

ABSTRAK

TINJAUAN YURIDIS KONTRAK PERDAGANGAN MELALUI INTERNET (Studi Pada Toko Online Shopee di Semarang)

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Setiap manusia akan memenuhi setiap kebutuhan baik barang maupun jasa. Barang dan jasa diperoleh melalui kegiatan jual beli. Perkembangan teknologi informasi dan komunikasi sangat berdampak kepada sistem jual beli secara modern. Jual beli/ bisnis modern melakukan kontrak tanpa ada pertemuan langsung antar pihak melainkan melalui media internet. Pada Pasal 1320 KUH Perdata yang berisi syarat sah perjanjian tidak mudah diterapkan dalam konteks *e-commerce*. Hal tersebut menimbulkan berbagai permasalahan hukum. Dalam hal ini penulis bertujuan untuk mengetahui apakah perjanjian jual beli *online* di toko *online* shopee telah memenuhi syarat sah menurut hukum perjanjian, faktor pendukung dan penghambat serta solusi dari permasalahan hukum.

Penelitian kontrak perdagangan melalui internet termasuk penelitian yuridis normatif mengacu pada studi kepustakaan yang ada atau terhadap data sekunder bersifat deskriptif analisis dengan jenis penelitian kualitatif. Sumber data berasal dari data sekunder yaitu peraturan perundang-undangan, buku, jurnal, dokumen berupa lampiran yang berhubungan dengan kontrak perdagangan melalui internet pada toko *online* shopee, media internet, Kamus Besar Bahasa Indonesia, Kamus Hukum. Setelah data diperoleh kemudian dilakukan analisis menggunakan analisis normatif kualitatif.

Berdasarkan hasil penelitian dan analisis data yang dilakukan dapat diketahui keabsahan perjanjian pada kontrak perdagangan melalui toko *online* shopee telah memenuhi beberapa aspek hukum perjanjian dalam Buku III KUH Perdata mengenai syarat sahnya perjanjian meliputi kesepakatan para pihak, kecakapan mengadakan suatu perikatan, suatu hal tertentu dan sebab yang halal. Selain itu kontrak dalam *e-commerce* telah memenuhi asas-asas perjanjian dalam KUH Perdata. Dalam pemenuhan syarat sah perjanjian menimbulkan adanya faktor pendukung dan penghambat pelaksanaan kontrak *e-commerce*. Solusi atas permasalahan yang muncul dari kontrak dalam *e-commerce* dapat diatasi dengan penggunaan kriptografi, *digital signature* (tanda tangan digital), teknologi SSL, *password*, pemberlakuan kesepakatan awal perjanjian mengenai hukum dan yurisdiksi mana yang akan diberlakukan, *software* penerimaan informasi, dan *copy-an* informasi.

Kata Kunci : Tinjauan Yuridis, Kontrak Perdagangan, Internet

ABSTRACT

JURIDICAL REVIEW OF TRADE CONTRACTS THROUGH INTERNET (Study at Shopee Online Shop in Semarang)

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Every human being will fulfill every need for goods or services. Goods and services are obtained through buying and selling activities. The development of information and communication technology is very important for the modern buying and selling system. Modern buying / selling business contracts without direct meetings between parties receiving through internet media. In Article 1320 of the Civil Code which contains legal requirements, the agreement is not easily applied in the context of e-commerce. This raises various legal problems. In this case the author supports to find out whether buying buy online at shopee online stores has fulfilled legal requirements, supporting and inhibiting factors and solutions to legal problems.

Research on trade contracts through the internet includes normative juridical research choosing on existing literature studies or on secondary data descriptive analysis analysis with qualitative research types. Sources of data come from secondary data, namely legislation, books, journals, complete documents related to trade contracts through the internet at shopee online stores, internet media, Indonesian Dictionary, Legal Dictionary. After the data is obtained then the analysis is carried out using qualitative normative analysis.

Based on the results of the research and data analysis conducted, it can be seen the validity of the agreement on the trade contract through the shopee online store has fulfilled several legal requirements in Book III of the Halal Civil Code. In addition, contracts in e-commerce have agreed to the principles of the agreement in the Civil Code. In fulfilling legal requirements, the agreement of interest is a supporting factor and an obstacle to the implementation of e-commerce contracts. Solutions to problems that arise from contracts in e-commerce can be overcome by the use of cryptography, digital signatures (digital signatures), SSL technology, passwords, enforcement of initial agreements regarding which laws and jurisdictions will apply, software receiving information, and copy-information.

Keywords: Juridical Review, Trade Contracts, Internet