

ABSTRAK

PENERAPAN PRINSIP KEHATI-HATIAN BAGI PERUSAHAAN PEMBIAYAAN DALAM PEMBERIAN PINJAMAN KREDIT KEPADA KONSUMEN *MARKETPLACE* SHOPEE

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Perkembangan pada dunia situs berbelanja *online* atau biasa disebut dengan *e-commerce* ini sangat cepat. Salah satu *e-commerce* yang banyak digunakan oleh konsumen adalah shopee. Shopee memiliki fitur pembayaran berupa Shopee *paylater*. Shopee *paylater* ini adalah metode pembayaran sama seperti kredit pada bank konvensional tetapi tanpa kartu kredit, dimana pihak Shopee meminjamkan uang terlebih dahulu kepada konsumen yang hendak membeli suatu barang di shopee. Pihak Shopee memberikan syarat yang mudah untuk mengaktifkan Shopee *paylater* bagi seluruh penggunanya. Akan tetapi kemudahan tersebut dapat menimbulkan permasalahan yang berkaitan dengan risiko kredit yaitu gagal bayar.

Penelitian ini membahas mengenai prinsip kehati-hatian dalam perjanjian kredit Shopee *paylater*. Metode penelitian ini menerapkan metode penelitian normatif dengan menggunakan pendekatan perundang-undangan (*statue approach*) yang mengkaji mengenai hal-hal yang bersifat teoritis, seperti undang-undang, peraturan perundang-undangan, serta asas-asas hukum. Pendekatan konseptual (*statue approach*) berkaitan dengan analisis penerapan prinsip kehati-hatian dalam pemberian pinjaman kredit kepada konsumen *marketplace* Shopee melalui doktrin-doktrin hukum maupun teori hukum.

Hasil penelitian menunjukkan bahwa penerapan prinsip kehati-hatian dalam pemberian pinjaman kredit di shopee sudah mencakup analisis 5c, yakni karakter (*character*), kemampuan (*capacity*), modal (*capital*), jaminan/agunan (*collateral*), serta kondisi ekonomi (*condition of economy*). Namun demikian, penerapan prinsip kehati-hatian dalam pemberian pinjaman kredit di shopee masih mengalami beberapa tantangan, seperti jaminan kepastian hukum terhadap debitur dan jaminan perlindungan keamanan data pribadi debitur. Dengan demikian, penerapan prinsip kehati-hatian bagi perusahaan pembiayaan dalam pemberian pinjaman kredit kepada konsumen *marketplace* shopee menjadi kunci terwujudnya transaksi keuangan yang sehat berlandaskan hak dan kewajiban para pihak, baik debitur maupun kreditur.

Kata Kunci: Perusahaan Pembiayaan, Prinsip Kehati-hatian, Shopee

ABSTRACT

IMPLEMENTATION OF PRUDENTIAL PRINCIPLES FOR FINANCING COMPANIES IN PROVIDING CREDIT LOANS TO SHOPEE MARKETPLACE CONSUMERS

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Developments in the world of online shopping sites or what is usually called e-commerce are very fast. One e-commerce that is widely used by consumers is Shopee. Shopee has a payment feature in the form of Shopee paylater. Shopee paylater is a payment method similar to conventional bank credit but without a credit card, where Shopee lends money first to consumers who want to buy an item on Shopee. Shopee provides easy conditions for activating Shopee paylater for all its users. However, this convenience can cause problems related to credit risk, namely default.

This research discusses the precautionary principle in Shopee paylater credit agreements. This research method applies normative research methods using a statutory approach which examines theoretical matters, such as laws, statutory regulations and legal principles. The conceptual approach (statue approach) is related to the analysis of the application of the precautionary principle in providing credit loans to Shopee marketplace consumers through legal doctrines and legal theory.

The results of the research show that the application of the precautionary principle in providing shopee credit loans includes 5c analysis, namely character, capacity, capital, collateral and economic conditions. . However, the application of the precautionary principle in providing dishopee credit loans still faces several challenges, such as guaranteeing legal certainty for debtors and guaranteeing the protection of the security of debtors' personal data. Thus, applying the principle of prudence for finance companies in providing credit loans to Shopee marketplace consumers is the key to realizing healthy financial transactions based on the rights and obligations of the parties, both debtors and creditors.

Keywords: *Financing Companies, Prudence Principle, Shopee*