

ABSTRAK

Peradilan Tata Usaha Negara hanya menyelesaikan permasalahan yang timbul akibat dikeluarkannya keputusan tata usaha negara oleh badan atau pejabat tata usaha Negara. Keputusan Tata Usaha Negara atau KTUN yang di ajukan ke peradilan tata usaha Negara dianggap bertentangan dengan Peraturan Perundang undangan atau bertentangan dengan Asas Asas Umum Pemnerintahan yang Baik. Sumber bahan hukum penelitian ini yaitu Putusan Pengadilan Tata Usaha Negara Semarang Nomor 06/G/2012/PTUN.SMG Penggugat dalam perkara ini dalah Budiono,S.T yang merupakan kepala desa Keboromo yang diberhentikan oleh Bupati Kabupaten Pati. Tergugat dalam perkara tersebut adalah Bupati Kabupaten Pati. Objek gugatannya yakni Surat Keputusan Bupati Pati Nomor :141.1/1243/2011 tentang Pemberhentian Sdr. Budiono, Kepala Desa Keboromo Kecamatan Tayu Kabupaten Pati. Permasalahan yang akan diangkat adalah bagaimanakah prosedur pembuatan surat keputusan Bupati tentang pemberhentian kepala desa sesuai dengan Peraturan Perundang undangan yang berlaku dan apakah pertimbangan hukum hakim didalam putusan telah sesuai dengan AAUPB dan/atau Peraturan Perundang undangan. Hasil penelitian menunjukkan bahwa penerbitan Surat Keputusan Pemberhentian Kepala Desa Keboromo menurut Penggugat bertentangan dengan Peraturan Perundang undangan. Majelis Hakim berpendapat bahwa penerbitan objek sengketa sudah sesuai dengan peraturan perundang-undangan yang berlaku yaitu Peraturan Pemerintah Nomor 72 Tahun 2005 dan Peraturan Daerah Kabupaten Pati Nomor 5 Tahun 2007. Majelis Hakim juga menimbang bahwa Tergugat dalam menerbitkan objek sengketa telah sesuai dengan asas-asas umum pemerintahan yang baik sehingga Majelis Hakim menolak gugatan Penggugat untuk seluruhnya.

Kata Kunci : Pemberhentian Kepala Desa, Sengketa Tata Usaha Negara, Putusan.

ABSTRACT

Civil court of justice is just solving that arise due to the discharge of the State administrative decisions by the agency or official of the State. The decision of The State or in the submit to KTUN judicial administrative Country public Laws contrary to the invitation or is contrary to the basic principle of the common good governance. These studies will elaborate on whether Termination is done already in accordance with the Laws and the basic principle of Public invitations and good governance. The source of the material legal research is the State Administrative Court ruling Semarang number 06/G/2012/PTUN. SMG. Plaintiffs in this case were Budiono, S.T which is the village chief Keboromo who was dismissed by the Regent Kabupaten Pati. Defendants in the lawsuit are the Regent Kabupaten Pati. The object of the lawsuit i.e. Decree of Regent Starch number: 141.1/1243/2011 about the dismissal of Budiono, the head of the village of Keboromo sub-district of Tayu Pati. The matter will be raised is how does the procedure of making the Regent Decree of dismissal are not respectful of the village heads in accordance with the Laws applicable invitation and whether consideration of the law judge in the verdict were in accordance with AAUPB and/or Laws. The research results showed that the issuance of the Letter decision of dismissal of the head of the village of Keboromo committed by the Defendant is a State Administrative Decisions or KTUN. The Tribunal Judges argue that the publication of the object of the dispute is in compliance with the applicable legislation, namely the Government Regulation Number 72 in 2005 and Regional Pati Regulation No. 5 of 2007. The Tribunal Judges are also considering that the Defendants in the published object of dispute has been in accordance with the General principles of good governance so that the Tribunal Judges rejected the lawsuit Plaintiffs for entirely.

Key word : The Dismissal of The Head Village, Administrative Dispute, The Verdict.