

**TINJAUAN YURIDIS TERHADAP PERLINDUNGAN HUKUM BAGI  
BENEFICIARY BANK GARANSI PT. BANK MANDIRI (PERSERO) TBK.  
KANTOR CABANG CIBIS NINE JAKARTA SELATAN DALAM HAL  
TERBITNYA SURAT BANK GARANSI PALSU**

Diva Nabila Cintatya<sup>1</sup>, Ninik Darmini<sup>2</sup>

**INTISARI**

Penulisan Hukum ini bertujuan untuk mengkaji sikap dan langkah yang dapat diambil oleh PT. Bank Mandiri (Persero) Tbk. Kantor Cabang Cibis Nine Jakarta Selatan dalam praktik penerbitan surat bank garansi palsu serta menganalisis perlindungan hukum bagi *beneficiary* bank garansi PT. Bank Mandiri (Persero) Tbk. Kantor Cabang Cibis Nine Jakarta Selatan apabila ia menerima surat bank garansi palsu.

Penulisan hukum ini memuat penelitian deskriptif dengan metode pendekatan yuridis-empiris yang bertumpu pada data sekunder berupa hukum positif (*das sollen*) untuk mengidentifikasi masalah pada penelitian ini dan data primer berupa peristiwa konkret di tengah masyarakat (*das sein*) yang diperoleh langsung dari sumber pertama melalui penelitian lapangan berupa pengamatan dan wawancara.

Hasil penelitian menunjukkan bahwa PT. Bank Mandiri (Persero) Tbk. Kantor Cabang Cibis Nine Jakarta Selatan telah mengambil langkah yang sigap dan komprehensif untuk menyikapi praktik pemalsuan surat bank garansi melalui beberapa ketentuan yang terdapat pada SOP. Dalam hal SOP sudah dilaksanakan namun tetap terjadi praktik pemalsuan bank garansi, terdapat pula berbagai ketentuan hukum yang diakomodir oleh UU No. 10 Tahun 1998 dan Kitab Undang-Undang Hukum Pidana yang kemudian memberi lapisan perlindungan hukum yang ekstra kepada *beneficiary* bank garansi PT. Bank Mandiri (Persero) Tbk. Kantor Cabang Cibis Nine Jakarta Selatan dalam hal ia menerima surat bank garansi palsu.

Kata kunci: *Bank Garansi, Jaminan, Wanprestasi, Pemalsuan Surat.*

---

<sup>1</sup> Mahasiswa Konsentrasi Hukum Perdata dari Departemen Hukum Perdata Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

<sup>2</sup> Dosen Hukum Perdata pada Departemen Hukum Perdata Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

**JURIDICAL REVIEW OF THE LEGAL PROTECTION FOR THE  
BENEFICIARIES OF BANK GUARANTEES IN PT. BANK MANDIRI  
(PERSERO) TBK. CIBIS NINE SOUTH JAKARTA IN THE ISSUANCE OF  
COUNTERFEIT BANK GUARANTEE LETTERS**

Diva Nabila Cintatya<sup>3</sup>, Ninik Darmini<sup>4</sup>

***ABSTRACT***

This legal writing aims to examine the measures taken by PT. Bank Mandiri (Persero) Tbk. Cibis Nine, South Jakarta related to the issuance of counterfeit bank guarantee letters. Furthermore, this legal writing will also analyze the legal protection for the beneficiaries of bank guarantees in PT. Bank Mandiri (Persero) Tbk. Cibis Nine, South Jakarta in case of a beneficiary receives a counterfeit bank guarantee letter.

This legal writing is a descriptive study which employs normative-empirical approach, relying on secondary data in the form of positive law (*das sollen*) to identify problems raised in this legal writing while also revolving around primary data in the form of concrete events within the society (*das sein*) which are obtained through field research in the form of observations and interviews.

The result of the research shows that PT. Bank Mandiri (Persero) Tbk. Cibis Nine, South Jakarta, has taken swift and comprehensive steps to address the practice of bank guarantee letter forgery through several provisions contained in the Standart Operational Procedure (SOP). In the event that the SOP has been thoroughly implemented yet the practice of counterfeiting bank guarantees still occurs, there are also various legal provisions accommodated by Law no. 10 of 1998 and the Criminal Code of Indonesia (KUHP), which then provides an extra layer of legal protection to the beneficiaries of bank guarantees in PT. Bank Mandiri (Persero) Tbk. Cibis Nine, South Jakarta, if it receives a fake bank guarantee letter.

Keywords: *Bank Guarantee, Borgtocht, Breach of Contract, Falsification of Letters*

---

<sup>3</sup> The author is an undergraduate student in the Civil Law Department, Faculty of Law, Universitas Gadjah Mada.

<sup>4</sup> The author is a lecturer in the Civil Law Department, Faculty of Law, Universitas Gadjah Mada.