

**JURIDICAL ANALYSIS OF BANK CUSTOMERS LEGAL PROTECTION
IN THE CREDIT INSTALLATION COLLECTION PROCESS (Case Study
on the Verdict of the Supreme Court Number 3192 K/Pdt/2012)**

Lamia Karimah Nasr¹, Taufiq El Rahman²

ABSTRACT

This legal research is aimed to 1) find out and analyze the legal protection of bank customers in the credit installation collection process and 2) find out and analyze the violation of legal protection of bank customers in the credit installation collection process on the Verdict of the Supreme Court Number 3192 K/Pdt/2012 in terms of the applicable laws and regulations.

This legal research is analytical descriptive with the type of research utilized normative juridical research. Normative juridical research is a process to research and study law as norms, rules, principles, legal principles, legal doctrines, legal theories, and other literature to answer legal problems. The method used by the author in this study is through library research by reviewing the literature related to consumer legal protection, especially customers of financial institutions receiving credit.

Based on this legal research, it is known that the legal protection of bank customers in general, has been regulated in Law No. 8 of 1999 on Consumer Protection, Specifically, consumer protection in the credit installation collection process is regulated by Bank Indonesia through Bank Indonesia Regulation No. 14/2/PBI/2012 and Bank Indonesia Circular Letter No. 14/17/DASP/2012 which regulates the card credit installation collection using a third-party/debt collector and the principles of credit installation collection ethics. In the case of the Verdict of the Supreme Court Number 3192 K/Pdt/2012 Standard Chartered Bank and debt collectors have been proven to have committed tort by committing acts of intimidation and thuggery when collecting credit installation process, in the credit installation collection process it has also been proven that it violates the rules regarding the principles of credit installation collection ethics that have been regulated by Bank Indonesia.

Keywords: legal protection of bank customers, credit agreement, credit collection process.

¹Mahasiswa Program Sarjana Hukum, Ilmu Hukum, Universitas Gadjah Mada, Yogyakarta.

² Dosen Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

**ANALISIS YURIDIS PELINDUNGAN HUKUM NASABAH BANK
DALAM PROSES PENAGIHAN ANGSURAN KREDIT (STUDI KASUS
PUTUSAN MAHKAMAH AGUNG NOMOR 3192 K/Pdt/2012)**

Lamia karimah Nasr¹, Taufiq El Rahman²

INTISARI

Penelitian ini bertujuan untuk: 1) Mengetahui dan menganalisis pelindungan hukum nasabah bank dalam penagihan angsuran perjanjian kredit dan 2) Mengetahui dan menganalisis terlanggarnya pelindungan hukum nasabah bank dalam proses penagihan angsuran perjanjian kredit dengan studi kasus putusan Mahkamah Agung No. 3192 K/Pdt/2012 ditinjau dari peraturan perundang-undangan yang berlaku.

Penelitian ini bersifat deskriptif analitis dengan jenis penelitian yang digunakan berjenis yuridis normatif. Penelitian yuridis normatif yaitu proses penelitian untuk meneliti dan mengkaji tentang hukum sebagai norma, aturan, asas hukum, prinsip hukum, doktrin hukum, teori hukum dan kepustakaan lainnya untuk menjawab permasalahan hukum yang diteliti. Cara yang digunakan penulis dalam penelitian ini adalah melalui penelitian kepustakaan dengan mengkaji literatur-literatur terkait pelindungan hukum konsumen khususnya nasabah Lembaga keuangan penerima kredit.

Bedasarkan hasil penelitian diketahui bahwa Pelindungan hukum nasabah bank secara umum telah diatur dalam Undang-undang No. 8 Tahun 1999 tentang Perlindungan Konsumen, secara khusus pelindungan konsumen pada proses penagihan hutang diatur Bank Indonesia melalui Peraturan Bank Indonesia No. 14/2/PBI/2012 dan Surat Edaran Bank Indonesia No. 14/17/DASP/2012 yang mengatur tentang penagihan utang kartu kredit menggunakan pihak ketiga/*debt collector* dan pokok-pokok etika penagihan hutang. Pada kasus putusan Mahkamah Agung No. 3192 K/Pdt/2012 pihak Bank Standard Chartered dan pihak penagih hutang/*debt collector* telah terbukti melakukan perbuatan melawan hukum dengan melakukan tindakan intimidasi dan premanisme saat melakukan penagihan angsuran kredit, dalam proses penagihan kredit yang dilakukan juga telah terbukti menyalahi aturan tentang pokok-pokok etika penagihan kredit yang telah diatur oleh Bank Indonesia.

Kata Kunci: Pelindungan hukum nasabah, perjanjian kredit, penagihan angsuran kredit.

¹Mahasiswa Program Sarjana Hukum, Ilmu Hukum, Universitas Gadjah Mada, Yogyakarta.

² Dosen Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.