

EKSEKUSI HAK TANGGUNGAN SEBAGAI PENYELESAIAN KREDIT MACET DI PT BANK COMMONWEALTH KANTOR PUSAT OPERASIONAL JAKARTA

ABSTRAK

Bank merupakan suatu lembaga penghimpunan dana dan penyalur dana kepada masyarakat. Dalam fungsi sebagai penyalur dana, pihak bank dapat memberikan bantuan kepada masyarakat dengan cara pemberian kredit. Pada penyaluran kredit bank selalu mewajibkan pihak debitor untuk menyediakan jaminan diantaranya berupa Hak Tanggungan. Dengan jaminan tersebut bank sebagai kreditur bisa mendapatkan hak utama (preferensi) bagi pelunasan suatu piutang kredit apabila debitor wanprestasi. Namun dalam prakteknya tidak semua Hak Tanggungan dapat berfungsi sebagaimana mestinya karena adanya perlawanan dari pihak pemilik dan sebagainya. Dalam penelitian ini akan dibahas tentang penanganan kredit macet serta eksekusi Hak Tanggungan untuk menyelesaikan kredit macet yang dilakukan oleh PT Bank Commonwealth Kantor Pusat Operasional Jakarta dan proses lelang barang jaminan sebagai penyelesaian kredit macet di PT Bank Commonwealth Kantor Pusat Operasional Jakarta serta pemenuhan hak-hak para pihak.

Penelitian ini bersifat deskriptif analitis dengan pendekatan yuridis empiris, sedangkan data diperoleh, melalui penelitian kepustakaan dan penelitian lapangan. Selanjutnya data dianalisis secara kualitatif. Dari hasil penelitian ini disimpulkan, proses penyelesaian kredit macet yang ada di PT Bank Commonwealth dilakukan melalui dua cara yaitu proses penyelamatan kredit macet melalui program *Reschedulling* (Penjadwalan Kembali), *Reconditioning* (Persyaratan Kembali), *Restructuring* (Penataan Kembali) dan apabila tidak bisa diselamatkan maka akan dilakukan proses penyelesaian, melalui eksekusi terhadap agunan/jaminan kredit untuk membantu debitor memenuhi kewajibannya. Di PT Bank Commonwealth eksekusi terhadap agunan yang berupa Hak Tanggungan dilakukan sesuai Eksekusi Hak Tanggungan. Proses lelang terhadap objek Hak Tanggungan yang telah di eksekusi di PT Bank Commonwealth dilakukan melalui badan lelang negara yang berada di bawah Direktorat Jenderal Piutang dan Lelang Negara (DJPLN). Untuk dapat melakukan lelang di DJPLN, PT Bank Commonwealth mengajukan permohonan lelang kepada DJPLN melalui Kantor Pelayanan Keuangan Negara dan Lelang (KPKNL) dengan menyertakan persyaratan antara lain bukti wanprestasinya debitor dan sertifikat Hak Tanggungan. Kemudian dengan hasil yang didapat dari lelang, dilakukan pemenuhan hak-hak para pihak yaitu apabila hasil lelang lebih besar dari kewajiban debitor, maka sisanya akan dikembalikan kepada debitor atau pemilik objek Hak Tanggungan yang dilelang, sedangkan apabila kurang maka terhadap kekurangan itu akan dilakukan penghapus bukuan oleh bank terhadap kewajiban debitor tersebut.

Kata Kunci : Kredit Macet – Eksekusi Hak Tanggungan.

EXECUTION OF RESPONSIBILITY RIGHTS AS THE SOLUTION OF STAGNANT CREDIT IN PT. BANK COMMONWEALTH MAIN OFFICE OF OPERATIONAL JAKARTA.

ABSTRACT

Bank is an institute of collector and distributor of fund to the people. In its function as the distributor of fund, bank party may give the assistance to the people by the way of giving credit or loan. In distribution of credit, bank always obliges debtor party to prepare the collateral among them is in the form of Responsibility Rights. By the collateral, bank as creditor may have preference rights for the payment of credit receivables if debtor is stagnant. But in its practice not all Responsibility Rights can function accordingly because there is resistance from the owner party and so on. In this research, it will be discussed about handling stagnant credit and the execution of Responsibility Rights to settle stagnant credit conducted by PT Bank Commonwealth Main Office of Operational Jakarta and auction process of the collateral goods as the solution of stagnant credit in PT Bank Commonwealth Main Office of Operational Jakarta and the fulfillment of parties' rights.

This research is analytical descriptive with empirical juridical approach, while the data gathered through literature and field researches. The data are analyzed qualitatively. From the result of this research it is concluded that, the process of stagnant credit solution in PT Bank Commonwealth conducted in two ways, they are the process of credit safety through *Rescheduling*, *Reconditioning*, *Restructuring* and if it is not able to be secured, hence it will be conducted solution process through execution of collateral of credit to help debtor to fulfill its obligation. In PT Bank Commonwealth execution of collateral in the form of Responsibility Rights conducted in accordance with Responsibility Rights Execution. Auction process of Responsibility Rights objects executed in PT Bank Commonwealth conducted through state auction board that is under General Directorate of Receivables and State Auction (DJPLN). In order to be able to conduct auction in DJPLN, PT Bank Commonwealth proposes the auction application to DJPLN through the Office of State Financial Service and Auction (KPKNL) by enclosing the requirements, they are debtor stagnant evidence and Responsibility Rights Certificate. Then by the result obtained from the auction, it is conducted the fulfillment of parties' rights that is if the result of the auction is more than the debtor's obligation, then the rest will be returned to the debtor or the owner of Responsibility Rights object auctioned, while if it is insufficient, hence it will be conducted the write-off of the insufficient by the bank to the debtor obligation.

Key Words: Stagnant Credit - Execution of Responsibility Rights.