

## ABSTRAK

Judul: *Deskripsi tentang tuntutan ganti rugi atas perbuatan melaan hukum oleh pemerintah (studi kasus putusan pengadilan negeri nomor:34/Pdt.G/2015/PN. Jkt Sel antara pemerintah republik indonesia melawan prof dr wimanjaya liotohe)*

Permasalahan dalam penelitian ini adalah: 1.mengapa tuntutan ganti rugi atas perbuatan melawan hukum oleh pemerintah dikabulkan oleh pengadilan negeri ? dan 2. mengapa hakim pengadilan tingggi membatalkan putusan pengadilan negeri dan menolak gugatan penggugat? 3. Mengapa hakim Mahkamah Agung dalam putusannya tidak menerima permohonan kasasi dari pemohon kasasi?. Tujuan penelitian ini adalah: 1. Untuk mengetahui alasan tuntutan ganti rugi atas perbuatan melawan hukum oleh pemerintah dikabulkan oleh pengadilan negeri. 2.Untuk mengetahui alasan mengapa hakim pengadilan tingggi membatalkan putusan pengadilan negeri dan menolak gugatan penggugat. 3. Untuk mengetahui alasan hakim Mahkamah Agung dalam putusannya tidak menerima permohonan kasasi dari pemohon kasasi.

Variabel bebas adalah perbuatan melawan hukum oleh pemerintah Republik Indonesia, sedangkan variabel terikatnya adalah putusan hakim. Hasil penelitian peneliti sebagai berikut: 1.Alasan tuntutan ganti rugi atas perbuatan melawan hukum oleh pemerintah dikabulkan oleh pengadilan negeri a). Tergugat terbukti melakukan perbuatan melawan hukum. b). Tindakan tergugat tersebut berakibat kerugian bagi penggugat, secara materil maupun im-materil, 2. Alasan hakim Pengadilan Tinggi membatalkan putusan pengadilan negeri dan menolak gugatan penggugat, a). Tindakan pembanding tersebut telah didasarkan dan sesuai dengan kewenangan yang diberikan oleh undang-undang, c). Pengadilan Negeri salah Menerapkan hukum. 3. Alasan Hakim Mahkamah Agung dalam putusannya menyatakan tidak menerima permohonan kasasi dari pemohon kasasi, a). Pengajuan permohonan kasasi telah melewati tenggang waktu.

Saran 1. Dalam memeriksa dan memutus suatu perkara hakim dapat memperhatikan atau mempertimbangkan dalil penggugat atau jawaban replik tergugat agar dalam mejatuhkan putusan tidak terdapat kekeliruan, 2. Untuk para pihak dalam perkara ini tegugat (Pemerintah) dalam menjalankan kewenangannya harus senantiasa berlandaskan pada ketentuan peraturan perundang-undangan yang berlaku dan dapat dipertanggungjaabkan secara hukum agar tidak menimbulkan kerugian, dan untuk penggugat agar betul-betul melihat dan memperhatikan prosedur peradilan yang berlaku terlebih kusus dapat memperhatikan waktu agar tidak melewati batas ketentuan yang telah ditentukan.

**Kata Kunci : ganti rugi , perbuatan melawan hukum.**

## ABSTRACT

Title: Description of the claim for compensation for unlawful acts by the government (case study of the decision of the district court number: 34/Pdt.G/2015/PN.Jkt Sel between the government of the Republic of Indonesia and Prof. Dr. Wimanjaya Liotohe)

The problems in this research are: 1. Why was the claim for compensation for unlawful acts by the government granted by the district court? and 2. Why did the high court judge annul the district court's decision and reject the plaintiff's lawsuit? 3. Why did the Supreme Court judge in his decision not accept the cassation request from the cassation applicant?. The objectives of this study are: 1. To determine the reasons why the district court granted the claim for compensation for unlawful acts by the government. 2. To determine the reasons why the high court judge overturned the district court's decision and rejected the plaintiff's lawsuit. 3. To determine the reasons why the Supreme Court judge in his decision did not accept the cassation request from the cassation applicant.

The independent variable is the unlawful act by the government of the Republic of Indonesia, while the dependent variable is the judge's decision. The results of the researcher's research are as follows: 1. The reasons for the claim for compensation for the unlawful act by the government were granted by the district court: a). The defendant was proven to have committed an unlawful act. b). The defendant's actions resulted in losses for the plaintiff, both material and immaterial. 2. The reasons why the High Court judge overturned the district court's decision and rejected the plaintiff's lawsuit, a). The appellant's actions were based on and in accordance with the authority granted by law, c). The District Court applied the law incorrectly. 3. The reasons why the Supreme Court judge in his decision stated that he did not accept the cassation request from the cassation applicant, a). The submission of the cassation request had passed the deadline.

Suggestion 1. In examining and deciding a case, the judge can pay attention to or consider the plaintiff's arguments or the defendant's reply so that there are no errors in making a decision. 2. For the parties in this case, the defendant (Government) in exercising its authority must always be based on the provisions of applicable laws and regulations and be legally accountable so as not to cause losses, and for the plaintiff to really see and pay attention to the applicable judicial procedures, especially to be able to pay attention to the time so as not to exceed the specified provisions.

**Keywords: compensation, unlawful acts.**