

**PERTIMBANGAN HAKIM DALAM MENJATUHKAN PUTUSAN GUGATAN
PENGGUGAT DITOLAK UNTUK SELURUHNYA TERHADAP GUGATAN
CITIZEN LAWSUIT PADA PUTUSAN PENGADILAN NEGERI LUBUKPAKAM
NOMOR 24/PDT.G/2017/PN.Lbp
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Abstrak

Putusan Pengadilan Negeri Lubuk pakam Nomor 24/PDT.G/2017/PN.Lbp merupakan gugatan CLS Umi Asih dan kawan-kawan (DKK) melawan Presiden DKK. Gugatan tersebut diajukan karena terjadi pelanggaran hak asasi manusia yang merupakan wujud dari PMH yang dilakukan penguasa terhadap kurang lebih 300 (tiga ratus) orang yang memiliki tanah dan telah dilakukan pengambilan hak penguasaan tanah atau pengadaan tanah demi kepentingan umum dengan proses ganti rugi dalam jangka waktu 2013-2015 di beberapa desa pada kecamatan Tanjung Morawa Kabupaten Deli Serdang. Penelitian ini menggunakan metode normatif dan sifat penelitian ialah deskriptif. Melalui hasil penelitian ini diketahui Dasar hukum gugatan CLS di Indonesia ialah Pasal 24 UUD NKRI 1945; Pasal 2 ayat (4) UUKH; Pasal 4 ayat (2) UUKH; Pasal 5 ayat (1) UUKH; Pasal 10 ayat (1) UUKH dan beberapa putusan pengadilan. Penilaian hakim dalam menjatuhkan gugatan penggugat ditolak untuk seluruhnya pada putusan Pengadilan Negeri Lubuk pakam Nomor 24/PDT.G/2017/PN.Lbp dimana menurut majelis hakim tidak terjadi ketidakadilan, perlakuan diskriminatif dan sangat merugikan yang dialami oleh Para Penggugat kemudian pengintimidasian yang tidak dapat dibuktikan serta para Tergugat telah menjalankan semua tugasnya sesuai peraturan perundang-undangan.

Kata Kunci : Gugatan, CLS dan Tolak Seluruhnya

Abstract

Decision of the Lubuk pakam District Court Number 24 / PDT.G / 2017 / PN.Lbp is CLS's lawsuit Umi Asih and his friends (and friends) against the President and friends . The lawsuit was filed because of human rights violations which are a manifestation of PMH by the authorities of approximately 300 (three hundred) people who owned land and had taken possession of land tenure or land acquisition for public interest with the compensation process in 2013. -2015 in several villages in Tanjung Morawa sub-district, Deli Serdang Regency. This study uses a normative method and the nature of the study is descriptive. Through this research, it is known that the legal basis for CLS lawsuits in Indonesia are Article 24 of the 1945 Constitution of the Republic of Indonesia; Article 2 paragraph (4) UUKH; Article 4 paragraph (2) UUKH; Article 5 paragraph (1) UUKH; Article 10 paragraph (1) UUKH and several court decisions. Judges' judgment in dropping the plaintiff's claim was rejected entirely in the verdict of Lubukpakam District Court Number 24 / PDT.G / 2017 / PN.Lbp where according to the panel of judges there was no injustice, discriminatory and very detrimental treatment experienced by the Plaintiffs and then intimidation that could not be proven and the Defendants have carried out all their duties in accordance with statutory regulations.

Key word : lawsuit, citizen lawsuit and rejected entirely