

**TANGGUNG JAWAB MAJIKAN-MAJIKAN TERHADAP PERBUATAN
MELAWAN HUKUM ATAS KERUSAKAN KACA AKIBAT KELALAIAN
CLEANING SERVICE**

**(Studi Putusan Nomor 33/Pdt.G/2024/PN Kdr Jo Putusan Nomor
139/PDT/2025/PT SBY)**

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ABSTRAK

Putusan Nomor 33/Pdt.G/2024/PN Kdr memuat gugatan Perbuatan Melawan Hukum terkait kerugian akibat kerusakan kaca yang dilakukan oleh pekerja, yang secara hukum menjadi tanggung jawab majikan berdasarkan Pasal 1367 ayat (3) KUHPerdara. Penelitian ini bertujuan untuk menganalisis tanggung jawab hukum majikan-majikan setelah gugatan tersebut dinyatakan dikabulkan, serta menganalisis pertimbangan hukum hakim dalam mengabulkan gugatan ganti kerugian dalam Putusan Nomor 33/Pdt.G/2024/PN Kdr Jo Putusan Nomor 139/PDT/2025/PT SBY. Penelitian ini menerapkan metode yuridis normatif dengan pendekatan peraturan perundang-undangan, pendekatan konseptual, serta pendekatan kasus dengan spesifikasi penelitian preskriptif analitis dari sumber data sekunder yang selanjutnya dianalisis melalui metode normatif kualitatif. Hasil penelitian menunjukkan bahwa tanggung jawab PT. CSR Kantor Cabang (Tergugat I) tidak bersumber dari kesalahannya, melainkan dari prinsip *vicarious liability* berdasarkan Pasal 1367 ayat (3) KUHPerdara yang menetapkan tanggung jawab atas kerugian yang ditimbulkan oleh bawahannya. Sementara itu, perbuatan dari PT. CSR Kantor Pusat (Tergugat II) telah memenuhi seluruh unsur dari Pasal 1365 KUHPerdara dan dapat disebut sebagai perbuatan melawan hukum, karena telah melanggar Pasal 18 Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Majelis Hakim tingkat pertama juga telah tepat dalam mengabulkan tuntutan ganti kerugian materiil, karena Penggugat dapat membuktikan adanya kerugian yang dideritanya. Namun, pengabulan ganti kerugian immateriil oleh Majelis Hakim tingkat pertama tidak sejalan dengan pertimbangan hukum Majelis Hakim tingkat banding yang menilai bahwa tuntutan tersebut tidak beralasan secara hukum karena Penggugat tidak dapat membuktikan adanya kerugian immateriil yang diderita, sehingga putusan Majelis Hakim tingkat banding dinilai lebih tepat secara yuridis dengan hanya mengabulkan ganti kerugian materiil yang dapat dibuktikan secara konkret.

Kata Kunci: Tanggung Jawab, Perbuatan Melawan Hukum, Majikan.

**EMPLOYERS' RESPONSIBILITY FOR UNLAWFUL ACTS REGARDING
GLASS DAMAGE DUE TO NEGLIGENCE BY CLEANING SERVICES
(Study of Decision Number 33/Pdt.G/2024/PN Kdr Jo Decision Number
139/PDT/2025/PT SBY)**

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ABSTRACT

Decision Number 33/Pdt.G/2024/PN Kdr contains a lawsuit for Unlawful Acts related to losses due to glass damage caused by workers, which is legally the employer's responsibility based on Article 1367 paragraph (3) of the Civil Code. This study aims to analyze the legal responsibilities of employers after the lawsuit is declared granted, as well as to analyze the judge's legal considerations in granting the lawsuit for compensation in Decision Number 33/Pdt.G/2024/PN Kdr Jo Decision Number 139/PDT/2025/PT SBY. This research employs a normative juridical method using a statutory approach, a conceptual approach, and a case approach, with analytical prescriptive research specifications from secondary data sources which are then analyzed using qualitative normative methods. The results of the study show that PT. CSR Branch Office (Defendant I) liability does not stem from his fault, but from the principle of vicarious liability based on Article 1367 paragraph (3) of the Civil Code, which stipulates liability for losses caused by subordinates. Meanwhile, the actions of PT. CSR Head Office (Defendant II) fulfilled all the elements of Article 1365 of the Civil Code and could be considered unlawful acts, as they violated Article 18 of Law Number 8 of 1999 concerning Consumer Protection. The court of first instance was also correct in granting the claim for material damages, as the Plaintiff was able to prove the damages he suffered. However, the granting of immaterial damages by the first instance court is not in line with the legal considerations of the appellate court, which ruled that the claim was not legally justified because the Plaintiff was unable to prove the existence of immaterial damages suffered, so the decision of the Court of Appeals is considered more legally appropriate by only granting material damages that can be proven concretely.

Keywords: Liability, Unlawful Acts, Employer.