

ABSTRAK

ANALISIS PERTIMBANGAN HAKIM ATAS GUGATAN PIHAK KETIGA TERHADAP EKSEKUSI BARANG SITAAN YANG DIRAMPAS UNTUK NEGARA

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Pada dasarnya suatu putusan hanyalah mengikat para pihak yang berperkara dan tidak mengikat pihak ketiga. Akan tetapi apabila pihak ketiga hak-haknya dirugikan oleh suatu putusan, maka ia dapat mengajukan perlawanan atau gugatan ke Pengadilan Tingkat Pertama. Dengan adanya putusan perkara pidana yang diberikan oleh hakim yang menimbulkan kerugian terhadap pihak ketiga tersebut maka pihak ketiga melakukan mengajukan gugatan secara perdata ke Pengadilan Negeri (Tingkat Pertama) guna memperjuangkan haknya atas barang bukti tersebut, yang dalam hal ini Pengadilan tidak boleh menolak memeriksa dan mengadili perkara dengan alasan tidak ada diatur dalam Undang-Undang. Dengan adanya keberatan tersebut maka pihak ketiga atas gugatan perlawanan pihak ketiga tersebut, Majelis Hakim memberikan putusan bahwa barang bukti yang disita oleh negara tersebut dikembalikan kepada pihak ketiga yang dalam hal ini pihak ketiga tersebut sebagai Penggugat. Terdapat beberapa putusan yang dikaji dalam penelitian ini yakni; Putusan Pengadilan Nomor: 71/Pdt.G/2000/PN.Jkt.Pst, Nomor: 14/PDT.PLW/2014/PN.STB, Nomor: 46/Pdt.Plw/2018/PN Kpn, Nomor: 7/Pdt.G/2022/PN Gdt.

Permasalahan dalam penelitian ini adalah apa yang menjadi alasan pihak ketiga mengajukan gugatan ke Pengadilan, dasar pertimbangan hakim dalam memeriksa dan memutus perkara gugatan pihak ketiga serta apa putusan hakim telah memenuhi rasa keadilan dalam memutuskan perkara gugatan pihak ketiga. Tujuan penelitian ini adalah menganalisis alasan pihak ketiga mengajukan gugatan ke Pengadilan, memahami yang menjadi dasar pertimbangan hakim dalam memeriksa dan memutus perkara gugatan pihak ketiga serta menganalisis sejauh mana pertimbangan dalam putusan hakim telah memenuhi rasa keadilan dalam penyelesaian perkara ini. Metode penelitian yang digunakan adalah yuridis normatif dengan menggunakan pendekatan kasus.

Hasil dari penelitian ini adalah gugatan yang diajukan pihak ketiga ke Pengadilan dikarenakan adanya ketidakpuasan pihak ketiga atas putusan pidana, pertimbangan hakim dalam memutuskan perkara didasarkan atas fakta-fakta yang terungkap selama proses persidangan dan pertimbangan hakim yang tertuang dalam putusan perdata telah memenuhi rasa keadilan yang mengedepankan asas manfaat dan kepastian hukum. Implikasi dari hasil penelitian ini diharapkan dapat memberikan pemahaman yang lebih mendalam tentang proses pengambilan keputusan hakim dalam kasus gugatan pihak ketiga terkait eksekusi barang sitaan yang dirampas untuk negara. Selain itu, temuan penelitian ini juga diharapkan dapat memberikan

masukan bagi perbaikan sistem peradilan yang lebih efektif dan adil, serta memperkuat perlindungan terhadap hak-hak pihak ketiga yang terlibat dalam kasus-kasus eksekusi barang sitaan.

Kata Kunci: Barang Sitaan, Gugatan Pihak Ketiga, Pertimbangan Hakim.

ABSTRACT

ANALYSIS OF THE JUDGE'S CONSIDERATION OF A THIRD PARTY LAWSUIT AGAINST THE EXECUTION OF CONFISCATED GOODS SEIZED FOR THE STATE

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In principle, a decision is only binding on the parties to the case and not binding on third parties. However, if a third party's rights are harmed by a verdict, then he or she can file an opposition or lawsuit to the Court of First Instance. With the criminal case verdict given by the judge that caused harm to the third party, the third party filed a civil lawsuit to the District Court (First Level) to fight for his rights to the evidence, in which case the Court may not refuse to examine and hear the case on the grounds that it is not regulated in the Law. With this objection, the third party over the third party's resistance lawsuit, the Panel of Judges gave a decision that the evidence confiscated by the state was returned to the third party, in this case the third party as the Plaintiff. There are several decisions reviewed in this study, namely; Court Decision Number: 71/Pdt.G/2000/PN.Jkt.Pst, Number: 14/PDT.PLW/2014/PN.STB, Number: 46/Pdt.Plw/2018/PN Kpn, Number: 7/Pdt.G/2022/PN Gdt.

The problem in this research is what is the reason why a third party files a lawsuit in court, the basis for the judge's considerations in examining and deciding on a third party lawsuit and whether the judge's decision fulfills a sense of justice in deciding on a third party lawsuit. The purpose of this research is to analyze the reasons why third parties file lawsuits with the court, understand the basis of the judge's considerations in examining and deciding third party lawsuit cases and analyze the extent to which the considerations in the judge's decision have fulfilled the sense of justice in resolving this case. The research method used is normative juridical using a case approach.

The result of this study is a lawsuit filed by a third party to the Court due to the third party's dissatisfaction with the criminal verdict, the judge's consideration in deciding the case is based on the facts revealed during the trial process and the judge's consideration contained in the civil decision has fulfilled a sense of justice that prioritizes the principles of benefit and legal certainty. The results of this research are that a lawsuit was submitted by a third party to the court due to the third party's dissatisfaction with the criminal decision, the judge's considerations in deciding the case were based on the facts revealed during the trial process and the judge's considerations stated in the civil decision fulfilled a sense of justice that prioritizes the principle of benefit and legal certainty. It is hoped that the implications of the results of this research will provide a deeper understanding of the judge's decision-making process in cases of third party lawsuits regarding the execution of confiscated goods confiscated for the state. Apart from that, it is also

hoped that the findings of this research can provide input for improving the justice system to be more effective and fair, as well as strengthening the protection of the rights of third parties involved in cases of execution of confiscated goods.

Keywords: Confiscated Goods, Third Party Lawsuit, Judge's Consideration