

ABSTRAK

Tanoto Hadiwijaya Nim: 2100874201017, *Perjanjian Bagi Hasil Antara Penyedia Layanan Dengan Affiliator Dalam Program Affiliate Marketing Online*. Tujuan dari penelitian ini adalah untuk mengetahui dan memahami bentuk perjanjian bagi hasil antara penyedia layanan dengan afiliator dalam program affiliate marketing online dan untuk mengetahui akibat hukum apabila wanprestasi terhadap perjanjian bagi hasil antara penyedia layanan dengan afiliator dalam program affiliate marketing online. Jenis penelitian yuridis normatif. Pendekatan penelitian pendekatan perundang-undangan dan pendekatan asas hukum. Sumber data diambil dari Data sekunder, melalui (1) bahan hukum primer (Pasal 1313 dan 1234 KUH Perdata yang berkaitan dengan perjanjian dan wanprestasi,), kasus Afiliator Id: 11377610190 dan bentuk perjanjian shopee) (2) bahan hukum sekunder, dan (3) bahan hukum tersier. Teknik pengumpulan data berasal dari kasus afiliator Id: 11377610190. Analisis data secara diskriptif kualitatif. Hasil penelitian menunjukkan bahwa perjanjian bagi hasil dalam program affiliate marketing online merupakan kesepakatan tertulis yang mengatur hak dan kewajiban antara penyedia layanan dan afiliator, mencakup besaran komisi, metode pembayaran, jangka waktu, dan tanggung jawab masing-masing pihak guna menciptakan hubungan yang adil dan transparan. Kasus keterlambatan pencairan komisi oleh Shopee pada Januari 2023 menunjukkan adanya wanprestasi dari penyedia layanan karena tidak memenuhi kewajibannya tepat waktu tanpa pemberitahuan yang memadai, melanggar asas kebebasan berkontrak, kekuatan mengikat perjanjian, itikad baik, dan kepercayaan. Akibat wanprestasi tersebut, afiliator berhak menuntut pemenuhan kewajiban, kompensasi, hingga pemutusan kerjasama, sementara penyedia layanan dapat dikenai denda maupun sanksi hukum. Oleh karena itu, pengaturan perjanjian yang rinci, termasuk mekanisme pencairan komisi dan penyelesaian sengketa, sangat penting untuk memberikan perlindungan hukum yang memadai dan menjaga keberlanjutan ekosistem bisnis affiliate marketing yang sehat dan adil sesuai norma hukum di Indonesia.

Kata Kunci: Perjanjian, Affiliator, Affiliate, Wanprestasi

ABSTRACT

Tanoto Hadiwijaya Nim: 2100874201017, *Revenue Sharing Agreement Between Service Providers and Affiliates in Online Affiliate Marketing Programs*. The purpose of this study is to determine and understand the form of revenue sharing agreement between service providers and affiliates in online affiliate marketing programs and to determine the legal consequences of default on the revenue sharing agreement between service providers and affiliates in online affiliate marketing programs. Type of normative juridical research. Research approach is a statutory approach and a legal principle approach. Data sources are taken from secondary data, through (1) primary legal materials (Articles 1313 and 1234 of the Civil Code relating to agreements and defaults), Affiliate case ID: 11377610190 and the form of the shopee agreement) (2) secondary legal materials, and (3) tertiary legal materials. Data collection techniques come from the affiliate case ID: 11377610190. Data analysis is descriptive qualitative. The research results show that a revenue-sharing agreement in an online affiliate marketing program is a written agreement that regulates the rights and obligations between the service provider and the affiliate, including the commission amount, payment method, timeframe, and responsibilities of each party, in order to create a fair and transparent relationship. The case of Shopee's late commission disbursement in January 2023 indicates a breach of contract by the service provider, who failed to fulfill its obligations on time without adequate notice, violating the principles of freedom of contract, binding force of agreement, good faith, and trust. As a result of this breach, the affiliate has the right to demand fulfillment of obligations, compensation, and even termination of the partnership, while the service provider may be subject to fines and legal sanctions. Therefore, a detailed agreement, including the commission disbursement mechanism and dispute resolution, is crucial to provide adequate legal protection and maintain the sustainability of a healthy and fair affiliate marketing business ecosystem in accordance with Indonesian legal norms..

Keywords: Agreement, Affiliate, Affiliate, Default