

**PENGUNAAN GUGATAN SEDERHANA SEBAGAI UPAYA
PENYELESAIAN KREDIT MACET (STUDI KASUS
PADA BANK BRI DI PENGADILAN NEGERI
WATES DAN BANTUL)**

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INTISARI

Tujuan penelitian ini adalah untuk mengetahui dan menganalisis penggunaan gugatan sederhana sebagai upaya penyelesaian kredit macet pada Bank BRIdi Pengadilan Negeri Wates dan Pengadilan Negeri Bantul dan untuk mengetahui dan menganalisis dampak penggunaan gugatan sederhana di Bank BRI Kantor Cabang Wates dan Bantul terhadap penyelesaian kredit bermasalah. Jenis penelitian dalam penelitian ini adalah normatif-empiris.

Penelitian dilakukan dengan menggunakan data primer dan data sekunder guna melengkapi penelitian. Lokasi penelitian dipilih sesuai dengan tempat kedudukan Responden yaitu di Kabupaten Kulonprogo, Kota Yogyakarta dan Kabupaten Bantul. Responden dalam penelitian ini adalah Pekerja di Bank BRI Kantor Cabang Bantul, Kantor Cabang Wates dan Kantor Wilayah Yogyakarta yang bertugas dibidang Kredit Bermasalah dan pengajuan Gugatan Sederhana, sedangkan Narasumber dalam penelitian ini adalah Hakim Tinggi yang bertugas melakukan sosialisasi dan pengawasan terkait pelaksanaan Gugatan Sederhana di Pengadilan Negeri.

Berdasarkan hasil penelitian penulis: Pertama, hal-hal yang harus diperhatikan dalam pengajuan gugatan sederhana di Bank BRI adalah kelengkapan dokumen gugatan sederhana, kredit telah jatuh tempo, dan jaminan menggunakan agunan sertifikat hak milik. Kantor Wilayah BRI Yogyakarta bertugas untuk menentukan dan memastikan serta mengkoordinir kelengkapan dokumen gugatan sederhana untuk menjamin kekuatan pembuktian dari pihak Bank BRI telah sesuai dengan hal-hal yang diatur dalam Perma Nomor 02 Tahun 2015. Kedua, Dampak penggunaan gugatan sederhana bagi Kantor Cabang Wates walaupun tidak terdapat pemasukan *recovery* kredit bermasalah namun putusan gugatan sederhana memberikan kekuatan hukum yaitu kekuatan eksekutorial untuk melakukan eksekusi lelang terhadap agunan debitur. Dampak gugatan sederhana di Kantor Cabang Bantul sangat efektif secara psikologis dilihat dari nilai pengembalian/*recovery* kredit bermasalah, namun apabila diputus sesuai petitum yang diajukan, maka tidak dapat memberikan kekuatan eksekutorial bagi Bank sehingga diperlukan tindakan hukum lebih lanjut agar dapat lebih melindungi kepentingan Bank dalam proses penyelesaian kredit bermasalah.

Kata Kunci: Gugatan Sederhana, Perbankan dan Kredit Bermasalah

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THE APPLICATION OF SMALL CLAIM COURT AS THE COMPLETION ATTEMPT OF NON PERFORMING LOAN (CASE STUDY ON BANK BRI AT WATES AND BANTUL DISTRICT COURT)

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ABSTRACT

The purpose of this legal research is to understand and analyze on how the application of small claim court as the completion attempt of non performing loan in Bank BRI Wates and Bantul Branch Office at Wates and Bantul District Court and to understand as well as analyse the impact of that application of small claim court to the non performing loan.

The type of research is normative-empirical research. The research was conducted using primary data and secondary data to complete research. The research location was chosen according to place of respondents' position that are in Kulonprogo, Bantul and Yogyakarta district. The Interviewee of this research is The Judge of High Court that in charge to socialize and to oversee the implementation of Small Claim Court. Meanwhile, respondents in this research are the Employees in Bank BRI Wates and Bantul Branch Office and also Staf in Bank BRI Yogyakarta Regional Office that is responsible to legal and non performing loan field especially in the implementation of Small Claim Court.

Based on the results of research conducted by the author: first, the important things in the small claim court process in Bank BRI Wates and Bantul Branch Office are the completeness of the documents, the non performing loan is on the due date, and the collateral that used to ensure the credits is freehold title that has the absolute strength. The legal staf in Bank BRI Regional Office have to verify and collect the documents for small claim courts to ensure the legal standing of the Bank in accordance with the regulation of Indonesia Supreme Court Number 02 Year 2015. Second, although there is no cash credit material recovery as the impact of small claim court in Bank BRI Wates Branch Office but the Court Decision is giving legal execution for the Bank against the credits collateral. Small claim court is very effective for Bank BRI Bantul Branch Office, especially for psychologist impact, it can be seen from the cash recovery of non performing loan that returned by the debtor is about more than 50% of the credit value. Nevertheless, if the lawsuit was terminated as requested by the Bank, the Small claim court decision cannot give executorial power for the Bank to execute the collateral of the credit. So, it needs further legal action to more protect the interest of the Bank in the non performing loan settlement process.

Keywords: Small Claim Court, Bank, and Non Performing Loan

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