

ABSTRAK

Meskipun sudah dilakukan analisis kredit, dan kredit sudah dinyatakan layak untuk diberikan kepada calon debitur, kemungkinan terjadinya kredit macet yang disebabkan kesalahan atau kelalaian dari pihak kreditur atau dari pihak debitur, atau karena keadaan memaksa. Tujuan Penelitian untuk mengetahui dan menganalisis pelaksanaan penyelesaian kredit macet di Lembaga Keuangan Perbankan saat ini, mengetahui dan menganalisis kelemahan-kelemahan pelaksanaan penyelesaian kredit macet di Lembaga Keuangan Perbankan saat ini dan merekonstruksi penyelesaian kredit macet di Lembaga Keuangan Perbankan Berbasis Nilai Keadilan. Penelitian dengan paradigma konstruktivisme. Sifat penelitian yaitu deskriptif, dan perskriptif. Metode pendekatan *yuridis empiris*. Metode pengumpulan data primer dengan observasi dan wawancara. Sumber data dari data primer dan data sekunder. Analisis data dengan *deskriptif kualitatif*. Hasil Penelitiannya: Dalam praktek penyelesaian kredit saat ini masih belum berkeadilan, karena rata-rata kreditur tidak mau tahu tentang penyebabnya kredit macet walaupun kepada debitur yang kooperatif. Apalagi jika debitur terkena bencana alam, maka debitur mengalami kesulitan atau bahkan tidak mungkin melakukan kewajiban penyelesaian kredit macet. Pasal 15 Undang-Undang Nomor 10 Tahun 1998 masih sangat kabur dan tidak ada pengaturan kredit macet apalagi khusus debitur yang kooperatif ataupun debitur korban bencana alam. Rekonstruksi Nilai, bahwa penyelesaian kredit macet khususnya kepada debitur yang kooperatif, maka kreditur wajib menerapkan penyelesaian alternatif, yaitu: *Rescheduling, Reconditioning, dan Recstructuring*. Kreditur juga melakukan pemutihan kredit macet khususnya kepada debitur korban bencana alam yang sampai kehilangan semua harta bendanya. Rekonstruksi norma dengan merevisi Rumusan Pasal 15 Undang-Undang Nomor 10 Tahun 1998 yang semula hanya 1 (satu) pasal, direkonstruksi menjadi 2 (dua) Pasal yang merumuskan tentang Penyelesaian Kredit Macet dengan menerapkan penyelesaian alternatif melalui *Rescheduling, Reconditioning, dan Recstructuring*. Teori baru Penulis adalah “Teori Penyelesaian Kredit Macet yang Berkeseimbangan dan Berkeadilan”, yaitu: Penyelesaian kredit macet khususnya kepada debitur yang kooperatif, maka kreditur wajib menerapkan penyelesaian alternatif, dengan cara *Rescheduling, Reconditioning, dan Recstructuring*. Penyelesaian kredit macet khususnya kepada debitur yang mengalami bencana alam, maka kreditur wajib melakukan pemutihan kredit dengan penghapusan kredit macet terhadap debitur korban bencana alam yang mengakibatkan kerugian yang sangat besar bahkan sampai kehilangan semua harta bendanya.

Kata Kunci: Kredit Macet, Bencana Alam, Penyelesaian Alternatif, Nilai Keadilan.

ABSTRACT

Even though a credit analysis has been carried out, and the credit has been declared feasible to be given to the prospective debtor, the possibility of a bad credit caused by an error or negligence by the creditor or from the debtor, or because of a forced situation. The Research Objective is to find out and analyze the implementation of the settlement of bad loans at the current Banking Financial Institution, to know and analyze the weaknesses in the implementation of the settlement of bad loans in the current Banking Financial Institutions and to reconstruct the settlement of bad credit in the Financial Value-Based Banking Institution. Research with the constructivism paradigm. The nature of the research is descriptive, and descriptive. An empirical juridical approach method. Methods of primary data collection by observation and interviews. Sources of data from primary data and secondary data. Data analysis with qualitative descriptive. His Research Results: In the current practice of credit settlement, it is still not fair, because the average creditor does not want to know about the causes of bad credit even though the debtor is cooperative. Especially if the debtor is hit by a natural disaster, then the debtor will have difficulty or even not be able to carry out the loan settlement obligations. Article 15 of Law Number 10 of 1998 is still very vague and there is no regulation of bad credit especially for cooperative debtors or debtors who are victims of natural disasters. Value Reconstruction, that the settlement of bad loans especially to cooperative debtors, then the creditor must implement alternative solutions, namely: Rescheduling, Reconditioning, and Recstructuring. Creditors also bleed bad loans, especially to debtors victims of natural disasters who lost all of their property. Reconstruction of norms by revising the Formulation of Article 15 of Act Number 10 of 1998 which was originally only 1 (one) article, reconstructed into 2 (two) Articles which formulate the Settlement of Bad Credit by applying alternative solutions through Rescheduling, Reconditioning, and Recstructuring. The author's new theory is "The Balance of Equitable and Equitable Debt Settlement Theory", namely: Settlement of bad loans, especially to cooperative debtors, so creditors must implement alternative solutions, by Rescheduling, Reconditioning, and Recstructuring. Settlement of bad loans, especially to debtors who have experienced natural disasters, the creditors must conduct credit bleaching by eliminating bad credit to debtors who are victims of natural disasters that result in huge losses and even loss of all their assets.

Keywords : *Bad Credit, Natural Disasters, Alternative Settlement, Value of Justice*