

ABSTRAK

PERTANGGUNGJAWABAN HUKUM JASA EKSPEDISI TERHADAP KERUGIAN ATAS BARANG KONSUMEN TOKOPEDIA YANG HILANG SELAMA PERJALANAN

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(IX+109 hal; 1 gambar; 1 tabel; 6 lampiran)

Penelitian ini mengkaji hubungan hukum antara para pihak dalam transaksi pengangkutan barang melalui platform Tokopedia dan menganalisis bentuk pertanggungjawaban hukum perusahaan jasa ekspedisi terhadap kehilangan barang milik konsumen selama proses pengiriman. Metode yang digunakan adalah pendekatan normatif-empiris, dengan pendalaman terhadap teori hukum, pendapat para ahli, peraturan perundang-undangan, dan studi kasus. Dalam transaksi elektronik di Tokopedia, hubungan hukum pengangkutan barang pada dasarnya terjadi antara pengirim dan penerima (penjual dan pembeli) dan pengangkut (jasa ekspedisi), sedangkan Tokopedia berkedudukan sebagai penyelenggara Perdagangan Melalui Sistem Elektronik (PPMSE) yang memfasilitasi terbentuknya hubungan hukum tersebut. Tanggung jawab hukum jasa ekspedisi didasarkan pada asas itikad baik dan kewajiban untuk menyelenggarakan pengangkutan dengan aman. Dalam hal terjadi kehilangan barang, perusahaan ekspedisi dapat dimintai pertanggungjawaban berdasarkan Pasal 1367 KUH Perdata atas perbuatan melawan hukum apabila terbukti disebabkan oleh kelalaian pekerjanya. Tokopedia tidak termasuk pihak dalam perjanjian pengangkutan, namun tetap memiliki tanggung sebagai fasilitator dalam menyelesaikan sengketa yang dialami oleh penggunanya. Penelitian ini menyimpulkan bahwa kejelasan struktur hubungan hukum serta pembebanan tanggung jawab merupakan poin penting pada aspek perlindungan konsumen dalam transaksi perdagangan elektronik.

Kata Kunci: Tanggung Jawab Hukum, Pengiriman Barang, Jasa Ekspedisi, Transaksi Online, Perlindungan Konsumen

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ABSTRACT

LEGAL RESPONSIBILITY OF EXPEDITION SERVICES FOR LOSSES OF TOKOPEDIA CONSUMER GOODS LOST DURING SHIPPING

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(IX+109 pages; 1 figure; 1 table; 6 appendices)

This study examines the legal relationship between the parties in goods transportation transactions through the Tokopedia platform and analyzes the form of legal liability of shipping companies for the loss of consumer goods during the shipping process. The method used is a normative-empirical approach, with an in-depth study of legal theory, expert opinions, laws and regulations, and case studies. In electronic transactions in Tokopedia, the legal relationship for the transportation of goods basically occurs between the sender and recipient (seller and buyer) and the carrier (shipping service), while Tokopedia is positioned as the organizer of Electronic System Trading (PPMSE) which facilitates the formation of the legal relationship. The legal responsibility of shipping services is based on the principle of good faith and the obligation to carry out transportation safely. In the event of loss of goods, the shipping company can be held accountable under Article 1367 of the Civil Code for unlawful acts if it is proven to be caused by the negligence of its workers. Tokopedia is not a party to the transportation agreement, but still has the responsibility as a facilitator in resolving disputes experienced by its users. This study concludes that the clarity of the structure of legal relations and the imposition of responsibility are important points in the aspect of consumer protection in electronic commerce transactions.

Keyword: Legal Responsibility, Goods Shipment, Expedition Service, Online Transaction, Consumer Protection

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