

INTISARI

Kartu kredit saat ini merupakan suatu kebutuhan masyarakat modern untuk menggunakannya sebagai alat pembayaran tunai. Dengan kartu plastik tersebut nasabah dapat melakukan berbagai macam transaksi dan mereka tidak perlu datang dan antri di kantor atau bank pemberi jasa, melainkan mereka cukup datang di outlet – outlet yang tersebar hampir di seluruh tempat, guna memenuhi transaksi yang dibutuhkan baik ambil tunai maupun pengiriman uang (transfer) khususnya untuk pembayaran kartu kredit. Transaksi pembayaran yang demikian ini disebut dengan sistem transfer dana secara elektronik atau electronic funds transfer (EFT). Melalui metode pendekatan normative yuridis penulis mencoba untuk menjawab permasalahan yang ada dengan meneliti mengenai Perlindungan nasabah kartu kredit ditinjau dari Undang – Undang No 8 Tahun 1999 tentang Perlindungan Konsumen, hubungan hukum antara bank sebagai pemberi jasa kartu kredit terhadap nasabahnya, serta faktor – faktor penghambat dalam perlindungan nasabah kartu kredit. Berdasarkan pada hasil penelitian Perlindungan hukum terhadap nasabah kartu kredit belum berjalan sebagaimana mestinya. Pemberian informasi melalui media cetak maupun elektronik tersebut ternyata tidak menguntungkan nasabah kartu kredit khususnya pada saat penandatanganan aplikasi, hubungan hukum yang timbul tidak seimbang, demikian juga terhadap faktor – faktor penghambat terhadap Perlindungan hukum terhadap nasabah kartu kredit ternyata lebih menguntungkan pihak Bank. Upaya Perlindungan hukum terhadap nasabah kartu kredit hanya dapat terwujud dengan adanya partisipasi dari berbagai pihak. Pihak nasabah harus bersikap lebih proaktif untuk mengetahui hak dan kewajibannya dan juga pihak Bank hendaknya lebih bersikap terbuka dan memperbaiki kinerjanya. Dengan adanya kondisi yang seimbang baik bank maupun nasabah maka perlindungan akan berjalan sebagaimana diharapkan. Meskipun sekarang ini Pemerintah telah mensahkan Undang – undang No. 11 Tahun 2003 tentang Informasi dan Transaksi Elektronik namun pada kenyataannya peran dari UU tersebut dirasakan belum efisien. Hal ini dirasakan belum cukup untuk melindungi masyarakat dan pihak – pihak yang berkepentingan, masih diperlukan perumusan yang lebih representatif yang dapat menjangkau semua bentuk kejahatan dengan menggunakan kartu kredit.

ABSTRACT

The credit card at this time was a requirement for the modern community to be used as implement of cash payment. With this plastic card the customer could carry out various transaction sorts and they had no need to come and queue in the office or in the bank of service giver, but they just really came in outlet – outlet that was spread almost in each place, in order to fill the transaction that was needed both took money and transfer especially for credit card payment. The payment transaction like this was mentioned with electronic funds transfer. The sophistication of this transaction that used credit card could not be free from the progress of technology. Through the normative approach method juridical, the writer tried to answer the available problem with researched concerning the protection of the credit card customer by the regulation no. 8 year 1999, legal relations between the bank as the giver of credit card services against the customer, as well as the factor that became the hindrance in the protection of credit card customer. Based on the results of the protection research of the law into the customer credit card, isn't going as well as it should be. The information giving through the print of media it's seem didn't work well for the customer, especially when the customer must sign the application, legal relation that emerged not balanced. Likewise toward the factor that hindered toward the protection of law for the customer was more beneficial to bank's side. The credit card customer's law protection only can be happen with all participations, both from the credit card customer's side and also from the bank's side. The credit card customer's side must behave more proactive to knowing their rights and also their obligations and for the bank's side preferably was open and gave more explanation during the handover the application of credit card. With the existence of the balanced condition both from the bank and the customer than the protection will go as being hoped for. Although right now the government already gave a new regulation no. 11 year 2003 about The Information and The Electronic Transaction but in the reality that regulation isn't efficient. This condition can't be touched protect the societies, there is still be needed the representative formulas which is hope for reaching the all kinds of crime that using credit card.