

ABSTRAK

Elly Kurniawati. 2024. Analisis Yuridis Terkait Kontrak Elektronik Dalam Konteks Perjanjian Jual Beli Melalui *E-commerce Shopee* Menurut Pasal 1320 KUHPperdata. Program Studi Hukum, FH, Universitas PGRI Madiun. Pembimbing (I) Dr. Indriyana Dwi Mustikarini, S.H., M.H. (II) Bintang Ulya Kharisma S.H.,M.Kn.

Penelitian ini bertujuan untuk menganalisis hubungan antara kontrak elektronik terhadap perjanjian jual beli pada *e-commerce Shopee* dengan Pasal 1320 KUHPperdata dan implikasi Pasal 1320 KUHPperdata terhadap perjanjian jual beli di dalam *e-commerce Shopee*. Transaksi melalui perdagangan elektronik, berisi unsur kesepakatan yang mengikat, ini sesuai Pasal 1313 KUHPperdata. Kesepakatan ini menciptakan ikatan hukum di antara mereka. Dengan demikian, transaksi *e-commerce* pada dasarnya adalah bentuk perjanjian digital yang memiliki kekuatan hukum yang sama dengan perjanjian konvensional. Meskipun secara daring, jual beli *online* tetap berlandaskan pada syarat sah kontrak yaitu Pasal 1320 KUHPperdata. Kontrak jual beli yang dilakukan secara elektronik mendasarkan pada adanya asas kebebasan berkontrak, sebagaimana yang tertera dalam Pasal 1338 KUHPperdata. Jenis penelitian ini merupakan yuridis normatif dengan metode analisis deskriptif kualitatif. Data diperoleh dari studi literatur dan analisis dokumen hukum terkait. Hasil penelitian menunjukkan bahwa Kontrak elektronik yang memenuhi syarat Pasal 1320 KUHPperdata dianggap sah dan mengikat secara hukum, setara dengan kontrak konvensional. Transaksi yang dilakukan di *Shopee* telah sesuai dengan ketentuan UU ITE dan juga Pasal 1320 KUHPperdata.

Kata Kunci : *E-commerce Shopee*, Kontrak Elektronik, Perjanjian Jual Beli

ABSTRACT

Elly Kurniawati. 2024. Juridical Analysis Related to Electronic Contracts in the Context of Sale and Purchase Agreements through Shopee E-commerce According to Article 1320 KUHPperdata, FH, University of PGRI Madiun. Supervisor (I) Dr. Indriyana Dwi Mustikarini, S.H., M.H. (II) Bintang Ulya Kharisma S.H., M.Kn.

This study examines to analyze the relationship between electronic contracts and sale-purchase agreements on Shopee e-commerce in relation to Article 1320 KUHPperdata, and the implications of Article 1320 KUHPperdata on sale-purchase agreements within Shopee e-commerce. Transactions through electronic commerce contain binding agreement elements, which is in accordance with Article 1313 KUHPperdata. This agreement creates a legal bond between the parties. Thus, e-commerce transactions are essentially a form of digital agreement that has the same legal force as conventional agreements. Although online, online buying and selling are still based on the legal requirements of contracts, namely Article 1320 KUHPperdata. Sale-purchase contracts conducted electronically are based on the principle of freedom of contract, as stated in Article 1338 KUHPperdata. This research is a normative juridical study with a qualitative descriptive analysis method. Data were obtained from literature studies and analysis of relevant legal documents. The results show that electronic contracts that meet the requirements of Article 1320 KUHPperdata are considered valid and legally binding, equivalent to conventional contracts. Transactions conducted on Shopee have complied with the provisions of the Electronic Information and Transactions Law and Article 1320 KUHPperdata.

Keywords: *Shopee E-commerce, Electronic Contracts, Sale-Purchase Agreements*