

**TINJAUAN YURIDIS PERLINDUNGAN HUKUM KONSUMEN YANG
MENGALAMI KERUGIAN AKIBAT KETERLAMBATAN PENGIRIMAN
BARANG OLEH PERUSAHAAN EKSPEDISI LAUT
MENURUT UNDANG-UNDANG NOMOR 8 TAHUN 1999**

ABSTRAK

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Fungsi transportasi laut sangat penting dalam arus barang atau perdagangan baik domestik maupun internasional, karena sering terjadi kekhawatiran atau keluhan dari pemilik barang atau pengguna jasa ekspedisi angkutan laut, yaitu berupa barang yang rusak atau hilang maupun keterlambatan pengiriman. Sehingga perlu diketahui bagaimana pengaturan hukum pengiriman barang melalui perusahaan ekspedisi laut, bagaimana tanggung jawab perusahaan ekspedisi laut dalam mengirimkan barang kepada konsumen dan bagaimana perlindungan hukum bagi konsumen yang mengalami kerugian akibat keterlambatan pengiriman barang melalui ekspedisi laut.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual melalui studi kepustakaan

Hasil penelitian dari tesis ini antara lain: Pengaturan hukum pengiriman barang melalui ekspedisi laut mengacu pada beberapa peraturan perundang-undangan, antara lain: dalam Kitab Undang-Undang Hukum Perdata, Hukum Dagang, peraturan transportasi laut di Indonesia yang mengacu pada UU. No. 17 Tahun 2008 tentang Pelayaran dan perubahannya, Peraturan Pemerintah No. 82 Tahun 1999 tentang Angkutan di Perairan dan Peraturan Pemerintah Republik Indonesia No. 51 Tahun 2002 tentang Pelayaran. Tanggung jawab perusahaan ekspedisi laut dalam mengirimkan barang kepada konsumen antara lain diatur dalam Pasal 468 Kitab Undang-Undang Hukum Dagang, Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan. Pasal 193 menyatakan bahwa sanksi bagi perusahaan pengangkutan yang menyebabkan kerugian pada konsumen harus bertanggung jawab, dan Pasal 19 Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Tanggung jawab perusahaan ekspedisi laut memiliki 3 (tiga) bentuk tanggung jawab. Pertama, prinsip berdasarkan kesalahan (*liability based on fault*) artinya seseorang hanya akan dimintai pertanggungjawaban secara hukum apabila ada unsur kesalahan yang telah dilakukan. Kedua, prinsip berdasarkan praduga selalu bertanggung jawab (*presumption of liability*) sampai ia dapat membuktikan bahwa ia tidak bersalah. Ketiga, prinsip yang didasarkan pada tanggung jawab mutlak (*strict liability*). Perlindungan hukum bagi konsumen yang mengalami kerugian akibat keterlambatan pengiriman barang melalui ekspedisi laut dapat dilihat pada penerapan Pasal 4, Pasal 5, Pasal 6 dan Pasal 7 Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Pelanggaran yang dilakukan oleh perusahaan pengangkutan atau perusahaan ekspedisi dapat diselesaikan melalui pengadilan maupun di luar pengadilan sesuai dengan ketentuan yang diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

Kata kunci: Perlindungan hukum konsumen, kerugian, keterlambatan pengiriman barang, ekspedisi laut,

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**JURIDICAL REVIEW OF THE LEGAL PROTECTION OF CONSUMERS WHO
SUFFER LOSSES DUE TO DELAYS IN THE DELIVERY OF GOODS BY SEA
EXPEDITION COMPANIES
ACCORDING TO LAW NUMBER 8 OF 1999**

ABSTRACT
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The function of sea transportation is very important in the flow of goods or trade, both domestic and international, because there are often concerns or complaints from goods owners or users of sea freight expedition services, namely in the form of damaged or lost goods or delays in delivery. So it is necessary to know how the legal regulations for shipping goods by sea expedition companies are, what the responsibilities of sea expedition companies are in sending goods to consumers and what the legal protection is for consumers who experience losses due to delays in sending goods by sea expeditions.

The research method used is normative judicial with a statutory approach and a conceptual approach through literature study

The results of research from this thesis include: The legal regulation of shipping goods by sea expeditions refers to several statutory regulations, including: in the Civil Code, Commercial Law, sea transportation regulations in Indonesia which refer to the Law. Number 17 of 2008 concerning Shipping and its amendments, Implementing Regulation Number 82 of 1999 concerning Transportation in Waterways and Government Regulation of the Republic of Indonesia Number 51 of 2002 concerning Shipping. The responsibilities of sea expedition companies in sending goods to consumers include, among others, Article 468 of the Commercial Code, Law Number 22 of 2009 concerning Road Traffic and Transportation. Article 193 states that sanctions for transportation companies that cause losses to consumers must be held accountable, and Article 19 of the Law Law Number 8 of 1999 concerning Consumer Protection. The responsibility of a sea expedition company has 3 (three) forms of responsibility. First, the principle based on fault (liability based on fault) means that a person will only be held legally responsible if there is an element of error that has been committed. Second, the principle is based on the presumption of always being responsible (presumption of liability) until he can prove he is innocent. Third, the principle is based on absolute responsibility (strict liability). Legal protection for consumers who experience losses due to delays in the delivery of goods by sea expeditions can be seen in the application of Article 4, Article 5, Article 6 and Article 7 of Law Number 8 of 1999 concerning Consumer Protection. Violations committed by transportation companies or expedition companies can be resolved through court or outside court in accordance with the provisions regulated in Law Number 8 of 1999 concerning Consumer Protection.

Keywords: Consumer legal protection, losses, delays in delivery of goods, sea expeditions, Law no. 8 of 1999

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