

**IMPLIKASI PEMBATALAN KONSESI MENURUT PERATURAN
PERUNDANG-UNDANGAN ADMINISTRASI PEMERINTAHAN
TERHADAP BERLAKUNYA PERJANJIAN KONSESI BAGI PARA
PIHAK**

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INTISARI

Pembatalan konsesi, walaupun dimungkinkan dalam UU Administrasi Pemerintahan (UUAP), dapat menimbulkan permasalahan dalam perjanjian konsesi yang telah berlangsung karena konsesi dapat dibatalkan oleh pemerintah secara sepihak yang mengakibatkan perjanjian konsesi batal demi hukum.

Penelitian ini dilakukan untuk mengetahui dan menganalisis implikasi hukum pembatalan konsesi oleh pemerintah terhadap perjanjian konsesi yang telah berlangsung. Selain itu, ingin diketahui dan dianalisis pula perlindungan hukum terhadap para pihak yang tertuang dalam perjanjian konsesi akibat pembatalan konsesi. Penelitian ini merupakan penelitian hukum empiris (*Empirical legal research*) karena menggunakan fakta-fakta empiris yang diambil dari perilaku manusia baik perilaku verbal yang didapat dari wawancara maupun perilaku nyata yang dilakukan melalui pengamatan langsung.

Hasil penelitian disimpulkan menjadi, **Pertama**, Implikasi hukum pembatalan konsesi yang dilakukan oleh pemerintah secara sepihak dapat terjadi karena 3 alasan yakni, cacat substansi, prosedural dan/atau wewenang yang mana implikasinya adalah perjanjian konsesi menjadi batal demi hukum **Kedua**, Pelindungan Hukum yang diberikan oleh UUAP sudah diberikan baik secara preventif maupun represif. Dari Perjanjian Konsesi sendiri juga sudah memberikan perlindungan hukum preventif dan represif.

Kata Kunci: Konsesi, Penelitian Hukum Empiris, UU Administrasi Pemerintahan,

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**IMPLICATION OF CONCESSION CANCELLATION
ACCORDING TO GOVERNMENT ADMINISTRATION LAWS AND
REGULATIONS ON
THE VALIDITY OF THE CONCESSION AGREEMENT FOR THE
PARTIES**

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ABSTRACT

Cancellation of concessions, although possible in the Government Administration Law (UUAP), can cause problems in concession agreements. Government Administration Law (UUAP), can cause problems in the ongoing concession agreement because the concession can be canceled. Concession agreement that has been ongoing because the concession can be canceled by the government unilaterally, resulting in a void concession agreement. Unilaterally which results in the concession agreement being null and void.

This research is conducted to determine and analyze the legal implications of the cancellation of concessions by the government on concession agreements that have taken place. In addition, it also wants to know and analyze the legal protection of the parties contained in the concession agreement due to the cancellation of the concession. This research is an empirical legal research because it uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation.

The results of the research are concluded to be, First, the legal implications of the cancellation of concessions carried out by the government unilaterally can occur for 3 reasons, namely, defects in substance, procedure and / or authority where the implication is that the concession agreement becomes null and void Second, the Legal Protection provided by the Law on Civil Procedure has been provided both preventively and repressively. The Concession Agreement itself has also provided preventive and repressive legal protection.

Keywords: Concession, Empirical Legal Research, Government Administration Law

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