

## Analisis mengenai dampak pembatalan pengalihan piutang secara cessie terhadap bank sebagai kreditor = Analysis of the impact of cession cancellation to bank as a creditor.

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### Abstrak

Perkembangan dunia perbankan semakin pesat dan berperan besar membantu perekonomian. Dalam rangka pemenuhan kebutuhan, baik masyarakat sebagai perorangan maupun pengusaha dan/atau perusahaan seringkali meminta dana melalui fasilitas kredit maupun pembiayaan dari bank. Piutang yang timbul dari kegiatan tersebut merupakan suatu tagihan atas nama yang melibatkan dua pihak yaitu kreditor dan debitur. Kenyataannya pembayaran atau pelunasan kredit tidak selalu lancar. Salah satu cara penyelesaian kredit bermasalah dilakukan dengan pengalihan piutang/hak tagih secara cessie kepada pihak ketiga. Namun, cessie tetap harus dilakukan secara bijak. Tulisan ini membahas mengenai bagaimana pengaturan mengenai cessie di Indonesia, pertanggungjawaban bank terhadap debitur saat cessie diklasifikasikan sebagai suatu perbuatan melawan hukum, dan bagaimana akibat hukum pembatalan cessie terhadap bank. Penelitian ini menggunakan metode yuridis-normatif dengan studi kepustakaan yang dilengkapi dengan wawancara. Hasil dari penulisan ini, cessie harus dilaksanakan sesuai peraturan perundang-undangan, bank dimungkinkan melakukan tindakan perbuatan melawan hukum apabila tindakannya menyebabkan kerugian bagi debitur, dan terdapat akibat hukum bagi bank saat cessie dibatalkan seperti kenaikan non-performing loan, mempengaruhi kedudukan pada kelas Bank Umum Kegiatan Usaha, dapat mempengaruhi tingkat kesehatan bank, serta berdampak pula pada nama baik bank di mata masyarakat. Oleh karena itu, dibutuhkan peningkatan pengawasan dan peningkatan pelaksanaan prinsip kehati-hatian oleh bank.

.....The development of banking world is growing rapidly and plays a major role in helping the economy. In order to fulfill needs, the public as individuals, entrepreneurs, and/or companies often ask for funds through credit or financing facilities from bank. Accounts receivable arising from these activities represent claims on behalf of two parties, namely creditors and debtors. In reality, payments or credit repayments are not always smooth. One way of settling non-performing loan is by transferring accounts receivable/collection rights by cession to a third party. However, cession still has to be done wisely. This paper discusses how the regulation regarding cession in Indonesia, the accountability of bank to debtor when cession is classified as a tort, and what are the legal consequences of cession's cancellation for bank. This research uses juridical-normative method, with literature study accompanied by interviews. As a result of this research, cession must be implemented in accordance with statutory regulations, bank may have conducted a tort if it caused harm to debtor, and there were significant impacts for bank when cession was canceled, such as increasing non-performing loan, affecting bank's position in the class of commercial banks business activities, affecting bank's health level, also had an impact on the reputation of bank in public's eyes. Therefore, there is a need for increasing supervision for bank and increasing the implementation of prudential banking principle.