

## ABSTRAK

**Seftha Sulaiman**, 2230010065 Perlindungan Konsumen terhadap Praktik Cacat Tersembunyi dalam Jual Beli Mobil Baru Dihubungkan dengan Asas Perlindungan Hukum.

Analisis terhadap pertimbangan hukum dalam Putusan Putusan Nomor 124 K/Pdt.Sus-BPSK/2025, Putusan Nomor 80 K/Pdt/2025 menunjukkan bahwa dasar hukum hakim berupa UU Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman. Namun, penerapan dasar hukum tersebut tidak sejalan dengan ketentuan Pasal 1504 dan Pasal 1506 KUHPerdara serta Pasal 1491 KUHPerdara. Dalam pertimbangannya, Pertimbangan Hukum MA berlandaskan UU Nomor 8 Tahun 1999 yang secara normatif menekankan perlindungan terhadap konsumen, tetapi hakim justru lebih menitikberatkan pada aspek kewenangan lembaga dengan membatalkan putusan BPSK yang dianggap melampaui yurisdiksi. Pendekatan ini mengesampingkan asas perlindungan hukum terhadap konsumen yang mengalami kerugian materil, sehingga bertentangan dengan Pasal 2 dan Pasal 3 UU Nomor 8 Tahun 1999, pertimbangan hukum hakim bertentangan dengan Putusan Nomor 848 K/Pdt/2016 dan Putusan Nomor 265 K/Pdt.Sus-BPSK/2013 dengan masalah yang sama berupa cacat tersembunyi.

Penelitian ini bertujuan untuk mengetahui dan menganalisis pertimbangan hukum hakim, amar putusan, dan akibat hukum Putusan Nomor 124 K/Pdt.Sus-BPSK/2025, Putusan Nomor 80 K/Pdt/2025, Putusan Nomor 848 K/Pdt/2016 dan Putusan Nomor 265 K/Pdt.Sus-BPSK/2013, dihubungkan dengan asas perlindungan hukum.

Penelitian ini menggunakan tiga landasan teori, yaitu Teori Tujuan Hukum (*Grand Theory*), Teori Perlindungan Hukum dan Teori Studi Putusan (*Middle Theory*), serta Teori Perlindungan Konsumen sebagai (*Aplied Theory*) untuk menganalisis bagaimana putusan hakim mencerminkan penerapan prinsip-prinsip asas perlindungan hukum dalam praktik peradilan.

Penelitian ini menggunakan metode *deskriptif analitis* dengan pendekatan *yuridis normatif* melalui studi kepustakaan (*library research*), di mana data primer dan sekunder dikumpulkan serta dikelompokkan berdasarkan jenis permasalahan utama yang diteliti.

Analisis Pertimbangan Putusan Nomor 124 K/Pdt.Sus-BPSK/2025, Putusan Nomor 80 K/Pdt/2025 mengutamakan kewenangan lembaga peradilan dengan memutuskan bahwa BPSK tidak berwenang memeriksa sengketa jual beli kendaraan dengan dasar UU Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman. Pertimbangan Hakim dalam Putusan Nomor 848 K/Pdt/2016 dan Putusan Nomor 265 K/Pdt.Sus-BPSK/2013 menilai bahwa tindakan tergugat telah melanggar kewajiban untuk menjamin tidak adanya Cacat Tersembunyi penjual berdasarkan Pasal 1491 dan 1504 jo. 1506 KUHPerdara. Amar Putusan Nomor 124 K/Pdt.Sus-BPSK/2025, Putusan Nomor 80 K/Pdt/2025 dinilai tidak mempertimbangkan Pasal 2 dan 3 UU Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 1504, 1506 UU Perdata dan Pasal 1491 KUHPerdara. Amar Putusan Nomor 848 K/Pdt/2016 dan Putusan Nomor 265 K/Pdt.Sus-BPSK/2013 sangat tepat karena dilandaskan Pasal 1491 dan 1504 jo. 1506 KUH Perdata,. Akibat hukum Putusan Nomor 124 K/Pdt.Sus-BPSK/2025, Putusan Nomor 80 K/Pdt/2025 adalah berkurangnya perlindungan hukum materil bagi konsumen dan melemahnya posisi BPSK selaku Lembaga penyelesaian sengketa, dan Putusan Nomor 848 K/Pdt/2016, Putusan Nomor 265 K/Pdt.Sus-BPSK/2013 memberikan kepastian hukum bagi konsumen dan juga memberikan perlindungan hukum materil bagi konsumen.

