

ABSTRACT

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Internship Report on the Standard Contract Application in UPS Goods and Services Procurement at PT Deltasindo Raya Sejahtera and Its Relation to the Principles of Agreement.

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Standard contract is a common type of business contract used in modern business transactions. Also known as a “consumer contract”, standard contract is used between producer (or seller) and consumer. One party that holds the stronger bargaining position (most commonly a producer or seller) plays the role of the maker of the contract. Producer or seller holds a stronger bargaining position than its consumer and therefore has the ability, power, and freedom to form the contract consists the clauses of their choice while the consumer does not have the same freedom and power to negotiate. In practice, a consumer is not necessarily always the “weaker” party. On some cases, consumer holds the stronger bargaining position and is the one who make the standard contract. This kind of example can be found in some business transactions on PT Deltasindo Raya Sejahtera. At least there are 2 (two) of PT Deltasindo Raya Serjahtera’s consumers (“Customers”, further to be called “PT A” and “PT B”) that have stronger position and power in terms of contract making. This imbalance situation of bargaining position between the parties of the contract could possibly overrule one’s freedom of contract as one of the most important principles of contract law, and its associated principles such as the principle of consensualism; the element of agreement between the parties; the principle of balance; and also the principle of proportionality of contract.

References: 27 (2000-2019)

Keywords :

Standard Contract, Bargaining Position, Freedom of Contract