Pilkada GNPF North Sumatran Ulama and Plaintiffs 5 and 6 are Organizational

Management consisting of the Chair and Secretary of the Regional Representatives Lajnah (LPD).) North Sumatra Mujahideen Council.

Judging from the basis of the legal position and interests of the Group Representative, where H. Aidan Nazwir Panggabean, et al act for themselves and represent the community and other activities that are for the benefit of the community, especially in the city of Medan, so that from the basis of the legal position and interests the group representative has meaning there has been approval from the community, especially the people of Medan City, then look at Article 4 PERMA Number 1 of 2002 which reads "To represent the legal interests of group members, group representatives are not required to obtain a special power of attorney from group members", so it can be concluded that private agreement of all the Plaintiffs are valid because there are no conditions stated in Article 4. The Group Representative here gives power to the Legal Counsel.

Based on the identification of the three criteria for a class action lawsuit from Decision Number 581/Pdt.G/2020/PN Mdn, fulfilling the procedures and requirements for a class action lawsuit as stipulated in Perma No. 1 of 2002. The first criterion is numerosity, in Decision Number 581/Pdt.G/2020/PN Mdn, the Plaintiffs I to 4 are the Management of the National Movement for Fatwa Guarding Organization (GNPF) of North Sumatran Ulama consisting of the General Chairperson , Secretary, Treasurer and Chair of the Pokja Pilkada GNPF North Sumatran Ulama and Plaintiffs 5 and 6 are Organizational Management consisting of the Chair and Secretary of the Regional Representatives Council (LPD) of the North Sumatran Mujahideen Council. While Plaintiff 7 is the Chairman of the North Sumatran Muslim League which is engaged in the Public Benefit, especially the City of Medan. Plaintiffs 8, 9 and 10, being the Chairman, The Secretary and Treasurer of the Darul Maslaha organization and from several group organizations and later H. Aidan Nazwir Panggabean, et al gave power to Raja A. Makayasa Harahap, SH et al, who are the UMAT HEALTH ADVOCACY TEAM "office at Jalan Sutomo No. 6 Medan, so that the lawsuit has been assessed as effective and efficient.

The second criterion is commonality and typicality, in Decision Number 581/Pdt.G/2020/PN Mdn there are similarities in facts or events seen from. Aidan Nazwir Panggabean, et al and the community, especially the people of Medan City, have both experienced a non-natural national disaster due to the spread of the corona virus (Covid-19) which threatens public health and has claimed many lives, so that the election of Regional Heads specifically in the City Medan, the Defendant should have canceled or postponed the regional head election to be held on December 9, 2020 because it could threaten the health and safety of the community, but the Defendant continued to carry out the stages and process of the regional election, so that the Defendant's actions were against the law.

The third criterion is Adequacy of Representation, in Decision Number 581/Pdt.G/2020/PN Mdn has met this criterion. Decision Number 581/Pdt.G/2020/PN Mdn the assessment of the sincerity of the Group Representatives is implied and must be analyzed to find the judge's judgment, which can be seen in the willingness of group representatives, namely Aidan Nazwir Panggabean, et al to sincerely and voluntarily become group representatives. In addition, Aidan Nazwir Panggabean, et al acted for themselves and also acted to represent the legal interests of their group members and for the willingness of Aidan Nazwir Panggabean, et al in compiling and filing a lawsuit can prove that Aidan Nazwir Panggabean,

It should be underlined again, that the judge's consideration in Decision Number 581/Pdt.G/2020/PN Mdn was not obtained by the author directly from citing the judge's

considerations in the decision, but by examining the contents of the Plaintiff's lawsuit, considering the Judge in issuing the determination of the validity of the Class Representative Lawsuit directly issue a determination without writing down the considerations. So, in this case the Judge has been deemed to have approved and declared the lawsuit filed by the Plaintiff to be valid and fulfills the three criteria for a class action lawsuit.

