

ABSTRAK

DESKRIPSI TENTANG PENYELESAIAN SENGKETA DALAM PERKARA PEMBATALAN AKTE KELAHIRAN PADA PENGADILAN TINGGI TUN

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Judul penelitian ini adalah **“Deskripsi Tentang Penyelesaian Sengketa Dalam Perkara Pembatalan Akte Kelahiran Pada Pengadilan Tinggi TUN.”** Rumusan masalah dalam penelitian ini adalah (1) mengapa hakim PTUN mengabulkan gugatan penggugat terhadap pembatalan akte kelahiran, (2) mengapa hakim PTTUN menyatakan gugatan Tidak dapat diterima dalam pembatalan akte kelahiran, dan (3) mengapa hakim MA menolak permohonan kasasi dari termohon. Penelitian ini bertujuan untuk mengetahui alasan hakim PTUN menerima gugatan penggugat dalam pembatalan akte kelahiran serta alasan hakim PTTUN menyatakan gugatan tidak dapat diterima dalam pembatalan akte kelahiran dan alasan Hakim MA menolak gugatan permohonan kasasi dari termohon. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan deskriptif kualitatif, menggunakan bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan serta bahan hukum sekunder berupa literatur hukum. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa hakim PTUN mengabulkan gugatan penggugat karena penggugat mampu membuktikan dalil gugatan dalam pembatalan akte kelahiran. Sementara itu, hakim PTTUN dan MA menyatakan gugatan tidak dapat diterima karena adanya cacat formil dalam gugatan, seperti tidak terpenuhinya syarat administratif dan prosedural. Kesimpulan penelitian ini adalah bahwa hakim PTUN mengabulkan gugatan penggugat karena menilai terdapat cacat administrative dalam penerbitan akte kelahiran yang bertentangan dengan peraturan perundang-undangan. Namun, pada Tingkat banding dan kasasi, hakim PTTUN dan MA menyatakan gugatan tidak dapat diterima karena sengketa tersebut berkaitan dengan status keperdataan yang menjadi kewenangan peradilan umum. Perbedaan putusan tersebut menunjukkan adanya perbedaan penafsiran mengenai kewenangan mengadili serta kedudukan akte kelahiran objek sengketa dalam Peradilan Tata Usaha Negara.

Kata kunci: PTUN, sengketa pembatalan akte kelahiran.

ABSTRACT

Description of Dispute Resolution in Birth Certificate Cancellation Cases at the High Administrative Court."

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The title of this research is "Description of Dispute Settlement in Birth Certificate Cancellation Case at the High Court of Administrative Court." The formulation of the problem in this research is (1) why the PTUN judge granted the plaintiff's lawsuit against the cancellation of the birth certificate, (2) why the PTTUN judge stated that the lawsuit was inadmissible in the cancellation of the birth certificate, and (3) why the MA judge rejected the cassation request from the respondent. This research aims to find out the reasons why the PTUN judge accepted the plaintiff's lawsuit in the cancellation of the birth certificate and the reasons why the PTTUN judge stated that the lawsuit was inadmissible in the cancellation of the birth certificate and the reasons why the MA judge rejected the cassation request from the respondent. The research method used is normative legal research with a qualitative descriptive approach, using primary legal materials in the form of laws and court decisions and secondary legal materials in the form of legal literature. Data collection techniques were carried out through literature studies and analyzed qualitatively. The results of the research show that the PTUN judge granted the plaintiff's lawsuit because the plaintiff was able to prove the arguments for the lawsuit in the cancellation of the birth certificate. Meanwhile, the PTTUN and MA judges declared the lawsuit inadmissible due to formal defects in the lawsuit, such as failure to fulfill administrative and procedural requirements. The conclusion of this study is that the PTUN judge granted the plaintiff's lawsuit because he considered there were administrative defects in the issuance of the birth certificate that were contrary to statutory regulations. However, at the appeal and cassation levels, the PTTUN and MA judges declared the lawsuit inadmissible because the dispute was related to civil status which is the authority of the general court. The difference in decisions shows a difference in interpretation regarding the authority to adjudicate and the status of the birth certificate as the object of the dispute in the State Administrative Court.

Keywords: PTUN, birth certificate cancellation dispute.