

ABSTRAK

Nama : A Ridwan
Program Studi : Fakultas Hukum Program Pascasarjana Universitas Indonesia
Judul : Penanganan Aset Kredit *Non Asset Transfer Kit* Dalam Rangka Pengembalian Keuangan Negara

Pasca pembubaran Badan Penyehatan Perbankan Nasional (BPPN), segala permasalahan berkaitan aset kredit yang tersisa untuk sementara penanganannya diserahkan ke Kementerian Keuangan RI melalui Tim Pemberesan BPPN atau TP BPPN yang diketuai langsung oleh Menteri Keuangan. Pada tahun 2006, Tim Pemberesan yang dibentuk berdasarkan Keputusan Presiden dinyatakan berakhir tugasnya dan dinyatakan bubar melalui Keputusan Presiden No. 8 Tahun 2006 tentang Pengakhiran Tugas dan Pembubaran Tim Pemberesan BPPN. Selanjutnya penanganan Tim Pemberesan BPPN yang belum diselesaikan dilaksanakan oleh Menteri Keuangan cq Direktorat Jenderal Kekayaan Negara (DJKN) Kementerian Keuangan RI, sedangkan kekayaan negara yang terkait dengan sita eksekusi hak tanggungan dan sita eksekusi lainnya, penanganannya dilakukan oleh Panitia Urusan Piutang Negara (PUPN). Salah satu sisa aset kredit yang belum tertangani pasca pembubaran BPPN adalah aset kredit *Non Asset Transfer Kit* (Non ATK). Aset kredit Non ATK terdeteksi setelah adanya audit BPK pasca pembubaran BPPN. Sampai dengan berakhirnya masa tugas BPPN tahun 2004 dan terbentuknya PT Perusahaan Pengelola Aset (PT PPA) serta pembentukan tim pemberesan BPPN, aset kredit Non ATK belum tertangani dan masih dikelola oleh Bank asal. Kebijakan penanganan sisa aset tersebut kemudian diatur dalam Keputusan Menteri Keuangan No.213/KMK.01/2008 dan selanjutnya terkait dengan penyelesaian dan pengelolaan aset kredit Non ATK sebelum diserahkan pengurusannya kepada PUPN, Menteri Keuangan menetapkan Petunjuk Pelaksanaan Tugas yang diperlukan dalam rangka pengembalian keuangan negara dan mengingat masih adanya aset eks BPPN/TP BPPN/Tim Koordinasi berupa aset kredit ATK dan Non ATK yang tidak dapat diserahkan baik ke PT PPA dan tidak berperkara hukum, disusunlah Keputusan Menteri Keuangan No.280/KMK.06/2009 tentang Petunjuk Pelaksanaan Tugas/Prosedur Operasi Standar DJKN dalam Penanganan Sisa Tugas Tim Koordinasi Penyelesaian Tugas-Tugas Tim Pemberesan BPPN, Unit Pelaksana Penjaminan Pemerintah, dan Penjaminan Pemerintah Terhadap Kewajiban Pembayaran Bank Perkreditan Rakyat. Keputusan Menteri Keuangan tersebut merupakan payung hukum penanganan Aset Kredit Non ATK eks BPPN.

Kata Kunci:

Aset Kredit, BPPN, Keuangan Negara, PUPN

ABSTRACT

Name : A Ridwan
Study Program : The Postgraduate Faculty of Law University of Indonesia
Title : The Handling of Credit Assets Non Asset Transfer Kit in the
Context of Returning State Finance

After the liquidation of the Indonesian Bank Restructuring Agency (IBRA), all issues related to the remaining loan assets temporarily has been submitted to the Ministry of Finance of the Republic of Indonesia to be handled through the Team of IBRA, which is chaired by the Minister of Finance. In 2006, the Team of which was established by Presidential Decree has to be terminated and declared to be dissolved by Presidential Decree No. 8 Year 2006 regarding the termination of the Team of IBRA. Furthermore, the handling of the remaining loan assets, continued by the Ministry of Finance through the Directorate General of State Assets Management (DJKN) under The Ministry of Finance of Indonesia, while the state assets related to the mortgage foreclosure and other foreclosure, handled by the Committe of State Claims Management (PUPN). One of the remaining loan assets that have not been handled after the liquidation of IBRA is credit assets in the term of Non Asset Transfer Kit (Non-ATK). Credit assets Non ATK detected by the Supreme Auditor/BPK after the post-dissolution audit of IBRA. Until the end of work of IBRA in 2004 and the establishment of the Asset Management Company (PT PPA) and also the establishment of IBRA clearance team, credit assets Non ATK has not been handled and it is still managed by the origin Bank from which the assets exist. The handling policy of the remaining assets are then arranged in the Minister of Finance Decree No.213/KMK.01/2008 and subsequently related with the completion and management of the credit assets Non ATK before being handled over to the PUPN, Minister of Finance announces the Implementation Guidelines required for returning the state finance and considering that there are still amount of ex-IBRA assets / TP IBRA / Coordination Team in the form of credit assets and Non ATK that can not be well-managed by PT PPA and has no legal issues, then the government formulating the Minister of Finance Decree No.280/KMK.06/2009 about the Implementation Guidelines regarding the Directorate General of State Asset Management's Standard Operating Procedures in Handling the remaining tasks of the Coordination Team of IBRA's Settlement Team, Government Insurance Unit, and Government Guarantee on Bank Obligations. This Minister of Finance Decree is the legal consideration on the handling of the Credit Assets of Non ATK that previously handled by IBRA.

Key Words:

Credit Assets, IBRA, State Finance, PUPN