

Perlindungan hukum bagi debitur atas wanprestasi PT. Pegadaian dalam penerapan klausula baku pada surat bukti kredit (SBK) terkait pertanggung jawaban PT. Pegadaian mengenai hilang atau rusaknya barang yang digadaikan (studi kasus : putusan Mahkamah Agung No, 480.K/Pdt.Sus/2012) = Legal protection for debtor in breach of contract by PT. Pegadaian in standard clause which stated in credit evidence letter related to PT. Pegadaian s liability concerning the loss or damage of the mortgaged goods (case study supreme court's decision No. 480K/Pdt.Sus/2012) / Kartika Rahmadayanti

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Abstrak

ABSTRAK

Penelitian ini disusun untuk melihat perlindungan hukum yang didapat oleh debitur (nasabah pegadaian) dalam melakukan perjanjian dengan PT Pegadaian melalui surat bukti kredit (SBK) yang didalamnya terdapat pencantuman klausula baku apabila PT Pegadaian melakukan tindakan wanprestasi yang menyebabkan hilang atau rusaknya barang yang digadaikan oleh debitur. Untuk melihat adanya kesesuaian antara pengaturan dan praktek, dapat dilihat dari studi kasus Putusan Mahkamah Agung No. 480 K/Pdt.Sus/2012 dan Putusan Pengadilan Negeri Medan Nomor : 235/Pdt.G/2011/PN.Mdn terkait perlindungan hukum yang didapat oleh debitur atau mengenai ganti rugi yang akan diterima debitur jika barang yang digadaikan hilang atau rusak selama masih berada di PT Pegadaian.

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ABSTRACT

This research is prepared to see the legal protection acquired by the debtors in agreement between PT Pegadaian and the debtors. Viewing that there is a standard clause in the mortgage agreement between PT Pegadaian with the consumers that is contained in the Credit Evidence Letter (SBK) which could be found that PT Pegadaian can do some breach of contract in case the mortgaged goods are lost or damaged as long as the goods are still in PT Pegadaian. To see the compatibility between the regulations and practice, it can be seen from case study of Supreme Court's Decision No. 480 K/Pdt.Sus/2012 and Court Decision No. 235/Pdt.G/2011/PN.Mdn related to the legal protection obtained by the debtors or concerning the indemnification that would be received by the debtors in case the mortgaged goods are lost or damaged as long as the goods are still in PT Pegadaian.