

ABSTRAK

Perkembangan era digital telah mendorong inovasi di sektor jasa keuangan melalui Financial Technology (fintech), khususnya dalam bidang pembiayaan dan kredit digital. Fintech lending menjadi salah satu sektor dengan pertumbuhan tercepat di Indonesia karena menawarkan kemudahan, kecepatan, serta efektivitas transaksi keuangan yang tidak terbatas oleh ruang dan waktu. PT Commerce Finance dan PT Shopee International Indonesia, di bawah pengawasan Otoritas Jasa Keuangan (OJK), bekerja sama menghadirkan inovasi berupa Shopee Pay Later. Fasilitas ini merupakan pinjaman berbasis teknologi dengan skema pembayaran tertunda serta promosi bunga 0% untuk pinjaman awal dalam jangka waktu 30 hari. Dalam praktiknya, perjanjian Shopee Pay Later menggunakan perjanjian baku sebagaimana diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Namun demikian, perjanjian tersebut memiliki kelemahan karena tidak memuat klausula yang secara tegas mengatur tanggung jawab pengembalian pinjaman apabila debitur meninggal dunia. Kondisi ini menimbulkan ketidakpastian hukum, mengingat berdasarkan Pasal 833 ayat (1) Kitab Undang-Undang Hukum Perdata, kewajiban utang debitur tidak hapus karena kematian, melainkan beralih kepada ahli waris. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Bahan hukum dikumpulkan melalui studi kepustakaan dan dianalisis secara deskriptif-analitis. Hasil penelitian menunjukkan bahwa tanggung jawab pengembalian pinjaman Shopee Pay Later tetap melekat dan dibebankan pada harta peninggalan debitur sebagaimana diatur dalam Kitab Undang-Undang Hukum Perdata. Namun, perlindungan hukum bagi kreditur belum optimal karena tidak adanya klausula khusus yang mengatur akibat hukum kematian debitur. Oleh karena itu, penerapan asuransi kredit direkomendasikan sebagai bentuk perlindungan hukum preventif guna memberikan kepastian hukum bagi kreditur sekaligus melindungi ahli waris dari risiko beban utang yang berkepanjangan.

Kata Kunci: Klausula, kematian debitur, Shopee Pay Later.

ABSTRACT

The development of the digital era has driven innovation in the financial services sector through Financial Technology (fintech), particularly in the field of digital financing and credit. Fintech lending has become one of the fastest-growing sectors in Indonesia due to its advantages of fast, easy, effective financial transactions that are not limited by space and time. PT. Commerce Finance and PT. Shiopee International Indonesia, under the supervision of the Financial Services Authority (OJK), have collaborated to create a new innovation, namely Shopee Pay Later. The facility offered is a technology-based loan with a deferred payment scheme and a zero percent interest promotion on initial loans within a period of 30 days. In practice, the Shopee Pay Later agreement uses a standard agreement as stipulated in Law Number 8 of 1999 concerning Consumer Protection. However, the agreement has a weakness in that it does not include a clause that explicitly regulates the responsibility for loan repayment in the event of the debtor's death. This condition causes legal uncertainty, considering that based on Article 833 paragraph (1) of the Civil Code, the debtor's debt obligation is not extinguished due to death but becomes the responsibility of the heirs. This study uses a normative legal research method with a legislative and conceptual approach. Legal materials were collected through literature study with descriptive-analytical analysis. The results show that the responsibility for repaying Shopee PasyLater loans remains attached to and charged to the debtor's estate as stipulated in the Civil Code. However, legal protection for creditors is not yet optimal due to the absence of specific clauses regarding the legal consequences of the debtor's death. Therefore, the application of credit insurance is recommended as a form of preventive legal protection to provide legal guarantees for creditors and protect heirs from the risk of prolonged debt burdens.

Keywords: *Clause, Debtor death, Shopee Pay Later*