

KEWENANGAN KREDITOR DALAM MENGAJUKAN PERMOHONAN PENUNDAAN KEWAJIBAN PEMBAYARAN UTANG TERHADAP KOPERASI SIMPAN PINJAM

Ahmad Fa'iq Rifqi¹, Nindyo Pramono²

INTISARI

Tujuan Penelitian ini untuk mengetahui karakteristik usaha simpan pinjam koperasi di Indonesia serta pengajuan permohonan penundaan kewajiban pembayaran utang terhadap koperasi simpan pinjam yang ideal di Indonesia.

Penelitian ini merupakan penelitian hukum normatif dengan meneliti bahan pustaka atau data sekunder saja yakni bahan hukum primer, berupa peraturan perundang-undangan, bahan hukum sekunder berupa buku, jurnal dan hasil penelitian serta bahan hukum tersier berupa kamus hukum, kamus Bahasa Inggris dan Kamus Besar Bahasa Indonesia. Penelitian ini dilakukan dengan cara studi dokumenter dengan menggunakan alat berupa bahan-bahan tertulis yang relevan dengan permasalahan yang diteliti seperti buku-buku mengenai koperasi, penundaan kewajiban pembayaran utang, literatur ilmiah serta peraturan perundang-undangan. Data yang telah diperoleh dalam penelitian ini dianalisis menggunakan analisis kualitatif.

Hasil penelitian ini menunjukkan bahwa karakteristik usaha koperasi simpan pinjam di Indonesia dapat kita bedakan menjadi koperasi simpan pinjam yang bersifat *close loop* dan yang bersifat *open loop*. Kedua jenis koperasi simpan pinjam ini dalam menjalankan usahanya, menggunakan skema atau model perbankan sebagai lembaga intermediasi keuangan dikarenakan kesamaan ruang lingkup usaha kedua jenis koperasi simpan pinjam tersebut dengan lembaga perbankan. Pengajuan permohonan PKPU terhadap seluruh koperasi simpan pinjam yang ideal di Indonesia harusnya berada pada Otoritas Jasa Keuangan, karena koperasi simpan pinjam dalam menjalankan usahanya ikut berperan sebagai lembaga intermediasi keuangan yang menghimpun dana masyarakat, serta lemahnya pengawasan koperasi simpan pinjam yang dilakukan oleh Kementerian Koperasi dan Usaha Kecil Menengah. Hal ini diperlukan dalam rangka mewujudkan pengawasan sektor jasa keuangan yang terintegrasi.

Kata Kunci : Kreditor, Koperasi Simpan Pinjam, Penundaan Kewajiban Pembayaran Utang.

¹ Mahasiswa Program Pasca Sarjana Magister Hukum Fakultas Hukum Universitas Gadjah Mada Yogyakarta. (ahmad.faiq.rifqi@mail.ugm.ac.id)

² Dosen Program Pasca Sarjana Fakultas Hukum Universitas Gadjah Mada Yogyakarta (nindyopramono@ugm.ac.id)

***CREDITOR'S AUTHORITY IN FILING AN APPLICATION
SUSPENSION OF DEBT PAYMENT OBLIGATIONS
AGAINST SAVINGS AND LOAN COOPERATIVES***

Ahmad Fa'iq Rifqi³, Nindyo Pramono⁴

ABSTRACT

The purpose of this study is to determine the characteristics of cooperative savings and loan businesses in Indonesia and the filing of applications for postponement of debt payment obligations for ideal savings and loan cooperatives in Indonesian.

This research is a normative legal research by examining library materials or secondary data only, namely primarily legal materials, in the form of laws and regulations, secondary legal materials in the form of books, journals and research results and tertiary legal materials in the form of legal dictionaries, english dictionaries and the big Indonesian Dictionary. This research was conducted by means of a documentary study using tools in the form of written materials relevant to the problem under study such as books on cooperatives, postponement of debt payment obligations, scientific literature and laws and regulations. The data that has been obtained in this research is analyzed using qualitative analysis.

The result of this study indicate that the business characteristics of savings and loan cooperatives in Indonesia can be divided into close loop and open loop savings and loan cooperatives. Both types savings and loan cooperatives in carrying out their business, use a banking scheme or model as a financial intermediary institution due to the similarity in the scope of business of the two types of savings and loan cooperatives with banking institution. The submission of PKPU applications against all ideal savings and loan cooperatives in Indonesia should be at the Financial Services Authority (OJK), because savings and loan cooperatives in carrying out their business play a role as financial intermediary institutions that collect public funds, as well as the weak supervision of savings and loan cooperatives carried out by the Ministry of Cooperatives and Small and Medium Enterprises. This is necessary in order to realize integrated financial services sector supervision.

Keywords : Creditor, Saving and Loan Cooperative, Suspension of Debt Payment Obligation.

³ Student of Postgraduate Program of Master of Law, Faculty of Law, Gadjah Mada University, Yogyakarta. (ahmad.faiq.rifqi@mail.ugm.ac.id)

⁴ Lecturer of Postgraduate Program, Faculty of Law, Gadjah Mada University, Yogyakarta. (nindyopramono@ugm.ac.id)