

Pelindungan Pemilik Hewan Peliharaan terhadap Kandungan Berbahaya pada Pet food: Perbandingan Upaya Gugatan Class Action antara Indonesia dan Amerika Serikat = Protection of Pet Owners against Hazardous Substances in Pet food: A Comparative Study of Class Action Lawsuits in Indonesia and the United States

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Abstrak

Penelitian ini menganalisis perbandingan pengaturan keamanan dan perlindungan pemilik hewan peliharaan sebagai konsumen atas pet food yang berbahaya antara Indonesia dan Amerika Serikat. Penelitian juga membandingkan upaya hukum gugatan class action atas pet food yang berbahaya di kedua negara tersebut. Saat ini, industri pet food di Indonesia mengalami pertumbuhan pesat, namun regulasi yang mengatur keamanannya masih belum komprehensif. Saat ini regulasi di Indonesia belum memiliki peraturan spesifik yang mengatur keamanan pet food, hal ini berbeda dengan Amerika Serikat yang memiliki sistem regulasi berlapis dan komprehensif melalui berbagai peraturan yang mencakup seluruh tahapan dari produksi, distribusi, dan pemasaran pet food, serta kewenangan absolut United States Food and Drug Administration selaku regulator. Dalam hal upaya hukum, baik Indonesia maupun Amerika Serikat mengakui gugatan class action. Namun, penerapannya di Indonesia masih menghadapi tantangan seperti kurangnya kesadaran publik, kompleksitas proses, dan kekhawatiran akan biaya dan waktu. Sementara di Amerika Serikat, gugatan class action lebih mapan sudah lebih banyak diimplementasikan secara kuantitas. Gugatan class action terbukti efektif dalam kasus-kasus kontaminasi pet food yang menghasilkan ganti rugi signifikan bagi konsumen. Oleh karena itu, efektivitas class action sebagai alat perlindungan konsumen di Indonesia masih belum optimal dibandingkan dengan Amerika Serikat. Pemerintah Indonesia dituntut untuk dapat membentuk kerangka regulasi yang komprehensif atas keamanan pet food dan penyelesaian sengketa konsumen melalui upaya gugatan class action.

.....This research presents a comparative analysis of the regulatory frameworks governing the safety and consumer protection for pet owners concerning hazardous pet food in Indonesia and the United States. Furthermore, the study compares the application of class action litigation as a legal remedy for cases involving harmful pet food in both nations. While the pet food industry in Indonesia is experiencing rapid growth, the regulatory framework governing its safety remains underdeveloped. Unlike the United States, which boasts a multi-layered and comprehensive regulatory system, Indonesia currently lacks specific regulations dedicated to pet food safety. The American system encompasses all stages, from production and distribution to marketing, with the United States Food and Drug Administration (FDA) holding primary regulatory authority. In terms of legal recourse, while both Indonesia and the United States recognize the legal standing of class action lawsuits, their application differs significantly. In Indonesia, implementation is fraught with challenges, including low public awareness, procedural complexities, and concerns regarding the associated time and cost. Conversely, class action litigation is a well-established and frequently utilized mechanism in the United States, where it has proven effective in cases of pet food contamination, yielding substantial damages for consumers. Consequently, the efficacy of class action as a tool for consumer protection in Indonesia is suboptimal compared to its counterpart in the United States. It is therefore

imperative for the Indonesian government to establish a comprehensive regulatory framework for pet food safety and to enhance consumer dispute resolution mechanisms, particularly through the effective implementation of class action lawsuits.