

ABSTRACT

Cheslyn Thenderan (01051180154)

“DEFAULT IN CASE STUDY NUMBER 17/Pdt.G/2020/Pn.Bla”

(x + 70 pages)

Agreement has been stipulated in Article 1313 of the Civil Code as an act where one or more people bind themselves to one or more other people. In an agreement that was made by two parties, default may still happen where the legal subject breached the agreement. Default in contract law implies to failure in performing a contractual obligation. In the principles of agreement, when an agreement is made it acts as a law that binds the legal subject. As to what happened in decision number 17/Pdt.G/2020/Pn.Bla. The case started when the plaintiff and the defendant created an agreement for the defendant to finish building the plaintiff a chicken coop. However as time goes by the defendant doesn't get it done in time which causes the plaintiff to submit a lawsuit. This research is conducted to get a better understanding of the default that happened in the case and the Indonesian law that surrounds it. Not only that, but through this research a better understanding about what can the perpetrator who breached the agreement should do to be liable in the face of the law can be achieved. The judges decided that what the defendant did was a tort for his action violated the rights of the plaintiff. As a sort of relief for the plaintiff the defendant was then only asked to return a certain amount of money that was given to the defendant to finish building the chicken coop as a form of accountability on their behalf. The amount of money that the defendant returned was only a small amount from what the plaintiff demanded to the court of justice on the first place.

Keywords: Agreement, Default, Tort