

PERTANGGUNGJAWABAN PERDATA PLATFORM LOKAPASAR DARING: STUDI KASUS PENJUALAN JERSEI PALSU DI TOKOPEDIA

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INTISARI

Penelitian ini bertujuan untuk menjelaskan dan menganalisis mengenai pemetaan peraturan tentang pertanggungjawaban perdata platform lokapasar daring dalam penjualan jersey palsu, pelaksanaan pertanggungjawaban perdata platform lokapasar daring dalam penjualan jersey palsu, serta prinsip dalam pembaruan peraturan tentang pertanggungjawaban perdata platform lokapasar daring dalam penjualan jersey palsu yang ideal bagi kepentingan platform lokapasar, pemegang hak kekayaan intelektual jersey, dan masyarakat.

Penelitian dalam penulisan hukum ini bersifat deskriptif dan evaluatif, serta merupakan penelitian yuridis-empiris. Penelitian ini menganalisis dua jenis data, yakni data primer yang diperoleh melalui studi lapangan dan data sekunder yang diperoleh dari studi kepustakaan. Data dalam penelitian ini lalu dianalisis menggunakan metode analisis kualitatif.

Berdasarkan penelitian yang Penulis lakukan, ditemukan hasil sebagai berikut: **Pertama**, pemetaan peraturan terkait penjualan jersey palsu dilihat dari peraturan perundang-undangan mengenai kedudukan lokapasar daring sebagai PSE dan penyelenggara PMSE, perlindungan hak kekayaan intelektual, dan aspek keperdataan serta peraturan internal lokapasar daring tersebut. **Kedua**, pelaksanaan pertanggungjawaban platform lokapasar daring ditempuh dengan berbagai upaya dan didasari perbuatan melawan hukum, tetapi masih terdapat kendala efektivitas dan akurasi dalam praktiknya. **Ketiga**, prinsip dalam pembaruan peraturan tentang penjualan jersey palsu harus mempertimbangkan konsep pertanggungjawaban kontribusi, konsekuensi batas waktu penurunan konten ilegal, tata cara evaluasi dan pemantauan, serta klausula baku yang tidak bertentangan dengan undang-undang.

Kata Kunci: jersey palsu, pertanggungjawaban perdata, lokapasar daring, Tokopedia

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CIVIL LIABILITY OF ONLINE MARKETPLACE PLATFORMS: A CASE STUDY OF COUNTERFEIT JERSEY SALES ON TOKOPEDIA

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ABSTRACT

This research aims to elaborate and analyze the mapping of regulations on the civil liability of online marketplace platforms in counterfeit jersey sales, the implementation of civil liability of online marketplace platforms in counterfeit jersey sales, as well as the principles in reforming the regulations on the civil liability of online marketplace platforms in counterfeit jersey sales that are ideal for the interests of marketplace platforms, holders of the intellectual property rights in jerseys, and the public.

The research in this legal writing is descriptive and evaluative, and is a juridical-empirical research. This research analyzes two types of data, namely primary data obtained through field studies and secondary data obtained from literature studies. The data in this research is then analyzed using a qualitative analysis method.

Based on the research conducted by the author, the following results were found: **First**, the mapping of regulations related to counterfeit jersey sales is observed from the laws and regulations regarding the position of online marketplaces as PSE and organizer of PMSE, protection of intellectual property rights and civil law aspects, as well as internal regulations of the online marketplaces. **Second**, the implementation of online marketplace platform liability is pursued through various efforts and is based on tort, but there are still obstacles to effectiveness and accuracy in its practice. **Third**, the principles in reforming the regulations on counterfeit jersey sales should consider the concept of contributory liability, the consequences of the deadline for taking down illegal contents, procedures for evaluation and monitoring, and standard clauses that do not conflict with the law.

Keywords: *counterfeit jerseys, civil liability, online marketplace, Tokopedia*

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