

Alternatif penyelesaian kredit macet pada bank pemerintah melalui eksekusi objek jaminan kredit di Direktorat Jenderal Kekayaan Negara (analisis di Kantor Wilayah V Direktorat Jenderal Kekayaan Negara Bandar Lampung)

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Abstrak

Pada lembaga keuangan perbankan, kredit macet merupakan persoalan serius. Salah satu upaya bank untuk menanggulangi kredit macet tersebut dengan melakukan penyelesaian secara damai berdasarkan kesepakatan antara bank dengan debitor yang masih mempunyai itikad baik dalam menyelesaikan pinjamannya, Alternatif penyelesaian kredit macet secara paksa dapat dilakukan dengan jalan menyerahkan piutang-piutang negara tersebut kepada Pengadilan negeri untuk dimintakan upaya eksekusi atas objek jaminan kredit atau menyerahkan permasalahan kredit melalui lelang oleh DJKN. Lelang eksekusi Hak Tanggungan yang dimintakan oleh pemegangnya sangat jarang terjadi, hal ini karena terkadang sulitnya proses pengosongan objek lelang serta keengganan dari pemohon lelang untuk membuat surat pernyataan bersedia bertanggung jawab apabila timbul gugatan, yang sering menjadi permasalahan adalah jika objek lelang ternyata adalah milik pihak ke tiga sehingga objek tidak dapat dilakukan lelang eksekusi.

Tesis ini membahas tentang alternatif penyelesaian kredit macet melalui eksekusi objek Hak Tanggungan di Direktorat Jenderal Kekayaan Negara dengan studi kasus di Kantor Wilayah V DJKN Bandar Lampung. Penulis berkesimpulan bahwa penyelesaian kredit macet melalui eksekusi objek jaminan kredit di Direktorat Jenderal Kekayaan Negara telah banyak membantu dalam menyelesaikan permasalahan kredit macet. Hal ini dikarenakan penyelesaian masalah kredit macet melalui lelang lebih cepat dan efektif.

Metode penelitian yang digunakan adalah kepustakaan bersifat yuridis normatif dengan cara mempelajari berbagai literatur dan peraturan perundangan yang berkaitan dengan penelitian ini, hasil penelitian dituangkan dalam simpulan berbentuk Deskriptif Analistis dengan harapan dapat menjadi rekomendasi untuk meningkatkan minat masyarakat untuk memanfaatkan jasa lelang dalam menyelesaikan masalah kredit macet serta meningkatkan kinerja Direktorat Jenderal Kekayaan Negara khususnya di Kantor Wilayah V Bandar Lampung untuk lebih meningkatkan pelayanan pada masyarakat dibidang lelang.

.....In certain banking financial institutions, non-performing loans or bad debts are considered to be a serious banking problem. This is because the banks are facing fresh capital difficulties due to the continuing scarce of capital. That is the reason why the non-performing loans are to be dealt with effectively, so that banking operations would not be in jeopardy. One way for banks to deal with this problem is through negotiated settlement that is a credit settlement based on agreement between the Bank and the debtor who is still having good faith in settling its loans. On the other hand, a forced settlement to the bad debts still can be done through the submission of the State receivables to the local District Court in order to apply to the Court to execute the credit security object. It can also be done alternatively through the auction of the object by the Directorate General of State Wealth. The execution through the auction of fiduciary rights is in fact seldom happen. This is because wide spread perception in the society that bad debt settlement through fiduciary rights auction is so bureaucratic and a difficult process. In most cases, the object to be auctioned is difficult to be freed from a third party physical control, especially when it is jointly owned by the third party. In this

case, the realization of the auction is very much problematic. In other cases, the applicant of the auction is generally not willing to make statutory declaration that he or she be responsible should there be a law suit on this matter in the Court.

This thesis will try to analyze alternative settlement of non-performing loans (bad debts) through the execution of credit security object (fiduciary rights) held by the Dir.Gen. of State Wealth (a case study at the Regional Office V of the DGSW in Bandar Lampung).

The Author concludes that the settlement of bad debts through the execution of credit security object is in reality a good way in settling the non-performing loans. This is due to the fact, that this kind of settlement is generally faster and effective. Auction document is legally an authentic act and in the same time can be used as a legal basis for the transfer of land rights or the change of owners name.

This thesis applies library research method, with juridical and normative approach to the literature and relevant legal documents. The research is reported in the form of evaluative findings and analytical conclusions. It is hoped that this study would serve as a practical recommendation for the public in settling bad debts through the auction of credit security object held by Dir. Gen. of State Wealth. At the same time, it is also hoped that this would enhance the working performance of Dir. Gen. of State Wealth in general.