

ABSTRAK

Judul Skripsi Penulis adalah: Analisis Putusan Hakim Pengadilan Niaga Tentang Sengketa Desain Industri Kemasan Pakaian Dalam. Maman Handian Darmo, 19310145. Rumusan masalah penelitian penulis adalah: 1.) Mengapa Hakim Pengadilan Niaga Jakarta menolak gugatan Penggugat seluruhnya dalam sengketa desain industri kemasan pakaian dalam? 2.) Mengapa Hakim di Tingkat Kasasi mengabulkan Sebagian gugatan Penggugat dan dikuatkan dengan putusan Hakim Peninjauan Kembali?. Tujuan Penelitian ini yaitu, 1.) Untuk mengetahui mengapa Hakim Pengadilan Niaga Jakarta menolak gugatan Penggugat seluruhnya dalam sengketa desain industri kemasan pakaian dalam. 2.) Untuk mengetahui mengapa Hakim Mahkamah Agung di Tingkat Kasasi mengabulkan Sebagian gugatan Penggugat dan dikuatkan dengan putusan Hakim Peninjauan Kembali. Jenis Metode Penelitian yang penulis gunakan adalah: Jenis Penelitian Normatif dan Sifat Penelitian adalah bersifat deskriptif yakni Jenis penelitian yang memberikan gambaran atau uraian atau suatu keadaan sejelas mungkin tanpa ada perlakuan terhadap objek yang diteliti, tentang alasan hakim Pengadilan Niaga menolak gugatan penggugat, sedangkan hakim di tingkat kasasi yang dikuatkan oleh putusan hakim peninjauan kembali mengabulkan sebagian gugatan penggugat. Variabel yang digunakan adalah variabel bebas dan variabel terikat. Variabel bebas dalam penelitian ini adalah alasan hakim Pengadilan Niaga menolak gugatan penggugat, dan alasan hakim tingkat kasasi dan hakim peninjauan kembali mengabulkan sebagian gugatan penggugat, sedangkan variabel terikat dalam penelitian ini adalah putusan pengadilan tentang sengketa desain industri kemasan pakaian dalam. Bahan hukum yang digunakan adalah bahan hukum primer yang terdiri dari putusan hakim serta peraturan perundang-undangan, traktat, kaidah dasar atau norma serta peraturan dasar.

Berdasarkan Hasil Penelitian yang penulis teliti maka yang menjadi kesimpulan sesuai masalah yang penulis kaji yaitu: 1.) Hakim Pengadilan Niaga Jakarta menolak gugatan Penggugat seluruhnya dalam sengketa desain industri kemasan pakaian dalam, Karena: a) Penggugat tidak berhak dalam memegang desain industri. b) Gugatan Penggugat Kabur Dan Tidak Telas (Obscuur Libee) 2) Hakim Mahkamah Agung di Tingkat Kasasi mengabulkan Sebagian gugatan Penggugat dan dikuatkan dengan putusan Hakim Peninjauan Kembali, Yaitu: a) PN salah menerapkan hukum. b) Penggugat dapat membuktikan sebagai pemegang hak atas desain industri.

Kata Kunci : Putusan Hakim, Sengketa Desain Industri.

ABSTRACT

The title of the author's thesis is: Analysis of Commercial Court Judge's Decision on Underwear Packaging Industrial Design Dispute. Maman Handian Darmo ,19310145The formulation of the author's research problem is: 1.) Why did the Jakarta Commercial Court Judge reject the Plaintiff's lawsuit in its entirety in suing for underwear packaging industrial design? 2.) Why did the Judge at the Cassation Level grant part of the Plaintiff's lawsuit and strengthen it with a Review Judge's decision? The purpose of this study is, 1.) To find out why the Jakarta Commercial Court Judge rejected the Plaintiff's lawsuit in its entirety in resolving the underwear packaging industrial design. 2.) To find out why the Supreme Court Judge at the Cassation Level granted part of the Plaintiff's lawsuit and strengthened it with a Review Judge's decision. The type of research method used by the author is: Normative Research Type and Research Nature is descriptive, namely the type of research that provides a picture or description or a situation as clearly as possible without any treatment of the object being studied, about the reasons the Commercial Court judge rejected the plaintiff's lawsuit, while the judge at the cassation level who was strengthened by the review judge's decision granted part of the plaintiff's lawsuit. The variables used are independent variables and dependent variables. The independent variables in this study are the reasons why the Commercial Court judge rejected the plaintiff's lawsuit, and the reasons why the cassation judge and the judicial review judge granted part of the plaintiff's lawsuit, while the dependent variable in this study is the court's decision on the preservation of the underwear packaging industrial design. The legal materials used are primary legal materials consisting of judges' decisions and laws and regulations, treaties, basic rules or norms and basic regulations.

Based on the research results that the author studied, the conclusions according to the problems that the author studied are: 1.) The Jakarta Commercial Court Judge rejected the Plaintiff's lawsuit in its entirety in the settlement of the underwear packaging industrial design, because: a) The Plaintiff has no right to hold the industrial design. b) The Plaintiff's lawsuit is vague and unclear (Obscuur Libee) 2) The Supreme Court Judge at the Cassation Level granted part of the Plaintiff's lawsuit and was strengthened by the decision of the Judicial Review Judge, namely: a) The District Court applied the law incorrectly. b) The Plaintiff can prove that he is the holder of the rights to the industrial design.

Keywords: Judge's Decision, Industrial Design Dispute.