

ANALISIS KEDUDUKAN HUKUM DAN PERTANGGUNGJAWABAN HUKUM(STUDI KASUS PADA PERJANJIAN KERJA SAMA ECOVOLUTION DENGAN THE PANTURAS)

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INTISARI

Penulisan hukum ini bertujuan untuk mengetahui dan menganalisis kedudukan hukum dan penerapan teori *vicarious liability* dalam pertanggungjawaban hukum apabila terjadi sengketa Para Pihak dalam Perjanjian Kerja Sama Ecovolution dengan The Panturas. Para pihak yang dimaksud yaitu The Panturas yang merupakan band asal Bandung dan Zulya Marganusa selaku Koordinator Liaison Officer di salah satu kepanitiaan SMAN 11 Yogyakarta yaitu Ecovolution #9.

Penelitian dalam penulisan hukum ini menggunakan jenis penelitian hukum normatif-empiris. Analisis penelitian ini dilakukan secara kualitatif dan sifat penelitian ini diuraikan secara deskriptif. Data yang digunakan berupa data sekunder maupun data primer. Data sekunder tersebut diperoleh dengan cara studi kepustakaan terhadap bahan hukum primer, sekunder, hingga tersier. Data primer diperoleh dengan cara wawancara dengan alat pengambilan data berupa pedoman wawancara yang dilakukan di SMAN 11 Yogyakarta dimana wawancara tersebut ditujukan kepada *stakeholder* dalam pembuatan Perjanjian Kerja Sama Ecovolution dengan The Panturas.

Hasil penelitian ini menunjukkan kedudukan hukum The Panturas bukanlah subjek hukum, Manajer The Panturas merupakan subjek hukum yang cakap hukum, Zulya Marganusa merupakan subjek hukum namun tidak cakap hukum, dan Ecovolution bukanlah subjek hukum. Selain itu, hasil penelitian berikutnya menunjukkan bahwa terkait dengan penerapan teori *vicarious liability* tidak bisa diterapkan dalam hubungan antara The Panturas dengan Manajer karena tidak memenuhi Pasal 1367 ayat (3) KUHPerdara mengingat hubungan keduanya merupakan hubungan kemitraan dan berdasarkan Pasal 1800 KUHPerdara menunjukkan bahwa Manajer The Panturas tidaklah berhak bertanggung jawab terhadap perbuatan yang dilakukan The Panturas karena melihat prestasi pemberian kuasanya telah dilakukan oleh Manajer The Panturas. Akan tetapi teori *vicarious liability* bisa diterapkan dalam hubungan antara Ecovolution dengan Guru-Guru SMAN 11 Yogyakarta karena telah memenuhi Pasal 1367 ayat (4) KUHPerdara.

Kata Kunci: Kedudukan Hukum, Pertanggungjawaban Hukum, *Vicarious liability*, Ecovolution, The Panturas

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ANALYSIS OF LEGAL POSITION AND LEGAL LIABILITY (CASE STUDY ON ECOEVOLUTION COOPERATION AGREEMENT WITH THE PANTURAS)

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ABSTRACT

This legal writing aims to determine and analyze the legal position and application of the theory of vicarious liability in legal liability in the event of a dispute between the Parties in the Ecovolution Cooperation Agreement with The Panturas. The parties in question are The Panturas who are a band from Bandung and Zulya Marganusa as the Liaison Officer Coordinator in one of the committees of SMAN 11 Yogyakarta, namely Ecovolution #9.

The research in this legal writing uses normative-empirical legal research. The analysis of this research is carried out qualitatively and the nature of this research is described descriptively. The data used are secondary data and primary data. The secondary data is obtained by means of a literature study of primary, secondary, and tertiary legal materials. Primary data was obtained by means of interviews with data collection tools in the form of interview guidelines conducted at SMAN 11 Yogyakarta where the interview was addressed to stakeholders in the making of the Ecovolution Cooperation Agreement with The Panturas.

The results of this research show that the legal position of The Panturas is not a legal subject, The Panturas Manager is a legal subject with legal capacity, Zulya Marganusa is a legal subject but not legally capable, and Ecovolution is not a legal subject. In addition, the results of the next research show that related to the application of the theory of vicarious liability cannot be applied in the relationship between The Panturas and the Manager because it does not fulfill Article 1367 paragraph (3) of the Civil Code considering that the relationship between the two is a partnership relationship and based on Article 1800 of the Civil Code shows that The Panturas Manager is not entitled to be responsible for the actions committed by The Panturas because seeing the achievement of granting power of attorney has been carried out by The Panturas Manager. However, the theory of vicarious liability can be applied in the relationship between Ecovolution and Teachers of SMAN 11 Yogyakarta because it has fulfilled Article 1367 paragraph (4) of the Civil Code.

Keywords: Legal Position, Legal Liability, Vicarious liability, Ecovolution, The Panturas.

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