About Medan District Court

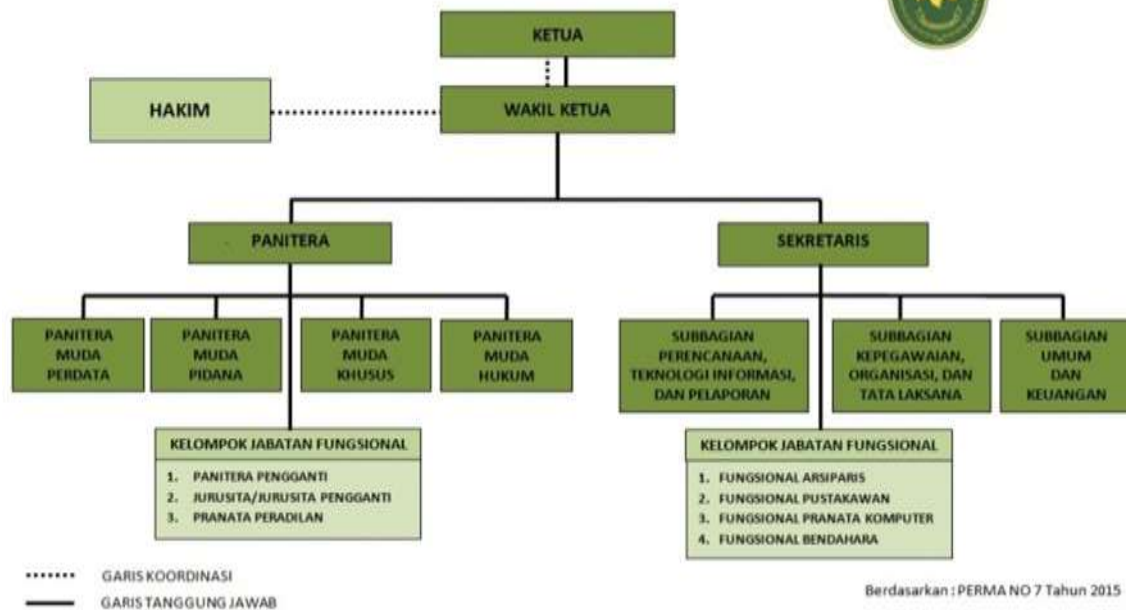
The Medan District Court is one of the implementers of judicial power in the general court environment. The main tasks of the Medan District Court are as follows:

1. To adjudicate and settle cases submitted to him in accordance with Law no. 84 of 2004 concerning the Judicial Powers of General Courts.
2. Organizing Case Administration and other General Administration

The Medan District Court is included in the jurisdiction of the North Sumatra High Court and its jurisdiction covers an area of approximately 26,510 Km² consisting of 21 sub-districts. The Medan District Court not only functions as a general court that handles civil and criminal cases, but also has special courts established within the general court environment. This is possible based on Article 15 of Law no. 4 of 2004 concerning Judicial Powers: "Special courts can only be formed in one judicial environment". At the Medan District Court there are five special courts, each of which has its own authority as described below, among others:

- a. The Commercial Court, established and established based on the Decree of the President of the Republic of Indonesia Number 97 of 1999. The authority of the Commercial Court, among others, is to adjudicate cases of Bankruptcy, Intellectual Property Rights, and other commercial disputes as determined by law.
- b. The Human Rights Court, established and established based on Law No. 26 of 2000. The authority of the Human Rights Court is to try gross human rights violations, as happened in the case of gross human rights violations in East Timor and Tanjung Priok in 1984. These violations of human rights is currently issuing Presidential Decree No. 53/2001 on the establishment of an Ad Hoc Human Rights Court at the Central Jakarta District Court, which is currently being amended by Presidential Decree No. 96/2001.
- c. The Juvenile Court was established and established based on Law No. 3 of 1997, which is the implementation of the ratified Convention on the Rights of the Child, that every child has the right to protection, both against exploitation, cruel treatment and arbitrary treatment in the criminal justice process. And the Jurisdiction of Juvenile Justice in terms of criminal cases are those who have reached the age of 8 but have not yet reached 18 years.
- d. The Court of Industrial Relations Disputes, established and established based on Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, is a special court under the district court in the provincial capital.
- e. The Fisheries Court, established and established based on Law 31 of 2004. This court has the authority to examine, hear, and decide on criminal acts in the field of fisheries, and is within the General Courts and has jurisdiction in accordance with the jurisdiction of the relevant district court.
- f. The Special Court for Corruption Crimes, was established and established based on the mandate of Article 53 of Law Number 30 of 2002 concerning the Corruption Eradication Commission. This court has jurisdiction to handle corruption cases and is domiciled in Jakarta.

