

PELAKSANAAN PERJANJIAN JUAL BELI *HANDPHONE* SECARA *ONLINE* DI KAYLOJELLO

Oleh :

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INTISARI

Penulisan hukum ini bertujuan untuk mengetahui pelaksanaan perjanjian jual beli *handphone* secara *online* di Kaylojello. Permasalahan yang diangkat dalam penulisan hukum ini terkait pelaksanaan perjanjian jual beli *handphone* secara *online*, serta terkait upaya penyelesaian wanprestasi oleh para pihak dalam perjanjian jual beli.

Penelitian ini bersifat Yuridis-Empiris yaitu menggabungkan penelitian yuridis yang dilakukan dengan cara penelusuran kepustakaan untuk memperoleh data sekunder dan penelitian empiris yaitu penelitian dengan cara terjun langsung ke lokasi penelitian untuk memperoleh data primer. Data yang diperoleh dari penelitian ini dianalisis dengan menggunakan metode kualitatif dan disajikan dengan deskriptif.

Berdasarkan hasil penelitian yang dilakukan Penulis, didapatkan beberapa kesimpulan. Pertama, pelaksanaan perjanjian jual beli *handphone* secara *online* di Kaylojello telah memenuhi syarat sahnya perjanjian sebagaimana diatur dalam Pasal 1320 KUHPerdota. Kedua, terdapat 3 bentuk wanprestasi yaitu dilaksanakannya prestasi tetapi tidak sesuai dengan yang diperjanjikan, dilaksanakannya prestasi tetapi terlambat, dan tidak dilaksanakannya prestasi. Upaya penyelesaian yang dilakukan oleh para pihak dalam hal terjadinya wanprestasi yaitu melalui penyelesaian di luar pengadilan dengan mekanisme negosiasi.

Kata kunci : Perjanjian, Perjanjian Jual Beli, Transaksi Elektronik, Wanprestasi.

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IMPLEMENTATION OF THE ELECTRONIC OF SALES AND PURCHASE OF MOBILE PHONE AGREEMENT AT KAYLOJELLO

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ABSTRACT

This legal research aims to find out the implementation of the electronic of sales and purchase of mobile phone agreement at Kaylojello. The problems that will be discussed in this legal research related to the implementation of mobile phone purchase agreement online, about breach of agreement, and also the resolution attempt that can be used by both side if that happen.

This legal research is Juridical-Empirical which combine juridical research done by library searching to obtain secondary data and empirical research that is done by plunging directly to the location to obtain primary data. The data that obtain from the result of research are analyzed by using qualitative method and presented with descriptive method.

Based on the results of the legal research that conducted by the writer, the conclusion are, first, the implementation of an online mobile phone purchase agreement in Kaylojello has been legitimate as the provisions of article 1320 of the Indonesia Civil Lawbook. Secondly, there are two form of breach of contract that occurred on this legal research, there are the incompatibility implementation with contract that had been agreed by the parties, the delayed of the contract's implementation, and not doing what has been agreed in agreements. A dispute resolution that had been done by the parties in term of the breach of agreement is the alternative dispute resolution outside the court with the negotiation between the agreement's parties.

Keywords : Agreement, Sales and Purchase Agreement, *E-Commerce*.

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