

Studi ini diinspirasi oleh tiga pendapat umum. Pertama, kredit macet masih merupakan ancaman potensial ekonomi global yang bersifat sistemik. Krisis kredit perumahan di Amerika merupakan contoh terbaik saat ini. Kedua, dalam proses penagihan bank selalu berada pada posisi inferior dibandingkan debitur. Ketiga, terbitnya Peraturan Pemerintah (PP) No.33/2006 dapat dimanfaatkan Bank BUMN untuk menggantikan strategi penyelesaian kredit macet melalui saluran hukum yang lama dan satu-satunya, yaitu melalui Direktorat Jendral Piutang dan Lelang Negara (DJPLN) yang sudah dipersepsikan tidak lagi efektif. Selain itu, hasil penelitian Gopinath (1995) menemukan selama ini strategi hukum digunakan bank untuk menghadapi nasabah yang tidak mau bekerja sama dan tunggakan besar .

Studi ini bertujuan untuk meneliti apakah strategi penyelesaian kredit macet secara hukum melalui DJPLN mempunyai tingkat efektivitas sama atau berbeda dibandingkan dengan penagihan oleh bank sendiri, bank BUMN lain dan bank swasta, serta jika diterapkan terhadap kredit kecil dan kredit menengah. Tingkat efektivitas ditunjukkan oleh tingkat pengembalian kewajiban debitur.

Studi ini menguji 117 debitur salah satu bank BUMN di Jakarta yang terdiri dari 56 debitur kredit menengah dan 61 debitur kredit kecil. Pengumpulan data dilakukan dengan metode *convenient sampling* yang bersumber dari register pemantauan penyelesaian macet melalui DJPLN posisi akhir tahun 2000 - 2006.

Hasil analisis Perbandingan Rata-rata menunjukkan strategi penyelesaian hukum melalui DJPLN lebih efektif daripada penagihan sendiri oleh bank. Efektivitas strategi ini tidak berbeda nyata antara kelompok kredit kecil dan kredit menengah. Hasil yang sama juga ditemukan pada perbandingan dengan bank BUMN lain. Terakhir, dibandingkan bank swasta nasional, strategi ini terbukti sangat tidak efektif, sehingga disarankan bank memanfaatkan PP No.33/2006 secara optimal. Untuk itu, sebelumnya bank harus mengatasi segala tantangannya, antara lain mencari lembaga kredibel dalam penagihan dan eksekusi agunan, menerbitkan kebijakan pemberian diskon hutang pokok, dan mengusulkan peraturan *special purpose vehicle*.

Kata kunci: kredit macet, penagihan, strategi penyelesaian hukum, efektivitas, tingkat pengembalian kewajiban, kredit kecil, kredit menengah, bank BUMN, bank swasta nasional, DPLN.

This paper has been inspired by three public opinions. The first, problem loans still become the systemic potential threats of global economy. America sub-prime mortgage crisis is the best example for this time. The second, in collection process, Banks always have inferior position against debtors. The third, issuing of the Government Regulation (PP) No.33/2006 can be used by state owned banks to replace the old and the only one legal strategy through Direktorat Jendral Piutang dan Lelang Negara (DJPLN) that is perceived ineffective anymore. In addition, Gopinath (1995) has found the legal strategy has been used so far against in-cooperative debtors and severity problem loans.

This paper is supposed to examine whether the legal strategy through DJPLN has the same or different level of its effectiveness compared to collection strategy conducted by bank itself, the legal strategy that is applied by the other state owned bank as well as the private ones, and if it is implemented to small-scaled credit and medium-scaled ones. The effectiveness is indicated by Recovery Rate of debtors.

This research has examined 117 debtors that belong to one of the state owned banks in Jakarta. They are consist of 56 medium-scaled debtors and 61 small ones that have been collected by using convenient sampling methods from Register of DJPLN Collection Monitoring at the year-end from 2000 to 2006.

Mean Comparison analysis has resulted as the legal strategy through DJPLN has been more effective than collection that is conducted by bank itself. The strategy that has been used for small-scaled credit and medium ones has produced insignificant effectiveness differences. The same result is found in comparison between the bank and the other state owned one. The last, compared to what private banks have done the strategy has proven so ineffective that the banks have been recommended to utilize PP No.33/2006 optimally. For those purposes, they first must deal with the challenges, such as finding the credible institutions for collection and collateral execution, issuing haircut policy and proposing special purpose vehicle regulation.

Keywords: problem loan, collection, legal strategy, effectiveness, Recovery Rate, bargaining position, small-scaled credit, medium-scaled credit, State Owned Bank, Private Bank, DJPLN.