

## WANPRESTASI DALAM PERJANJIAN JUAL BELI BARANG MATERIAL ANTARA KONSUMEN DENGAN TOKO BANGUNAN ASSALAM JAYA

### ABSTRAK

Oleh:

Riski Pangestu<sup>1</sup>, Ninik Darmini<sup>2</sup>

Penelitian hukum ini bertujuan untuk mengetahui dan menganalisis penyebab wanprestasi yang dilakukan oleh pembeli dalam jual beli barang material di Toko Bangunan Assalam Jaya. Tujuan lain penelitian ini untuk mengetahui dan menganalisis bentuk pertanggungjawaban pelaku wanprestasi kepada pihak yang dirugikan dalam jual beli barang material di Toko Bangunan Assalam Jaya.

Penelitian ini bersifat yuridis empiris dengan jenis penelitian deskriptif. Penelitian bersifat yuridis dilakukan melalui penelitian kepustakaan dari berbagai bahan hukum, baik bahan hukum primer, sekunder, dan tersier, untuk mendapat data sekunder. Penelitian empiris dilakukan untuk mendapat data primer melalui penelitian lapangan dengan cara wawancara kepada subjek penelitian dengan menggunakan pedoman wawancara. Data yang diperoleh dari penelitian kepustakaan dan penelitian lapangan dianalisis secara kualitatif. Hasil analisis data disajikan secara deskriptif.

Hasil penelitian menunjukkan bahwa penyebab wanprestasi dalam perjanjian jual beli barang material antara pembeli dengan Toko Bangunan Assalam Jaya didasarkan pada pekerjaan pembeli. Golongan pemborong melakukan wanprestasi karena keterlambatan pembayaran oleh pihak ketiga dalam perjanjian konstruksi. Golongan petani melakukan wanprestasi karena keadaan ekonomi yang rendah akibat terjadinya gagal panen. Pertanggungjawaban pembeli sebagai pelaku wanprestasi ditentukan berdasarkan hasil dari upaya penyelesaian wanprestasi. Pertanggungjawaban pembeli sebesar hutang yang harus dilunasinya, tidak dibebankan ganti rugi atau biaya penyelesaian perkara. Penyelesaian wanprestasi antara penjual dan Pembeli A dilakukan dengan musyawarah dengan pihak ketiga. Hasil musyawarah berupa pelunasan hutang jatuh tempo pada bulan Agustus 2018. Mediasi menghasilkan kesepakatan pelunasan dilakukan pada bulan Maret 2019. Penyelesaian sengketa antara penjual dan Pembeli B dilakukan dengan musyawarah dengan hasil kesepakatan pelunasan jatuh tempo pada bulan November 2018.

***Kata Kunci: Perjanjian, Jual Beli, Wanprestasi, Ganti Rugi***

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<sup>1</sup> Mahasiswa Program Sarjana, Fakultas Hukum, Universitas Gadjah Mada.

<sup>2</sup> Dosen Pembimbing Penulisan Hukum, Fakultas Hukum, Universitas Gadjah Mada.

**DEFAULT IN THE BUY AND SELLING OF MATERIAL GOODS  
AGREEMENT BETWEEN CONSUMERS WITH  
TOKO BANGUNAN ASSALAM JAYA**

**ABSTRACT**

**By:**

***Riski Pangestu<sup>3</sup>, Ninik Darmini<sup>4</sup>***

*This legal research aimed to identify and analyze the causes of defaults carried out by buyers in the sale and purchase of material goods at the Toko Bangunan Assalam Jaya. Another purpose of this research is to identify and analyze the form of responsibility of defaulters to those who are disadvantaged in in the sale and purchase of material goods at the Toko Bangunan Assalam Jaya.*

*The nature of this research is juridical empirical with descriptive research types. Juridical research is conducted by library research over various legal materials, either primary, secondary and tertiary, to obtain secondary data. Empirical research is conducted to obtain primary data by field research by means of interviewing the research subjects by referring to the interview guidance. Data which is obtained from library and field research result is analyzed in qualitative. The result of data analysis is presented in descriptive analytical.*

*The research results indicates that the cause of default in the sale and purchase of material goods between buyer with Toko Bangunan Assalam Jaya is based on the profession of the buyer. The contracting group defaults because of overdue payments by third parties in the construction agreement. The farmer group defaults due to low economic conditions because of crop failure. The responsibility of the buyer as a defaulter is determined based on the results of the default settlement. The responsibility of the buyer is as much as the debt that must be repaid, no compensation and no charged for settling the case. Default settlement between seller and buyer A is conducted by deliberation with third party. The results of the deliberation in debt repayment are due in August 2018. Deliberation resulted in repayment are due in March 2019. Default settlement between seller and buyer B is conducted by deliberation with the results of the repayment are due in November 2018.*

***Keywords: Agreement, sale and purchase agreement, Default, Compensation***

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<sup>3</sup> Undergraduate student, Faculty of Law, Universitas Gadjah Mada.

<sup>4</sup> Legal writing supervisor, Faculty of Law, Universitas Gadjah Mada.