

ABSTRAK

PERLINDUNGAN HUKUM TERHADAP KONSUMEN SETELAH PAILITNYA PERUSAHAAN START-UP DIGITAL FABELIO

Ahmad Irwandi Lubis (2210622081), Muthia Sakti, Atik Winanti

Perkembangan perusahaan start-up digital di Indonesia telah mendorong kemudahan dalam transaksi daring, namun di sisi lain menimbulkan risiko hukum bagi konsumen ketika perusahaan mengalami kepailitan. Salah satu kasus yang menimbulkan kerugian bagi konsumen adalah pailitnya perusahaan start-up digital Fabelio (PT Kayu Raya Indonesia), di mana banyak konsumen tidak menerima barang yang telah dibayar maupun pengembalian dana. Penelitian ini bertujuan untuk menganalisis perlindungan hukum terhadap konsumen setelah pailitnya Fabelio serta mengidentifikasi kendala yang dihadapi konsumen dalam memperoleh hak-haknya. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus, khususnya Putusan Pengadilan Niaga Jakarta Pusat Nomor 47/Pdt.Sus-PKPU/2022/PN.Niaga.Jkt.Pst. Hasil penelitian menunjukkan bahwa perlindungan hukum terhadap konsumen setelah kepailitan belum berjalan secara efektif. Konsumen pada umumnya diposisikan sebagai kreditur konkuren sehingga tidak memiliki prioritas dalam pembagian harta pailit. Selain itu, konsumen menghadapi kendala berupa kurangnya informasi, ketiadaan mekanisme khusus dalam hukum kepailitan, serta lemahnya koordinasi antara hukum kepailitan dan hukum perlindungan konsumen. Oleh karena itu, diperlukan penguatan regulasi dan mekanisme hukum yang lebih berpihak kepada konsumen guna menjamin kepastian hukum dan keadilan dalam ekosistem bisnis digital.

Kata Kunci: Konsumen; Kepailitan; *Start-up*.

ABSTRACT

DECLARATION OF BANKRUPTCY OF THE DIGITAL START-UP COMPANY FABELIO

Ahmad Irwandi Lubis (2210622081), Muthia Sakti, Atik Winanti

The rapid growth of digital start-up companies in Indonesia has facilitated online transactions; however, it has also generated legal risks for consumers when such companies enter bankruptcy. One notable case is the bankruptcy of the digital start-up Fabelio (PT Kayu Raya Indonesia), in which numerous consumers suffered losses due to non-delivery of goods and the absence of refunds for payments already made. This research aims to analyze the legal protection afforded to consumers following the bankruptcy of Fabelio and to identify the obstacles faced by consumers in exercising their rights. The research employs a normative legal research method, using a statutory approach and a case approach, with specific reference to the Decision of the Commercial Court at the Central Jakarta District Court Number 47/Pdt.Sus-PKPU/2022/PN.Niaga.Jkt.Pst. The findings indicate that consumer legal protection after bankruptcy has not been effectively implemented. Consumers are generally classified as concurrent creditors and therefore do not receive priority in the distribution of the bankruptcy estate. In addition, consumers encounter obstacles such as limited access to information, the absence of specific mechanisms within bankruptcy law, and weak coordination between bankruptcy law and consumer protection law. Accordingly, stronger regulations and legal mechanisms that provide greater protection to consumers are necessary in order to ensure legal certainty and substantive justice within the digital business ecosystem.

Keywords: Consumer; Bankruptcy; Start-up.