



Content Creator Legal Ability For Submit Banking Credit Agreement in Indonesia

Sandy Victor Hukunala, Faculty of Law Indonesian Christian University in The Molluccas, Ambon, Indonesia, Email : sandyhukunala09@gmail.com

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Info Artikel Keywords : <i>Content Creator; Agreement Law; Legally Capable; Banks Credit.</i>	Abstract Introduction: Advances in information technology and digitization bringing up a new job profession called Content Creator. To support the quality of their work, content creators need equipment. The need for this equipment is often become content creator challenge. One way that can be done is to apply for credit to the bank. The problem arises when the profession of a content creator has not been considered "legally capable" by the bank to submit for credit. Purposes of the Research: The purpose of this research is to prove that content creators are legally capable of submitting for credit agreements on banks because they have fulfilled the legal provisions of the agreement law and the principle of prudence of the bank. This research also aims to contribute science, especially to the field of agreement law. Methods of the Research: This research used normative legal, which reviews and analyzes. The approach methods used are the statute approach and the conceptual approach. The source of legal materials and data from previous research or related scientific articles. Legal and data material collection techniques are the study of documents or literature. The data analysis method used is data collection, presentation of data (data display), and conclusion verification. Results / Findings / Novelty of the Research: Adult content creators must be recognized as legally capable of performing credit agreements with banks, because the credit agreement does not conflict with the legal aspects of agreement law and it fulfill the subjective and objective elements. In addition, banks with the principle of prudence (6C) can certainly analysis both legally and business aspects and knowing the feasibility and purpose of credit application from content creator.	
Kata Kunci : <i>Pembuat Konten, Hukum</i>	Abstrak <i>Pengantar : Kemajuan teknologi informasi dan digitalisasi memunculkan profesi pekerjaan baru yang disebut Content</i>	

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Creator. Untuk mendukung kualitas karyanya, pembuat konten membutuhkan peralatan. Kebutuhan akan peralatan ini seringkali menjadi tantangan bagi para pembuat konten. Salah satu cara yang bisa dilakukan adalah dengan mengajukan kredit ke bank. Masalah muncul ketika profesi content creator belum dianggap 'mampu secara hukum' oleh bank untuk mengajukan kredit. Tujuan Penelitian: Tujuan dari penelitian ini adalah untuk membuktikan bahwa pembuat konten secara hukum cakap untuk mengajukan perjanjian kredit pada bank karena telah memenuhi ketentuan hukum undang-undang perjanjian dan prinsip kehati-hatian bank. Penelitian ini juga bertujuan untuk memberikan sumbangan ilmu pengetahuan khususnya bidang hukum perjanjian. Metode Penelitian: Penelitian ini menggunakan hukum normatif, yaitu tinjauan dan analisis. Metode pendekatan yang digunakan adalah pendekatan undang-undang dan pendekatan konseptual. Sumber bahan hukum dan data dari penelitian sebelumnya atau artikel ilmiah terkait. Teknik pengumpulan bahan hukum dan data adalah studi dokumen atau kepustakaan. Metode analisis data yang digunakan adalah pengumpulan data, penyajian data (data display), dan verifikasi kesimpulan. Hasil / Temuan / Kebaruan Penelitian: Pembuat konten dewasa harus diakui secara hukum mampu melakukan perjanjian kredit dengan bank, karena perjanjian kredit tidak bertentangan dengan aspek hukum undang-undang perjanjian dan memenuhi unsur subjektif dan objektif. Selain itu, bank dengan prinsip kehati-hatian (6C) tentunya dapat menganalisis baik aspek legal maupun bisnis serta mengetahui kelayakan dan tujuan pengajuan kredit dari content creator.

