

Pasar sekunder bagi kredit bermasalah dalam penundaan kewajiban pembayaran utang = Secondary market for non-performing loan under suspension of debt payment obligation

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Abstrak

ABSTRAK

Pada prakteknya di Indonesia, kredit bermasalah pada perbankan dapat dibeli oleh berbagai pihak artinya terdapat macam-macam pembeli kredit bermasalah, misalnya perusahaan asing, Aset Manajemen Unit, Special Purpose Vehicle, dan lain sebagainya. Dalam kaitannya dengan proses Penundaan Kewajiban Pembayaran Utang, praktik jual beli dalam pasar sekunder bagi kredit bermasalah menemui permasalahan dalam hal menentukan kedudukan kreditur yang mendalilkan adanya utang yang berasal dari perjanjian jual beli kredit bermasalah. Skripsi ini hendak menjawab pertanyaan sederhana, bagaimanakah pengaturan terkait pihak-pihak yang dapat membeli kredit bermasalah? Metode penelitian yang digunakan adalah penelitian yuridis normatif. Penelitian ini menuai hasil dimana ternyata regulasi tidak mengatur secara tegas bagi pembeli kredit bermasalah untuk menjalankan usahanya di bidang-bidang usaha tertentu. Pasal 37 ayat (1) UU Perbankan juncto Pasal 6 Peraturan Bank Indonesia Nomor: 13/3/PBI/2011 tentang Penetapan Status dan Tindak Lanjut Pengawasan Bank juncto Pasal 8 ayat (2) huruf I Peraturan Otoritas Jasa Keuangan Nomor 15/POJK.03/2017 tentang Penetapan Status dan Tindak Lanjut Pengawasan Bank Umum, hanya mengatur bahwa kredit bermasalah dapat dijual kepada bank ataupun pihak lain. Selain itu, juga tidak terdapat pengaturan yang secara tegas mengizinkan ataupun melarang perusahaan asing untuk membeli kredit bermasalah.

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ABSTRACT

In practice in Indonesia, non-performing loans in banks can be purchased by various parties, means there are various types of buyers for non-performing loan, such as foreign companies, Unit Management Assets, Special Purpose Vehicles, etc. In its relation to the suspension of debt payment obligation process, the sale and purchase practice on the secondary market for non-performing loan encountered problems in terms of determining the position of creditors who postulated the existence of debt originating from non-performing loan sale and purchase agreement. This undergraduate thesis wants to answer a simple question, how is the regulation regulates who are the parties that can buy non-performing loan? The research method used in this thesis is a normative juridical research. This research reaps results that law do not explicitly regulate the buyers of non-performing loans to run their businesses in certain business fields. Article 37 paragraph (1) Banking Law juncto Article 6 Bank Indonesia Regulation Number: 13/3/PBI/2011 concerning Determination of Status and Follow-Up of Bank Supervision juncto Article 8 paragraph (2) point I Otoritas Jasa Keuangan Regulation Number: 15/POJK.03/2017 concerning Determination of Status and Follow-Up of Commercial Bank Supervision, only regulates that non-performing loans can be sold to banks or other parties. In addition, there is also no regulation that explicitly permit or prohibit foreign companies to buy non-performing loans.</p>