

Small Claims Court in Environmental Disputes Resolution to Support the Realization of Sustainable Development

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Abstract

An appropriate business dispute resolution will ensure that the parties involved would not have to spend too much time and cost to resolve their case. There are two ways to resolve business disputes, through litigation and non-litigation process. The non-litigation process mainly depends upon the agreement of the parties involved and does not have a formally binding force upon them. Although the non-litigation process is more preferred in resolving business disputes, sometimes it does not completely resolve the issue. A specific business dispute resolution procedure such as the mechanism of small claims court (an informal court) is required. The objectives of the small claims court are to settle cases in prompt and cost-effective manner, and to avoid lengthy and complex formal legal procedures. Although it is still a part of the litigation process, the small claims court applies simplified procedures that are different from those of conventional civil cases. Nonetheless, the judgment of the small claims court has the same legally binding force as that of general court. The small claims court is situated in the District Court, but the examination of cases is different from general procedures and until now the mechanism has not been widely known in Indonesia.

Keywords

Small claims court, dispute resolution

Sustainable development is a development process (of a city, business, community or others) under the principle of fulfilling the needs of current generation without sacrificing the needs of future generation). One of the factors that should be faced in achieving sustainable development is how to restore environmental destruction without sacrificing the needs for economic development and social justice. The advent of this concept was a reaction of disappointment over the handling of contemporary environmental-related problems.

The sustainable development concept denotes development as a development that fulfills the needs of current generations without degrading the abilities

of future generations to fulfill their own needs. There are two important ideas in this very concept: firstly, the idea of need (especially the essential needs of poor people all over the world that should be given top priority); secondly, the idea of limitations, based on the condition of technology and social organization, and on the abilities of the environment to fulfill our

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