

Penerapan gugatan sederhana dalam menyelesaikan sengketa kredit perbankan: studi di Pengadilan Negeri Jakarta Selatan = The small claim court implementation in settling banking credit disputes: study in the South Jakarta District Court

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Abstrak

Skripsi ini membahas pengaturan penyelesaian sengketa kredit perbankan dan penerapan gugatan sederhana dalam menyelesaikan sengketa kredit perbankan di Pengadilan Negeri Jakarta Selatan. Penelitian ini merupakan penelitian yuridis normatif. Pengaturan penyelesaian sengketa kredit perbankan diatur dalam Peraturan Bank Indonesia dan Peraturan Otoritas Jasa Keuangan yang mengatur mekanisme Internal Dispute Resolution dan External Dispute Resolution. Penerapan gugatan sederhana dengan dasar Peraturan Mahkamah Agung Nomor 2 Tahun 2015 di Pengadilan Negeri Jakarta Selatan ini dimanfaatkan oleh perbankan untuk menyelesaikan sengketa kredit antara bank dengan nasabah debiturnya. Sebanyak 70 dari keseluruhan perkara gugatan sederhana diajukan oleh bank. Saran dari penelitian ini yaitu agar Mahkamah Agung membuat petunjuk teknis pelaksanaan gugatan sederhana, menaikkan ketentuan nilai gugatan materil dari Rp200.000.000,00 menjadi Rp500.000.000,00, serta memasukkan aturan eksekusi gugatan sederhana.

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This thesis discusses about the regulations of banking credit dispute settlement and the small claim court implementation in settling banking credit disputes in the South Jakarta District Court. This research is a normative juridical research. The regulations of banking credit dispute settlement are set forth in Bank Indonesia Regulations and Financial Services Authority Regulations governing the mechanism of Internal Dispute Resolution and External Dispute Resolution. The implementation of small claim court under the Supreme Court Regulation Number 2 of 2015 in the South Jakarta District Court was used by banks to settle credit disputes between banks and debtor customers. As many as 70 of all small claim court cases were filed by banks. The suggestion from this study is that the Supreme Court should make technical instructions for the implementation of a small claim court, increase the provisions for the value of material claims from Rp200.000.000,00 to Rp500.000.000,00, and make small claim court execution rules.