

TANGGUNG JAWAB HUKUM PENYELENGGARA *MARKETPLACE* ATAS KERUGIAN PEMBELI YANG MENDAPAT BARANG PALSU DARI PEDAGANG (*MERCHANT*) DI *MARKETPLACE*

Oleh:

Muchtar Hasan Asrofi¹, Hariyanto²

Intisari

Penelitian bertujuan untuk mengetahui dan mengkaji tanggung jawab hukum penyelenggara *marketplace* jika terjadi kerugian pada pembeli akibat menerima barang palsu dari pedagang di *marketplace* dan upaya hukum yang dapat dilakukan pembeli yang dirugikan akibat menerima barang palsu dari pedagang di *marketplace*.

Penelitian tesis ini termasuk penelitian hukum normatif dan didukung hasil wawancara. Penelitian yang difokuskan mengkaji peraturan perundang-undangan dan teori atau konsep hukum. Penelitian dihubungkan dengan hasil wawancara, agar memberi dukungan bahan hukum primer serta sekunder. Hasil wawancara juga mendukung jawaban atas permasalahan.

Hasil dari penelitian bahwa penyelenggara *marketplace* tidak secara mutlak terbebas dari tanggung jawab atas kerugian pembeli, meskipun kesalahan ada pada pedagang/ pengguna. Penyelenggara *marketplace* sebatas bertanggung jawab mengganti kerugian dengan memastikan ada pengembalian dana sebagai pertanggungjawaban perdata. Tanggung jawab administratif juga dibebankan kepada penyelenggara *marketplace* seperti melakukan penyelesaian perselisihan secara internal, menyediakan layanan aduan dan penyelesaiannya, dan menghapus *link* konten jika terbukti ada konten yang dilarang. Upaya yang paling memungkinkan dilakukan pembeli adalah mengadu melalui sarana aduan *marketplace*, membatalkan pembelian, meminta dana kembali. Di luar *marketplace*, pembeli bisa mengajukan gugatan melalui BPS dimana BPSK bisa menyelesaikan perselisihan dengan arbitrase, mediasi, atau konsiliasi.

Kata Kunci: Tanggung Jawab, Penyelenggara *Marketplace*, Kerugian Pembeli, Barang Palsu

¹Mahasiswa Program Studi Magister Hukum Bisnis Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

²Dosen Program Studi Magister Hukum Bisnis Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

LIABILITY OF MARKETPLACE PROVIDER IN LOSS OF BUYER WHO GOT IMITATION GOODS FROM MERCHANT IN MARKETPLACE

by:

Muchtar Hasan Asrofi³, Hariyanto⁴

Abstract

This research is aimed for knowing and identifying about liability of marketplace provider in loss of buyer due to imitation goods from merchant in marketplace and legal action that could be taken by buyer who got loss due to imitation goods from merchant in marketplace.

This research is a normative legal research that supported with the interview. This research is mostly focused on investigating the laws/ regulations, theories, and concept. The research is connected with the results of interview. The goal was to support the primary legal substance and the secondary legal substance. The results of interview is also supporting the answers of the problems in this research.

The results of the research that marketplace provider is not absolutely responsible to replace the loss of buyer. Marketplace provider is only responsible to make sure to return buyer's money or fund as a private law liability. The administrative liability is charged to marketplace provider such as doing internal dispute resolution; providing complaint and resolution services; and deleting the link of prohibited content. Then, the legal action that can be taken by buyer such as complaining to customer service of marketplace provider, canceling the purchase, doing refund. Outside the system of marketplace, buyer could bring a legal action to the Consumer Dispute Resolution Agency where the institution could solve the dispute through arbitration, mediation, conciliation.

Key Words: Liability, Marketplace Provider, Loss of Buyer, Imitation Goods

³Student of Post Graduate Business Law Programme, Faculty of Law Gadjah Mada University, Yogyakarta.

⁴Lecturer of Post Graduate Business Law Programme, Faculty of Law Gadjah Mada University, Yogyakarta.



UNIVERSITAS
GADJAH MADA

Tanggung Jawab Hukum Penyelenggara Marketplace Atas Kerugian Pembeli Yang Mendapat Barang Palsu Dari Pedagang (Merchant) Di Marketplace

MUCHTAR HASAN ASROFI, Dr. Hariyanto, S.H., M.Kn

Universitas Gadjah Mada, 2022 | Diunduh dari <http://etd.repository.ugm.ac.id/>