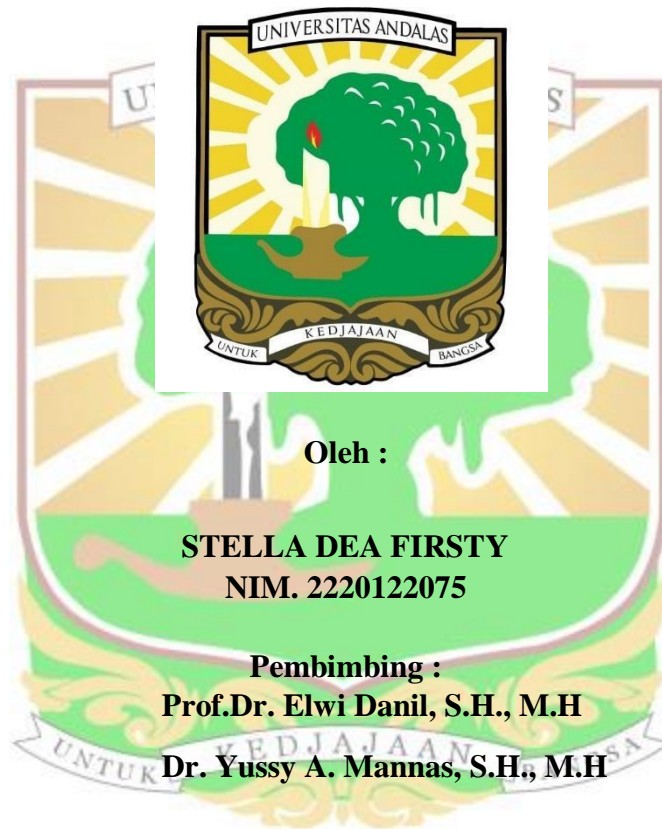


**TANGGUNG JAWAB PT. ANTAM Tbk. PADA SENGKETA PEMBELIAN EMAS
TERHADAP BUDI SAID (STUDI KASUS PUTUSAN MAHKAMAH AGUNG NOMOR 1666
K/Pdt/2022)**

TESIS

*Diajukan Untuk Memenuhi Persyaratan Guna Memperoleh Gelar Magister Kenotariatan
Di Fakultas Hukum Universitas Andalas*



**PROGRAM MAGISTER KENOTARIATAN
PASCASARJANA FAKULTAS HUKUM
UNIVERSITAS ANDALAS
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2024**

Tanggung Jawab PT. Antam Tbk. Pada Sengketa Pembelian Emas Terhadap Budi Said (Studi Kasus Putusan Mahkamah Agung Nomor 1666 K/Pdt/2022)

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Abstrak

Budi Said selaku orang perorangan dengan PT. Antam Tbk telah melakukan perjanjian jual beli emas yang menjadi sengketa di antara mereka, dikarenakan PT. Antam Tbk tidak menunaikan kewajibannya dalam perjanjian tersebut. Perjanjian Jual Beli yang terjadi pada kasus merupakan Perjanjian Jual Beli dibawah tangan. Masalah yang akan diteliti adalah: 1. Pertimbangan Hakim pada Putusan Mahkamah Agung pada kasus sengketa pembelian emas antara PT. Antam Tbk Dengan Budi Said 2. Bagaimana tanggung jawab PT. Antam Tbk pada sengketa pembelian emas terhadap Budi Said berdasarkan studi putusan nomor 1666 K/Pdt/2022 3. Bagaimana Perlindungan hukum terhadap Budi Said dengan adanya perbuatan melawan hukum yang dilakukan oleh PT. Antam Tbk. Pada penelitian ini, peneliti menggunakan metode pendekatan masalah Yuridis Normatif dengan pendekatan kasus (*case approach*) dan pendekatan Undang undang (*statue approach*). Sumber data yang digunakan adalah data sekunder dengan bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Untuk menganalisa masalah pertama digunakan Teori Kepastian Hukum, masalah kedua menggunakan Teori Tanggung Jawab dan untuk masalah ketiga menggunakan Teori Perlindungan Hukum. Terdapat perbedaan hasil putusan hakim pada *judex factie* dan *judex juris* sehingga melanggar kepastian hukum dan tidak memenuhi prinsip kepastian hukum. Mahkamah Agung Nomor 1666 K/Pdt/2022 memutuskan bahwa PT. Antam Tbk dikatakan telah melakukan perbuatan melawan hukum karena tidak menyerahkan sisa 1.1 ton emas dari total 7 ton emas yang telah diperjanjikan yang melibatkan karyawan perseroan dan PT. Antam Tbk. pun ikut bertanggung jawab atas kerugian yang dialami Budi Said. Berdasarkan putusan Mahkamah Agung Nomor 1666 K/Pdt/2022 Budi Said telah mendapatkan perlindungan hukum represif, yang artinya perlindungan ini terimplementasi saat sengketa telah terjadi dan berupa sanksi atau ganti rugi.

Kata Kunci : Tanggung Jawab, Perusahaan dan Sengketa Jual Beli

Responsibility of PT. Antam Tbk. in the Gold Purchase Dispute Against Budi Said (Case Study of Supreme Court Decision Number 1666 K/Pdt/2022)
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Abstract

Budi Said as an individual with PT. Antam Tbk has entered into a gold sale and purchase agreement which is a dispute between them, because PT. Antam Tbk did not fulfill its obligations in the agreement. The Sale and Purchase Agreement that occurred in the case was an underhand Sale and Purchase Agreement. The problems to be studied are: 1. Judge's Considerations in the Decisions of the Supreme Court in the Gold Purchase Dispute Case Between PT. Antam Tbk and Budi Said 2. How is PT. Antam Tbk's responsibility in the gold purchase dispute against Budi Said based on the study of decision number 1666 K / Pdt / 2022 3. How is the legal protection for Budi Said with the unlawful acts committed by PT. Antam Tbk. In this study, the researcher used the Normative Juridical problem approach method with a case approach and a statute approach. The data sources used are secondary data with primary legal materials, secondary legal materials and tertiary legal materials. To analyze the first problem, the Legal Certainty Theory is used, the second problem uses the Responsibility Theory and for the third problem uses the Legal Protection Theory. There are differences in the results of the judge's decisions on judex factie and judex juris so that they violate legal certainty and do not fulfill the principle of legal certainty. The Supreme Court Number 1666 K / Pdt / 2022 decided that PT. Antam Tbk was said to have committed an unlawful act because it did not hand over the remaining 1.1 tons of gold from the total 7 tons of gold that had been agreed upon which involved the company's employees and PT. Antam Tbk. is also responsible for the losses experienced by Budi Said. Based on the Supreme Court decision Number 1666 K / Pdt / 2022, Budi Said has received repressive legal protection, which means that this protection is implemented when a dispute has occurred and is in the form of sanctions or compensation.

Keywords : Responsibility, Company and Sale and Purchase Disputes

