

Perbandingan dan penerapan gugatan citizen lawsuit di Indonesia dengan di Amerika Serikat dan di India = comparison and application of citizen lawsuit in Indonesia with in the United States of America and in India

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Abstrak

[ABSTRAK]

Citizen Lawsuit atau juga dikenal dengan Actio Popularis adalah Gugatan Warga Negara kepada Penyelenggara Negara yang tidak menjalankan kewajiban hukumnya untuk menyelenggarakan Negara sesuai dengan hukum yang berlaku Citizen Lawsuit mempunyai keterikatan dengan bidang hukum perdata khususnya perikatan yakni Perbuatan Melawan Hukum PMH dari aspek yang dilanggar dan hubungannya dengan Penguasa sedikit mempunyai ikatan dengan hukum administrasi mengenai hal perbuatan melawan hukum oleh penguasa yang melanggar Keberadaan doktrin Citizen Lawsuit di Indonesia berawal dari penemuan hukum rechtsvinding Pengakuan terhadap Citizen Lawsuit ini ada yang melalui pendapat para ahli hukum dan juga jurisprudensi sebagai sumber hukum formil Pengaturannya secara tertulis itu sendiri belum ada namun hal ini sudah banyak dapat dijumpai dalam beberapa kasus di Indonesia Skripsi ini mengangkat kasus antara Warga Negara dan Pemerintah tentang sengketa adanya perbuatan melawan hukum baik dari Indonesia yang menganut Civil Law maupun di Amerika Serikat dan di India yang menganut Common Law Dalam penerapannya di Indonesia sendiri ada gugatan yang diterima maupun tidak dapat diterima dikarenakan syarat syarat dan unsur unsur yang belum dipahami oleh pihak yang berkepentingan masyarakat yang mengajukan gugatan.

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