

ABSTRAK

Penelitian ini berjudul "**Deskripsi Tentang Terjadinya Sengketa Perbuatan Melawan Hukum Oleh Perseroan Dalam Penawaran Emas Di Bawah Harga Resmi (Studi Kasus Putusan Nomor 158/Pdt.G/2020/Pn.Sby)**". Rumusan masalah dalam penelitian ini meliputi: (1) Mengapa Hakim Pengadilan Negeri menjatuhkan putusan mengabulkan gugatan penggugat untuk Sebagian (2) Mengapa Hakim Pengadilan Tinggi menjatuhkan putusan menolak gugatan penggugat seluruhnya (3) Mengapa Hakim Mahkamah Agung menjatuhkan putusan mengabulkan gugatan penggugat untuk Sebagian (4) Mengapa Hakim Peninjauan Kembali menjatuhkan putusan menolak gugatan penggugat seluruhnya. Penelitian ini bertujuan (1) Untuk mengetahui alasan Hakim Pengadilan Negeri menjatuhkan putusan mengabulkan gugatan penggugat untuk Sebagian (2) Untuk mengetahui alasan Hakim Pengadilan Tinggi menjatuhkan putusan menolak gugatan penggugat seluruhnya (3) Untuk mengetahui alasan Hakim Mahkamah Agung menjatuhkan putusan mengabulkan gugatan penggugat untuk Sebagian (4) Untuk mengetahui alasan Hakim Peninjauan Kembali menjatuhkan putusan menolak gugatan penggugat seluruhnya. Penelitian ini bersifat deskriptif dan jenis penelitian yuridis normative. Variabel bebas dalam penelitian ini adalah alasan Hakim Pengadilan Negeri menjatuhkan putusan mengabulkan gugatan penggugat untuk seluruhnya, alasan Hakim Pengadilan Tinggi menjatuhkan putusan menolak gugatan penggugat seluruhnya, alasan Hakim Mahkamah Agung menjatuhkan putusan mengabulkan gugatan penggugat untuk sebagian, alasan Hakim Peninjauan Kembali Menjatuhkan putusan menolak gugatan penggugat seluruhnya. Variabel terikat dalam penelitian ini adalah Putusan Hakim terhadap perbuatan melawan hukum oleh perseroan dalam penawaran emas di bawah harga resmi.

Hasil penelitian menunjukkan bahwa Alasan Pengadilan Negeri mengabulkan gugatan Penggugat untuk sebagian karena menilai Penggugat berhasil membuktikan dalil-dalil gugatannya dan menyatakan para tergugat telah melakukan perbuatan melawan hukum yang mengakibatkan kerugian bagi Penggugat. Alasan Pengadilan Tinggi menolak gugatan seluruhnya karena Penggugat tidak dapat membuktikan dalil-dalil gugatannya dan gugatan rekonsensi tidak ada hal hal yang baru, tetapi pada prinsipnya sama dengan jawaban dalam konvensi. Alasan Mahkamah Agung mengabulkan gugatan penggugat Sebagian karena menilai Hakim Pengadilan Tinggi salah menerapkan hukum dan Hakim Pengadilan Tinggi telah mengabaikan fakta-fakta hukum. Alasan Peninjauan Kembali menolak gugatan penggugat seluruhnya karena PT ANTAM sebagai badan hukum tidak terbukti melakukan perbuatan melawan hukum. Majelis Hakim menilai bahwa perbuatan yang mengakibatkan kerugian Penggugat merupakan perbuatan pidana yang dilakukan oleh para pelaku secara pribadi, sehingga tidak dapat di pertanggung jawabkan kepada PT ANTAM sebagai badan hukum.

Kata Kunci: Putusan Hakim, Perbuatan Melawan Hukum

ABSTRACT

This study is entitled "**Description of the Occurrence of Unlawful Acts Dispute by the Company in the Offering of Gold Below the Official Price (Case Study of Decision Number 158/Pdt.G/2020/Pn.Sby)**". The formulation of the problem in this study includes: (1) Why did the District Court Judge issue a decision to grant the plaintiff's lawsuit in part (2) Why did the High Court Judge issue a decision to reject the plaintiff's lawsuit in its entirety (3) Why did the Supreme Court Judge issue a decision to grant the plaintiff's lawsuit in part (4) Why did the Review Judge issue a decision to reject the plaintiff's lawsuit in its entirety. This study aims (1) To find out the reasons why the District Court Judge issued a decision to grant the plaintiff's lawsuit in part (2) To find out the reasons why the High Court Judge issued a decision to reject the plaintiff's lawsuit in its entirety (3) To find out the reasons why the Supreme Court Judge issued a decision to grant the plaintiff's lawsuit in part (4) To find out the reasons why the Review Judge issued ... is descriptive and a type of normative juridical research. The independent variables in this study are the reasons why the District Court Judge granted the plaintiff's lawsuit in its entirety, the reasons why the High Court Judge rejected the plaintiff's lawsuit in its entirety, the reasons why the Supreme Court Judge granted the plaintiff's lawsuit in part, and the reasons why the Review Judge rejected the plaintiff's lawsuit in its entirety. The dependent variable in this study is the Judge's Decision regarding the company's unlawful act of offering gold below the official price.

The results of the study show that the reason the District Court granted the Plaintiff's lawsuit in part was because it considered the Plaintiff had succeeded in proving the arguments of his lawsuit and stated that the defendants had committed an unlawful act that resulted in losses for the Plaintiff. The reason the High Court rejected the lawsuit in its entirety was because the Plaintiff could not prove the arguments of his lawsuit and the counterclaim did not contain anything new, but in principle it was the same as the answer in the convention. The reason the Supreme Court granted the plaintiff's lawsuit in part was because it considered the High Court Judge had misapplied the law and the High Court Judge had ignored legal factors. The reason for the Judicial Review to reject the plaintiff's lawsuit in its entirety was because PT ANTAM as a legal entity was not proven to have committed an unlawful act. The Panel of Judges considered that the act that resulted in the Plaintiff's loss was a criminal act committed by the perpetrators personally, so it could not be accounted for to PT ANTAM as a legal entity.

Keywords: Judge's Decision, Unlawful Acts