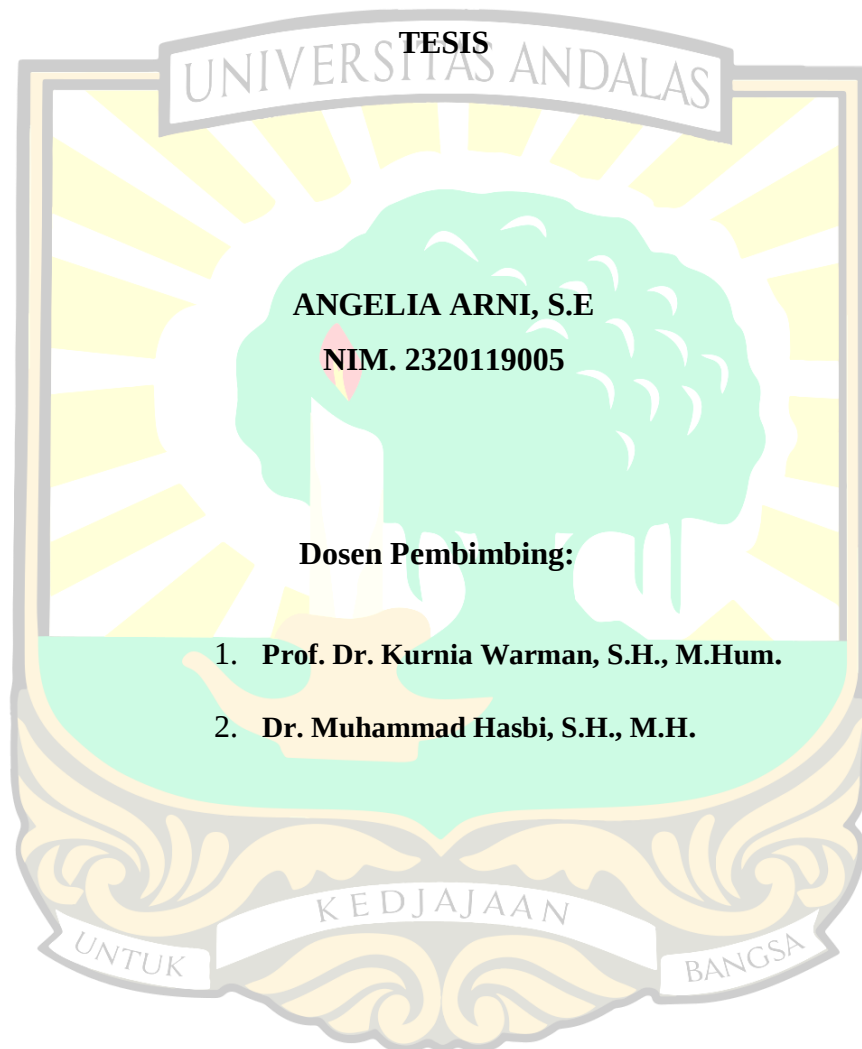


**PENYELESAIAN SENGKETA PENGADAAN JASA KONSTRUKSI
YANG TIMBUL DALAM PROSES ADDENDUM KONTRAK PADA
PEKERJAAN REKONSTRUKSI BENDUNG/CEKDAM
SUNGAI LIMAU KABUPATEN PADANG PARIAMAN**



**PROGRAM STUDI MAGISTER HUKUM
FAKULTAS HUKUM
UNIVERSITAS ANDALAS
PADANG
2025**

**PENYELESAIAN SENGKETA PENGADAAN JASA KONSTRUKSI YANG
TIMBUL DALAM PROSES ADDENDUM KONTRAK PADA PEKERJAAN
REKONSTRUKSI BENDUNG/CEKDAM SUNGAI LIMAU
KABUPATEN PADANG PARIAMAN**

