

ABSTRAK

Penelitian ini bertujuan untuk menganalisis pengaturan perolehan layanan *cloud computing* bagi pakai dalam perspektif peraturan perundang-undangan di Indonesia serta merumuskan perlindungan hukum bagi konsumen dalam transaksi ini. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*) dan pendekatan historis (*Historical approach*). Data yang digunakan bersumber dari peraturan hukum terkait, doktrin hukum, serta kajian literatur mengenai transaksi digital dan perlindungan konsumen. Hasil dari penelitian ini menunjukkan bahwa perolehan layanan *cloud computing* bagi pakai masih belum diatur secara spesifik dalam peraturan perundang-undangan di Indonesia, meskipun beberapa regulasi seperti KUHPerdata, Undang-Undang Informasi dan Transaksi Elektronik, Undang-Undang Hak Cipta, dan Undang-Undang Perlindungan Konsumen memiliki relevansi dalam menilai keabsahan transaksi ini. Dari perspektif hukum perjanjian, transaksi ini berpotensi batal demi hukum karena objek dan sebab perjanjian bertentangan dengan hukum yang berlaku. Selain itu, dalam aspek hak cipta dan perlindungan konsumen, praktik ini juga dapat merugikan pemilik hak serta tidak memberikan kepastian hukum bagi konsumen. Oleh karena itu, diperlukan regulasi khusus yang dapat mengatur transaksi layanan *cloud computing* bagi pakai yang mencakup pengawasan terhadap penjualan akses ilegal serta penguatan mekanisme perlindungan konsumen dalam transaksi digital berupa mekanisme penyelesaian sengketa dan pengawasan terhadap praktik jual-beli akses ilegal guna melindungi hak-hak konsumen.

Kata Kunci: Cloud Computing; Layanan Bagi Pakai; dan Perjanjian Digital.

ABSTRACT

This research aims to analyze the regulation of cloud computing service acquisition for sharing in the perspective of laws and regulations in Indonesia and formulate legal protection for consumers in this transaction. This research uses a normative juridical method with a statute approach, a conceptual approach, and a historical approach. The data used are sourced from relevant legal regulations, legal doctrine, and literature review on digital transactions and consumer protection. The results of this research show that the acquisition of cloud computing services for use is still not specifically regulated in laws and regulations in Indonesia, although several regulations such as the Civil Code, the Electronic Information and Transactions Law, the Copyright Law, and the Consumer Protection Law have relevance in assessing the validity of this transaction. From the perspective of agreement law, this transaction has the potential to be void by law because the object and cause of the agreement are contrary to applicable law. In addition, in terms of copyright and consumer protection, this practice can also harm the rights owner and does not provide legal certainty for consumers. Therefore, special regulations are needed that can regulate shared cloud computing service transactions that include supervision of illegal access sales and strengthening consumer protection mechanisms in digital transactions in the form of dispute resolution mechanisms and supervision of illegal access buying and selling practices in order to protect consumer rights.

Keywords: Cloud Computing; Shared Services; and Digital Agreement.