

RINGKASAN

Fina Arifin
Nim. 210510388

**TANGGUNG JAWAB HUKUM PELAKU USAHA
PERAWATAN BADAN ATAS CACAT PRODUK
(Studi Putusan Nomor 11/Pdt.G/2024/PN BNA)**

(Prof. Dr. Yulia, S.H., M.H dan Sofyan Jafar, S.H., M.H)

Tanggung jawab pelaku usaha dalam konteks hukum perlindungan konsumen di Indonesia pada dasarnya telah diatur secara tegas dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (UUPK), khususnya Pasal 7 tentang kewajiban pelaku usaha menjamin mutu dan keamanan produk, Pasal 8 yang melarang peredaran barang cacat atau membahayakan, serta Pasal 19 yang mewajibkan pemberian ganti rugi atas kerugian konsumen. Namun, dalam praktiknya masih sering ditemukan pelanggaran, salah satunya sebagaimana terlihat dalam Putusan Nomor 11/Pdt.G/2024/PN Bna, di mana pelaku usaha di bidang perawatan badan tetap memperdagangkan produk cacat yang merugikan konsumen.

Penelitian ini bertujuan untuk mengkaji tanggung jawab hukum pelaku usaha atas produk cacat dalam kasus tersebut dan menganalisis pertimbangan hukum hakim tentang penerapan tanggung jawab pelaku usaha sesuai UUPK.

Metode yang digunakan adalah penelitian hukum pendekatan yuridis normatif. Data diperoleh melalui studi pustaka, kemudian dianalisis secara kualitatif dengan metode deduktif dan interpretasi sistematis.

Hasil penelitian menunjukkan bahwa pelaku usaha tidak bertanggung jawab memenuhi kewajibannya untuk memberikan ganti rugi secara penuh kepada konsumen sebagaimana diatur dalam UUPK. Pelaku usaha baru menunjukkan itikad baik setelah proses persidangan berlangsung, dan bentuk ganti rugi yang diberikan hanya terbatas pada kerugian materil tanpa memperhatikan kerugian immaterial yang dialami konsumen. Akibatnya konsumen tetap dirugikan, karena pelaksanaan tanggung jawab pelaku usaha tidak sesuai dengan UUPK. Pertimbangan hukum hakim dalam putusan juga belum sepenuhnya sesuai dengan ketentuan UUPK, karena belum menerapkan prinsip *strict liability* secara optimal dan masih menitikberatkan pada unsur kesalahan pelaku usaha. Dengan demikian, implementasi UUPK dalam Putusan Nomor 11/Pdt.G/2024/PN Bna belum memberikan perlindungan hukum yang maksimal bagi konsumen.

Saran dalam penelitian ini diharapkan agar hakim lebih tegas menerapkan prinsip *strict liability*, pelaku usaha meningkatkan pengawasan mutu dan menarik produk cacat dari peredaran, Balai Pengawas Obat dan Makanan (BPOM) memperkuat pengawasan, serta konsumen lebih sadar akan hak-haknya.

Kata Kunci : Tanggung Jawab Hukum, Pelaku Usaha, Produk Cacat, Perlindungan Konsumen, Putusan Pengadilan

SUMMARY

Fina Arifin **LEGAL RESPONSIBILITY OF BODY CARE**
Nim. 210510388 **BUSINESS ACTORS FOR PRODUCT DEFECTS**
 (Study of Decision Number 11/Pdt.G/2024/PN BNA)

(Prof. Dr. Yulia, S.H., M.H dan Sofyan Jafar, S.H., M.H)

The responsibility of business actors in the context of consumer protection law in Indonesia is fundamentally and clearly regulated under Law Number 8 of 1999 concerning Consumer Protection (UUPK), particularly Article 7, which stipulates the obligation of business actors to ensure the quality and safety of products, Article 8, which prohibits the circulation of defective or hazardous goods, and Article 19, which mandates compensation for consumer losses. However, in practice, violations are still frequently found, as evidenced in Court Decision Number 11/Pdt.G/2024/PN Bna, where a business in the body care sector continued to trade defective products that harmed consumers.

This study aims to examine the legal responsibility of business actors for defective products in this case and to analyze the judicial considerations of judges regarding the application of business actors' responsibilities in accordance with the UUPK.

The method used is legal research with a normative juridical approach. Data were obtained through a literature study and then analyzed qualitatively using deductive and systematic interpretation methods.

The results of this study indicate that the business actor failed to fulfill their obligation to provide full compensation to the consumer as mandated under the UUPK. The business actor only demonstrated good faith after the litigation process commenced, and the compensation provided was limited to material losses without considering the immaterial harm suffered by the consumer. As a result, the consumer remained disadvantaged, as the implementation of the business actor's responsibility was not in accordance with the UUPK. Furthermore, the judge's legal considerations in the decision were not fully aligned with the UUPK, as the principle of strict liability was not applied optimally and the assessment remained focused on proving the element of fault. Therefore, the implementation of the UUPK in Decision Number 11/Pdt.G/2024/PN Bna has not yet provided maximum legal protection for consumers.

The recommendations of this study are expected to encourage judges to more firmly apply the strict liability principle, business actors to improve quality control and withdraw defective products from circulation, the Food and Drug Supervisory Agency (BPPOM) to strengthen oversight, and consumers to be more aware of their rights.

Keywords: Legal Responsibility, Business Actors, Defective Products, Consumer Protection, Court Decisions