

ABSTRACT

Anastasya Kaunang (01051170085)

JUDICIAL ANALYSIS AGAINST EVENT OF DEFAULT'S LAWSUIT UNDER FRANCHISE'S AGREEMENT (STUDY CASE OF SUPREME COURT VERDICT NO 1064/K/PDT/2020)

(iv+112 pages)

A simple definition of franchise is that it is the leasing or renting of a business investment that works to distribute products or services towards others. Franchise is somewhat an expansion towards a certain business that opens a doorway towards small business shops or product holders to the whole town. *McDonald's* would be a great example on how franchise builds up a business, looking on how now it is the one of the most well-known fast-food chains that you can find nearly all around the world and almost in every cities in Indonesia. These expansions happens by or through the process of distributing, and by distributing there are risks of how other people may or may not misuse someone else's product without permission nor using it for free. Using someone else's creavity or idea that turns into a product nor business selling shops would be a total loss and could be considered as a disadvantage to people who are considering franchise as part of their money growing investment. Which is why this fast money type of business which is franchise are registered in order for their business to be prevented from other people to misuse it. The franchise itself requires a franchise's agreement that it's only fulfilled when both parties has reached and finally signed the agreement, for example in one condition, in the agreement there must be a rule that regulates whenever there is a dispute between the franchisor and franchisee whereas doing the event of default to either parties, and that the dispute can't be resolved by discussion then it will be brought to the court where from there on, everything shall be submitted to the judge in the court itself. First of all, it must fo through district court, from there they could also request an appeal to the high court, and lastly when it is in a condition where either parties has requested an appeal and still could not find satisfaction from the verdict that is issued by both district court and high court then they can go to the supreme court which is the highest they can request another appeal to. At the supreme court, the judge will then decide the punishment for either parties that has been proven guilty doing the event of default.

Keywords: Franchise, Franchise Agreement, District Court, High Court, Supreme Court

References: 42 (1981-2018)