

## ABSTRAK

Distribusi barang dan jasa telah dikenal secara luas di Indonesia sejak zaman perdagangan kuno. Sejak diundangkannya aturan-aturan yang mengatur perihal distribusi tersebut, permasalahan hukum yang sering timbul antara distributor dan pihak prinsipal asing (baik prinsipal produsen ataupun prinsipal supplier) adalah pengakhiran perjanjian distribusi yang dilakukan secara sepihak oleh prinsipal asing tersebut sekalipun distributor telah menunjukkan kinerja yang baik selama bekerjasama. Pengakhiran sepihak ini tidak diikuti dengan kompensasi finansial untuk kelangsungan usaha distributor yang diatur oleh hukum dan peraturan perundang-undangan atau instrumen peradilan Indonesia karena perlindungan bagi distributor hanya diatur dalam paradigma hukum privat. Belum tuntas permasalahan perlindungan distributor dalam kerjasama distribusi, disrupsi teknologi yang mendorong kemajuan pesat dibidang *e-commerce* telah memperberat kerjasama distribusi antara prinsipal dan distributor. Peraturan Pemerintah Republik Indonesia No.80 tahun 2019 tentang Perdagangan Melalui Sistem Elektronik (“**PP 80/2019**”) merupakan suatu bentuk dukungan pemerintah yang besar terhadap pelaksanaan Perdagangan Melalui Sistem Elektronik (“**PMSE**”) atau yang sering disebut sebagai *e-commerce*. Salah satu hal yang istimewa dari PP 80/2019 adalah pengenaan denda administratif terhadap sejumlah pelanggaran tertentu sekalipun pelaksanaan transaksi PMSE umumnya berada pada ruang lingkup hukum privat namun paradigma ini bergeser kepada pengaturan hukum publik dengan ditetapkannya sanksi administrasi pada setiap pelanggarannya. Penelitian ini menganalisa peraturan perundang-undangan Indonesia yang berlaku terkait distribusi barang dan jasa, praktek pelaksanaan peraturan perundang-undangan tersebut melalui putusan-putusan pengadilan yang telah berkekuatan hukum tetap dan pertautan antara PP 80/2019 dengan BAB IV-Distribusi Barang Peraturan Pemerintah No. 29 Tahun 2021 (“**PP 29/2021**”) tentang Penyelenggaraan Bidang Perdagangan dapat menghasilkan konsep yang ideal sehingga kedua produk peraturan perundang-undangan tersebut menjadi peraturan yang saling mendukung di dalam pengaturannya.

Kata kunci: perlindungan hukum, distributor, PMSE

## ABSTRACT

The distribution of goods and services has been widely known in Indonesia. since ancient trading times. Commencing from the enactment of regulations governing distribution matters, the legal issue which arises frequently between distributor and foreign principal (either manufacturer or main supplier) is unilateral termination over distribution contract by the foreign principal notwithstanding satisfactorily acceptable performance shown by the distributor during the term of cooperation. This unilateral termination does not lead to financial compensation for the distributor's business sustainability reserved by Indonesian laws and regulations or judiciary instruments due to protection for the distributor is merely governed by the private law paradigm. While this issue is still ongoing and not yet finished, technological disruption boosts rapid e-commerce development and accumulates pressure on distribution cooperation. Government Regulation of the Republic of Indonesia No.80 of 2019 with respect to Trading Through Electronic System ("**GR 80/2019**") forms great governmental support over the implementation of Trading Through Electronic System ("**TTES**") or it is commonly called as e-commerce. One of the exclusive points contained in GR 80/2019 is to impose administrative sanctions on several specific infringements. In this regard, the implementation of TTES transactions is normally governed by private law, but this paradigm shifts to the public law rule by imposing administrative sanctions over its infringements. This research is aimed at analyzing the Indonesian laws and regulations corresponding to the distribution of goods and services, the practices of implementing the laws and regulations as having been reflected in the final and binding court decisions, and the linkage between GR 80/2019 and Chapter IV- Distribution of Goods as contained in Government Regulation No. 29 of 2021 ("**GR 29/2021**") with respect to the Implementation of Trade Sector can create ideal concepts to which the two legislation products become mutually supportive regulations in their implementations.

Keywords: Legal protection, distributor, e-commerce.