

**TINJAUAN YURIDIS TERHADAP WANPRESTASI DALAM PERJANJIAN
KERJASAMA OPERASI NON ADMINISTRATIF
(Studi Putusan Nomor 457/Pdt.G/2022/PN. Jkt Tim)**

Oleh:

ABELARD SEBASTIAN SIMANJUNTAK

E1A021134

ABSTRAK

Penelitian ini dilatarbelakangi dengan adanya tindakan wanprestasi terhadap Perjanjian Kerja Sama Operasi Non Administratif antara PT. Survai Udara Penas (Persero) selaku Tergugat dan PT. Prabu Wahana International selaku Penggugat. Penelitian ini bertujuan untuk mengetahui dan menganalisis pertimbangan hukum hakim dalam menentukan unsur-unsur wanprestasi dan unsur-unsur ganti rugi yang dijatuhkan oleh Majelis Hakim. Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan *statute approach*, *case approach*, dan *conseptual approach* dengan spesifikasi deskriptif normatif serta analisis secara kualitatif. Hasil penelitian menyimpulkan bahwa Tergugat telah memenuhi unsur-unsur wanprestasi yaitu adanya perikatan yang lahir dari perjanjian kerja sama operasi non administratif. Unsur kedua, debitur tidak berprestasi di mana Tergugat tidak melaksanakan kewajibannya yaitu memperpanjang Surat Izin Usaha Angkutan Udara dan Sertifikat Angkutan Udara yang termasuk ke dalam wujud wanprestasi tidak berprestasi sama sekali. Unsur ketiga yaitu adanya kesalahan dibuktikan dari Tergugat yang tidak melaksanakan kewajibannya walaupun telah diberikan surat somasi oleh Penggugat. Tergugat juga memenuhi unsur ganti rugi, yaitu biaya di mana terdapat biaya yang telah dikeluarkan oleh Penggugat dan bunga yaitu besaran yang diharapkan Penggugat, sedangkan unsur rugi tidak terpenuhi.

KataKunci: Ganti Rugi; Perjanjian Kerjasama Operasi Non Administratif; Wanprestasi.

**JUDICIAL REVIEW OF DEFAULTS IN NON-ADMINISTRATIVE JOINT
OPERATION AGREEMENTS**

(Study of Decision Verdict Number 457/Pdt.G/2022/PN. Jkt Tim.)

By:

ABELARD SEBASTIAN SIMANJUNTAK

E1A021134

ABSTRACT

This research is motivated by the act of default in a Non-Administrative Joint Operation Agreement between PT. Survai Udara Penas (Persero) as the Defendant and PT. Prabu Wahana International as the Plaintiff. The study aims to analyze the judge's legal considerations in determining the elements of defaults and compensations. This study uses normative judicial research method with a statute, case, and conceptual approach, using a descriptive normative research specification and qualitative analysis. The results of the research concluded that the Defendant had fulfilled the elements of default, namely the existence of an obligation arising from a non-administrative joint operation agreement. The second element, the debtor did not perform where there was no intention from the Defendant to carry out his obligations, namely extending the Air Transportation Business License and Air Transportation Certificate, constituting forms of breach: complete non-performance. The third element, namely the existence of an error proven by the Defendant who did not carry out his obligations even though a warning letter had been given by the Plaintiff. The Defendant also fulfilled the elements of compensation, namely costs incurred by the Plaintiff and interest that was expected, while the element of loss was not fulfilled.

Keyword: *Compensation; Defaults; Non-Administrative Joint Operation Agreement*