

ABSTRAK

PERLINDUNGAN HUKUM BAGI HAK-HAK NASABAH BANK SETELAH BERLAKUNYA UNDANG-UNDANG NOMOR 21 TAHUN 2011 TENTANG OTORITAS JASA KEUANGAN

UU OJK berlaku pada tanggal 22 November 2011. Berdasarkan Pasal 55 ayat (2) UU OJK, sejak tanggal 31 Desember 2013, fungsi, tugas, dan wewenang pengaturan dan pengawasan perbankan beralih dari BI ke OJK. Dengan diundangkannya UU OJK, diharapkan dapat memberikan perlindungan hukum bagi nasabah dan masyarakat yang belum terakomodir dengan baik melalui UU BI.

Permasalahan yang muncul adalah mengenai bentuk-bentuk perlindungan hukum bagi hak-hak nasabah bank yang diatur melalui UU BI dan UU OJK, dan implementasi berlakunya UU OJK dalam melindungi hak-hak nasabah bank. Penelitian ini bertujuan untuk memaparkan dan menganalisa bentuk-bentuk perlindungan hukum bagi hak-hak nasabah bank yang diatur melalui UU BI dan UU OJK serta implementasi berlakunya UU OJK dalam melindungi nasabah bank.

Penelitian ini merupakan penelitian yang bersifat normatif dengan spesifikasi penelitian yang bersifat deskriptif analitis menggunakan data sekunder yang diperoleh dari studi kepustakaan, kemudian dianalisa secara kualitatif menggunakan alur deduktif.

Hasil penelitian menunjukkan bahwa bentuk-bentuk perlindungan hukum bagi hak-hak nasabah yang diatur melalui UU BI, yaitu: transparansi informasi produk bank kepada nasabah; edukasi masyarakat; ketentuan tentang alat pembayaran dengan menggunakan kartu; pelayanan dan penyelesaian pengaduan nasabah oleh bank; dan mediasi perbankan. Sedangkan melalui UU OJK, yaitu: pemberian dan pelayanan informasi; edukasi literasi keuangan kepada konsumen dan masyarakat; menghentikan kegiatan LJK apabila kegiatan tersebut berpotensi merugikan masyarakat; ketentuan tentang perjanjian baku antara konsumen dan LJK; pelayanan dan penyelesaian pengaduan nasabah; pembelaan hukum; dan pembentukan LAPS di sektor jasa keuangan. UU OJK diimplementasikan melalui kegiatan-kegiatan edukasi, pembuatan peraturan, penyiapan perangkat, mekanisme dan fasilitas pengaduan, dan bertindak sebagai saksi ahli dalam pengadilan pada perkara konsumen dan LJK.

Berdasarkan hasil penelitian disimpulkan bahwa UU BI dan UU OJK mempunyai pengaturan yang berbeda dalam melindungi hak-hak nasabah bank. Untuk itu diharapkan agar OJK dapat memantau perkembangan dari hasil fasilitasi penyelesaian sengketa oleh OJK.

Kata Kunci : Perlindungan Hukum, Nasabah, UU OJK

ABSTRACT

LEGAL PROTECTION FOR BANK CUSTOMER RIGHTS AFTER ENTRY INTO FORCE LAW NUMBER 21 YEAR 2011 ON FINANCIAL SERVICES AUTHORITY

Financial Services Authority (OJK) Law entry into forced on November, 22nd 2011. Based on Article 55 paragraph (2) OJK Law, since the date December, 31 2013, function, task and authority of bank regulation and supervision transfer from Central Bank of Indonesia (BI) to OJK. OJK Law is expected can give legal protection for bank customer and community, that is not accomodate yet by BI Law.

The issues that showed up is about forms of legal protection for the bank customer rights that regulated by BI Law and OJK Law, and the validity of implementation of OJK Law in protect the customer rights. This research aims are to describe and to analyze legal protection forms of customer rights that regulated by BI Law and OJK Law and also the implementation of OJK Law to protect the bank customer.

This research is a normative research with research spesification is analytical descriptive, which using secondary data that achieve by library research, and then analyzing qualitatively using chronology of deductive reasoning.

The research result showed that the forms of legal protection of bank customer rights that regulated by BI Law are transparanceness of information of bank products; people education; the regulation of payment tools by cards; services and customer complaint resolution by bank and bank mediation. By OJK Law are: information giving and services; financial literation education to customer and community; termination of LJK activity if such activity potentially inflict a financial loss to the community; the regulation about standart contract between customer and OJK; services and bank customer complaints resolution, law services; and establishment of LAPS in financial services sector. OJK Law implemented by education activities, rule making, preparation of devices, complaint facility and mechanism and acting as expert witness in court in the case between customer and LJK.

Based on research result, can be concluded that BI Law and OJK Law have different regulation to protect bank customer rights. Therefore, it is expected that OJK can monitoring the progress of the result of facilitating the disputes settlement by OJK..

Keywords : Legal Protection, Customer, OJK Law.