**Kata Kunci: Tanggung Jawab, Cacat Tersembunyi, Perlindungan Hukum.**

## ABSTRACT

**Seftha Sulaiman**, 2230010065 Consumer Protection Against Hidden Defects Practices in the Sale and Purchase of New Cars in Relation to the Principle of Legal Protection.

An analysis of the legal considerations in Decision 124 K/Pdt.Sus-BPSK/2025 and Decision 80 K/Pdt/2025 indicates that the judges primarily relied on Law Number 48 of 2009 concerning Judicial Power as the legal basis. However, the application of such legal basis is not in line with the provisions of Articles 1504 and 1506 of the Indonesian Civil Code, as well as Article 1491 of the Civil Code. In their reasoning, the Supreme Court formally referred to Law Number 8 of 1999 on Consumer Protection, which normatively emphasizes the protection of consumers; nevertheless, the judges placed greater emphasis on institutional jurisdiction by annulling the decisions of the Consumer Dispute Settlement Agency (BPSK) on the grounds that it had exceeded its authority. This approach disregards the principle of legal protection for consumers who have suffered material losses, thereby contradicting Articles 2 and 3 of Law Number 8 of 1999. Furthermore, the judges' legal considerations are inconsistent with Decision 848 K/Pdt/2016 and Decision 265 K/Pdt.Sus-BPSK/2013, which involve similar issues concerning hidden defects.

This study aims to identify and analyze the judges' legal considerations, the operative parts of the decisions, and the legal consequences of Decision Number 124 K/Pdt.Sus-BPSK/2025, Decision Number 80 K/Pdt/2025, Decision Number 848 K/Pdt/2016, and Decision Number 265 K/Pdt.Sus-BPSK/2013, in relation to the principle of legal protection.

This study employs three theoretical frameworks, namely the Theory of the Objectives of Law (Grand Theory), the Theory of Legal Protection and Decision Analysis Theory (Middle Theory), as well as Consumer Protection Theory as the Applied Theories, to examine how judicial decisions reflect the application of the principles of legal protection in judicial practice.

This study employs a descriptive-analytical method with a normative juridical approach through library research, in which primary and secondary data are collected and classified based on the main issues under examination.

The analysis of the legal considerations in Decision 124 K/Pdt.Sus-BPSK/2025 and Decision 80 K/Pdt/2025 shows that the judges prioritized institutional jurisdiction by ruling that the Consumer Dispute Settlement Agency (BPSK) lacks the authority to adjudicate disputes concerning the sale and purchase of motor vehicles, based on Law Number 48 of 2009 concerning Judicial Power. The judges' considerations in Decision 848 K/Pdt/2016 and Decision 265 K/Pdt.Sus-BPSK/2013 establish that the defendants' actions violated their obligation to guarantee the absence of hidden defects, pursuant to Articles 1491 and 1504 in conjunction with Article 1506 of the Indonesian Civil Code. The operative parts of Decision Number 124 K/Pdt.Sus-BPSK/2025 and Decision Number 80 K/Pdt/2025 are deemed to have failed to consider Articles 2 and 3 of Law Number 8 of 1999 concerning Consumer Protection, as well as Articles 1504, 1506, and 1491 of the Civil Code. Meanwhile, the operative parts of Decision 848 K/Pdt/2016 and Decision 265 K/Pdt.Sus-BPSK/2013 are considered appropriate, as they are grounded in Articles 1491 and 1504 in conjunction with Article 1506 of the Civil Code. The legal consequences of Decision 124 K/Pdt.Sus-BPSK/2025 and Decision 80 K/Pdt/2025 include a reduction in substantive legal protection for consumers and the weakening of BPSK's position as a dispute resolution body. Decision 848 K/Pdt/2016 and Decision 265 K/Pdt.Sus-BPSK/2013 provide legal certainty and substantive legal protection for consumers.

**Keywords: Responsibility, Hidden Defect, Legal Protection.**