

**SYSTEMATIC LITERATURE REVIEW:
EVALUASI YURIDIS KLAUSUL EKSONERASI DALAM
KONTRAK BAKU *E-COMMERCE***

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Abstract

This study aims to evaluate the validity of exculpatory clauses in standardized e-commerce contracts and to assess the civil liability of platforms under Indonesian legal norms. The core problem examined is the widespread inclusion of liability-waiver clauses within the terms and conditions of online shopping applications, which places consumers in a weak position and generates legal uncertainty. The method employed is a Systematic Literature Review of fourteen accredited national legal journal articles published over the past ten years, involving coding, synthesis, and normative assessment against statutory texts. The findings reveal an academic consensus that exculpatory clauses within the click-wrap mechanism violate the requirements for a valid agreement under Article 1320 of the Indonesian Civil Code because they arise from a defect of will through abuse of circumstances, while also contravening the prohibition in Article 18 of the Consumer Protection Law and are therefore void by law. Consequently, the platform still bears full liability based on breach of contract and must compensate the consumer's entire material loss. This study provides a firm juridical evaluation map for practitioners and academics regarding the liability limits of digital platforms in Indonesia.

Keywords: *electronic standardized contract, exculpatory clause, consumer protection, systematic literature review, platform liability.*

Abstrak

Penelitian ini bertujuan mengevaluasi keabsahan klausul eksonerasi dalam kontrak baku *e-commerce* serta menilai tanggung gugat perdata platform berdasarkan norma hukum Indonesia. Masalah pokok yang dikaji yaitu maraknya pencantuman klausul pembebasan tanggung jawab di dalam syarat dan ketentuan aplikasi belanja daring yang menempatkan konsumen pada posisi lemah dan menimbulkan ketidakpastian hukum. Metode yang digunakan yaitu *Systematic Literature Review* terhadap empat belas artikel jurnal hukum nasional terakreditasi yang terbit dalam sepuluh tahun terakhir, dengan tahap kodifikasi, sintesis, dan penilaian normatif terhadap teks peraturan. Hasil penelitian menunjukkan konsensus akademik bahwa klausul eksonerasi dalam mekanisme *click-wrap* melanggar syarat sah nya perjanjian pada Pasal 1320 KUHPerdata karena lahir dari cacat kehendak melalui penyalahgunaan keadaan, sekaligus bertentangan dengan larangan Pasal 18 Undang-Undang Perlindungan Konsumen sehingga berstatus batal demi hukum. Konsekuensinya, platform tetap memikul tanggung gugat penuh atas dasar wanprestasi