

ABSTRAK

Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim dalam mengkualifisir unsur-unsur perbuatan melawan hukum dan tanggung jawab beserta ganti rugi yang harus dibayarkan oleh Tergugat dalam hal ini pemilik dan pengelola lokawisata Jatim Park, dalam putusan Nomor 186/Pdt.G/2018/PN.Mlg.

Penelitian ini merupakan jenis penelitian yuridis normatif dengan pendekatan kasus, pendekatan analitis dan pendekatan perundang-undangan. Spesifikasi penelitian preskriptif. Sumber data sekunder dengan metode analisis normatif kualitatif.

Hasil penelitian menunjukkan adanya unsur perbuatan melawan hukum yang dilakukan oleh Tergugat yakni bertentangan dengan kepatutan yang ada dalam masyarakat. Pada pertimbangan hukum hakim dalam Putusan Nomor 186/Pdt.G/2018/PN.Mlg menyatakan bahwa Tergugat terbukti melakukan perbuatan melawan hukum yang memenuhi unsur dalam Pasal 1365 dan Pasal 1371 Kitab Undang-Undang Hukum Perdata, sehingga Tergugat dibebani tanggung jawab membayar ganti kerugian materiil sebesar Rp. 142.009.947,- serta permohonan maaf yang dimuat dalam dua media cetak secara dua kali berturut-turut, sedangkan kerugian immaterial tidak dikabulkan karena tidak dapat dibuktikan di pengadilan.

Kata Kunci : *Perbuatan Melawan Hukum, tanggung jawab, ganti rugi*

ABSTRACT

This study aims to analyze the judges' legal considerations in qualifying the elements of unlawful acts and also the responsibility and compensation that must be paid by the Defendant, in this case owner and manager of the Jatim Park, in court routing number 186/Pdt.G/2018/PN.Mlg.

This is a normative juridical research with a case approach, an analytical approach and a statutory approach. Prescriptive research specification. Secondary data sources with qualitative normative analysis methods.

The results showed that there was an element of unlawful acts committed by the Defendant, which was against the propriety in society. In this court routing stated that Defendant was proven to have committed an unlawful act which fulfilled the elements in Article 1365 jo Article 1371 of the Civil Code, so that the Defendant was burdened with the responsibility to pay compensation of material damages which is Rp. 142.009.947,- and also an apology published in two printed media twice in a row, while immaterial losses were not granted because it could not be proven in court.

Keywords : *unlawful act, responsibility, compensation.*

