

Penerapan asas proporsionalitas dalam kontrak jasa konstruksi : studi kasus PT. Duta Graha Indah melawan PT. Slipi Sri Indopuri =
Application of the proportionality principle in the contract construction services : case study PT. Duta Graha Indah against PT. Slipi Sri Indopuri

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Abstrak

Kontrak jasa konstruksi merupakan pedoman bagi para pihak dalam melaksanakan suatu proyek konstruksi. Perjanjian ini mengatur hubungan hukum antara para pihak yang berisi hak dan kewajiban. Skripsi ini membahas mengenai penerapan asas proporsionalitas dalam kontrak jasa konstruksi dan fungsi dari asas proporsionalitas dalam membuat suatu kontrak jasa konstruksi. Penyusunan kontrak Jasa Konstruksi mengacu pada ketentuan hukum perikatan yang berdasarkan asas proporsional, yang dimuat dalam buku ketiga Kitab Undang-undang Hukum Perdata. Pembentukan kontrak komersial yang dilandasi pertukaran hak dan kewajiban para pihak secara proporsional akan menghasilkan kontrak yang fair. Untuk itu proporsionalitas pertukaran hak dan kewajiban dapat dicermati dari substansi klausul - klausul kontrak yang disepakati para pihak.

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<i>Contract construction services as a guideline for the parties in executing a construction project. Agreement govern the legal relationship between the parties that contains the rights and obligation. This Thesis discusses the application of the principle of proportionality in the contract of construction services and functions of the principle of proportionality in making a contract of construction services. Preparation of Construction Services contract refers to the legal provisions of the engagement is based on the principle of proportional, which is loaded in the third book of the Book of Civil Law. Formation of commercial contracts based on the exchange of rights and obligations of the parties in proportion to produce a fair contract. For that proportionality of the exchange of rights and obligations can be seen from the substance of the clauses of the contract agreed between the parties.</i>