

ABSTRACT

This research is conducted to identify whether standard drinking water depot really gives legal protection to the consumers and whether liability system burdened to depot drinking water's vendor complies to the basic and goal of consumer protection.

In term of normative perspective within Indonesia legal system, the regulation on drinking water from drinking water depot should provide a major concern on its safety and quality. Unfortunately, Law No. 8/1999 doesn't specifically address question, therefore Law No. 7/1996 as well as Decree of Health Ministry No. 907/Menkes/SK/VII/2002 are used for this purpose. Meanwhile, Law No. 7/1996 has weakness since it does not have implementation regulation yet. What is heeded an implementation rule which is directly and specifically address safety and quality issue. Moreover, Decree of Healthy Ministry No. 907/Menkes/SK/VII/2002 doesn't clearly state and regulate the standard of drinking water from drinking water depot.

Liability system applied to the depot drinking water's vendor stated in Law No. 8/1999 is a liability based on proof guilty and what so called "reversed burden of proof". Exercise of this system is indeed in line with the basic and goal of consumer protection. Meanwhile, one of the efforts that possibly used to settle this dispute faced by drinking water consumer is a class action. Law No. 8/199 provides regulation for such purpose and Peraturan Mahkamah Agung No. 1/2002 specifically states the mechanism and technique of conducting a class action.

A class action mechanism is expected to ease the consumers to pursue a case to the court as well as release the judges from the difficulty and complication in examining every case that has similarity in its substance.

Keyword: drinking water depot, drinking water quality, drinking water safety, liability, a class action.