ABSTRAK

ANALISIS YURIDIS GUGATAN PERBUATAN MELAWAN HUKUM TERHADAP BANK BRI ATAS PENDEBETAN REKENING SECARA SEPIHAK
(Studi Putusan Nomor 20/PDT/2025/PT TJK)

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Perbankan memiliki peran penting dalam menjaga kepercayaan masyarakat sebagai lembaga penyimpan dana. Namun, praktik pendebetan rekening secara sepihak oleh bank dapat menimbulkan persoalan hukum terkait perlindungan hak nasabah. Penelitian ini membahas dasar pertimbangan hakim dalam memutus gugatan perbuatan melawan hukum terhadap Bank BRI atas pendebetan rekening secara sepihak dalam Putusan Nomor 20/PDT/2025/PT TJK, serta mengkaji akibat hukum yang timbul bagi para pihak sebagai konsekuensi dari putusan tersebut.

Metode yang digunakan dalam penelitian ini adalah metode yuridis normatif dengan pendekatan kasus. Data dikumpulkan melalui studi kepustakaan yang mencakup peraturan perundang-undangan, putusan pengadilan, doktrin hukum, serta literatur yang berkaitan dengan perbuatan melawan hukum dan hukum perbankan. Analisis dilakukan secara kualitatif dengan menelaah dasar pertimbangan hakim serta penerapan norma hukum yang dijadikan acuan dalam memutus perkara.

Hasil penelitian menunjukkan bahwa tindakan pendebetan rekening yang dilakukan oleh Bank BRI tidak memenuhi unsur-unsur perbuatan melawan hukum. Majelis hakim menilai bahwa pendebetan tersebut dilakukan berdasarkan perjanjian elektronik yang sah dan mengikat antara bank dan nasabah. Oleh karena unsur-unsur perbuatan melawan hukum tidak terpenuhi, maka Putusan Pengadilan Tinggi Tanjungkarang menguatkan putusan tingkat pertama yang menegaskan bahwa gugatan ditolak untuk seluruhnya tanpa adanya kewajiban ganti rugi bagi Bank BRI.

Kata Kunci: Perbuatan Melawan Hukum, Bank, Pendebetan Rekening Sepihak

ABSTRACT

JURIDICIAL ANALYSIS OF LAWSUIT AGAINST UNLAWFUL ACTS TOWARD BRI BANK FOR UNILATERAL ACCOUNT DEBITING (A CASE STUDY OF DECISION NUMBER 20/PDT/2025/PT TJK)

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Banking plays an essential role in maintaining public trust as an institution responsible for safeguarding public funds. However, the practice of unilateral account debiting by banks may give rise to legal issues concerning the protection of customers' rights. This study examines the legal reasoning of judges in adjudicating a claim of unlawful act against Bank BRI concerning unilateral account debiting, as reflected in Decision Number 20/PDT/2025/PT TJK, and analyzes the legal consequences arising for the parties as a result of the said decision.

This research employs a normative juridical method with a case approach. Data were collected through library research, including statutory regulations, court decisions, legal doctrines, and relevant literature related to unlawful acts and banking law. The analysis was conducted qualitatively by examining the judges' legal considerations and the application of legal norms used as the basis for adjudicating the case.

The results of the study indicate that the account debiting carried out by Bank BRI does not fulfill the elements of an unlawful act. The panel of judges considered that the debiting was conducted based on a valid and binding electronic agreement between the bank and the customer. Consequently, since the elements of an unlawful act were not fulfilled, the Tanjungkarang High Court upheld the decision of the court of first instance, affirming that the claim was entirely dismissed and that Bank BRI was not subject to any obligation to provide compensation.

Keywords: Unlawful Act, Bank, Unilateral Account Debit.