

ABSTRAK

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PENYELESAIAN KREDIT MACET MELALUI EKSEKUSI HAK TANGGUNGAN DI PT. BANK PANIN, TBK

(xiv + 147 halaman : 4 tabel; 5 lampiran)

Tesis ini membahas tentang Penyelesaian Kredit Macet melalui eksekusi Hak Tanggungan di PT. Bank Panin, Tbk. Upaya penyelesaian yang dilakukan antara lain, penyelesaian secara kompromi maupun proses hukum berupa eksekusi terhadap agunan yang diberikan oleh debitur. Namun dalam praktiknya eksekusi Hak Tanggungan tidak mudah dilaksanakan, membuat PT. Bank Panin, Tbk mengalami kerugian. Tujuan dilakukan penulisan tesis ini adalah untuk mengetahui mekanisme penyelesaian kredit macet di PT. Bank Panin, Tbk dan menganalisa kekuatan pembuktian akta notariil dalam Perjanjian Kredit. Penelitian ini menggunakan metode pendekatan undang-undang dan pendekatan konseptual dengan spesifikasi penelitian deskriptif analitis yang menggambarkan fakta-fakta berupa data sekunder yang berhubungan dengan hukum jaminan khususnya jaminan kebendaan dalam perbankan. Berdasarkan hasil penelitian yang dilakukan Penulis dapat mengetahui bahwa tahap proses penyelesaian dengan non litigasi adalah *rescheduling*, *reconditioning*, *resctructuring*. Penyelesaian dengan litigasi dengan mengajukan gugatan pada Pengadilan Negeri maupun mengajukan permohonan lelang dengan cara penjualan langsung di KPKNL. Kendala-kendala yang dihadapi dalam proses eksekusi Hak Tanggungan PT. Bank Panin, Tbk, adanya upaya hukum perlawanan dari pihak debitur maupun pihak ketiga dan pelaksanaan eksekusi lewat lembaga peradilan memakan waktu yang lama. Penulis juga menyimpulkan bahwa akta notariil dalam Perjanjian Kredit itu mengikat para pihak dan memiliki kekuatan pembuktian yang sempurna, akta notariil Perjanjian Kredit dibuat oleh pejabat yang berwenang dan merupakan akta otentik. Berdasarkan hasil penelitian yang dilakukan, penulis menyarankan kepada PT. Bank Panin, Tbk hendaknya memiliki analisis kredit yang cermat, teliti serta berpengalaman untuk mengurangi risiko kredit macet yang akan terjadi di kemudian hari. Penulis juga menyarankan kepada Mahkamah Agung untuk menerbitkan pedoman Peraturan Mahkamah Agung yang mengatur agar pelaksanaan peradilan fiat eksekusi objek Hak Tanggungan sesuai asas peradilan yang sederhana, cepat dan biaya ringan.

Kata Kunci: Kredit Macet, Penyelesaian Eksekusi Hak Tanggungan

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ABSTRACT

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THE SETTLEMENT OF NON PERFORMING LOAN THROUGH EXECUTION OF MORTGAGE RIGHT IN PT. BANK PANIN, TBK

(xiv + 147 pages : 4 tables; 5 attachments)

This thesis will discuss about the settlement of bad credit through an execution of Responsibility Rights in PT Bank Panin Tbk. The efforts to resolve this bad credit such as the settlement of compromise as well as a legal process in the form of execution on the collateral provided by the debtor. However, in practice the execution of Responsibility Rights is not easy to implement, making PT. Bank Panin, Tbk suffered losses. The objective of this thesis is to find out the mechanism of settlement of bad credits at PT. Bank Panin, Tbk and to analyze the power of proof of notarial deed in Credit Agreement. This research uses legal approach method and conceptual approach with analytical descriptive research specification that describes facts in the form of secondary data related to the guarantee law especially the guarantee of material in banking. Based on the results of research conducted the author can know that the stage process of settlement with non-litigation is rescheduling, reconditioning, restructuring. Settlement through litigation, by filing a lawsuit at the District Court or applying for auction by way of direct sales to State Financial Services Office and Auction (KPKNL). Constraints faced in the process of execution of PT. Bank Panin, Tbk, the existence of legal efforts against the resistance of the debtor and third parties and the implementation of executions through the judiciary took a long time. The author also conclude that the notarial deeds in the Credit Agreement are binding on the parties and have perfect proof power; notarial deeds of the Credit Agreement are made by authorized officials and are an authentic deed. Based on the results of research conducted, the authors suggest to PT. Bank Panin, Tbk should have a careful, thorough and experienced credit analysis to reduce the risk of non-performing loans in the future. The author also advise the Supreme Court to publish the Supreme Court Regulation guidelines governing the implementation of fiat courts of execution of the object of Responsibility Rights according to the principle of simple, fast and lightly.

Keywords: Non Performing Loan, Settlement of Mortgage Right Execution

References : 30 (1996-2016)