3.1 Population Policy During Turki Utsmani 1512-1566 M



- Chairman : Setyanto Hermawan, SH., M. Hum
- Vice Chairman : Marliyus MS, SH, MH
- Career Judge : Denny Lumbang Tobing, SH, MH
 Dahlia Panjaitan, SH.
 Eliwarti, SH., MH.
 Donald Panggabean, SH
 Oloan Silalahi, SH, MH
 Arfan Yani, SH
 Jarihat Simarmata, SH., MH
 Dominggus Silaban, SH., MH.
 Ahmad Sumardi, SH., M. Hum.
 Nelson Panjaitan, SH., MH.
 Tiares Sirait, SH, MH
 Nurmiati,SH
 Lucas Friends of Duha, SH., MH.
 Mohammad Yusafrihardi Girsang, SH, MH
 Dr. Ulina Marbun, SH, MH
 Bambang Joko Winarno, SH., MH.
 Syafril Pardamean, SH., MH.
 Immanuel, SH., MH.
 Firza Andriansyah, SH, MH
 Martua Sagala, SH., MH.
 Abd Kadir SH,MH
 Khamozaro Waruwu, SH, MH
 Sulhanuddin, SH., MH.
 Abd Hadi Nasution, SH, MH
 Zufida Hanum, SH, MH
 Phillip Mark Soentpiet, SH, MH

AD HOC Judge	: Eti Astuti, SH, MH M. Nazir, SH, MH Sayed Tarmizi, SH, MH Nurmansyah, SH., MH. Budiyono, SH, MH Sunday Saragih, SH., MH. Meilinus Adri Change Protector H. G, S. Kom, SH., MH. Surya Dharma, SH, SE, MH Masdalena Lubis, SH Dr.Ir. Yoes Soemaryono, M.Sc., MH Ir. Tajuddin, M.MA
Registrar's Office	: Eddi Sangapta Sinuhaji, SH., MH. Parlin Halomoan Harahap, SH.MH. Junain Arief, SH.MH Benjamin Tarigan, SH., MH HJ. Syafrida Hafni, SH., MH Enike Hertika Purba, SH, MH Simon Sembiring, SH, MH Muhammad Syarief Nasution, SH
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Clerk Replacement	: Netty Riama, SH., MH. Leonardus Sinaga, SH., MH. Officially Tarigan, SH., MH. Veranita Purba, SH., MH. Febriyandi Ginting, SH., MH. Eridawati, SH., MH. Fajar Siallagan, SH., MH. H. Potalfin Siregar, SH, MH H. Abdul Rahman, SH, MH Risna Oktaviany Lingga, SH, MH Enny Reswita, SH. Muhammad Yusuf, SH. Oloan Sirait, SH. Hj.Martalina,SH Joni, SH. Yaniria Harefa, SH. Rita Sitepu, SH Irwandi Purba, SH., MH. Fadli Asrar, SH. MH Nalem, SH. Sumardy S., SH. Kalep Rumanus Tarigan, SH Rohanna Pardede, SH Artanta Sihombing, SH Fakrhiyanti, SH., MH.

