ANALISIS PRINSIP KEADILAN JOHN RAWLS PADA PERJANJIAN KREDIT INVESTASI DI PT BPR UNIVERSITAS GADJAH MADA (BANK UGM)

INTISARI

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Penelitian ini bertujuan mengetahui dan menganalisis terpenuhi atau tidaknya syarat objektif pada Perjanjian Kredit Investasi di Bank UGM yang ditinjau berdasarkan Pasal 1320 KUHPerdata. Tujuan berikutnya adalah untuk mengetahui dan menganalisis penerapan keadilan menurut teori keadilan John Rawls dalam Perjanjian Kredit Investasi di Bank UGM yang dibuat dalam bentuk perjanjian baku. Penelitian ini merupakan penelitian yuridis normatif yang didukung dengan wawancara bersama beberapa naraumber. Penelitian normatif dilakukan dengan mengkaji aturan hukum, asas-asas hukum, doktrin, teori keadilan oleh John Rawls, serta dokumen pendukung lain seperti Perjanjian Kredit Investasi Bank UGM. Berdasarkan hasil penelitian dan pembahasan, didapatkan hasil analisa yang pertama bahwasanya syarat-syarat obyektif berdasarkan Pasal 1320 KUHPerdata pada Perjanjian Kredit Investasi di Bank UGM telah terpenuhi dan sah secara hukum. Hasil analisa kedua menunjukkan bahwasanya Perjanjian Kredit Investasi di Bank UGM belum sepenuhnya memenuhi keadilan dan sejalan dengan teori keadilan sebagai kewajaran oleh John Rawls.

Kata Kunci: Prinsip Keadilan, Asas Itikad Baik, John Rawls, Perjanjian Baku, Perjanjian Kredit Investasi

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ANALYSIS OF JOHN RAWLS'S PRINCIPLES OF JUSTICE IN INVESTMENT CREDIT AGREEMENT AT PT BPR UNIVERSITAS GADJAH MADA (BANK UGM)

ABSTRACT

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This study aims to determine and analyze whether the objective requirements of the Investment Loan Agreement at Bank UGM are met, as assessed under Article 1320 of the Civil Code. A further objective is to examine and analyze the application of justice according to John Rawls's theory of justice in the Investment Loan Agreement at Bank UGM, which is drafted as a standard form contract. This study is a normative legal research supported by interviews with several informants. The normative research was conducted by examining legal rules, legal principles, legal doctrines, John Rawls' theory of justice, as well as other supporting documents such as the UGM Bank Investment Credit Agreement. Based on the research findings and discussion, the first analytical result indicates that the objective requirements under Article 1320 of the Civil Code in the Investment Credit Agreement at UGM Bank have been met and are legally valid. The second analytical finding indicates that the Investment Credit Agreement at UGM Bank does not fully meet the principles of justice and is not fully aligned with John Rawls's theory of justice as fairness.

Keywords: Principle of Justice, Principle of Good Faith, John Rawls, Standaard Contract, Investment Credit Agreement

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