

Hubungan hukum antara pengelola perparkiran dan pengguna jasa perparkiran

Dhira Yudini, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20269574&lokasi=lokal>

Abstrak

Parkir yang memadai dan aman adalah salah satu sarana transportasi yang vital di kota besar. Salah satu jasa perparkiran yang tersedia adalah parkir di luar badan jalan (off-street) yang dikelola oleh Warga Negara Indonesia secara perorangan maupun Badan Hukum. Dengan memarkirkan kendaraannya di tempat parkir di luar badan jalan, pengendara berharap agar kendaraannya terjamin keamanannya, terhindar dari kerusakan maupun kehilangan. Dalam kenyataan di lapangan telah terjadi beberapa kasus dimana kendaraan yang diparkirkan di areal parkir yang dimaksud hilang ataupun barang yang ada di dalamnya hilang. Akan tetapi yang menjadi permasalahan adalah pihak pengelola jasa perparkiran tidak mau bertanggungjawab dengan dalih bahwa di dalam karcis parkir telah nyata dicantumkan bahwa pengelola parkir tidak bertanggungjawab atas kehilangan, kerusakan atau kemusnahan atas kendaraan yang diparkirkan dalam area parkir yang dikelolanya. Selain itu, pihak pengelola perparkiran berpendapat bahwa hubungan hukum yang tercipta antara pengelola jasa perparkiran dengan pengendara selaku pengguna jasa perparkiran hanyalah sebatas perjanjian sewa-menyewa. Pernyataan pihak pengelola perparkiran didasarkan pada Peraturan daerah Nomor 5 Tahun 1999 Tentang Perpustakaan yang menyatakan bahwa pengelola jasa perparkiran tidak bertanggungjawab atas kehilangan, kerusakan atas kendaraan yang diparkirkan. Dalam thesis ini dibahas mengenai hubungan hukum yang tercipta antara pengelola jasa perparkiran dengan pengguna jasa perparkiran, apakah merupakan perjanjian sewa-menyewa ataukah penitipan barang yang pada akhirnya menentukan hak-hak maupun kewajiban-kewajiban dari masing-masing pihak serta tanggung jawab pengguna jasa perparkiran bila terjadi kerusakan, kehilangan maupun kemusnahan atas kendaraan yang diparkirkan.

.....An adequate and secure parking space is one of the most essential means of transportation especially in big cities. One of parking service management available is known as off-street parking which would be managed by not only Indonesian citizens but also legal entities. By parking his vehicle on off-street parking space, a rider practically exert to prevent his vehicle from any damage or loss that could probably happen and make sure that the vehicle has already been parked in safe and secure space. Reality bites, in fact there are several cases in which the already-parked vehicles lost or the goods inside the vehicles had surprisingly been taken away. The problem is, until at the time being, that the parking service management seems to make an effort to avoid its responsibility due to any loss and damage upon the vehicle parked on the so-called secure parking space which is officially run and managed by the management company since the responsibility limitation is clearly stated on parking tickets. Moreover, the parking management is of the opinion that the existing legal correlation between parking management and consumers utilizing the parking service is merely rental agreement; consequently, they can not be charged. According to their explanations, the statement of their limited responsibility is argumentatively based on Peraturan Daerah Nomor 5 Tahun 1999 Tentang Perpustakaan. The main theme of this thesis is emphasized on the legal correlation between parking service management and the consumers utilizing its service in order to reveal the exact relation:

rental agreement or depositing (storing) agreement. That being said, in the end this thesis ascertains the legal rights and duties of each party as well as the legal responsibilities of parking service management in case of losing, damaging upon the parked vehicles.