

ABSTRAK

Penelitian ini bertujuan untuk menganalisis kewenangan Badan Penyelesaian Sengketa Konsumen (BPSK) dalam menangani sengketa perjanjian kredit serta menelaah penerapan prinsip kepastian hukum dalam penyelesaiannya, dengan fokus pada studi kasus Putusan No. 292/Pdt.Sus.BPSK/2016/PN Mdn. Rumusan masalah dalam penelitian ini mencakup: bagaimana kewenangan BPSK menurut peraturan perundang-undangan yang berlaku dan bagaimana penerapan prinsip kepastian hukum dalam penyelesaian sengketa perjanjian kredit. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan studi kasus. Data dikumpulkan melalui telaah terhadap peraturan perundang-undangan, literatur hukum, dan putusan pengadilan yang relevan, serta dianalisis secara sistematis untuk memperoleh pemahaman hukum yang komprehensif atas isu yurisdiksi BPSK terhadap sengketa kredit dan perlindungan konsumen. Hasil penelitian menunjukkan bahwa penerapan prinsip kepastian hukum dalam kasus ini masih bersifat sempit dan kaku, mengabaikan aspek keadilan substantif dan perlindungan pihak yang lemah. Pembatalan putusan BPSK oleh pengadilan melemahkan peran BPSK sebagai lembaga alternatif penyelesaian sengketa yang mudah diakses dan murah bagi konsumen. Diperlukan evaluasi regulasi dan penguatan BPSK agar tidak terus-menerus kehilangan legitimasi dan dapat memberikan keadilan substantif bagi konsumen. Penelitian ini memberikan sumbangan pemikiran untuk perkembangan ilmu hukum perdata, khususnya di bidang perlindungan hukum bagi nasabah debitur akibat penerapan klausula eksonerasi dalam perjanjian kredit.

Kata Kunci: Kewenangan, BPSK, Perjanjian Kredit.

ABSTRACT

This research This study aims to analyze the authority of the Consumer Dispute Resolution Agency (BPSK) in handling credit agreement disputes and to examine the application of the principle of legal certainty in its resolution, with a focus on the case study of Decision No. 292/Pdt.Sus.BPSK/2016/PN Mdn. The formulation of the problem in this study includes: how is the authority of BPSK according to applicable laws and regulations and how is the application of the principle of legal certainty in resolving credit agreement disputes. This study uses a normative juridical method with a statutory, conceptual, and case study approach. Data were collected through a review of relevant laws and regulations, legal literature, and court decisions, and analyzed systematically to obtain a comprehensive legal understanding of the issue of BPSK jurisdiction over credit disputes and consumer protection. The results of the study indicate that the application of the principle of legal certainty in this case is still narrow and rigid, ignoring aspects of substantive justice and protection of the weak. The cancellation of the BPSK decision by the court weakens the role of BPSK as an alternative dispute resolution institution that is easily accessible and inexpensive for consumers. Regulatory evaluation and strengthening of BPSK are needed so that it does not continue to lose legitimacy and can provide substantive justice for consumers. This study provides a contribution of thought to the development of civil law, especially in the field of legal protection for debtor customers due to the application of exoneration clauses in credit agreements.

Keywords: Authority, BPSK, Credit Agreement.