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ABSTRAK

Penelitian ini bertujuan untuk mengkaji sengketa hukum yang timbul dalam proses addendum kontrak pada proyek Rekonstruksi Bendung/Cekdam Sungai Limau di Kabupaten Padang Pariaman. Sengketa terjadi antara penyedia jasa, PT. Suci Esalestari, dengan Pejabat Pembuat Komitmen (PPK) BPBD Kabupaten Padang Pariaman sebagai pengguna jasa, akibat keterlambatan dan penghilangan klausul dalam dokumen addendum yang dinilai merugikan pihak penyedia. Permasalahan hukum dalam penelitian ini mencakup pengaturan addendum kontrak dalam hukum jasa konstruksi, kesesuaian prosedur pelaksanaan addendum, serta mekanisme penyelesaian sengketa yang diterapkan. Penelitian ini menggunakan metode yuridis-empiris dengan pendekatan peraturan perundang-undangan, analisis kasus, dan wawancara terhadap pihak terkait. Data diperoleh melalui studi dokumen kontrak, surat-menyurat para pihak, serta proses pengadilan. Hasil penelitian menunjukkan bahwa pelaksanaan addendum kontrak tidak memenuhi prinsip-prinsip dasar hukum kontrak sebagaimana diatur dalam Pasal 1320 dan 1338 KUHPerdara, serta melanggar ketentuan Pasal 54 Perpres No. 16 Tahun 2018 jo. Perpres No. 12 Tahun 2021. Penyimpangan prosedur berupa penundaan MC-0, ketidakterbukaan informasi, serta penghilangan klausul sepihak telah menyebabkan ketidakseimbangan posisi para pihak, berujung pada gugatan hukum. Penyelesaian sengketa dilakukan melalui jalur litigasi, namun proses tersebut mencerminkan lemahnya mekanisme pencegahan sengketa kontrak dalam sistem pengadaan jasa konstruksi. Penelitian ini merekomendasikan penguatan regulasi teknis terkait prosedur perubahan kontrak, peningkatan kapasitas administrasi pengguna jasa, serta penerapan asas keadilan dan transparansi sebagai prasyarat sahnya setiap perubahan kontraktual untuk mencegah sengketa serupa di masa mendatang.

Kata Kunci: *Sengketa Konstruksi, Addendum Kontrak, Pengadaan Jasa Konstruksi, Keadilan Kontraktual, Hukum Kontrak.*

**THE CONSTRUCTION SERVICE PROCUREMENT DISPUTES
RESOLUTION ARISED CONTRACT ADDENDUM PROCESS
IN THE RECONSTRUCTION WORK OF WEIR OF LIMAU RIVER IN
PADANG PARIAMAN**

**(Angelia Arni, 2320119005, Program Studi Magister Ilmu Hukum,
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ABSTRACT

This thesis analyzes the legal issues surrounding a dispute that arose from the addendum process of a government construction contract in the reconstruction project of the Sungai Limau Weir/Check Dam in Padang Pariaman Regency. The conflict involved PT. Suci Esalestari as the service provider and the Commitment-Making Official (PPK) of the Regional Disaster Management Agency (BPBD) as the procuring entity. The dispute centered on the delayed signing of the mutual check (MC-0) document, the unilateral modification of key clauses in the contract addendum, and the absence of clear procedural compliance, all of which were perceived to harm the contractor and resulted in formal litigation. This research aims to: (1) examine the legal framework governing contract addendums in public construction procurement under Indonesian law; (2) assess the conformity of the addendum process with applicable regulations; and (3) evaluate the effectiveness of the dispute resolution methods employed. Utilizing a juridical-empirical method, the study combines normative legal analysis, statutory interpretation, and case-based field research, including document analysis and interviews with both parties to the dispute. The findings indicate that the contract amendment process did not fulfill the legal principles of agreement and good faith as stipulated in Articles 1320 and 1338 of the Indonesian Civil Code and violated provisions in Presidential Regulation No. 16 of 2018 as amended by Presidential Regulation No. 12 of 2021. Moreover, the absence of mutual consent, the lack of justification for technical changes, and procedural irregularities contributed to a legal imbalance and led to administrative and financial uncertainties for the contractor. The thesis concludes that the current legal and institutional frameworks are insufficient to prevent disputes in complex construction projects, particularly when regulatory compliance and documentation are weak. It recommends strengthening technical regulations governing contract amendments, improving administrative accountability among public officials, and reinforcing the legal principles of fairness, transparency, and legal certainty to ensure equitable outcomes in public procurement contracts.

Keywords: *Construction Dispute, Contract Addendum, Construction Procurement, Contractual Fairness, Contract Law.*