1. INTRODUCING

The development of information technology and digitalization in this era has entered all aspects of human life both in the social, economic, and cultural fields. People who do not have proficiency in information technology will be displaced by civilization.¹ In addition, competition in the world of work and the business world is very competitive causing many people to find alternative jobs to meet the needs of life.²

One of the positive impacts of advances in information technology and digitization is giving birth to a new job profession called Content Creator. Content Creator is a profession that creates content either in the form of writing, images, videos, sounds or a combination of two or more materials made for media, especially digital media such as YouTube, Instagram, Facebook, Blogger and various other social media platforms.³ Content or material created by a Content Creator usually includes information in various fields, such as

¹ Suarti, A.Muh Ali, Faslia & Kamarudin, "Pemberdayaan Media Pembelajaran Melalui Content Creator SDN Kota Baubau ". Jurnal Pengabdian Kepada Masyarakat Membangun Negeri 4, no.1 (2020): 134-139. <https://doi.org/10.35326/pkm.v4i1.516>

² Nur Hasanatul Faizah, Moh. Syaful Suib, "UMKM Dalam Persaingan Globalisasi Ekonomi". Jurnal Upajiwu Dewantara. 3, no.2 (2019): 127-135. <https://doi.org/10.26460/mmud.v3i2.4378>

³ Yusti Amelia Sundawa, Wulan Trigartanti, "Fenomena Content Creator di Era Digital". Prosiding Hubungan Masyarakat 2, (2017) : 438-443. <http://dx.doi.org/10.29313/.v0i0.11408>

for educational purposes, promotion, business, work and others.⁴ From the creation of content or material that then the content creators then get income both from clients who use their services and from commissions such as google adsense.⁵

To support the quality of their work, so that the content or material produced is good and enjoyed by people, content creators usually need equipment or often called gear sets such as cameras, laptops, mobile phones, lighting and others.⁶ Content or material that is made with good quality visually will certainly attract more readers or viewers and clients who want to use their services and directly affect the content creator's own revenue.⁷ The need for equipment or gear sets is often a challenge so that many content creators who actually have good human resources choose to stop producing content and information.

The challenges experienced by content creators related to equipment needs can certainly be solved with sufficient financial support. In addition to being able to find investors, one way that a content creator can do to get access to capital is to apply for credit to the bank. The problem that then arises is when the profession of a content creator has not been considered "legally capable" by the bank to apply for credit. In fact, many content creators whose income reaches millions of rupiah every month.⁸ In addition, when viewed from the legal aspect of the agreement, the application for credit to the bank by the content creator does not conflict with the terms of the validity of the agreement in section 1320 of the Civil Law Code.

This research is different from other scientific studies or articles that discuss content creators. Because this research focuses on the legal ability of a content creator to perform credit agreements with banks from the legal aspects of the agreement. The novelty of this study can also be proven in the absence of research that authored the same problem. Therefore, this research aims to contribute science, especially from the legal aspect of agreement. So, it can help provide information and legal understanding to content creators who want to submit for credit to the banks.

2. Method

The type of research that used in this research is normative legal research that focuses on doctrinal law, which reviews and analyzes the provisions of applicable laws and regulations relating to the issues being examined.⁹ The approach methods used are the statute approach and the conceptual approach.¹⁰ The source of legal materials and data comes from previous research or related scientific articles. Legal and data material collection techniques are the study of documents or literature. The data analysis method used is miles and heberman analysis which includes, data collection, presentation of data (data display), and conclusion verification.¹¹

⁴ Ibid.

⁵ Deborah Lois, Diah Ayu Candraningrum, "Personal Branding Content Creator Di Media Sosial". *Jurnal Koneksi* 5, no.2 (2021) : 329-337. <http://dx.doi.org/10.24912/kn.v5i2.10331>

⁶ Ibid.

