

**ANALISIS PENYELESAIAN SENGKETA KREDIT PERBANKAN SERTA PEMANGGILAN NOTARIS DAN PEMERIKSAAN AKTA-AKTA NOTARIS OLEH BADAN PENYELESAIAN SENGKETA KONSUMEN (BPSK) (STUDI KASUS PENYELESAIAN SENGKETA PERJANJIAN KREDIT PERBANKAN DI KABUPATEN BATU BARA)**

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**INTISARI**

Penelitian ini bertujuan untuk mengetahui dan menganalisis mengapa BPSK Kabupaten Batu Bara tetap menyelesaikan sengketa kredit perbankan di Kabupaten Batu Bara walaupun klausul penyelesaian sengketa di dalam Akta Notaris menyepakati penyelesaian sengketa melalui Pengadilan Negeri dan apakah pemanggilan Notaris dan pemeriksaan Akta Notaris yang terkait dengan sengketa konsumen dalam perjanjian kredit perbankan sesuai dengan peraturan yang berlaku.

Penelitian ini merupakan penelitian yang berjenis yuridis normatif dan bersifat deskriptif yang didukung dengan wawancara narasumber, dilakukan untuk mendapatkan data primer yang kemudian didukung data sekunder. Seluruh data yang terkumpul dianalisis dengan metode kualitatif.

Hasil penelitian menunjukkan bahwa BPSK Kabupaten Batu Bara tetap menyelesaikan sengketa kredit perbankan walaupun sudah ada klausul penyelesaian sengketa kredit di dalam akta Notaris akan diselesaikan di Pengadilan Negeri, karena: 1. Konsumen banyak tidak mengetahui dan memahami perjanjian yang telah dibuat dan disepakati oleh para pihak sehingga konsumen merasa dirugikan dan kekurangan informasi, 2. Pelaku Usaha tidak pernah memberikan salinan/*fotocopy* dokumen perjanjian antara konsumen dan pelaku usaha, pelaku usaha tidak beritikad baik dan terbuka kepada konsumen, 3. BPSK berwenang menyelesaikan sengketa perbankan karena perbankan termasuk sektor jasa keuangan. Pemanggilan Notaris dan pemeriksaan Akta Notaris, BPSK belum sesuai dengan aturan yang berlaku. Untuk kepentingan proses peradilan, penyidik, penuntut umum, atau hakim (dalam ranah litigasi) dalam hal mengambil fotokopi Minuta akta, surat – surat, serta memanggil Notaris untuk hadir dalam pemeriksaan yang berkaitan dengan akta ataupun protocol Notaris harus dengan persetujuan Majelis Kehormatan Notaris. BPSK tidak bisa memanggil dan memeriksa Akta Notaris secara langsung tanpa persetujuan dari Majelis Kehormatan Notaris.

**Kata Kunci :** Penyelesaian Sengketa Kredit Perbankan, Pemanggilan Notaris, Pemeriksaan Akta-Akta Notaris, BPSK

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**ANALYSIS ON BANK CREDIT DISPUTE SETTLEMENT AND INVITATION OF NOTARY AND EXAMINATION OF NOTARIAL DEED CONDUCTED BY CONSUMER DISPUTE SETTLEMENT BODY (BPSK) (CASE STUDY ON DISPUTE SETTLEMENT OF BANK CREDIT AGREEMENT IN BATU BARA REGENCY)**

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**ABSTRACT**

This research aims to identify and examine the reason why BPSK of Batu Bara Regency still remained to resolve bank credit dispute in Batu Bara Regency even though the dispute settlement clause within the Notarial Deed agreed that it will be settled through the District Court and also whether the invitation of Notary and investigation of Notarial Deed associated with consumer disputes on bank credit agreement are in accordance with applicable regulations.

The writing method of this research is juridical normative and descriptive, supported by interviewing the informant to obtain primary data which is then assisted by secondary data. The entire of collected data were analyzed with the qualitative method.

The results show that BPSK of Batu Bara Regency have settled bank credit dispute whereas there is already a credit dispute settlement clause within notarial deed states that it will be settled through local District Court, because, 1. Consumer did not know and understand the agreement made and concurred by the parties, so that consumer were aggrieved and lack of information, 2. The producer has never given the copy of agreement between consumer and producer themselves, which means that producer does not have good intentions and transparency towards consumer, 3. BPSK has an authority to settle a bank dispute because the banking business is included in financial services sector. Regarding the invitation of Notary and examination of the Notarial deed, BPSK is not in accordance with applicable regulations. The investigator, public prosecutor, or judge (in the realm of litigation) in terms of taking the copy of Minuta deed, letters for judicial process purpose, as well as to invite Notary to attend for an investigation related to deed or Notary protocol must be approved by Notary Honorary Assembly. BPSK is incompetent to invite and examine the Notarial deed directly without the approval from the Notary Honorary Assembly.

**Keywords:** Bank Credit Dispute Settlement, Invitation of Notary, Examination of Notarial Deed, BPSK

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