

**GUGATAN GANTI KERUGIAN AKIBAT PERBUATAN MELAWAN HUKUM
ATAS PERUSAKAN PIPA MINYAK BAWAH LAUT MILIK PT. PERTAMINA**

(Tinjauan Yuridis Putusan Nomor 976/Pdt.G/2018/PN Jkt.Sel)

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ABSTRAK

Penelitian ini dilatarbelakangi adanya perbuatan Nakhoda yang melabuh jangkar pada zona terbatas hingga terlarang mengakibatkan rusaknya pipa minyak PT. Pertamina, pencemaran minyak dan timbulnya kebakaran yang berujung adanya korban jiwa. Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim dalam mengkualifisir unsur-unsur perbuatan melawan hukum dan menganalisis pertimbangan hukum hakim dalam mengabulkan ganti kerugian secara tanggung renteng akibat perbuatan melawan hukum. Penelitian ini menggunakan metode yuridis normatif, sumber data sekunder, metode analisis yang digunakan normatif kualitatif.

Hasil penelitian menunjukkan bahwa pertimbangan majelis hakim yang menyatakan bahwa Nakhoda melabuh jangkar pada zona terbatas sampai zona terlarang merupakan perbuatan melawan hukum bertentangan dengan kewajiban hukum pelaku yang diatur dalam Pasal 81 ayat (1) dan (2) Permenhub Nomor 129 Tahun 2016, dan Pasal 244 ayat (3) UU No. 17 Tahun 2008 tentang Pelayaran. Perbuatan Nakhoda juga bertentangan dengan hak subyektif orang lain karena tumpahan minyak yang terjadi menimbulkan kebakaran sehingga mengakibatkan adanya korban jiwa. Pertimbangan majelis hakim mengabulkan ganti kerugian secara tanggung renteng sudah tepat karena telah memenuhi semua syarat dalam Pasal 1365 KUH Perdata, terdapat hubungan hukum atasan dan bawahan antara para Tergugat yang diatur Pasal 1367 ayat (3) KUH Perdata sehingga Para Tergugat memiliki kewajiban untuk ikut bertanggung jawab secara tanggung renteng.

Kata Kunci: Perbuatan Melawan Hukum, Ganti Kerugian, Tanggung Renteng,

**LAWSUIT FOR DAMAGES DUE TO UNLAWFUL ACTIONS FOR DAMAGE TO
SUBSEA OIL PIPELINES OWNED TO PT. PERTAMINA**

(Juridical Review of Decision Number 976/Pdt.G/2018/PN Jkt.Sel)

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ABSTRACT

This research is motivated by the actions of the skipper who anchored in the limited to forbidden zone resulting in damage to the oil pipeline of PT. Pertamina, oil pollution and fires that lead to casualties. This study aims to analyze the legal considerations of judges in qualifying the elements of unlawful acts and to analyze the legal considerations of judges in granting compensation jointly and severally due to unlawful acts. This study uses normative juridical methods, secondary data sources, qualitative normative analytical methods.

The results showed that the consideration of the panel of judges stating that the skipper anchored in the restricted zone to the forbidden zone was an unlawful act contrary to the perpetrator's legal obligations stipulated in Article 81 paragraph (1) and (2) of the Minister of Transportation Number 129 of 2016, and Article 244 paragraph (3) Law no. 17 of 2008 concerning Shipping. The captain's actions also conflicted with the subjective rights of other people because the oil spill that occurred caused a fire which resulted in casualties. The consideration of the panel of judges granting the compensation jointly and severally is appropriate because it has fulfilled all the requirements in Article 1365 of the Civil Code, there is a superior and subordinate legal relationship between the Defendants as regulated in Article 1367 paragraph (3) of the Civil Code so that the Defendants have the obligation to share responsibility by mutual responsibility.

Keywords: Law of Tort, Mutual Responsibility, Compensation