

**TANGGUNG JAWAB PEMILIK VENETIAN WATERPARK DALAM  
PERBUATAN MELAWAN HUKUM TERHADAP KONSUMEN ATAS  
KERUGIAN YANG DITIMBULKAN OLEH BENDA  
DALAM PENGAWASANNYA  
(Tinjauan Yuridis Putusan Nomor 721/Pdt/2021/PT.DKI)**

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**ABSTRAK**

Penelitian ini dilatarbelakangi dengan adanya kelalaian dari pemilik Venetian Waterpark yang mengabaikan benda lancip/baut yang tertempel dipintu ruang ganti, sampai akhirnya timbul korban yaitu anak dari Para Penggugat/Terbanding yang mengalami cacat pada mata sebelah kirinya. Oleh karena itu, Para Penggugat/Terbanding mengajukan gugatan ganti kerugian atas dasar perbuatan melawan hukum. Penelitian ini bertujuan untuk menganalisis tanggung jawab pemilik Venetian Waterpark terhadap konsumen atas kerugian yang ditimbulkan oleh benda dalam pengawasannya dan menganalisis pertimbangan hukum hakim dalam mengabulkan gugatan ganti kerugian oleh konsumen atas dasar perbuatan melawan hukum. Penelitian ini menggunakan metode pendekatan yuridis normatif dengan spesifikasi penelitian preskriptif analitis. Data bersumber dari data sekunder. Metode pengumpulan data dilakukan dengan studi kepustakaan, menggunakan metode analisis normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan, Majelis Hakim dalam putusannya menyatakan Tergugat/Pembanding melakukan perbuatan melawan hukum karena telah lalai dengan membiarkan benda lancip/baut yang tertempel di pintu ruang ganti sehingga mengakibatkan cacat pada mata sebelah kiri anak dari Para Penggugat/Terbanding. Tergugat/Pembanding telah memenuhi kriteria perbuatan melawan hukum berupa melanggar hak subjektif orang lain dan bertentangan dengan kepatutan yang harus dindahkan dalam pergaulan di masyarakat. Atas penggunaan dasar hukum Pasal 1365 Kitab Undang-Undang Hukum Perdata, menurut penulis dalam kasus tersebut seharusnya Majelis Hakim menggunakan Pasal 1365 *Juncto* Pasal 1366 *Juncto* Pasal 1367 ayat (I) Kitab Undang-Undang Hukum Perdata, karena Tergugat/Pembanding telah lalai dalam mengawasi benda yang berada dibawah pengawasannya. Kedua, dikarenakan terpenuhinya seluruh syarat mengajukan ganti kerugian dalam Pasal 1365 *Juncto* Pasal 1366 *Juncto* Pasal 1367 ayat (I) Kitab Undang-Undang Hukum Perdata, maka gugatan ganti kerugian dikabulkan, berupa ganti rugi materiil seluruhnya sebesar Rp 42.223.755,00 dan mengabulkan ganti rugi imateriil sebagian sebesar Rp 250.000.000,00.

**Kata Kunci :** *Kelalaian, Perbuatan Melawan Hukum, Ganti Rugi*

**RESPONSIBILITY OF THE OWNER OF THE VENETIAN WATERPARK  
IN UNLAWFUL ACTIONS AGAINST CONSUMERS FOR DAMAGE  
CAUSED BY OBJECTS IN THEIR CONTROL  
(Case Study of Decision Number 721/Pdt/2021/PT.DKI)**

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**ABSTRACT**

*This research was motivated by the negligence of the owner of the Venetian Waterpark, who ignored the sharp object/bolt attached to the changing room door until finally, a victim emerged, namely the child of the Plaintiff/Appellee, who suffered a defect in his left eye. Therefore, the Plaintiffs/Appellees filed a lawsuit for compensation based on an unlawful act. This research aims to analyze the responsibility of the owner of the Venetian Waterpark towards consumers for losses caused by objects under their supervision and to analyze the legal considerations of judges in granting claims for compensation by consumers based on unlawful acts. This research uses a normative juridical approach with analytical prescriptive research specifications. Data comes from secondary data. The data collection method was carried out by literature study using qualitative normative analysis methods.*

*Based on the results of the research and discussion, the Panel of Judges, in their decision, stated that the Defendant committed an unlawful act because he was negligent in leaving a sharp object stuck to the dressing room door, resulting in a defect in the left eye of Azka Amril Fatah as the child of Para Plaintiff. The Defendant has fulfilled the criteria for unlawful acts by violating the subjective rights of other people and going against the decency that must be respected in social interactions in society, on the legal basis of Article 1365 of the Civil Code. According to the author, in this case, the Panel of Judges should have used Article 1365 in conjunction with Article 1366 in conjunction with Article 1367 paragraph (I) of the Civil Code because the Defendant/Appellant had been negligent in supervising the goods under his supervision by leaving the changing room door damaged. Second, due to fulfilling all the requirements for applying for compensation in Article 1365 Juncto Article 1366 Juncto Article 1367 paragraph (I) of the Civil Code, the compensation claim is granted, in the form of material and immaterial form. The Panel of Judges granted total material compensation amounting to Rp. 42,223,755.00 and granted partial immaterial compensation amounting to Rp. 250,000,000.00.*

**Keyword :** *Negligence, Unlawful Acts, Compensation*