⁷ Saputri, F. H., Tullah, R. & Koswara, D. A, "Pembuatan Dokumenter Mengenai Keberhasilan Pemanfaatan Youtube Sebagai Mata Pencapaian Melalui Konten Kreatif ". *Jurnal Sisfotek Global* 10, no.2 (2020): 12-17. <http://dx.doi.org/10.38101/sisfotek.v10i2.292>

⁸ Angelika, Setyanto. "Media Sosial dalam Pembentukan Personal Branding (Studi Pada Instagram Alberta Claudia)". *Jurnal Prologia* 3, no.1 (2019) : 274-282. <http://dx.doi.org/10.24912/pr.v3i1.6251>

⁹ Bachtiar, Metode Penelitian Hukum. (Tangerang Selatan: Unpam Press, 2018), p. 68-87

¹⁰ Timotiu, K. H., Pengantar Metodologi Penelitian. (Yogyakarta: CV Andi Offset, 2017), p.44-46

¹¹ Sugiyono. *Metode Penelitian Kuantitatif, Kualitatif, dan Kombinasi (Mixed Methods)*. (Bandung: Alfabeta, 2015), p. 24-30

3. Result and Discussion

3.1. Defenition of Content Creator

In a large dictionary Indonesian, the meaning of the word "content" is information available through electronic media or products. While "creator" means creator or originator of ideas. Content creators were born from the website trend that first appeared in 1991 by Sir Timothy John and Tom Barners-Lee, at that time there was still no social media that we know today, people create articles and content only through personal blogs, sites and forums.¹² Media is still limited to accommodate the aspirations and content created when compared to today, we are presented with interesting content with the emergence of various social media platforms.

Content creator is the activity of disseminating information that is transformed into an image, video and writing or referred to as a content, which then the content is disseminated through various digital platforms, content or material produced has educational or entertainment value in it.¹³ Later, the material will be adjusted to the desires and interests of each audience. The tasks of the content creator are:

1. Collect ideas and data.
2. Do the research.
3. Create the concept of a content that matches the desired identity and branding.
4. Fulfill the agreed objectives of a content. For example, the purpose of promotion, education, entertainment or information.
5. Customize content with the selected platform. f. Evaluate the content that has been served.¹⁴

3.2. Content Creator From The Legal Aspects of The Agreement Law

An agreement is an act of law, and one who can do legal deeds is certainly a subject of law or a capable person according to the law.¹⁵ The person referred to in the ability to act as a subject of law, that is, everything that according to the law has rights and obligations so that it has the authority to do or do an act.¹⁶

A person's ability to act within the law or to perform legal acts is determined from having or not that person is said to be an adult according to the law. A person's maturity is a benchmark in determining whether a person can or has not been said to be capable of acting to do a legal act.¹⁷ A capable person is a person who has matured according to the law and is intelligent.

To become a content creator, the first thing to do is create an e-mail that will be used as an identity to create an account on social media platforms. E-mail is also used as a means of communication and synchronization of various digital payments (digital payments) such as google adsense, PayPal and others.¹⁸ Google itself as a large company whose services are

¹² Yakaterina Fomicheva. "Analysis of Content Creation in Social Media by B2B Companies". Magister Thesis. Oulu Business School, University of Oulu. 2015

¹³ Sundawa, Trigartanti, Op.Cit. Fenomena Content Creator di Era Digital. 438-443

¹⁴ Putu .K.Larasati, Kashira .D. Kartika, Avivah .S. Rahayu, Putri Khairunisa, Nyoman .L. Julianto. "Efektifitas Content Creator Dalam Strategi Promosi di Era Digital". Seminar Nasional Desain 1,(2021): 1-8.

¹⁵ Niru Anita Sinaga. "Implementasi Hak Dan Kewajiban Para Pihak Dalam Hukum Perjanjian". Jurnal Ilmiah Hukum Dirgantara 10, no.1 (2019) : 1-20. <https://doi.org/10.35968/jh.v10i1.400>

¹⁶ *Ibid.*

¹⁷ Nurkholis, "Penetapan Usia Dewasa Cakap Hukum Berdasarkan Undang-Undang Dan Hukum Islam". Jurnal Yudisia 8, no.1 (2017) : 76-91. <http://dx.doi.org/10.21043/yudisia.v8i1.3223>

¹⁸ Anhar Mawarsih, "Pengaruh Electronic Mail Sebagai Media Komunikasi Terhadap Mengerjakan Tugas Kuliah Mahasiswa". Ejournal Ilmu Komunikasi 2, no.1 (2014) : 335-348.

widely used, also put an age limit for account registration in various products, such as Youtube, Google Adesense, Google Payment and others.¹⁹ So, content creators who will create an account on social media platforms such as Youtube, Facebook or Instagram are required to be mature or considered adults according to applicable law.

