



Abstract

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PT Berkat Megah Insani and PT Petroconas have borrowed money to Balikpapan branch of Bank Lippo with corporate guarantee. The collateral was in form of land certificate and certificate of motor vehicle ownership that companies have. Meanwhile, collateral of borrowing with corporate guarantee include company assets. In this case both companies were debtor. Its guarantor was director and commissioner of each company. After certain time, PT Berkat Megah Insani and PT Petroconas did not perform their obligation that result in bad debt. Because it is credit agreement with corporate guarantee, after companies cannot perform their obligation, the responsibility shift to directors and commissioner as guarantor.

The research on solving of bad debt with corporate guarantee in case study of Balikpapan Bank Lippo was descriptive qualitative research, in which data was collected from field and literature, selected and concluded to get description about answer intended. Result of data analysis was concluded inductively, from special to general description.

Solution of bad debt of PT Petroconas was done first by negotiation, warning and rescheduling. The ways has not let to good results so the bank took legal way through district court that seized collateral, and then sold the collateral. However, because the debt have not been paid entirely after sale of the collateral, the guarantor –directors and commissioners- should take responsible individually against the corporate debt. Meanwhile, in case of PT Berkat Megah Insani, the bank did negotiation with adding credit term. The efforts cause collateral unsold.

Directors and commissioner of PT Petroconas were responsible individually against corporate debt. It accord article 104 paragraph (3) and article 115 paragraph (3) Low No.40/2007 on Limited corporation. The responsibility can be done when directors and commissioner did not do monitoring so the corporate suffered loss. In other case, directors and commissioner of PT Berkat Megah Insani did not take responsibility individually because with addition of credit term, debtor has met its obligation.

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