

ABSTRAK

Perkembangan cepat teknologi internet mempengaruhi aktivitas belanja online melalui *e-commerce*, khususnya Shopee yang memiliki program *Shopee Affiliate*. Terdapat permasalahan yang sering terjadi pada pihak *Shopee Affiliate*. Salah satu diantaranya afiliator tidak mendapatkan hak sepenuhnya terhadap komisi yang sudah disepakati pada awal perjanjian. Ketika komisi tidak diterima sesuai dengan syarat dan ketentuan perjanjian, maka dapat diajukan pertanggungjawaban pada pihak Shopee. Oleh karenanya penelitian ini difokuskan dengan tujuan untuk mengetahui bagaimana tanggung gugat penyedia layanan terhadap afiliator terkait wanprestasi dalam perjanjian afiliasi pada aplikasi Shopee. Adapun metode penelitian yang digunakan oleh peneliti adalah pendekatan penelitian hukum, yaitu perundang-undangan (*statute approach*), kasus (*case approach*), dan konseptual konseptual (*conceptual approach*) guna membantu mendapatkan kebutuhan data dan informasi. Di samping itu, jenis desain penelitian ini melibatkan penelitian yuridis normatif dan disertai dengan penggunaan instrumen studi kepustakaan sebagai alternatif mengumpulkan bahan pendukung penelitian. Berdasarkan hasil/temuan penelitian terhadap permasalahan kasus komisi afiliator disebabkan oleh adanya unsur kelalaian atau kesengajaan dari pihak Shopee sebagai penyelenggara dan penyedia layanan program *Shopee Affiliate*. Sehingga pada kasus ini, afiliator program *Shopee Affiliate* yang dirugikan berhak mengajukan tuntutan kepada pihak Shopee yang harus bertanggung gugat atas perbuatan wanprestasi sebagaimana yang telah dilakukan.

Kata Kunci : Tanggung gugat layanan afiliasi, problematika wanprestasi perjanjian afiliasi, studi kasus afiliator Shopee

ABSTRACT

The rapid development of internet technology affects online shopping activities through *e-commerce*, especially Shopee which has a *Shopee Affiliate* program. There are problems that often occur on the *part of Shopee Affiliate*. One of them is that the affiliate does not get full rights to the commission that has been agreed at the beginning of the agreement. When the commission is not received in accordance with the terms and conditions of the agreement, it can be submitted to Shopee. Therefore, this study is focused with the aim of knowing how the service provider's liability to affiliates related to default in the affiliate agreement on the Shopee application. The research method used by researchers is a legal research approach, namely *legislation (statute approach)*, *case (case approach)*, and *conceptual (conceptual approach)* to help obtain data and information needs. In addition, this type of research design involves normative juridical research and is accompanied by the use of literature study instruments as an alternative to collecting research supporting materials. Based on the results/findings of research on the problem of the affiliate commission case caused by an element of negligence or intentionality on the part of Shopee as the organizer and service provider of the *Shopee Affiliate* program. So in this case, the aggrieved *Shopee Affiliate* program affiliate has the right to file a claim against Shopee who must be responsible for default as has been done.

Keywords : Affiliate service liability, affiliate agreement default problems, Shopee affiliate case study