

ABSTRAK

DESKRIPSI TENTANG PUTUSAN HAKIM DALAM SENGKETA HARTA BERSAMA (Studi kasus Putusan Nomor 60 /Pdt.G/2014/ PN.DPS)

Oleh

Renaldi Maramba Awang
22310204

Judul penelitian ini adalah **“Deskripsi Tentang Putusan Hakim Dalam Sengketa Harta Bersama (Studi kasus Putusan Nomor 60 /Pdt.G/2014/ PN.DPS)”**

Rumusan masalah dalam penelitian ini adalah (1) Mengapa Hakim Pengadilan Negeri dan Pengadilan Tinggi Menolak Gugatan Penggugat, (2) Mengapa Hakim Mahkamah Agung Mengabulkan Gugatan Penggugat (3) Mengapa Hakim Peninjauan Kembali menolak gugatan konvensi dan mengabulkan gugatan rekonvensi. Tujuan penelitian ini adalah (1) untuk mengetahui alasan Hakim Pengadilan Negeri dan Pengadilan Tinggi Menolak Gugatan Penggugat (2) untuk mengetahui alasan Hakim Mahkamah Agung Mengabulkan Gugatan Penggugat. (3) untuk mengetahui alasan Hakim Peninjauan Kembali menolak gugatan konvensi dan mengabulkan gugatan rekonvensi 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: 1. Alasan Pengadilan judex facti menolak gugatan penggugat; a. Alasan. Pengadilan Negeri. (1). Penggugat tidak dapat membuktikan objek sengketa sebagai harta bersama. (2). Tergugat dapat membuktikan objek sengketa sebagai harta bawaan. b. Alasan hakim Pengadilan Tinggi; (1). Putusan Pengadilan Negeri sudah tepat dan benar. (2) Tidak ada fakta baru yang dijadikan alasan baru. 2. Alasan Mahkamah Agung mengabulkan gugatan penggugat; a. Pengadilan Judex facti salah menerapkan Hukum. b. Objek sengketa dapat dibuktikan. 3. Alasan Hakim Peninjauan Kembali menolak gugatan konvensi dan mengabulkan gugatan rekonvensi; a. Dalam konvensi. (1). Adanya bukti baru. b. Dalam rekonvensi. (1). Objek sengketa dapat dibuktikan sebagai harta bersama.

Kata kunci: Putusan Hakim, Sengketa, Harta Bersama

ABSTRACT

DESCRIPTION OF JUDGES' DECISIONS IN JOINT PROPERTY DISPUTES

(Case Study of Decision Number 60 /Pdt.G/2014/ PN.DPS)

By

Renaldi Maramba Awang

22310204

The title of this research is “Description of Judges’ Decisions in Joint Property Disputes (Case Study of Decision Number 60/Pdt.G/2014/PN.DPS)”. The formulation of the problems in this study are (1) Why did the Judges of the District Court and the High Court reject the Plaintiff’s claim, (2) Why did the Judges of the Supreme Court grant the Plaintiff’s claim, (3) Why did the Judges at the Judicial Review level reject the conventional claim and grant the counterclaim. The objectives of this study are (1) to determine the reasons why the Judges of the District Court and the High Court rejected the Plaintiff’s claim, (2) to determine the reasons why the Judges of the Supreme Court granted the Plaintiff’s claim, (3) to determine the reasons why the Judges at the Judicial Review level rejected the conventional claim and granted the counterclaim. The research method used is normative legal research with a qualitative descriptive approach, using primary legal materials in the form of legislation and court decisions, as well as secondary legal materials in the form of legal literature. Data collection techniques were carried out through library research and analyzed qualitatively. The research findings indicate the following: 1. Reasons why the *judex facti* courts rejected the plaintiff’s claim: a. Reasons given by the District Court: (1) The plaintiff failed to prove that the disputed object constituted marital joint property. (2) The defendant successfully proved that the disputed object constituted pre-marital separate property. b. Reasons given by the High Court judges: (1) The District Court’s ruling was correct and proper. (2) No new facts were presented to serve as grounds for a different decision. 2. Reasons why the Supreme Court granted the plaintiff’s claim: a. The *judex facti* courts erred in the application of the law. b. The disputed object was successfully proven. 3. Reasons why the Judicial Review judge rejected the principal claim *konvensi* and granted the counterclaim *rekonvensi*: a. Regarding the principal claim: (1) The existence of new evidence. b. Regarding the counterclaim: (1) The disputed object was proven to be marital joint property.

Keywords: Judges’ Decisions, Dispute, Joint Property