

ABSTRAK

ANALISIS PUTUSAN PERTIMBANGAN HAKIM TERHADAP SENGKETA PEMILIHAN KEPALA KAMPUNG (Studi Kasus Putusan PTUN Bandar Lampung Nomor: 41/G/2021/PTUN.BL)

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Sengketa pemilihan kepala kampung sebenarnya menjadi kewenangan bupati atau walikota setempat dalam menyelesaikan permasalahan tersebut, seperti halnya kasus sengketa pemilihan kepala Kampung Bukit Batu, Kecamatan Kasui, Kabupaten Way Kanan, yang akhirnya sengketa tersebut diselesaikan di PTUN Bandar Lampung dalam putusan nomor: 41/G/2021/PTUN.BL. Permasalahan penelitian: (1) Bagaimana pertimbangan hukum dan faktor apa saja yang memengaruhi hakim dalam putusan no. 41/G/2021/PTUN.BL terkait sengketa pemilihan kepala kampung? (2) Apakah asas pembuktian serta asas keaktifan hakim telah diterapkan di putusan nomor: 41/G/2021/PTUN.BL?

Penelitian menggunakan pendekatan yuridis normatif yang dilakukan dengan mengkaji serta menelaah asas-asas, doktrin, regulasi, dan peraturan perundang-undangan yang berlaku terkait sengketa pemilihan kepala kampung. Metode pengumpulan data menggunakan studi pustaka dan studi lapangan. Analisis data yang digunakan yaitu analisis deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa (1) Objek sengketa yang dikeluarkan oleh tergugat selaras dengan asas-asas umum pemerintahan yang baik dan tidak berbenturan dengan peraturan perundang-undangan dilihat dari segi kewenangan, prosedural maupun substansial. Faktor yang mempengaruhi hakim dalam memutus Sengketa TUN yaitu faktor internal (faktor hakim) dan faktor eksternal (faktor pembuktian). (2) Penerapan asas pembuktian dan asas keaktifan hakim dalam putusan no. 41/G/2021/PTUN.BL diterapkan, peran hakim aktif ada sejak dimulainya persiapan pemeriksaan awal persidangan sampai sebelum berakhirnya putusan diberikan dan peran hakim aktif ini bertujuan untuk memeriksa keputusan TUN yang menjadi objek sengketa baik secara formil maupun materil, memberikan bimbingan saran serta masukan selama persidangan berlangsung serta menyeimbangkan kedua belah pihak bersengketa.

Kata Kunci: Pertimbangan, Hakim, Sengketa, Pemilihan, Kepala Kampung.

ABSTRACT

ANALYSIS OF JUDGES' DECISIONS ON VILLAGE HEAD ELECTION DISPUTES

**(Case Study of The Decision of Bandar Lampung Administrative Court Case
Number: 41/G/2021/PTUN.BL)**

By

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Dispute of village head election actually fall under the authority of the local regent or mayor to resolve these issues, such as the case of village election disputes in Bukit Batu Village, Kasui District, Way Kanan Regency, which was finally resolved at the Bandar Lampung Administrative Court in decision number: 41/G/2021/PTUN.BL. Research problems: (1) What are the legal considerations and what factors influence the judge in decision number 41/G/2021/PTUN.BL regarding village head election disputes? (2) What are the principle of proof and the principle activeness of judges been implemented in decision number: 41/G/2021/PTUN.BL?

The research uses a normative juridical approach which is carried out by studying and examining the principles, doctrine, regulations, applicable laws and regulations related to village head election disputes. Methods of data collection using literature and field studies. Data analysis used descriptive qualitative analysis.

The results of the study show that (1) The object of the dispute issued by the defendant is in line with the general principles of good governance, doesn't conflict with laws and regulations in terms of authority, procedural or substantial. Factors that influence judges in deciding administrative disputes are internal factors (judge factors) and external factors (providing factors). (2) The application of the principle of proof and the principle of activeness of judges in decision number. 41/G/2021/PTUN.BL is implemented, the role of the active judge exists from the start of preparations for the initial examination of the trial until before the end of the decision given and the role of the active judge aims to examine the administrative decision which is the object of the dispute both formally and materially, providing guidance and advice as well as input during the trial as well as balancing the two parties to the dispute.

Keywords: Considerations, Judges, Disputes, Election, Village Heads.