

Surseance of payment in banking credit agreements during the Covid-19 Pandemic : case study at PT. Bank Negara Indonesia = Penundaan kewajiban pembayaran hutang dalam perjanjian kredit perbankan pada masa Pandemi Covid-19 : studi kasus PT. Bank Negara Indonesia

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Abstrak

Tren individu yang terdampak Covid-19 terus meningkat sejak awal kemunculannya hingga menyebar secara global dan muncul di Indonesia. Salah satu dampak negatif dari Covid-19 adalah debitur kurang mampu membayar kembali hutangnya kepada kreditor. Akibatnya, semakin banyak orang yang mengajukan pailit, terutama di Indonesia yang lebih banyak mengajukan permohonan Penundaan Kewajiban Pembayaran Hutang (surseance of payment). Dalam penelitian ini, penulis bertujuan untuk mengetahui kebijakan surseance of payment dalam perjanjian kredit perbankan dan pelaksanaan surseance of payment selama pandemi Covid-19 di Bank Negara Indonesia (BNI). Penelitian ini menggunakan metode penelitian deskriptif kualitatif dengan jenis data primer dan data sekunder dengan melakukan pengkajian terhadap undang-undang, buku, jurnal dan melakukan wawancara yang berkaitan dengan topik skripsi ini. Hasil penelitian menunjukkan bahwa pemerintah telah menetapkan POJK 11/2020 yang memberikan tambahan enam kanal restrukturisasi bagi debitur terdampak Covid-19 sebagai solusi untuk melunasi hutangnya di masa sulit ini. BNI menerapkan POJK 11/2020 dan memberikan remisi kepada debitur yang tidak mampu melunasi hutangnya akibat pandemi Covid-19. Berdasarkan penelitian yang dilakukan, BNI tidak memprioritaskan PKPU; BNI lebih memilih penyelesaian hutang secara musyawarah antara debitur dan bank. Penulis merekomendasikan BNI untuk tetap menerapkan prinsip-prinsip dasar kebijakan restrukturisasi hutang yang ada saat ini sebagaimana diatur dalam POJK 11/2020, meskipun telah habis masa berlakunya.

.....The trend of individuals affected by Covid-19 has risen steadily since its initial emergence until it spread globally and surfaced in Indonesia. One of the downfalls to Covid-19 is that debtors are less able to repay their creditors for their debts. Consequently, more people are filing for bankruptcy, particularly in Indonesia where there are more requests for PKPUs (surseance of payment). In this research, the author aims to determine the rules and regulations of surseance of payment in banking credit agreements and the implementation of surseance of payment during the Covid-19 pandemic in Bank Negara Indonesia (BNI). This study uses descriptive qualitative research method with primary data and secondary data types by assessing laws, books, journals and conducting interviews related to the topic of this thesis. The findings of this research shows that the government has enacted POJK 11/2020, which provides six additional restructuring canals for debtors affected by Covid-19 as a solution to settle their debts during these hard times. BNI implements POJK 11/2020 and provides remissions to debtors that are unable to settle their debts due to the Covid-19 pandemic. Based on the conducted research, BNI does not prioritize surseance of payment; BNI favors debt resolution through negotiation between the debtor and the bank. The author recommends BNI to continue implementing the fundamentals of the current debt restructuring policy as regulated by POJK 11/2020, despite the expiration of its validity period.