

## ABSTRAK

### ANALISIS HUBUNGAN HUKUM DAN PERTANGGUNGJAWABAN PENGELOLA PARKIR TERHADAP PENGGUNA JASA PARKIR DI MALL BOEMI KEDATON DAN PASAR TENGAH BANDAR LAMPUNG

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Peningkatan jumlah kendaraan di perkotaan menimbulkan kebutuhan parkir yang diiringi masalah keamanan dan pertanggungjawaban hukum terhadap kendaraan. polemik terkait hubungan hukum antara pengelola dengan pengguna jasa parkir perlu diterangkan untuk memberikan suatu kepastian hukum. Penelitian ini bertujuan untuk menganalisis hubungan hukum yang terjadi serta bentuk pertanggungjawaban pengelola jasa layanan parkir di kedua lokasi tersebut.

Jenis penelitian adalah normatif-empiris dengan tipe deskriptif dan pendekatan perundang-undangan (*statute approach*). Data dikumpulkan melalui data primer (wawancara dengan pengelola dan juru parkir MBK serta Pasar Tengah) dan data sekunder (buku, jurnal, dan literature hukum) melalui metode studi lapangan (observasi dan wawancara) dan studi dokumen. Pengolahan data dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa hubungan hukum parkir di MBK adalah atas perjanjian penitipan barang sedangkan di Pasar Tengah tidak terikat suatu perjanjian apapun, melainkan hanya sebatas pelayanan publik dengan konsep retribusi. Di MBK pengelola parkir memiliki tanggung jawab mutlak (*strict liability*) terhadap kendaraan pengguna jasa parkir, sementara di Pasar Tengah pertanggung jawaban tidak pada kendaraan melainkan pemeliharaan tempat parkir, sehingga tanggung jawab atas kerusakan kendaraan hanya di tanggung jika terjadi atas kelalaian (*Negligence tort liability*) akibat menjaga area parkir yang berakibat menimbulkan kerugian atas rusaknya kendaraan milik pengguna jasa parkir dengan gugatan perbuatan melawan hukum (PMH).

**Kata Kunci: Hubungan Hukum, PertanggungJawaban Parkir, Perjanjian Penitipan.**

## **ABSTRACT**

### ***ANALYSIS OF THE LEGAL RELATIONSHIP AND RESPONSIBILITY OF PARKING MANAGERS TOWARDS PARKING SERVICE USERS AT BOEMI KEDATON MALL AND BANDAR LAMPUNG CENTRAL MARKET***

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*The increasing number of vehicles in urban areas creates a need for parking which is accompanied by security issues and legal liability for vehicles. The polemic regarding the legal relationship between managers and users of parking services needs to be explained to provide legal certainty. This study aims to analyze the legal relationship that occurs and the form of responsibility of parking service managers in the two locations.*

*The research method is normative-empirical, using a descriptive method and a statute approach. Data were collected through primary data (interviews with managers and parking attendants at MBK and Pasar Tengah) and secondary data (books, journals, and legal literature) through field studies (observation and interviews) and document studies. Data processing was analyzed qualitatively.*

*The results of the study indicate that the legal relationship in MBK is based on a goods storage agreement, while in Pasar Tengah there is no agreement whatsoever, but only limited to public services with a retribution concept. In MBK, the parking manager has absolute responsibility (strict liability) for the vehicles of parking service users, while in Pasar Tengah the responsibility is not on the vehicles but on the maintenance of the parking area so that responsibility for vehicle damage is only borne if it occurs due to negligence (Negligence tort liability) due to maintaining the parking area which results in losses due to damage to vehicles belonging to parking service users with a Tort of Law lawsuit.*

***Keywords: Legal Relationship, Parking Liability, Deposit Agreement.***