

INTISARI

Batasan Yuridis Klausula Eksonerasi Pada Perjanjian Kredit Bank Ditinjau Dari Kepentingan Bank dan Pelindungan Hukum Debitur (Studi Perjanjian Kredit Pemilikan Rumah di Bank X)

Oleh:

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Penelitian ini bertujuan untuk menganalisis batasan yuridis klausula eksonerasi dalam perjanjian kredit bank serta menilai potensi disharmoni norma yang mengaturnya. Fokus penelitian diarahkan pada penerapan klausula eksonerasi dalam Perjanjian Kredit Pemilikan Rumah (KPR) Bank X, dengan mempertimbangkan keseimbangan antara kepentingan bank sebagai lembaga intermediasi keuangan dan pelindungan hukum bagi debitur sebagai konsumen jasa keuangan.

Metode penelitian yang digunakan adalah penelitian hukum naratif-empiris dengan sifat deskriptif analitis. Pendekatan yang dipakai meliputi pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), serta pendekatan kasus (*case approach*). Data primer diperoleh melalui studi dokumen Perjanjian KPR Bank X dan wawancara dengan pihak legal bank, sementara data sekunder berasal dari peraturan perundang-undangan, buku, jurnal hukum, dan putusan pengadilan terkait klausula baku dalam perjanjian kredit.

Hasil penelitian menunjukkan bahwa klausula eksonerasi dalam perjanjian kredit bank diperbolehkan secara terbatas sepanjang tidak meniadakan hak-hak fundamental debitur dan tetap tunduk pada prinsip keadilan kontraktual, transparansi, serta pengawasan OJK. Klausula yang membatasi tanggung jawab bank masih dapat diterapkan sebagai instrumen manajemen risiko, tetapi tidak boleh menghapus tanggung jawab bank secara mutlak. Studi pada Perjanjian KPR Bank X memperlihatkan bahwa klausula eksonerasi diposisikan sebagai mekanisme mitigasi risiko hukum, yang dalam praktiknya tetap diawasi melalui regulasi sektoral dan prosedur internal bank, sehingga keseimbangan antara kepentingan bank dan pelindungan debitur dapat terjaga.

Kata Kunci: Klausula Eksonerasi, Perjanjian Kredit Bank, Pelindungan Debitur

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ABSTRACT

***Juridical Limits of Exoneration Clauses Bank Credit Agreements
From The Perspective of Bank Interests and Legal Protection of Debtors
(Study of Mortgage Loan Agreement At Bank X)***

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This research aims to analyze the legal boundaries of exoneration clauses in bank credit agreements and to assess the potential normative disharmony surrounding their regulation. The focus of the study is on the application of exoneration clauses in the Mortgage Loan Agreement (KPR) of Bank X, by considering the balance between the bank's interests as a financial intermediary institution and the legal protection of debtors as consumers of financial services.

The research method applied is a narrative-empirical legal research with a descriptive-analytical character. The approaches employed include the statute approach, conceptual approach, and case approach. Primary data were obtained through a document study of Bank X's Mortgage Loan Agreement and interviews with the bank's legal division, while secondary data were derived from legislation, scholarly books, legal journals, and court decisions related to standard clauses in credit agreements.

The findings indicate that exoneration clauses in bank credit agreements are permissible within limited boundaries, as long as they do not eliminate the debtor's fundamental rights and remain subject to the principles of contractual justice, transparency, and regulatory supervision by the Financial Services Authority (OJK). Clauses that limit the bank's liability may still be applied as instruments of risk management, but they cannot fully absolve the bank of legal responsibility. The study of Bank X's Mortgage Loan Agreement demonstrates that exoneration clauses function as a legal risk mitigation mechanism, which in practice are supervised by sectoral regulations and the bank's internal procedures, thereby maintaining the balance between the bank's interests and debtor protection.

Keywords: *Exoneration Clause, Bank Credit Agreement, Debtor Protection*

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