

**TINJAUAN YURIDIS TERKAIT TANGGUNG JAWAB PERUSAHAAN
JASA PENGIRIMAN J&T *CARGO* TERHADAP KERUGIAN KONSUMEN
AKIBAT ADANYA PENCANTUMAN KLAUSULA EKSONERASI
(STUDI PUTUSAN PENGADILAN NOMOR: 62/PDT.SUS-
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ABSTRAK

Klausula Eksonerasi merupakan ketentuan dalam perjanjian baku yang membebaskan atau membatasi tanggung jawab salah satu pihak dalam kontrak. Kajian penelitian berikut bertujuan guna (1) mengetahui tanggung jawab yang diberikan Perusahaan J&T *Cargo* terkait kerugian yang dialami konsumen akibat adanya pencantuman klausula eksonerasi, dan (2) menganalisis dasar pertimbangan Hakim pada Putusan Pengadilan Nomor: 62/Pdt.Sus-BPSK/2023/PN.Mkd. Dengan begitu, kajian penelitian ini menggunakan jenis penelitian hukum normatif melalui studi putusan pengadilan terkait tanggung jawab pelaku usaha akibat adanya pencantuman klausula eksonerasi yang merugikan konsumen, dengan menggunakan teknik deskriptif. Jenis pendekatan penelitian ini menggunakan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual, kemudian didukung dengan teknik kepustakaan (*library research*) serta studi dokumen putusan pengadilan dan menggunakan teknik analisis kualitatif. Hasil dari penelitian ini yakni 1) kegagalan pelaku usaha dalam memenuhi tanggung jawab hukum sebagai penyedia jasa dan ganti kerugian yang tidak dilakukan secara penuh sesuai undang-undang yang berlaku. Selanjutnya 2) dalam perkara ini, pertimbangan hakim terbatas secara prosedural dan tidak menembus substansi perlindungan konsumen yang dirugikan, sehingga keadilan substantif bagi konsumen tidak tercapai, dan hukum justru terkesan melindungi pelaku usaha yang lalai.

Kata Kunci: Pelaku Usaha, Tanggung Jawab, Kerugian Konsumen, Klausula Eksonerasi

**A LEGAL REVIEW OF THE LIABILITY OF J&T CARGO DELIVERY
SERVICE COMPANY FOR CONSUMER LOSSES DUE TO THE
INCLUSION OF A EXONERATION CLAUSE
(STUDY OF COURT DECISION NUMBER: 62/PDT.SUS-
BPSK/2023/PN.MKD)**

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ABSTRACT

An Exoneration Clause is a provision in a standard agreement that exempts or limits the liability of one of the parties in the contract. The following research study aims to (1) determine the responsibility given by the J&T Cargo Company regarding losses experienced by consumers due to the inclusion of an exoneration clause, and (2) analyze the basis for the Judge's considerations in Court Decision Number: 62/Pdt.Sus-BPSK/2023/PN.Mkd. Therefore, this research study uses a normative legal research type through a study of court decisions regarding the responsibility of business actors due to the inclusion of an exoneration clause that is detrimental to consumers, using descriptive techniques. This type of research approach uses a statutory approach, a case approach, and a conceptual approach, then supported by library research techniques and studies of court decision documents and using qualitative analysis techniques. The results of this study are 1) the failure of business actors to fulfill their legal responsibilities as service providers and compensation that is not carried out in full in accordance with applicable laws. Furthermore, 2) in this case, the judge's considerations were procedurally limited and did not penetrate the substance of the protection of consumers who were harmed, so that substantive justice for consumers was not achieved, and the law actually seemed to protect negligent business actors.

Keywords: *Businessmen, Liability, Consumer Loss, Exoneration Clause*