Functional : Ade Permana Putra, SH.
 Linda Mora Hariyani Hasibuan, SH.
 Aryandi, SH.
 Roslina Tiur Melia, SH
 Sapta Putra Sembiring, SH., MH.
 Deni Syafrianto, SH., MH.
 Rahmadan Syahputra, S. Kom, SH., MH
 Emmy Siahaan
 Ngatas Purba, SH., MH.
 Yuridiansyah, SH.
 Muhammad Afandi Nasution, SH.
 Abdul Rahman Rangkuti, SE, SH, MH
 Berry Prima P, SH
 Romadona, SH
 Rahmad Hasibuan, SH
 Masvina Rambe, SH
 Irmayani Br.Tarigan,SH,MH
 Irene Silvia Manurung, SE, SH, M.Si
 Parlindungan Daulay, SH
 Rosnani
 Eka Situmorang, S. Kom
 Aini Puspa Sari Hutasuhut, SH
 Romaika Berlian Br Sitorus,SH
 Natalita Solagracia Situmorang, SH, MH
 Muhammad Nawawi
 Nomi Kartika Br. Tarigan, SE
 Ancient Lydia
 Nana Agustin, S.SS
 Dedi Suhaji, SH
 Areni
 Halimatussa'diah, S. Kom
 Wirdha Ayuni Fitri Lubis, SE.
 Alfadri Yanda, SH.
 Ammy K. Simanjuntak
 Aldiantoni Anjaya Alwi

3.2 Decision Analysis

This analysis is based on the decision of the Medan District Court with case number 581/Pdt.G/2020/PN Mdn, dated November 10, 2020. The topics that will be discussed in this analysis include Legal Standing and Legal Interests of the Plaintiffs and those who be considered by the judge in granting the Plaintiffs' claim.

1. Regarding Legal Standing and Plaintiff's Legal Interests.

Whereas the Plaintiffs, who are all residents of Medan City in the a quo case, acted for themselves and as class representatives who have the same facts/legal basis, common interests, common grievances and common demands with members group (class member) for all Muslims in particular and all the people of Medan City in general in North Sumatra who will be disadvantaged if the Medan City Regional Head Election (Pilkada) is held which will be held by Defendant I on December 9, 2020;

2. Judges' Considerations in Assessing the Criteria for Class Action Lawsuits in Decision 581/Pdt.G/2020/PN Mdn.

Whereas in its consideration, according to the Panel of Judges, the formal requirements for submission are: The class action lawsuit filed by the Proxy of the Plaintiffs as stipulated in Article 3 of Perma No.1 of 2002 has been fulfilled, then the following shall be considered:

- a. Whereas in the power of attorney the Plaintiffs have stated the identity of the group representatives, namely the Plaintiffs.
- b. that the definition of the Plaintiffs' group organization as explained in the Amendment of the Plaintiffs' Power of Attorney, is a Community Organization that is concerned with the field of community development, performs good deeds and bad deeds, criticizes government policies that are deemed not in favor of the people, and conducts legal advocacy to the community. and other activities that are for the benefit of the community, especially in the city of Medan.
- c. Whereas as in the Plaintiffs' Power of Attorney in their posita and which is the subject of the lawsuit, it has been stated that due to non-natural national disasters due to the spread of the corona virus (Covid-19) which threatens public health and has taken many lives, so that the election of Regional Heads is specifically in the city of Medan, the Defendant should have canceled or postponed the regional head election to be held on December 9, 2020 because it could threaten the health and safety of the community, but the Defendant continued to carry out the stages and process of the election, so that the Defendant's actions were against the law. .
- d. That the Plaintiffs' Power of Attorney has clearly stated the addresses of the Plaintiffs and the addresses of the Plaintiffs' Proxies to be able to make notifications, as well as from several of the Plaintiffs' organizations that there have been similarities in the demands, namely to cancel or postpone the Pilkada, especially in Medan City due to Covid-19 19.
- e. That from the considerations above, it turns out that the claim by the attorney of the plaintiffs has complied with the procedures and requirements for the class action lawsuit as stipulated in Article 3 of Perma No. 1 of 2002, so that the class action lawsuit is declared valid.

