

**PELAKSANAAN DAN PELINDUNGAN HUKUM DALAM PERJANJIAN
ENDORSEMENT ANTARA *ONLINE SHOP* DAN SELEBRITI DI MEDIA
SOSIAL INSTAGRAM DAN TIKTOK**

INTISARI

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Penulisan hukum ini bertujuan untuk mengetahui dan menganalisis pelaksanaan perjanjian *endorsement* antara *online shop* dan selebriti media sosial di Instagram dan TikTok, serta bentuk perlindungan hukum yang diberikan kepada para pihak apabila terjadi wanprestasi dalam pelaksanaan perjanjian.

Penelitian hukum ini bersifat deskriptif analitis, yaitu menggabungkan penelitian normatif yang dilakukan dengan cara penelusuran kepustakaan untuk memperoleh data sekunder serta penelitian empiris yang dilakukan langsung ke lapangan untuk memperoleh data primer. Data yang diperoleh dari penelitian ini dianalisis dengan menggunakan metode kualitatif dan disajikan dengan metode deskriptif.

Hasil penelitian menunjukkan: 1). Perjanjian *endorsement* antara *online shop* dan selebriti media sosial dibuat menggunakan perantara media elektronik seperti LINE, WhatsApp, dan juga email dengan pelaksanaannya melalui media sosial Instagram dan TikTok. 2). Perjanjian *endorsement* berlaku secara sah dan mengikat bagi para pihak. 3). Pelindungan hukum preventif diwujudkan dengan menerapkan asas itikad baik dan asas kebebasan berkontrak melalui penyusunan draft kontrak dengan mengatur secara tegas hak dan kewajiban, serta akibat hukum terhadap para pihak dalam perjanjian. 4). Ditinjau dari pelindungan hukum represif, apabila terjadi sengketa wanprestasi para pihak dapat menyelesaikan sengketa wanprestasi dengan melakukan upaya penyelesaian melalui jalur nonlitigasi sesuai dengan ketentuan penyelesaian sengketa pada Pasal 39 UU ITE. Upaya penyelesaian yang dilakukan oleh para pihak dalam hal terjadinya wanprestasi yaitu melalui penyelesaian di luar pengadilan dengan mekanisme musyawarah untuk mencapai mufakat.

Kata Kunci: Pelaksanaan Perjanjian, Perjanjian *Endorsement*, Wanprestasi, Perlindungan Hukum

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**IMPLEMENTATION AND LEGAL PROTECTION OF ENDORSEMENT
AGREEMENT BETWEEN ONLINE SHOP AND SOCIAL MEDIA
CELEBRITY ON INSTAFRAM AND TIKTOK**

ABSTRACT

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This legal writing aims to find out and analyze the implementation of endorsement agreements between online shops and social media celebrities on Instagram and TikTok, as well as the form of legal protection of the parties in the event of a default in the implementation of endorsement agreements between online shops and social media celebrities.

This legal research uses analytical descriptive research method, by combining normative research to obtain the secondary data and the empirical research to obtain the primary data. The data obtained from the result of research were analyzed using the qualitative method and presented by the descriptive method.

The results showed: 1) The implementation of the endorsement agreement between online shops and social media celebrities is carried out using electronic media intermediaries through the Line, WhatsApp, and email applications with the implementation through TikTok and Instagram social media. 2) The endorsement agreement analyzed in this legal research is legally binding the parties to the agreements. 3) Preventive legal protection is reflected by applying the principle of good faith and freedom of contract through expressly regulating the rights and obligations, as well as legal consequences to the parties to the agreement. 4) Speaking of repressive legal protection, a dispute resolution that can be done by the parties in resolving the default dispute is by making efforts to resolve it through non-litigation channels in accordance with the dispute resolution provisions in Article 39 of the ITE Law. A dispute resolution that had been done by the parties in term of the breach of contract is the alternative dispute resolution outside the court with the discussion and negotiation between the contract's parties.

Key Words: Implementation of the Agreement, Endorsement, Breach of Contract, Legal Protection

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