

ABSTRAK

Seiring perkembangan zaman, muncul inovasi baru dalam hal alat pembayaran berupa uang elektronik (e-money) yang memiliki keunikan tersendiri dan sangat berbeda dengan alat pembayaran menggunakan kartu lainnya. Hal ini dikarenakan electronic value pada e-money disimpan secara elektronik di dalam kartu (stored value). Electronic value tersebut digunakan sebagai alat pembayaran, namun bukan merupakan simpanan sebagaimana diatur dalam Undang-Undang Perbankan. Sehingga electronic value tersebut tidak dijamin oleh Lembaga Penjaminan Simpanan (LPS). Penggunaan e-money masih menyimpan kelemahan-kelemahan dan rentan disalahgunakan. Sehingga menimbulkan ketidakpastian hukum yang merugikan pemegang kartu e-money, utamanya kartu e-money yang diterbitkan oleh bank. Tujuan dari penelitian ini adalah menghasilkan pemahaman lengkap mengenai perlindungan hukum bagi nasabah pemegang kartu e-money yang diterbitkan oleh bank dan menjawab dua rumusan masalah dari penelitian, yaitu mengenai hubungan hukum para pihak dalam transaksi e-money yang diterbitkan oleh bank dan upaya hukumnya ditinjau dari peraturan perundang-undangan yang berkaitan dengan permasalahan. Berdasarkan hasil kajian yang dilakukan terhadap rumusan masalah, hubungan hukum terjadi antara bank penerbit, pemegang kartu e-money, dan merchant. Bentuk pengaturan hukum terhadap uang elektronik diatur dalam PBI Nomor 11/12/PBI/2009, PBI Nomor 16/8/PBI/2014, PBI Nomor 18/17/PBI/2016 tentang Uang Elektronik dan melalui perjanjian baku dalam perjanjian penerbitan kartu e-money. Upaya hukum bagi pemegang kartu e-money diperoleh dari upaya hukum preventif dan represif.

Keywords: Electronic Money, Pemegang Kartu E-Money, Bank, Perlindungan Hukum

ABSTRACT

Along with the times, there is new innovation in terms of payment instrument in the form of electronic money or e-money which is very unique and has differently characteristics from debit card, credit card, or other card payment instruments. This is because the electronic value of e-money itself stored electronically in the card named stored value. Electronic value is used as instrument of payment, but not likely deposit as stipulated in the Banking Act. Therefore, when the issuing bank got bankrupt, the electronic value is not guaranteed by the Deposit Insurance Agency. Electronic Money which is a new innovation made by human which using technology to be conducted as payment instrument has weaknesses and vulnerable to abuse the cardholder, so that it rise to legal uncertainty detrimental to e-money cardholder especially e-money which issued by bank. The purpose of this research is to produce a more complete understanding of legal protection for e-money cardholder issued by bank and to answer two problem statement which are that the legal relations of the parties in transaction of e-money issued by the bank and the legal effort of e-money cardholder issued by bank, based on regulations relating to these issues. Based on the analysis of two problem statement, showed that legal relationship occurs between the issuing bank, e-money cardholder, and merchant. The regulations against electronic money stipulated on Law Number 8 Year 1999 about Consumer Protection, Bank Indonesia Regulation Number 11/12/PBI/2009, Bank Indonesia Regulation Number 16/8/PBI/2014, Bank Indonesia Regulation Number 18/17/PBI/2016 about Electronic Money and issuing agreement between bank and cardholder. The legal effort to get legal protection relating e-money obtained from preventive and repressive legal effort.

Keywords: Electronic Money, E-Money Cardholder, Bank, Legal Protection