

Efektivitas Pemberlakuan Peraturan Otoritas Jasa Keuangan Nomor 17/POJK.03/2021 Terhadap Kredit Bermasalah Akibat Covid-19 = Effectiveness of the Implementation of POJK Number 17/POJK.03/2021 Regarding Problematic Credit Due to Covid-19

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Abstrak

Di era pandemi Covid-19, layanan kredit menjadi salah satu kegiatan perbankan yang mengalami dampak besar. Debitur yang semula mendapatkan pemasukan secara rutin menjadi terganggu karena kegiatan perekonomian yang lumpuh. Hal inilah yang menyebabkan kolektibilitas kredit menjadi menurun, yang semula lancar bahkan sampai menjadi macet. Kasus gagal bayar meningkat drastis di masa pandemi. Pemerintah melalui Otoritas Jasa Keuangan (OJK) mengeluarkan Peraturan OJK tentang Stimulus Perekonomian Nasional sebagai Kebijakan Countercyclical Dampak Penyebaran Covid-19. Dikeluarkannya peraturan ini ditujukan untuk mendorong optimalisasi kinerja perbankan khususnya fungsi intermediasi, menjaga stabilitas sistem keuangan, dan mendukung pertumbuhan ekonomi. Adapun permasalahan yang diangkat dalam penelitian ini adalah mengenai efektivitas restrukturisasi kredit akibat Covid-19 keberlakuan pasca restrukturisasi dan pelaksanaan stimulus Covid-19 terkait penerapan POJK Nomor 17/POJK.03/2021. Untuk menjawab permasalahan tersebut digunakan metode penelitian hukum adalah yuridis-normatif, yang mengacu pada norma hukum yang terdapat dalam peraturan perundang-undangan serta norma-norma yang berlaku dan mengikat masyarakat. Hasil analisa adalah berlakunya POJK No.17/POJK.03/2021 terbukti efektif untuk menurunkan restrukturisasi kredit berdasarkan analisa kredit yang dilakukan terhadap Bank Mandiri, BNI, BCA, dan Bank DBS Indonesia. Kemudian juga dianalisa dengan menggunakan Teori Economic Analysis of Law yang menggunakan tiga konsep yaitu nilai, efisiensi, dan utilitas.

.....In the era of the Covid-19 pandemic, credit services are one of the banking activities that is experiencing a major impact. Debtors who previously received regular income were disrupted because economic activities were paralyzed. This is what causes credit collectibility to decline, which was originally smooth and even becomes stuck. Cases of default have increased dramatically during the pandemic. The government, through the Financial Services Authority (OJK), issued an OJK Regulation concerning National Economic Stimulus as a Countercyclical Policy for the Impact of the Spread of Covid-19. The issuance of this regulation is aimed at encouraging the optimization of banking performance, especially the intermediation function, maintaining financial system stability and supporting economic growth. The problem raised in this research is regarding the effectiveness of credit restructuring due to Covid-19, its post-restructuring implementation and the implementation of the Covid-19 stimulus related to the implementation of POJK Number 17/POJK.03/2021. To answer these problems, legal research methods are used, namely juridical-normative, which refers to legal norms contained in laws and regulations as well as norms that apply and bind society. The results of the analysis are that the enactment of POJK No.17/POJK.03/2021 has proven effective in reducing credit restructuring based on credit analysis carried out on Bank Mandiri, BNI, BCA and Bank DBS Indonesia. Then it is also analyzed using the Economic Analysis of Law Theory which uses three concepts, namely value, efficiency and utility.