

**TINJAUAN YURIDIS KELALAIAN BANK MENGHAPUS INFORMASI
DEBITUR INDIVIDUAL *HISTORY* DEBITUR YANG TELAH LUNAS
DALAM PERJANJIAN KREDIT DALAM PERSPEKTIF
UNDANG-UNDANG NOMOR 10 TAHUN 1998
(Studi Putusan Mahkamah Agung Nomor 2678 K/Pdt/2019)**

ABSTRAK

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Kelalaian dan kesalahan pihak bank dalam melakukan pelaporan pelunasan kredit maka hal ini dapat menjadi kerugian bagi nasabah. Pada umumnya calon nasabah yang masuk dalam daftar hitam ataupun kredit macet dan ingin melakukan pengajuan pinjaman kredit secara otomatis sesuai dengan prosedur yang berlaku maka pihak bank tidak akan menindaklanjuti permohonan peminjaman kredit tersebut karena nasabah dianggap tidak layak untuk menerima fasilitas kredit.

Rumusan masalah dalam tesis ini bagaimana upaya perlindungan hukum bagi nasabah (debitur) sebagai konsumen pengguna jasa bank, Bagaimana pertanggungjawaban bank jika terjadi kelalaian menghapus informasi debitur individual *history* debitur yang telah lunas dalam perjanjian kredit, Bagaimana analisis pertimbangan hukum hakim dalam putusan Mahkamah Agung Nomor 2678 K/Pdt/2019.

Metode penelitian yang digunakan adalah deskriptif analisis yang mengarah pada penelitian hukum yuridis normatif dengan melakukan analisis terhadap putusan Mahkamah Agung Nomor 2678 K/Pdt/2019.

Hasil penelitian menunjukkan Perlindungan hukum bagi nasabah yang masuk dalam daftar hitam akibat kelalaian bank menghapus Informasi Debitur Individual (IDI) *History Black List* debitur yang telah lunas dalam perjanjian kredit adalah bank harus memberikan ganti kerugian jika telah memberikan informasi yang tidak benar sehingga nasabah tersebut dirugikan karena tidak dapat meminjam kredit dari bank. Pertimbangan hukum hakim dalam putusan Mahkamah Agung Nomor 2678 K/Pdt/2019 adalah PT. Bank Tabungan Negara (persero), Tbk. Kantor Cabang Banjarmasin melakukan perbuatan melawan hukum dengan tidak melakukan tata kelola dan kerja pelayanan yang buruk sehingga merugikan nama baik penggugat selaku debitur yang telah melunasi hutangnya tetapi diinformasikan secara keliru sehingga masuk dalam *black list* dalam lembaga keuangan terkait. Disarankan agar untuk lebih mengefektifkan program perlindungan nasabah, diperlukan suatu upaya yang sifatnya berkelanjutan melalui edukasi masyarakat mengenai hak hak nasabah dalam berhubungan dengan bank.

Kata Kunci : Perlindungan Hukum, Debitur, Kredit, *Black List*

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**JURIDIC REVIEW BANK NEGLIGENCE DELETING INDIVIDUAL
HISTORY DEBTOR INFORMATION THAT HAS BEEN PAID
IN CREDIT AGREEMENTS IN PERSPECTIVE
LAW NUMBER 10 YEAR 1998
(Study of Supreme Court Decision Number 2678 K/Pdt/2019)**

ABSTRACT

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Negligence and errors on the part of the bank in reporting credit repayments, this can be a loss for customers. In general, prospective customers who are blacklisted or have bad credit and want to apply for a credit loan automatically in accordance with applicable procedures, the bank will not follow up on the loan application because the customer is considered unfit to receive credit facilities.

The formulation of the problem in this thesis is how to provide legal protection for customers (debtors) as consumers who use bank services, how is the bank's responsibility in the event of negligence in deleting debtor information on individual debtor history that has been paid off in the credit agreement, how is the analysis of the judge's legal considerations in the Supreme Court's decision Number 2678 K/Pdt/2019.

The research method used is descriptive analysis that leads to normative juridical law research by analyzing the Supreme Court's decision Number 2678 K/Pdt/2019.

The results of the study show that legal protection for customers who are blacklisted due to bank negligence in deleting Individual Debtor Information (IDI) History Black List debtors who have paid off in the credit agreement are banks must provide compensation if they have provided incorrect information so that the customer is harmed because unable to borrow credit from the bank. The judge's legal considerations in the Supreme Court's decision Number 2678 K/Pdt/2019 are PT. State Savings Bank (Persero), Tbk. The Banjarmasin Branch Office committed acts against the law by not carrying out poor governance and service work so that it harmed the good name of the plaintiff as a debtor who had paid off his debt but was misinformed so that it was included in the black list of the relevant financial institution. It is recommended that in order to make customer protection programs more effective, an ongoing effort is needed through public education about customer rights in dealing with banks.

Keywords: Legal Protection, Debtors, Credit, Black List

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