

ABSTRAK
PERLINDUNGAN HUKUM TERHADAP DEBITOR DALAM
PERJANJIAN KREDIT BANK DENGAN JAMINAN HAK
TANGGUNGAN APABILA MENGALAMI KREDIT MACET DIMASA
PANDEMI COVID-19

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Latar belakang penulisan skripsi ini dikarenakan dimasa pandemi covid-19 yang sedang terjadi ini menimbulkan banyak sekali permasalahan ekonomi seperti salah satunya berkurangnya pendapatan bagi para pelaku usaha terlebih lagi apabila pelaku usaha tersebut merupakan Debitor disalah satu bank sehingga berdampak terhadap perjanjian kredit menggunakan jaminan hak tanggungan yang dijalani tidak menutup kemungkinan akan mengalami kredit macet, lantas perlindungan hukum yang seperti apa yang dapat diperoleh bagi Debitor yang mengalami kredit macet dimasa pandemi covid-19.

Rumusan masalah dalam skripsi ini yaitu. Dan tujuan penulisan skripsi ini yaitu bentuk perlindungan hukum yang dapat diperoleh oleh Debitor yang mengalami kredit macet dengan jaminan hak tanggungan dimasa pandemi covid-19 menurut peraturan perundang-undangan yang berlaku di Indonesia serta bagaimana upaya hukum yang dapat dilakukan Debitor dalam perjanjian kredit bank dengan jaminan hak tanggungan yang mengalami kredit macet dimasa pandemi covid-19

Metode Penelitian yang digunakan dalam penulisan skripsi ini yaitu menggunakan tipe penulisan yuridis normatif yang berdasarkan dari hasil kajian buku-buku, jurnal-jurnal dan undang-undang yang berhubungan dengan perlindungan hukum terhadap debitor apabila mengalami kredit macet dimasa pandemi covid-19. Dan menggunakan pendekatan perundang-undangan sehingga pengumpulan dan pengolahan bahan hukum melalui studi kepustakaan yang dianalisa menggunakan deduktif kualitatif.

Hasil dari penelitian skripsi ini yaitu untuk pembahasan pertama mengenai bentuk perlindungan hukum yang dapat diperoleh oleh debitor, serta hasil pembahasan kedua yaitu mengenai upaya hukum yang dapat dilakukan Debitor yang mengalami kredit macet dimasa pandemi covid-19.

Dapat ditarik kesimpulan bahwa dasar perlindungan hukum terhadap debitor apabila mengalami kredit macet dimasa pandemi covid-19 diatur dalam Pasal 5 Peraturan POJK Nomor 48/POJK.03/2020 tersebut, diatur mengenai ketentuan restrukturisasi kredit yang diberikan terhadap debitor. Dan upaya yang dapat dilakukan yaitu mengajukan permohonan Restrukturisasi Kredit.

Kata Kunci: Perlindungan Hukum, Kredit Macet, Pandemi Covid-19

ABSTRACT

LEGAL PROTECTION AGAINST DEBTORS IN BANK LOAN AGREEMENTS WITH GUARANTEE OF LIABILITY RIGHTS IF YOU HAVE LOAN LOANS DURING THE COVID-19 PANDEMIC

By: Aminah, Dr. Sjaifurrachman, S.H., C.N., M.H., Arif Santoso, S.H., M.Si.

The background of writing this thesis is because during the current covid-19 pandemic, it causes a lot of economic problems, such as reduced income for business actors, especially if the business actor is a debtor in one of the banks so that it has an impact on credit agreements using mortgage guarantees. What is undertaken does not rule out the possibility of experiencing bad credit, then what kind of legal protection can be obtained for debtors who experience bad credit during the covid-19 pandemic.

The formulation of the problem in this thesis is. And the purpose of writing this thesis is a form of legal protection that can be obtained by debtors who experience bad credit with guaranteed mortgage rights during the covid-19 pandemic according to the laws and regulations in force in Indonesia and how legal remedies can be taken by debtors in bank credit agreements with guarantees. mortgages who experience bad credit during the covid-19 pandemic

The research method used in writing this thesis is using a normative juridical writing type based on the results of a study of books, journals and laws relating to legal protection for debtors if they experience bad credit during the covid-19 pandemic. And using a statutory approach so that the collection and processing of legal materials through literature studies are analyzed using qualitative deductive.

The results of this thesis research are for the first discussion regarding the forms of legal protection that can be obtained by debtors, as well as the results of the second discussion, namely regarding legal remedies that can be taken by debtors who experience bad credit during the covid-19 pandemic.

It can be concluded that the basic legal protection for debtors if they experience bad credit during the covid-19 pandemic is regulated in Article 5 of the POJK Regulation Number 48/POJK.03/2020, which regulates the provisions for credit restructuring given to debtors. And the effort that can be done is to apply for Credit Restructuring.

Keywords: Legal Protection, Bad Credit, Covid-19 Pandemic