

**PERTANGGUNGJAWABAN HUKUM PERUSAHAAN
PENGELOLA *ONLINE MARKETPLACE* TERHADAP
PEKERJA DAN PEMBERI KERJA
(STUDI KASUS PADA PT. CERAH EDUKASI BANGSA)**

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ABSTRAK

Tujuan dari penelitian adalah untuk mengetahui hubungan hukum antara perusahaan pengelola *online marketplace* dengan pekerja dan pemberi kerja serta bentuk tanggung jawab hukum jika terjadi perselisihan di antara mereka.

Penelitian ini merupakan penelitian hukum normatif-empiris menggunakan pendekatan undang-undang yang terintegrasi dengan pendekatan konseptual guna menelaah peraturan perundang-undangan tentang Ketenagakerjaan dalam aksinya pada pertanggungjawaban hukum perusahaan pengelola *online marketplace* terhadap pekerja dan pemberi kerja. Data yang diteliti ialah data primer berupa hasil wawancara dengan Pendiri dan *Chief Executive Officer (CEO)* PT. Cerah Edukasi Bangsa serta data sekunder berupa bahan hukum primer, sekunder, dan tersier yang diperoleh dari studi pustaka maupun studi dokumenter. Data yang diperoleh kemudian diteliti secara kualitatif untuk memahami fenomena secara holistik dengan cara deskripsi dalam bentuk kata-kata.

Hasil penelitian menunjukkan bahwa terdapat 3 (tiga) pihak terkait hubungan hukum dalam sistem *online marketplace*, yakni hubungan antara perusahaan pengelola *online marketplace* dengan pekerja, perusahaan pengelola *online marketplace* dengan pemberi kerja, dan pemberi kerja dengan pekerja. Hubungan perusahaan pengelola *online marketplace* dengan pekerja bukan hubungan kerja sebagaimana diatur Hukum Ketenagakerjaan karena tidak memenuhi unsur pekerjaan, upah, dan perintah, tetapi hubungan kemitraan yang diatur dalam Hukum Perdata. Perusahaan pengelola *online marketplace* bertanggung jawab atas pembagian keuntungan pekerja serta perlindungan dari kelalaian pemberi kerja. hubungan perusahaan pengelola *online marketplace* dengan pemberi kerja adalah hubungan penyediaan layanan jasa tertentu. Perusahaan pengelola *online marketplace* bertanggung jawab atas pergantian atau pembatalan jadwal kerja oleh pekerja serta ganti rugi dalam bentuk penggantian pekerja ataupun pengembalian biaya.

Kata kunci: *Pertanggungjawaban Hukum, Online Marketplace, Perusahaan Pengelola Online Marketplace, Tenaga Kerja, Pemberi Kerja*

***LEGAL LIABILITY OF ONLINE MARKETPLACE ENTERPRISE
TOWARDS EMPLOYEE AND EMPLOYER
(CASE STUDY ON PT. CERAH EDUKASI BANGSA)***

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ABSTRACT

This research aims to determine the legal relationships of an online marketplace enterprise with its employees and employers along with its liability pattern in the event of dispute amongst them.

The following study is normative-empirical legal research that utilizes both statute and conceptual approach to examine the Manpower Act along with its derivative regulations amid the legal liability of the online marketplace enterprise towards employees and employers. Data that were studied consist of primary data obtained from an interview with the Founder and Chief Executive Officer (CEO) of PT. Cerah Edukasi Bangsa as well as secondary data gathered from primary, secondary, and tertiary legal materials curated from various literature and documentary studies. Collected data were explored qualitatively to deliver a holistic understanding of the phenomenon through descriptions in the form of words.

The research provided that there are 3 (three) parties involved in the legal relationship of online marketplace system, namely the relationship between online marketplace enterprise and employee, online marketplace enterprise and employer, as well as employer and employee. The relationship established between the online marketplace enterprise and employee is not an employment relationship as regulated by the Manpower Act as it does not fulfill the elements of work, wage, and order but a partnership relationship as regulated by the Civil Law. The online marketplace enterprise is responsible for sharing profits earned to employees and protecting them from the negligence of employers. The relationship established between the online marketplace enterprise and employer is the relationship to supply certain services. The online marketplace enterprise is responsible for the abrupt change or cancelation of work done by employees as well as compensation in the form of employee substitution or refunds.

Keyword: Legal Liability, Online Marketplace, Online Marketplace Enterprise, Manpower, Employer