

ABSTRAK

ASPEK HUKUM DALAM PERJANJIAN WARALABA *DAILY FRESH WATER*

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Perjanjian waralaba wajib memenuhi aspek hukum keabsahan perjanjian seperti yang diaturkan dalam Pasal 1320 KUH Perdata, klausul wajib perjanjian waralaba menurut PP Nomor 35 Tahun 2024, serta peraturan perundang-undangan terkait HKI guna menjamin legalitas, kepatuhan, dan perlindungan hukum bagi para pihak yang terlibat. Hal tersebut dapat ditemukan pada waralaba *Daily Fresh Water* yang bertanggung jawab memastikan perjanjian waralabanya telah memenuhi ketentuan hukum yang berlaku. Tujuan penelitian ini adalah untuk menganalisis aspek hukum dan akibat hukum dari pemenuhan aspek hukum dalam perjanjian waralaba *Daily Fresh Water*, serta mengidentifikasi peluang dan hambatan dalam pelaksanaan perjanjian tersebut.

Penelitian ini mengadopsi metode penelitian normatif dengan jenis deskriptif. Pendekatan yang dipergunakan pada penelitian ini meliputi pendekatan peraturan perundang-undangan (*Statute Approach*). Data yang dipergunakan yaitu sekunder sebagai data utama dan data primer sebagai informasi tambahan untuk memperkuat analisis penulis. Pengumpulan data dilaksanakan melalui wawancara, studi dokumen, serta kajian pustaka. Pengolahan data dilaksanakan dengan memeriksa, menandai, dan menyusun data secara sistematis yang berikutnya dianalisa dengan metode kualitatif.

Hasil penelitian mengungkapkan bahwa perjanjian waralaba *Daily Fresh Water* telah memenuhi aspek hukum yang berlaku yaitu berdasarkan KUH Perdata, PP Waralaba, dan UU Merek. Hal ini menimbulkan akibat hukum berupa kekuatan mengikat, kepastian, dan perlindungan hukum, serta mekanisme penyelesaian sengketa melalui musyawarah atau arbitrase. Peluangnya meliputi perlindungan merek, standarisasi operasional, alih wawasan, dukungan pemasaran, dan keuntungan bisnis. Sementara hambatannya terletak pada penyelesaian pelanggaran dan kendala dalam proses musyawarah atau arbitrase.

Kata Kunci: *Aspek Hukum, Perjanjian Waralaba*

ABSTRACT

LEGAL ASPECTS OF THE DAILY FRESH WATER FRANCHISE AGREEMENT

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A franchise agreement must meet the legal aspects of the validity of the agreement as stipulated in Article 1320 of the Civil Code, the mandatory clauses of the franchise agreement according to Government Regulation Number 35 of 2024, as well as laws and regulations related to IPR to ensure legality, compliance, and legal protection for the parties involved. This can be found in the Daily Fresh Water franchise which is responsible for ensuring that its franchise agreement has complied with the applicable legal provisions. The purpose of this study is to analyze the legal aspects and legal consequences of the fulfillment of the legal aspects in the Daily Fresh Water franchise agreement, as well as identify opportunities and obstacles in the implementation of the agreement.

This study uses a normative research method with a descriptive approach. The approach employed includes the statute approach. The data used consists of secondary data as the main source and primary data as additional information to support the author's analysis. Data collection was carried out through interviews, document studies, and literature reviews. Data processing was conducted by reviewing, marking, and systematically organizing the data, which was then analyzed using qualitative methods.

The research findings reveal that the Daily Fresh Water franchise agreement has met the applicable legal aspects, namely based on the Civil Code, the Franchise Government, and the Brand Law. This has legal consequences in the form of binding power, certainty, and legal protection, as well as a dispute resolution mechanism through deliberation or arbitration. The opportunities include brand protection, operational standardization, insight transfer, marketing support, and business profitability. Meanwhile, the obstacle lies in resolving violations and obstacles in the deliberation or arbitration process.

Keyword: *Legal Aspects, Franchise Agreement*