# ABSTRAK

## PERLINDUNGAN HUKUM BAGI KONSUMEN PADA PERJANJIAN BAKU SHOPEE PINJAM

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Perkembangan layanan pinjaman tunai berbasis *P2P Lending* melalui *platform* digital, seperti *Shopee* Pinjam (SPinjam), menghadirkan kemudahan akses pembiayaan sekaligus memunculkan persoalan hukum. Penggunaan kontrak elektronik berbentuk perjanjian baku yang disusun sepihak berpotensi menimbulkan ketidakseimbangan kedudukan para pihak, pelanggaran asas perjanjian, serta lemahnya perlindungan konsumen. Selain itu, pengaturan hukum terhadap pinjaman tunai elektronik di Indonesia masih bersifat parsial, sehingga diperlukan kajian hukum untuk menilai kesesuaian praktik SPinjam dengan prinsip hukum perjanjian dan perlindungan konsumen.

Penelitian ini bertujuan menganalisis keabsahan perjanjian baku *Shopee* Pinjam berdasarkan ketentuan Pasal 1320 KUHPerdata dan asas-asas perjanjian serta mengnalisis aspek perlindungan hukum bagi konsumen terhadap perjanjian baku *Shopee* Pinjam. Penelitian ini merupakan penelitian hukum normatif empiris dengan pendekatan perundang-undangan, konseptual, dan kasus, serta didukung oleh sumber data sekunder dengan menggunakan jenis bahan primer, sekunder dan tersier yang dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa perjanjian baku pemberian fasilitas pinjaman tunai secara elektronik pada *Shopee* Pinjam secara formal telah memenuhi syarat sah perjanjian sebagaimana diatur dalam Pasal 1320 KUHPerdata dan ketentuan transaksi elektronik. Namun, secara substantif, penggunaan mekanisme *click-wrap agreement* yang disusun sepihak menimbulkan ketidakseimbangan kedudukan para pihak dan berpotensi menyimpang dari asas kebebasan berkontrak, asas keseimbangan, dan asas itikad baik. Perlindungan hukum konsumen pada prinsipnya telah diakomodasi melalui instrumen preventif dan represif berdasarkan Undang-Undang Perlindungan Konsumen, tetapi implementasinya belum optimal sehingga diperlukan penguatan pengaturan dan pengawasan untuk menjamin kepastian dan keadilan hukum.



**Kata Kunci: Perlindungan Hukum, Perjanjian Baku, *Shopee* Pinjam.**

# *ABSTRACT*


## *LEGAL PROTECTION FOR CONSUMERS IN SHOPEE LOAN STANDARD AGREEMENTS*

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*The development of P2P Lending-based cash loan services through digital platforms, such as Shopee Pinjam (SPinjam), provides easy access to financing but also raises legal issues. The use of electronic contracts in the form of unilateral standard agreements has the potential to create an imbalance between the parties, violate the principles of agreement, and weaken consumer protection. Furthermore, legal regulations governing electronic cash loans in Indonesia are still partial in nature, necessitating a legal review to assess the compliance of SPinjam's practices with the principles of contract law and consumer protection.*

*This study aims to analyze the validity of Shopee Pinjam's standard agreement based on the provisions of Article 1320 of the Civil Code and the principles of agreement, as well as to analyze the aspects of legal protection for consumers against Shopee Pinjam's standard agreement. This research is a normative empirical legal study with a legislative, conceptual, and case approach, supported by secondary data sources using primary, secondary, and tertiary materials analyzed qualitatively.*

*The results of the study show that the standard agreement for providing electronic cash loans on Shopee Pinjam formally meets the requirements for a valid agreement as stipulated in Article 1320 of the Civil Code and electronic transaction provisions. However, substantively, the use of a click-wrap agreement mechanism that is unilaterally drafted creates an imbalance between the parties and has the potential to deviate from the principles of freedom of contract, balance, and good faith. Consumer legal protection has, in principle, been accommodated through preventive and repressive instruments based on the Consumer Protection Law, but its implementation has not been optimal, so it is necessary to strengthen regulations and supervision to ensure legal certainty and justice.*


***Keywords*: Legal Protection, Standard Agreements, Shopee Pinjam.**