

Analisis yuridis penyelesaian kredit bermasalah melalui lelang eksekusi hak tanggungan pada PT Bank X Tbk = Analysis of judicial settlement of non performing loan through auction execution mortgage at PT Bank X Tbk

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Abstrak

Bank sebagai lembaga intermediasi dalam memberikan kredit wajib berpedoman pada prinsip pemberian kredit seperti 5C, 5P dan sebagainya yang merupakan penerapan dari prinsip perbankan mengenai kehati-hatian, kepercayaan dan mengenal nasabah. Walaupun proses tersebut telah dijalani tetapi terdapat beberapa kredit bermasalah dimana selanjutnya dapat dilakukan penyelesaian kredit melalui lelang eksekusi hak tanggungan, seperti dalam putusan Pengadilan Negeri Banda Aceh Nomor 39/Pdt.G/2013/PN.BNA antara Tn. I dan PT. Bank X Tbk serta KPKNL Banda Aceh. Adapun pokok permasalahan yaitu bagaimana peraturan perundang-undangan mengatur mengenai proses penyelesaian kredit bermasalah khususnya melalui mekanisme lelang eksekusi hak tanggungan dan bagaimana kesesuaian lelang eksekusi hak tanggungan yang dilakukan oleh PT. Bank X Tbk dalam putusan Pengadilan Banda Aceh tersebut. Metode penelitian yang dipergunakan yaitu yuridis normative. Dapat disimpulkan bahwa peraturan perundang-undangan yang mengatur mengenai penyelesaian kredit bermasalah melalui lelang yaitu Peraturan Menteri Keuangan Nomor 93/PMK.06/2010 sebagaimana dirubah dengan Peraturan Menteri Keuangan Nomor 106/PMK.06/2013, disamping peraturan internal PT. Bank X Tbk untuk beberapa hal dan tepat putusan hakim terkait dalam putusan Pengadilan Negeri Banda Aceh Nomor 39/Pdt.G/2013/PN.BNA tersebut.Bank as an intermediary in providing the credit shall be guided by the principles of lending such as 5C, 5P and so on which is the application of the principles concerning prudential banking, trust and get to know the customers. Although the process has been dijalani but there are a few problem loans which can then be carried out settlement of loans through an auction execution encumbrance, as in the Banda Aceh District Court decision No. 39/Pdt.G/2013/PN.BNA between Mr. I and PT. Bank X Tbk and KPKNL Banda Aceh. As for the subject matter that is how North of legislation regulating the process of resolving problem loans through an auction mechanism khususnya execution of mortgage and how the suitability of the execution of mortgage auction conducted by PT. Bank X Tbk in Banda Aceh the Court's decision. The research method used is the juridical normative. It can be concluded that the legislation regulating the settlement of non-performing loans through auctions that Minister of Finance Regulation No. 93/PMK.06/2010 as amended by the Minister of Finance Regulation No. 106/PMK.06/2013, in addition to internal regulations PT. Bank X Tbk for some things and right verdict related to the Banda Aceh District Court decision No. 39/Pdt.G/2013/PN.BNA.