Then, from the legal aspect of the agreement, according to article 1320 of the Civil Code the legal terms of a treaty are the existence of agreements, the ability to do deeds, certain objects and a halal cause.²⁰ Judging from these four conditions, the credit agreement between content creator (human) and banking (business entity) certainly meets the conditions in question and can be done. First, if the credit agreement is implemented, of course there is an agreement that regulates the rights and obligations of both parties in terms of the amount of credit received by the content creator and the principal payment of installments accompanied by interest received by the bank.

Second, about the ability of a content creator both in terms of law and feasibility based on the precautionary principle of bank 6C, namely, character, capacity, capital, condition of economy, collateral and constraint.²¹ In terms of law, who can apply for credit agreements to banks is a content creator or debtor who has matured according to the law. In terms of eligibility by applying the precautionary principle of 6C, of course, banks can analyze content creators. For example, related to the element of capacity and capital, namely by looking at the development and growth of accounts or channels belonging to the content creator. Related to the condition of economy, banks can certainly check bank accounts to see how cash flow is especially related to income (income) from content creators.

Third, the terms of a particular object. According to the author who can be the object of the credit agreement between the content creator and the bank, of course, the agreement or credit agreement itself. In addition, if the nominal credit is large enough of course collateral (collateral) from the content creator can be used as the object of the agreement. But according to the author, there is one more that can be used as the object of the agreement, namely channels or accounts belonging to content creators that have developed and crowded traffic (viewer, follower, subscriber etc). Regarding the object of the last agreement, namely channels or accounts belonging to content creators, the bank can make an additional agreement (accessoir) containing joint ownership and full access to the channel or account during the term of the credit agreement. This is to make it easier for banks to monitor the activities and productivity of content creators as debtors.

Fourth, the condition of a lawful cause. According to the authors, the credit agreement between the content creator and the bank is a valid agreement according to the law and does not conflict with public order, decency and law. Unless, content or material from the channel or account content creator contains elements of pornography, hate speech related to SARA or lies (hoax). However, as long as the content or material presented by content creators is creative and positively useful for the community, then the government in this case the banking world should support it.

¹⁹ *Ibid.*

²⁰ Devi Kumalasari, Dwi Wachidiyah Ningsih. "Syarat Sahnya Perjanjian Tentang Cakap Bertindak Dalam Hukum Menurut Pasal 1320 KUH Perdata". *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 7, no.2 (2018) : 119-127. <https://doi.org/10.55129/jph.v7i2.725>

²¹ Lukmanul Hakim, Eka .T. Oktaria, "Prinsip Kehati-hatian Pada Lembaga Perbankan Dalam Pemberian Kredit". *Jurnal Keadilan Progresif : Fakultas Hukum Universitas Bandar Lampung* 9, no.2 (2018): 164- 176. <https://doi.org/10.21107/ri.v13i1.4032>

4. CONCLUSION

A content creator who has matured according to the law, must be recognized as legally capable of doing a legal act, such as performing a credit agreement with a bank. This is characterized by content creator credit agreements and banking will not conflict with the legal aspects of the agreement and the legal terms of the agreement in the Civil Code, meaning that it has met the subjective and objective elements specified. In addition, if you look at the principle of prudence 6C in banking in giving credit approval, it certainly opens the opportunity for banks to analyze both legally and business against content creators who want to do credit. So that the bank can know the feasibility and purpose of the credit application is done..

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