

Abstract

Pawnshops constitute one of the alternative financing institutions widely used by the public due to their simple and fast procedures. However, many pawn businesses still operate without official licenses, which may cause losses to customers and create legal issues. This study aims to analyze the development of pawnshop regulations in Indonesia, the rights and obligations of the parties in pawn agreements, and the forms of legal protection for customers in pawn transactions conducted by unlicensed pawn businesses.

This research employs a normative legal research method with a statutory approach. The data were obtained through library research using primary, secondary, and tertiary legal materials, which were then analyzed qualitatively.

The results of the study indicate that the development of pawnshop regulations, particularly through Financial Services Authority Regulation Number 39 of 2024 on Pawnshops, provides a stronger legal foundation for supervision and consumer protection. The rights and obligations of the parties in pawn agreements must be carried out in accordance with applicable laws and regulations. Legal protection for customers against unlicensed pawn businesses may be pursued through civil legal remedies, consumer protection mechanisms, and supervision by the Financial Services Authority.

Keywords: *Pawnshop, Pawn Agreement, Legal Protection, Unlicensed Pawnshops, Financial Services Authority.*

Abstrak

Usaha pergadaian merupakan salah satu alternatif pembiayaan yang banyak dimanfaatkan masyarakat karena prosedurnya yang mudah dan cepat. Namun, masih banyak usaha pergadaian yang beroperasi tanpa izin, sehingga berpotensi merugikan nasabah dan menimbulkan permasalahan hukum. Penelitian ini bertujuan untuk menganalisis perkembangan regulasi usaha pergadaian di Indonesia, hak dan kewajiban para pihak dalam perjanjian gadai, serta bentuk perlindungan hukum bagi nasabah dalam transaksi gadai pada usaha pergadaian yang tidak berizin. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan. Data diperoleh melalui studi kepustakaan yang bersumber dari bahan hukum primer, sekunder, dan tersier, kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa perkembangan regulasi usaha pergadaian, khususnya melalui Peraturan Otoritas Jasa Keuangan Nomor 39 Tahun 2024 tentang Pergadaian, memberikan dasar hukum yang lebih kuat dalam pengawasan dan perlindungan konsumen. Hak dan kewajiban para pihak dalam perjanjian gadai harus dilaksanakan sesuai dengan ketentuan hukum yang berlaku. Pelindungan hukum bagi nasabah terhadap usaha pergadaian tidak berizin dapat dilakukan melalui mekanisme hukum perdata, perlindungan konsumen, serta pengawasan oleh Otoritas Jasa Keuangan.

Kata Kunci: Pergadaian, Gadai, Pelindungan Hukum, Pergadaian Tidak Berizin, OJK.