

ABSTRAK

Judul penulisan ini adalah: Analisis Yuridis Pembatalan Surat Keputusan Kepala Balai Pengawasan Obat Dan Makanan (BPOM) Tentang Pemberian Pensiun Terhadap Pegawai Negeri Sipil Yang Belum Mencapai Usia Pensiun. Dengan rumusan masalah adalah: mengapa Hakim Pengadilan Tata Usaha Negara mengabulkan gugatan penggugat sedangkan Hakim Pengadilan Tinggi Tata Usaha Negara dan Mahkamah Agung menolak gugatan penggugat? Dan tujuan Penelitian yaitu, Untuk mengetahui alasan Hakim Pengadilan Tata Usaha Negara mengabulkan gugatan penggugat sedangkan Hakim Pengadilan Tinggi Tata Usaha Negara dan Mahkamah Agung menolak gugatan penggugat. Jenis Penelitian yang digunakan adalah: Penelitian Normatif dan Sifat Penelitian adalah bersifat deskriptif. Variabel yang digunakan adalah variabel bebas dan variabel terikat. Variabel bebas dalam penelitian ini adalah alasan Hakim Pengadilan Tata Usaha Negara mengabulkan gugatan penggugat sedangkan Hakim Pengadilan Tinggi Tata Usaha Negara dan Mahkamah Agung menolak gugatan penggugat. Sedangkan variabel terikat dalam penelitian ini adalah Putusan pengadilan tentang Sengketa Keputusan Tata Usaha Negara.

Berdasarkan hasil penelitian yang penulis lakukan, maka yang menjadi kesimpulan sesuai permasalahan yaitu: 1. Alasan Hakim Pengadilan Tata Usaha Negara mengabulkan gugatan penggugat: a. Penggugat dapat membuktikan dalil – dalil gugatannya. b. Tergugat dalam mengeluarkan objek sengketa secara procedural dan substansial telah melanggar asas kecermatan. 2. Alasan Pengadilan Tinggi Tata Usaha Negara menolak gugatan penggugat adalah: a. Penggugat tidak dapat membuktikan dalil – dalil gugatannya. b. Usia penggugat sudah melebihi batas usia pensiun yaitu 60 Tahun 3 bulan. 3. Alasan Mahkamah Agung menolak gugatan penggugat adalah: Karena Judex Facti Pengadilan Tinggi Tata Usaha Negara Jakarta sudah benar dan tidak terdapat kesalahan dalam penerapan hukum.

Kata kunci: Surat Keputusan Kepala Balai Pengawasan Obat Dan Makanan (BPOM), Pensiun, Pegawai Negeri Sipil.

ABSTRACT

The title of this research is: Legal Analysis of the Cancellation of the Decree of the Head of the Food and Drug Supervisory Agency (BPOM) Concerning the Provision of Pensions to Civil Servants Who Have Not Reached Retirement Age. With the formulation of the problem is: why did the State Administrative Court Judge grant the plaintiff's lawsuit while the High State Administrative Court Judge and the Supreme Court Judge rejected the plaintiff's lawsuit? And the purpose of the research is to find out the reasons why the State Administrative Court Judge granted the plaintiff's lawsuit while the High State Administrative Court Judge and the Supreme Court Judge rejected the plaintiff's lawsuit. The type of research used is: Normative Research and the nature of the research is descriptive. The variables used are independent variables and dependent variables. The independent variable in this study is the reason the State Administrative Court Judge granted the plaintiff's lawsuit while the High State Administrative Court Judge and the Supreme Court Judge rejected the plaintiff's lawsuit. While the dependent variable in this study is the Court's Decision on the State Administrative Decision Dispute.

Based on the results of the research conducted by the author, the conclusions according to the problem are: 1. Reasons for the State Administrative Court Judge to grant the plaintiff's lawsuit: a. The plaintiff can prove the arguments of his lawsuit. b. The defendant has violated the principle of accuracy in issuing the object of the dispute procedurally and substantially. 2. The reasons for the State Administrative High Court rejecting the plaintiff's claim are: a. The plaintiff was unable to prove the arguments of his lawsuit. b. The plaintiff's age has exceeded the retirement age limit, namely 60 years and 3 months. 3. The reason the Supreme Court rejected the plaintiff's lawsuit was: Because the *Judex Facti* of the Jakarta State Administrative High Court is correct and there are no errors in the application of the law.

Keywords: Decree of the Head of the Food and Drug Supervisory Agency (BPOM), Pension, Civil Servants.