

Penerapan prinsip kehati-hatian dalam kredit usaha rakyat (studi kasus pemberian KUR Bank X kepada PT. KMS = The prudential principle in the people business credit KUR (case studies the provision of Bank X to PT. KMS)

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Abstrak

[ABSTRAK

Bank dalam menjalankan kegiatan usahanya tidak terlepas dari suatu risiko kerugian, untuk itu dalam Undang-Undang perbankan Indonesia Bank dalam menjalankan usahanya harus berdasarkan prinsip kehati-hatian. Kredit usaha rakyat merupakan kredit program pemerintah dimana Bank merupakan pihak yang menyalurkan KUR tersebut kepada UMKMK, dimana dana dalam penyaluran KUR merupakan 100% (seratus persen) dana Bank. Salah satu Bank yang ditunjuk pemerintah untuk menyalurkan KUR adalah Bank X. Bank X telah menyalurkan KUR kepada UMKMK salah satunya pemberian KUR Grup PT. KMS sebagai penjamin dari 20 (dua puluh) petani ubi rambat. PT. KMS tidak dapat melakukan kewajiban pembayaran sehingga mengakibatkan kredit menjadi macet. KUR yang disalurkan oleh Bank dijamin oleh pemerintah kepada Perusahaan Penjamin, Bank X mengajukan klaim kepada PT. ASKRINDO, akan tetapi klaim tersebut ditolak karena ada indikasi kredit fiktif. SKAI Bank X melakukan investigasi atas dugaan tersebut dan menemukan bahwa 20 (dua puluh) debitur tersebut fiktif, ditemukan adanya pemalsuan identitas kedua puluh petani ubi rambat tersebut. PT. KMS dengan sengaja melakukan pemalsuan serta penipuan, hal ini diketahui oleh pegawai Bank X terkait pemberian KUR, hal tersebut dilakukan untuk mendapatkan fasilitas KUR dari Bank X. Berdasarkan hal tersebut terdapat 2 (dua) permasalahan dalam penelitian ini yaitu Bagaimanakah penerapan prinsip kehati-hatian dalam pemberian kredit usaha rakyat pada Bank X ? dan Bagaimanakah akibat hukum bagi Bank X dan PT. KMS dalam hal terjadinya kredit fiktif?. Bank X memiliki standar operasional prosedur dalam pemberian kredit berdasarkan prinsip kehati-hatian namun Bank X cabang Binjai, Medan tidak melaksanakan langkah-langkah sesuai prosedur pemberian kredit, hal ini membuktikan bahwa Bank X cabang Binjai tidak menerapkan prinsip kehati-hatian. Akibat hukum dalam hal terjadinya kredit fiktif baik PT. KMS maupun pegawai Bank yang terlibat dalam kredit fiktif ini dapat dikenai sanksi pidana berdasarkan Undang-Undang perbankan dan Kitab Undang-Undang Hukum Pidana Indonesia.

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ABSTRACT

The Bank in carrying out its business activities not in spite of a risk of a loss, for it in Indonesian banking law Banks in the running of his business must be based on the principle of prudence. The people's credit business loan government programs in

which the Bank is funneling the KUR to the UMKMK, where the distribution of funds in the KUR is a 100% (one hundred percent) of Bank funds. One of the Government-designated Banks to channel KUR is Bank X Bank X has been funneling. KUR to UMKMK one of them granting KUR Group PT. KMS as guarantors of 20 (twenty) Yam farmers. PT. KMS cannot make a payment obligation resulting in a credit being jammed. KUR transmitted by banks pledged by the Government to the company's Underwriters, Bank X claim to the PT. ASKRINDO, but the claim is rejected because there are indications of fictitious credits. SKAI Bank X APHIS these allegations and found that 20 (twenty) of the fictitious debtors, found an impersonation of the twentieth the Yam farmers. PT. KMS with deliberate forgery and fraud, it is known by the Bank employee X related awarding of KUR, it is done to get facilities from Bank X kur. based on this there are 2 (two) problems in this study i.e. How is the application of the principle of prudence in granting business credit the people at Bank X? and how is the legal consequences for the Bank and PT KMS in terms of occurrence of fictitious credits?. Bank X has a standard operational procedures in the granting of credit is based on the principle of prudence but Bank branch Binjai, Medan X does not implement appropriate procedural measures granting credit, it is membutkikan that the Bank does not implement binjai branch X principle of prudence. The legal consequences in case of occurrence of fictitious credits good PT. KMS or Bank employee involved in this fictitious credit may be subject to criminal sanctions under the laws of the Banking Law and the Criminal law of Indonesia.;The Bank in carrying out its business activities not in spite of a risk of a loss, for it in Indonesian banking law Banks in the running of his business must be based on the principle of prudence. The people's credit business loan government programs in which the Bank is funneling the KUR to the UMKMK, where the distribution of funds in the KUR is a 100% (one hundred percent) of Bank funds. One of the Government-designated Banks to channel KUR is Bank X Bank X has been funneling. KUR to UMKMK one of them granting KUR Group PT. KMS as guarantors of 20 (twenty) Yam farmers. PT. KMS cannot make a payment obligation resulting in a credit being jammed. KUR transmitted by banks pledged by the Government to the company's Underwriters, Bank X claim to the PT. ASKRINDO, but the claim is rejected because there are indications of fictitious credits. SKAI Bank X APHIS these allegations and found that 20 (twenty) of the fictitious debtors, found an impersonation of the twentieth the Yam farmers. PT. KMS with deliberate forgery and fraud, it is known by the Bank employee X related awarding of KUR, it is done to get facilities from Bank X kur. based on this there are 2 (two) problems in this study i.e. How is the application of the principle of prudence in granting business credit the people at Bank X? and how is the legal consequences for the Bank and PT KMS in terms of occurrence of fictitious credits?. Bank X has a standard operational procedures in the granting of credit is based on the principle of prudence but Bank branch Binjai, Medan X does not implement appropriate procedural measures granting credit, it is membutkikan that the Bank does not implement binjai branch X

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