

TINJAUAN HUKUM TERHADAP KONTRAK KERJASAMA PEMBUATAN BUKU TAHUNAN ANTARA SISWA SEKOLAH MENENGAH DENGAN PERUSAHAAN CREATIVE AGENCY DI DAERAH ISTIMEWA YOGYAKARTA

INTISARI

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Penelitian ini bertujuan untuk menganalisis keabsahan kontrak kerjasama pembuatan buku tahunan antara siswa sekolah menengah dengan perusahaan *creative agency* di Daerah Istimewa Yogyakarta ditinjau dari hukum perjanjian dan pemenuhan kewajiban perusahaan *creative agency* berdasarkan undang-undang perlindungan konsumen di Indonesia, mengetahui faktor-faktor yang mempengaruhi terjadinya wanprestasi dan mengkaji cara mengatasi permasalahan yang timbul dalam kontrak kerjasama itu. Penelitian hukum ini bersifat deskriptif yang dilakukan dengan pendekatan normatif-empiris dengan penelitian kepustakaan dan penelitian lapangan, kemudian data dianalisis secara kualitatif yang dilakukan dengan interpretasi data bersifat deskriptif.

Hasil penelitian menunjukkan kontrak kerjasama pembuatan buku tahunan antara siswa sekolah menengah dengan perusahaan *creative agency* di Daerah Istimewa Yogyakarta belum memenuhi salah satu syarat sahnya suatu perjanjian yaitu kecakapan untuk membuat perjanjian. Sementara itu perusahaan *creative agency* masih kurang melaksanakan kewajibannya sebagai pelaku usaha dalam hal pemberian informasi yang jelas mengenai kondisi dan jaminan barang dan/atau jasa sesuai perintah Undang-Undang Perlindungan Konsumen. Faktor-faktor yang mempengaruhi terjadinya wanprestasi oleh debitur dapat ditinjau dari sisi konsumen maupun pelaku usaha. Dari sisi konsumen yaitu rendahnya rasa tanggungjawab, kendala dalam menghimpun file atau uang iuran, tidak ada pendampingan dari pihak sekolah serta jadwal pembuatan buku tahunan hampir bersamaan dengan ujian-ujian. Dari sisi pelaku usaha yaitu kurang adanya ketegasan, miskomunikasi dalam penjelasan kontrak, kesulitan pengaturan jadwal serta keterlambatan atau kerusakan oleh pihak ketiga. Cara mengatasi permasalahan yang timbul dalam kontrak kerjasama ini yaitu dengan peran aktif dari orang tua atau wali untuk mewakili siswa sekolah menengah dan peran aktif perusahaan *creative agency* dalam rangka mewujudkan itikad baik dalam perlindungan konsumen.

Kata kunci: Kontrak Kerjasama, Buku Tahunan, Perusahaan *Creative Agency*, Siswa Sekolah Menengah

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JURIDICAL REVIEW FOR COOPERATION CONTRACT OF YEARBOOK MAKING BETWEEN HIGH SCHOOL STUDENTS AND CREATIVE AGENCY COMPANIES IN THE SPECIAL REGION OF YOGYAKARTA

ABSTRACT

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This research aims to analyze the legality of cooperation contract of yearbook making between high school students and creative agency company in the Special Region of Yogyakarta viewed based on the Law of Contract and the obligation fulfillment of creative agency company according to the Consumer Protection Act in Indonesia, to know about the factors that can lead to the breach of contract and to understand how to solve the problems occurred within the Cooperation Contract. This is a descriptive legal research carried out with normative-empirical approach, literary and field studies. The data are then analyzed qualitatively by interpreting the data in descriptive manner.

The results of this research show that the cooperation contract of yearbook making between the high school students and creative agency in the Special Region of Yogyakarta has yet to fulfill one of the legal requirements of a legal contract, in which it is the competence to make a contract. While the creative agency as a business owner still has not properly carried out its obligations in terms of providing clear information regarding to the conditions and the guarantee of goods and/or services as mandated in the Consumer Protection Act. The factors that can cause the breach of contract can be seen from both the consumer and business owner sides. The factors from consumer's side are the low sense of responsibility, problems in collecting the file or contribution fee from the other fellow students, no guidance from the school and the yearbook making schedule which almost collides with their school exams schedule. The factors from the business owner's side are the lack of firmness, miscommunication in explaining the contract, difficulties in arranging schedule and also finishing delay or products that are damaged by third party. The problems occurred in this cooperation contract can be solved with the active roles of parents to represent the high school students and the active roles of creative agency company in order to realize its good intention in protecting its consumers.

Keywords: Cooperation Contract, Yearbook, Creative Agency Company, High School Students

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