

ABSTRAK

PERLINDUNGAN HUKUM NASABAH BANK TERHADAP KLAUSULA BAKU PADA PERJANJIAN KREDIT SERBAGUNA MIKRO (PAYROLL) TANPA AGUNAN (STUDI KASUS PUTUSAN NOMOR 587K/PDT.SUS-BPSK/2021)

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Penelitian ini menyajikan bagaimana perlindungan hukum terhadap debitur pada perjanjian Kredit Serbaguna Mikro (Payroll), yang mana dalam perjanjian tersebut mencantumkan klausul baku, sehingga terjadi adanya wanprestasi sehingga dalam kasus a quo PT. Bank mandiri melakukan pendebitan secara sepihak sehingga merugikan debitur, dalam penelitian ini menggunakan metode yuridis normatif, sehingga didalam penelitian ini diangkat permasalahan hukum 1) Bagaimana Perlindungan Hukum Bagi Debitur Terhadap Perjanjian Baku Kredit Serbaguna Mikro (Payroll) ? 2) Bagaimana Dampak atas Klausul Baku Studi Kasus Putusan Pengadilan Negeri Karawang 587K/PDT.SUS-BPSK/2021. Dalam penelitian ini diperoleh hasil bahwa perlindungan hukum terhadap debitur dalam perjanjian kredit serbaguna mikro (payroll) yaitu adanya perlindungan hukum preventif dan perlindungan hukum represif kemudian dalam pertimbangan putusan *a quo* hakim tidak mempertimbangkan frasa dalam perjanjian baku yang merugikan debitur sehingga hakim berpendapat bahwa tindakan yang dilakukan PT Bank Mandiri tidak melanggar hukum.

Kata kunci: Kredit Mikro, Perjanjian Baku, Perlindungan Hukum Debitur

ABSTRACT

LEGAL PROTECTION OF BANK CUSTOMERS AGAINST STANDARD CLAUSES IN MICRO MULTIPURPOSE CREDIT (PAYROLL) AGREEMENTS WITHOUT COLLATERAL (CASE STUDY DECISION NUMBER 587K/PDT.SUS-BPSK/2021)

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This research presents how legal protection is provided for debtors in Micro Multipurpose Credit (Payroll) agreements, where the agreement includes standard clauses, resulting in default so that in the case of a quo PT. Bank Mandiri carries out debits unilaterally to the detriment of debtors. In this research, it uses normative juridical methods, so that in this research, legal issues are raised: 1) What is the legal protection for debtors regarding standard micro multipurpose credit (payroll) agreements? 2) What is the impact of the Standard Clause in the Karawang District Court Decision Case Study 587K/PDT.SUS-BPSK/2021. In this research, the results obtained show that legal protection for debtors in micro multipurpose credit (payroll) agreements is that there is preventive legal protection and repressive legal protection. Then, in considering the a quo decision, the judge did not consider the phrases in the standard agreement that were detrimental to the debtor, so the judge was of the opinion that the action taken PT Bank Mandiri did not violate the law.

Keywords: Microcredit, Standard Agreement, Debtor Legal Protection.