

# Tinjauan yuridis perlindungan konsumen dalam penagihan hutang kartu kredit oleh Debt Collector : perbandingan pengaturan Indonesia, Amerika Serikat dan Australia = Legal analysis on consumer protection from credit card debt collection by debt collectors comparison of legislations in Indonesia, United States and Australia

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## Abstrak

Ketergantungan warga negara Indonesia terhadap kartu kredit telah naik secara drastis dalam dekade terakhir ini. Hal ini mungkin menunjukkan semakin bertambahnya masyarakat menengah di negara ini, tetapi sayangnya tidak semua pengguna kartu kredit sadar akan kewajiban utamanya untuk pembayaran. Di sisi yang lain, Bank-bank di Indonesia dihadapkan dengan banyaknya kendala untuk menyelesaikan pembayaran kartu kredit. Sehingga, bank-bank tersebut sering menggunakan debt-collector untuk secara efektif mendapatkan pembayaran.

Dalam hukum Indonesia, debt collector memang tidak dilarang. Tetapi, banyak kasus dimana debt collector menggunakan metode yang mengikutsertakan gangguan, penyiksaan, intimidasi, serangan verbal maupun fisik, blackmails dan cara-cara lainnya. Cara-cara ini mungkin efektif dalam mendapatkan pembayaran. Tetapi hal ini diduga keras melanggar hak-hak konsumen terhadap kenyamanan, keselamatan dan keamanan yang dilindungi dalam Pasal 4 Undang-Undang Perlindungan Konsumen No. 8 tahun 1999.

Menyikapi kekhawatiran dari berbagai macam pihak tentang metode-metode yang digunakan oleh debt collector, Bank Indonesia telah memang membuat beberapa peraturan yang mengatur tentang penagihan hutang kartu kredit. Namun, dalam analisis yuridis normatif yang digunakan dalam skripsi ini, peraturan-peraturan ini Penulis rasa tidak cukup untuk melindungi hak-hak konsumen atas kenyamanan, keselamatan dan keamanan.

.....Indonesian citizens' reliance on credit card has tremendously increased in the last decade. This fact may suggest the growing number of middle-class citizens in this country, but not all credit card users realize their primary obligation to repayment. On the other hand, Indonesian banks are confronted with a myriad of legal obstacles in securing repayment from their customers. Given such obstacles, banks often resort to hire debt collectors to effectively seek for remedy.

Under Indonesian law, debt collectors are indeed not prohibited. However, many debt collectors have used various methods involving "harassment, abuse, intimidation, verbal and physical attacks, constant blackmails and many others" to secure their clients' right to repayment. These methods might be effective to forcefully acquire the repayment, but they substantially violate the credit card users' rights to comfort, safety and security enshrined in Article 4 of Law No. 8 Year 1999 on Consumer Protection.

In response to various stakeholders' concern on the methods used by debt collectors, Bank Indonesia has indeed enacted some regulations governing debt collection practices. The most recent ones are Bank

Indonesia Regulation No. 14/2/PBI/2012 and Bank Indonesia Circular Letter No. 14/17/DASP. However, as will be elaborated in this writing that employs legal normative analysis, these newly enacted regulations are slightly insufficient to protect the credit card users' right to comfort, safety and security.