

Gugatan Pembatalan Perjanjian oleh Pihak Ketiga demi Kepentingan Umum dalam Citizen Lawsuit: Studi Kasus Putusan Pengadilan Negeri Bojonegoro Nomor 29/PDT.G/2020/PN.BJN = The Cancellation of Agreements by Third Parties for Public Interest in Citizen Lawsuit: Case Study of Bojonegoro District Court Decision Number 29/PDT.G/2020/PN.BJN

Hanna Arinawati, author

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Abstrak

Citizen lawsuit merupakan mekanisme bagi warga negara untuk menggugat tanggung jawab penyelenggara negara atas kelalaiannya dalam memenuhi hak-hak warga negara. Citizen lawsuit belum diatur secara khusus dalam peraturan perundang-undangan di Indonesia sehingga rujukan yang dapat digunakan oleh Hakim untuk memutus gugatan citizen lawsuit adalah Surat Keputusan Ketua Mahkamah Agung RI Nomor 36/KMA/SK/11/2013 tentang Pemberlakuan Pedoman Penanganan Perkara Lingkungan Hidup. Penelitian ini akan membahas mengenai perkembangan hukum gugatan citizen lawsuit di Indonesia dan perbandingannya dengan Negara Amerika Serikat dan India serta bagaimana akibat hukum jika warga negara sebagai pihak ketiga ingin membatalkan suatu perjanjian yang termasuk tindakan dalam ranah hukum privat dengan menggunakan mekanisme citizen lawsuit berdasarkan studi kasus Putusan Pengadilan Negeri Bojonegoro Nomor 29/PDT.G/2020/PN.BJN. Bentuk hasil penelitian dalam skripsi ini adalah deskriptif-analitis dan hasil penelitian ini menyarankan agar Dewan Perwakilan Rakyat sebaiknya dapat menambah materi mengenai gugatan citizen lawsuit pada Rancangan Undang-Undang Hukum Acara Perdata (RUU HAPER) agar terciptanya suatu kepastian hukum. Namun, dalam jangka waktu dekat selama 1 (satu) sampai 2 (dua) tahun ini, Mahkamah Agung seyogyanya dapat segera membentuk pedoman mengenai gugatan citizen lawsuit yang dapat diformulasikan dalam Peraturan Mahkamah Agung (PERMA) yang diharapkan mampu menjelaskan hal-hal spesifik dalam gugatan citizen lawsuit. Kemudian warga negara yang nantinya akan mengajukan gugatan citizen lawsuit diharapkan dapat lebih teliti dalam menganalisis hubungan hukum dan dasar hukum dalam mengajukan gugatan karena baik pihak penggugat maupun tergugat dalam suatu gugatan harus betul-betul mempunyai kedudukan serta kapasitas yang tepat menurut hukum.

.....Citizen lawsuit is a mechanism for citizens to sue the responsibility of state administrators for their negligence in fulfilling the rights of citizens. Citizen lawsuits have not been specifically regulated in the regulations in Indonesia so the reference that can be used by judges to decide on citizen lawsuits is the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 36/KMA/SK/11/2013 concerning the Implementation of Guidelines for Handling Environmental Cases. This study will discuss the development of citizen lawsuits in Indonesia and their comparison within the United States and India and what are the legal consequences if a citizen as a third party wants to cancel an agreement which includes actions in the realm of private law by using a citizen lawsuit mechanism based on a case study Bojonegoro District Court Number 29/PDT.G/2020/PN.BJN. The form of the results of the research in this thesis is descriptive-analytical and the results of this study suggest that the House of Representatives should be able to add material regarding citizen lawsuits to the Draft Civil Procedure Law

(RUU HAPER) to create legal certainty. However, soon for 1 (one) to 2 (two) years, the Supreme Court should be able to immediately form guidelines regarding citizen lawsuits that can be formulated in a Supreme Court Regulation (PERMA) which is expected to be able to explain specific things in the lawsuit especially in the citizen lawsuits and hope through citizens who will sue lawsuits regarding citizen lawsuits they become more careful in which is expected to be able to explain specific things in the lawsuit especially in the connection of law and legal basis of suing the citizen lawsuit, because both the plaintiff and the defendant in a lawsuit must have the right position and capacity according to the law.