Based on the author's analysis above, through several normative approaches, citing several scholars' opinions and the relevant Law, it states that the Plaintiff's objection to the type of lawsuit filed by the Plaintiff is legally correct. the applicable laws and regulations, thus the lawsuit filed by the plaintiff is legally adequate and has legal standing in the proceedings, so that the lawsuit can be accepted and declared valid by the panel of judges.

IV. Conclusion

The procedure in class action is carried out by going through the stages, namely the application for filing a lawsuit in class action, namely making a lawsuit by fulfilling the formal requirements of the lawsuit as regulated in the Civil Procedure Code, the certification process is processed, the application for filing a lawsuit is examined by the Court whether the representative in the class lawsuit action is allowed to represent the group or not and if it is permitted then proceed to the next stage by giving notification to the representative of the group, then Examination and Evidence in Class Action here the trial has begun by adjusting the Civil Procedure Code so that the proceedings are carried out correctly and appropriately, on Generally, class action lawsuits are the same as other civil lawsuits, after the trial is over then here the judge has read out his decision and the

decision must be implemented or executed immediately, and it should be noted that in this class action lawsuit it is possible to make peace between the plaintiff and the defendant known as *dading*.

Based on the identification of the three criteria for a class action lawsuit from Decision Number 581/Pdt.G/2020/PN Mdn, it has met the criteria for a class action lawsuit. The first criterion is numerosity, in Decision Number 581/Pdt.G/2020/PN Mdn, the Plaintiffs 1 to 4 are the Management of the National Movement for Fatwa Guarding Organization (GNPF) of North Sumatran Ulama consisting of the General Chair, Secretary, Treasurer and Chairman of the Pokja Pilkada GNPF North Sumatra Ulama and Plaintiffs 5 and 6 are Organizational Management consisting of the Chairman and Secretary of the Regional Representative Council (LPD) of the North Sumatra Mujahidin Assembly. While Plaintiff 7 is the Chairman of the North Sumatran Muslim League which is engaged in the Public Benefit, especially the City of Medan. Plaintiffs 8, 9 and 10, are the Chairman, Secretary and Treasurer of the Darul Maslaha organization and from several group organizations and then H. Aidan Nazwir Panggabean, et al gave power of attorney to Raja A. Makayasa Harahap, SH et al, who are the UMAT HEALTH ADVOCACY TEAM " having their office at Jalan Sutomo No. 6 Medan, so that the lawsuit has been assessed as effective and efficient.

The second criterion is commonality and typicality, in Decision Number 581/Pdt.G/2020/PN Mdn there are similarities in facts or events seen from. Aidan Nazwir Panggabean, et al and the community, especially the people of Medan City, have both experienced a non-natural national disaster due to the spread of the corona virus (Covid-19) which threatens public health and has claimed many lives, so that the election of Regional Heads specifically in the City Medan, the Defendant should have canceled or postponed the regional head election to be held on December 9, 2020 because it could threaten the health and safety of the community, but the Defendant continued to carry out the stages and process of the regional head election, so that the Defendant's actions were against the law.

The third criterion is Adequacy of Representation, in Decision Number 581/Pdt.G/2020/PN Mdn has met this criterion. Decision Number 581/Pdt.G/2020/PN Mdn the assessment of the sincerity of the Group Representatives is implied and must be analyzed to find the judge's judgment, which can be seen in the willingness of group representatives, namely Aidan Nazwir Panggabean, et al to sincerely and voluntarily become group representatives. In addition, Aidan Nazwir Panggabean, et al acted for themselves and also acted to represent the legal interests of their group members and for the willingness of Aidan Nazwir Panggabean, et al in compiling and filing a lawsuit can prove that Aidan Nazwir Panggabean.

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