

## Risiko hukum dalam pemberian fasilitas kredit pensiun ditinjau dari peraturan Bank Indonesia tentang manajemen risiko (studi kasus PT. Bank Tabungan Pensiunan Nasional Tbk) = Legal risk in providing retirement credit facility as accordance to Bank Indonesia regulation on risk management (case study of PT Bank Tabungan Pensiunan Nasional Tbk)

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### Abstrak

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Dalam kehidupan sehari-hari Bank sebagai suatu lembaga keuangan yang menghimpun dana masyarakat merupakan suatu bagian penting dari roda perekonomian. Penilaian tingkat kesehatan suatu bank menjadi sangat penting, baik bagi pengelola bank, pemegang saham, penyimpan dana ataupun bagi pengawas jasa keuangan di Indonesia. Atas hal tersebut diperlukan transparansi perhitungan risiko-risiko yang mungkin akan diterima oleh bank dalam rangka melakukan usaha dan sebagai dasar evaluasi atas tingkat kesehatan bank itu sendiri. PT. Bank Tabungan Pensiunan Nasional Tbk., (BTPN) selama ini melaksanakan penanda tanganan perjanjian kredit pensiun dengan nasabah peminjam tanpa persetujuan pasangan nasabah peminjam. Timbul risiko hukum, perjanjian kredit tersebut dapat dibatalkan oleh pasangan dari nasabah peminjam pada saat nasabah peminjam meninggal dunia. Namun risiko hukum pada BTPN terhitung rendah, dengan menimbang bahwa risiko hukum itu sendiri menjadi rendah karena telah dimitigasi oleh rendahnya risiko operasional. Berdasarkan ketentuan Peraturan Bank Indonesia No. 13/1/PBI/2011 tentang Penilaian Tingkat Kesehatan Bank Umum, risiko hukum BTPN tidak dapat dinilai rendah dan mitigasi risiko operasional dengan klaim Asuransi Jiwa dari nasabah peminjam yang meninggal dunia dimana klaim Asuransi Jiwa yang diterima akan digunakan untuk melunasi hutang. Penulis membahas pelaksanaan dari ketentuan PBI diatas di BTPN dan risiko hukum yang tinggi atas perjanjian kredit tanpa disertai persetujuan pasangan nasabah peminjam.

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In everyday life Bank as a financial institution to collect public savings is an important part of the economy. The soundness rating of a bank is very important, both for bank managers, shareholders, depositors or to the supervisor of financial services in Indonesia. In this matter required proficiency level of transparency calculations risks that may be received by the bank in order to do business and as a basis for evaluation of the soundness of the bank itself. PT. Bank Tabungan Pensiunan Nasional Tbk (BTPN), in the signing process of an agreement of pension credit to borrowers without the consent couples borrowers. Legal risks incurred, the credit agreement may be canceled by couples of borrowers when borrowers die. However, the Bank's legal risk is low, given that the law itself is a risk to be low because it has been mitigated by the low rating of operational risk. Based on Bank Indonesia Regulation. No 13/1/PBI/2011 regarding the Rating System for Commercial Banks, the Bank's legal risk can not be mitigate in operational risk by having Life Insurance claims from borrowers who died where Life Insurance claims received will be used to pay off debt. The author discusses the implementation of the above provisions in the Bank Regulation and legal

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