

**TANNGUNG JAWAB PT. INDIUM DINAMIKA SOLUSINDO ATAS
PERBUATAN MELAWAN HUKUM KARYAWAN *OUTSOURCING* DI
PT. BANK MEGA SYARIAH**

(Studi Putusan Nomor 726/Pdt.G/2024/PA.JS)

Oleh :

Inez Chyintya Lupita

E1A021235

ABSTRAK

Tanggung jawab majikan merupakan bagian dari hukum perdata yang diatur dalam Pasal 1367 ayat (3) KUHPerdata, di mana majikan dapat dimintai pertanggungjawaban atas perbuatan melawan hukum yang dilakukan karyawan selama menjalankan tugasnya. Penelitian ini mengkaji Putusan Nomor 726/Pdt.G/2024/PA.JS dengan tujuan menganalisis pertimbangan hakim terkait kualifikasi perbuatan melawan hukum dan penerapan tanggung jawab majikan. Metode yang digunakan adalah penelitian yuridis normatif dengan spesifikasi preskriptif analitis dan menggunakan sumber data sekunder melalui studi kepustakaan. Dalam perkara ini, Tergugat I adalah PT. Indium Dinamika Solusindo selaku perusahaan outsourcing, sedangkan Tergugat II adalah karyawan *outsourcing*. Majelis hakim memutuskan bahwa Para Tergugat melakukan perbuatan melawan hukum, meskipun tidak secara tegas menguraikan kriteria perbuatannya. Berdasarkan hasil penelitian menunjukkan bahwa Tergugat I lalai memverifikasi latar belakang karyawan sehingga bertentangan dengan kepatutan yang diindahkan dalam masyarakat, sedangkan Tergugat II melanggar hak orang lain berupa hak kekayaan nasabah dan Penggugat serta bertentangan dengan kewajiban hukumnya sendiri sebagaimana Pasal 374 KUHP. Hakim menetapkan bahwa Tergugat I bertanggung jawab atas perbuatan karyawannya berdasarkan Pasal 1367 ayat (3) KUHPerdata serta atas perbuatannya sendiri menurut Pasal 1365 KUHPerdata. Pertanggungjawaban tersebut dibebankan dalam bentuk tanggung renteng untuk mengganti kerugian.

Kata Kunci; Perbuatan Melawan Hukum, Tanggung Jawab Majikan, Karyawan *Outsourcing*, Tanggung Renteng

***LIABILITY OF PT. INDIUM DINAMIKA SOLUSINDO FOR TORTIOUS
ACTS OF OUTSOURCED EMPLOYEES AT PT. BANK MEGA SYARIAH***

(Study Of Decision Number 726/Pdt.G/2024/PA.JS)

By:

**Inez Chyintya Lupita
E1A021235**

ABSTRACT

Employer liability is a part of civil law regulated under Article 1367 paragraph (3) of the Indonesian Civil Code, whereby an employer may be held liable for unlawful acts committed by employees in the course of their duties. This research examines Decision Number 726/Pdt.G/2024/PA.JS with the aim of analyzing the judge's considerations regarding the qualification of unlawful acts and the application of employer liability. The method used is normative juridical research with a prescriptive-analytical specification, employing secondary data sources through literature study. In this case, Defendant I is PT. Indium Dinamika Solusindo as the outsourcing company, while Defendant II is the outsourced employee. The panel of judges ruled that the Defendants committed an unlawful act, although the criteria of such act were not explicitly outlined. The research findings show that Defendant I was negligent in verifying the employee's background, thereby violating societal standards of propriety, while Defendant II infringed upon the rights of others, namely the property rights of the customers and the Plaintiff, as well as violating his own legal obligations under Article 374 of the Indonesian Penal Code. The judges determined that Defendant I is liable for the acts of its employee under Article 1367 paragraph (3) of the Civil Code, as well as for its own negligence under Article 1365 of the Civil Code. Such liability is imposed in the form of joint and several liability to compensate for the losses.

Keywords; *Unlawful Act, Employer Liability, Outsourced Employee, joint and several liability.*