

Pertanggungjawaban perusahaan angkutan atas perbuatan melawan hukum pegawai terhadap penumpang (tudi kasus : Herlina Julita Tampubolon melawan PT Blue Bird & Dany Sulistyono) = Liability of transportation company for illegal act done by the employee to passenger (Case study : Herlina Julita Tampubolon v PT Blue Bird & Dany Sulistyono) / Ganis Syahputra R Bustami

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Abstrak

[Taksi merupakan angkutan umum yang telah dikenal luas oleh masyarakat karena kenyamanannya dan keamanannya. Namun, tidak semua proses pengangkutan Taksi berjalan dengan lancar. Pengemudi Taksi terkadang tidak dapat memenuhi kenyamanan, keamanan dan keselamatan Penumpang sebagai hak dari Penumpang berdasarkan Hukum Pengangkutan sehingga menimbulkan kerugian. Untuk menuntut ganti rugi, dapat diajukan gugatan berdasarkan Pasal 1365 KUHPerdara tentang Perbuatan Melawan Hukum (PMH). Perusahaan Taksi sebagai pengangkut yang mempekerjakan Pengemudi dapat juga dimintakan pertanggungjawaban dengan beberapa syarat yang harus terpenuhi, salah satunya adanya PMH. Kasus yang digunakan dalam skripsi ini memperlihatkan pertanggungjawaban PT. Blue Bird walaupun terdapat kesulitan dalam pembuktian PMH Pengemudi PT. Blue Bird sebagai pengangkut dan untuk membuktikannya, perlu dikaitkan dengan hak dan kewajiban para pihak dalam Hukum Pengangkutan. ;Taxi is one of the public transportations which has been widely known by people because of its security and comfort. However, not every use of taxi could fulfill people's expectation of such security and comfort. Sometimes, the taxi driver fails to give the best service to the passenger, so it can be resulted as a breach of passenger's rights regarding their security, comfort and safety based on Transportation Law. In that condition, the passenger could ask for compensation resulted from such damage under Article 1365 of Indonesian Civil Code about illegal act or which also known as tort. The taxi company who employs the driver can also be held liable for the driver's mistakes, if all the elements required including the existence of tort are fulfilled.

The case law which is used in this thesis, shows of how PT. Blue Bird could be held liable even though it was hard to prove so in the first place. Hence, in order to prove its liability, both parties' obligations and rights based on Transportation Law have to be considered.;Taxi is one of the public transportations which has been widely known by people because of its security and comfort. However, not every use of taxi could fulfill people's expectation of such security and comfort. Sometimes, the taxi driver fails to give the best service to the passenger, so it can be resulted as a breach of passenger's rights regarding their security, comfort and safety based on Transportation Law. In that condition, the passenger could ask for compensation resulted from such damage under Article 1365 of Indonesian Civil Code about illegal act or which also known as tort. The taxi company who employs the driver can also be held liable for the driver's mistakes, if all the elements required including the existence of tort are fulfilled.

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