

ABSTRAK

Pada perjanjian kredit di PT. Bank Perkreditan Rakyat Kenaca Mandiri Kota Jambi yang telah disetujui oleh kedua belah pihak dimana pihak debitur wajib melunasi utangnya pada jangka waktu tertentu dengan pemberian bunga, namun dalam praktiknya pihak debitur tidak melaksanakan sesuai isi perjanjian kredit yang telah disepakati bersama sehingga menyebabkan wanprestasi meskipun dalam perjanjian kredit tersebut telah memakai jaminan hak tanggungan. Skripsi ini bertujuan untuk mengetahui dan menganalisis penyebab terjadinya wanprestasi akibat perjanjian kredit dengan jaminan hak tanggungan di PT. Bank Perkreditan Rakyat Kencana Mandiri Kota Jambi, serta untuk mengetahui dan menganalisis penyelesaian wanprestasi bagi kreditur dalam perjanjian kredit dengan jaminan hak tanggungan di PT. Bank Perkreditan Rakyat Kencana Mandiri Kota Jambi. Tipe penelitian yang digunakan adalah penelitian hukum Empiris dengan sifat penelitian deskriptif, data primer yang bersumber dari wawancara dengan 7 nasabah dengan kredit macet sebagai narasumber utama dan 5 pegawai PT. Bank Perkreditan Rakyat Kencana Mandiri Kota Jambi sebagai informan, serta studi dokumen dengan mempelajari perjanjian kredit antara nasabah dengan BPR Kencana Mandiri Kota Jambi. Skripsi ini menyimpulkan bahwa wanprestasi sering terjadi karena 3 faktor, berdasarkan faktor eksternal bank yaitu adanya maksud itikad tidak baik dari para debitur yang diragukan; musibah atau kegagalan usaha, dalam penelitian ini musibah yang terjadi karena kebakaran rumah debitur. Faktor kedua adalah faktor internal bank yaitu kurang adanya pengetahuan dan keterampilan para pengelola kredit; lemahnya organisasi dan manajemen dari bank yang bersangkutan. Faktor ketiga adalah faktor yang berasal dari nasabah yaitu nasabah menyalahgunakan kredit yang diperoleh setiap kredit; nasabah kurang mampu mengelola usaha; nasabah beritikad tidak baik. Jika kredit macet/wanprestasi itu terjadi, PT. Bank Perkreditan Rakyat Kencana Mandiri Kota Jambi melakukan eksekusi barang jaminan apabila sampai batas waktu kelonggaran habis tidak dindahkan oleh debitur yang wanprestasi melalui KPKNL atau menjual secara bawah tangan atas kesepakatan bank selaku kreditur dengan debitur.

Kata Kunci: Wanprestasi, Perjanjian Kredit, Jaminan Hak Tanggungan

ABSTRACT

In the credit agreement at PT. Bank Perkreditan Rakyat Kenaca Mandiri Jambi City which has been agreed by both parties where the debtor is obliged to pay off his debt at a certain period of time with interest, but in practice the debtor does not carry out according to the contents of the credit agreement that has been mutually agreed upon, causing default even though the credit agreement has used a mortgage guarantee. This thesis aims to determine and analyze the causes of default due to a credit agreement with a mortgage guarantee at PT. Kencana Mandiri People's Credit Bank Jambi City, as well as to determine and analyze the settlement of defaults for creditors in a credit agreement with a mortgage guarantee at PT. Kencana Mandiri People's Credit Bank Jambi City. The type of research used is Empirical legal research with descriptive research characteristics, primary data sourced from interviews with 7 customers with bad credit as the main source and 5 employees of PT. Kencana Mandiri Rural Credit Bank Jambi City as informants, as well as document studies by studying credit agreements between customers and BPR Kencana Mandiri Jambi City. This thesis concludes that defaults often occur due to deliberate intent on the part of the debtor himself, for example, the debtor deliberately does not perform the agreed achievements at the beginning or indeed the debtor is in a situation that does not allow him to perform achievements due to certain things such as economic factors and internal family factors. If bad credit / default occurs, PT Kencana Mandiri People's Credit Bank Jambi City executes collateral if the time limit for leeway expires, it is not heeded by the defaulting debtor through the KPKNL or sells under the hand upon agreement of the bank as the creditor with the debtor. This thesis concludes that defaults often occur due to 3 factors, based on external factors of the bank, namely the existence of bad faith intentions of debtors who are doubtful; disaster or business failure, in this study the disaster occurred because of the debtor's house fire. The second factor is internal bank factors, namely the lack of knowledge and skills of credit managers; weak organization and management of the bank concerned. The third factor is factors originating from the customer, namely the customer misusing the credit obtained by each credit; the customer is less able to manage the business; the customer has bad faith. If bad credit / default occurs, PT Kencana Mandiri People's Credit Bank Jambi City executes collateral if the time limit for leeway expires, it is not heeded by the defaulting debtor through the KPKNL or sells underhand with the agreement of the bank as the creditor with the debtor.

Keywords: Default, Credit Agreement, Mortgage Collateral