ABSTRAK

Tujuan penelitian ini adalah: 1) untuk mengetahui dan menganalisa Pengaturan Tentang Penyelesaian Kredit Macet Pada Perbankan Terhadap Debitur Bermasalah Dalam Perspektif Peraturan Perundang-Undangan di Indonesia 2) Penyelesaian Kredit Macet Menurut Undang-Undang Nomor 10 Tahun 1998 Tentang Perbankan. Metode yang digunakan dalam penelitian ini adalah yuridis normatif dengan pendekatan perundang-undangan, pendekatan konseptual dan pendekatan kasus. Teori yang digunakan yaitu teori kepastian hukum dan Asas Pacta Servanda. Hasil penelitian menunjukkan bahwa: (1) Pengaturan tentang penyelesaian kredit macet pada perbankan terhadap debitur bermasalah dalam perspektif peraturan perundang-undangan di Indonesia, Peraturan Otoritas Jasa Keuangan Republik Indonesia Nomor 40/POJK.03/2019 tentang Penilaian Kualitas Aset Bank Umum mengatur Penggolongan kredit berdasarkan kolektibilitasnya menjadi Kredit Lancar, Kredit Kurang Lancar, Kredit Diragukan dan Kredit Macet, (2) Penyelesaian Kredit Macet Menurut Undang-Undang Nomor 10 Tahun 1998 Tentang Perbankan tindakan penyelematan dan peyelesaian dengan segera dengan cara sebagai berikut: a) Melalui Jalur Non Litigasi, seperti: *Rescheduling* /penjadwalan, *Reconditioning/*persyaratan, *Restructuring/* rekstrukturisasi b) Melalui Jalur Litigasi, Penyelesaian melalui jalur hukum atau melalui bantuan pihak ketiga seperti: Somasi/peringatan diajukan Pengadilan Negeri dan Pengurusan piutang macet melalui Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL), Panitia Urusan Piutang Negara (PUPN). 1) diharapkan adanya Peraturan yang menegaskan bahwa setiap calon debitur wajib mengikuti asuransi kredit apabila pinjaman tidak dapat dikembalikan kepada bank 2) Penyelesaian kredit macet perbankan melalui gugatan sederhana di Pengadilan Negeri solusi yang tepat dalam penyelesaian sengketa kredit macet, perlu pemberdayaan gugatan sederhana ini dalam penyelesaian sengketa kredit macet perbankan dan harus lebih dioptimalkan dengan cepat, murah, dan tepat.

Kata Kunci : Penyelesaian Kredit Macet, Pembiayaan Modal Kerja, dan Debitur Bermasalah.

SETTLEMENT OF BAD CREDIT WORKING CAPITAL FINANCING IN BANKS FOR PROBLEM DEBTORS IN THE PERSPECTIVE OF LEGISLATION IN INDONESIA

ABSTRACT

The purpose of this study are: 1) to find out and analyze the regulations regarding the settlement of bad debts in banks for problem debtors in the perspective of laws and regulations in Indonesia 2) Settlement of bad credit according to Law Number 10 of 1998 concerning Banking. The method used in this research is normative juridical with a statutory approach, conceptual approach and case approach. The theories used are the theory of legal certainty and the Pacta Servanda Principle. The results of the research show that: (1) Regulations regarding the settlement of bad credit in banks for problem debtors from the perspective of laws and regulations in Indonesia, Regulation of the Financial Services Authority of the Republic of Indonesia Number 40/POJK.03/2019 concerning Assessment of Commercial Bank Asset Quality regulates credit classification based on their collectibility into Current Credit, Substandard Credit, Doubtful Credit and Bad Credit, (2) Settlement of Bad Credit According to Law Number 10 of 1998 concerning Banking, immediate rescue and settlement actions are carried out in the following manner: a) Through Non-Litigation Routes, such as: Rescheduling/ scheduling, Reconditioning / requirements, Restructuring/restructuring b) Through Litigation, Settlement through legal channels or through third party assistance such as: Summons/warnings submitted by the District Court and Management of bad debts through the State Property and Auction Service Office (KPKNL), State Receivables Affairs Committee (PUPN). 1) it is hoped that there will be a regulation that confirms that every prospective debtor is obliged to take part in credit insurance if the loan cannot be returned to the bank 2) Settlement of banking bad credit through a simple lawsuit in the District Court is the right solution in resolving bad credit disputes, it is necessary to empower this simple lawsuit in settlement Banking bad credit disputes must be optimized quickly, cheaply and precisely.

Keywords:* *Settlement of Bad Credit, Working Capital Financing, and Problem Debtors.