

Perbandingan Penyelesaian Pelanggaran Kontrak (Remedies for Breach of Contract) dalam Hukum Perjanjian di Indonesia dan Singapura = Comparison of Remedies for Breach of Contract Under Contract Law in Indonesia and Singapore

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Abstrak

Indonesia yang menganut sistem hukum Civil Law mengatur ketentuan tentang perjanjian dalam Kitab Undang-Undang Hukum Perdata, yaitu dalam Buku Ketiga KUHPerdata tentang Perikatan dalam Pasal 1233 Kitab Undang-Undang Hukum Perdata. Salah satu penyebab hapusnya perjanjian adalah pelanggaran kontrak atau wanprestasi, yaitu kegagalan pihak dalam kontrak memenuhi prestasi kontraktual. Hukum perjanjian di Indonesia mengatur bentuk-bentuk penyelesaian wanprestasi berupa pembatalan perjanjian, pembatalan perjanjian disertai ganti rugi, pemenuhan perjanjian, dan pemenuhan perjanjian disertai ganti rugi. Berbeda dengan Indonesia, negara Singapura menganut sistem hukum Common Law. Wanprestasi dalam Hukum Perjanjian di Singapura dikenal dengan istilah breach of contract. Adapun, penyelesaian wanprestasi atau remedies for breach of contract terbagi menjadi dua, yaitu common law remedies berupa ganti rugi (damages) dan equitable remedies berupa specific performance dan injunction. Penelitian skripsi ini bertujuan memperoleh informasi terkait perbandingan antara paham dan ajaran penyelesaian pelanggaran kontrak dalam Hukum Perjanjian di Indonesia dan Singapura serta implementasinya dalam putusan pengadilan di kedua negara.

.....Indonesia, which adheres to the Civil Law system, regulates the provisions regarding contract in the Burgerlijk Wetboek, namely in the Third Book, concerning contract in Article 1233. One of the causes of the termination of the contract is a breach of contract, namely the failure of the parties to the contract to fulfill the contractual performance. Contract Law in Indonesia regulates forms of remedies in the form of termination of contract, termination of contract with compensation or damages, fulfillment of contract, and fulfillment of contract with compensation or damages. Unlike Indonesia, Singapore adheres to the Common Law system. Breach in the Contract Law in Singapore is known as a breach of contract. Meanwhile, remedies for breach of contract are divided into two, namely common law remedies in the form of damages and equitable remedies in the form of specific performance and injunctions. This research aims to obtain information related to the comparison between the understanding and teachings of the remedies for breach of contract under Contract Law in Indonesia and Singapore and the implementation in court cases in both countries.