

ABSTRAK

Badan Usaha Milik Negara (BUMN) adalah penopang ekonomi kerakyatan. BUMN utamanya dalam sektor usaha perbankan harus menjalankan usaha bank dalam penyaluran kredit kepada masyarakat dalam rangka pemberdayaan masyarakat harus mempertimbangkan asas kehati-hatian perbankan, dalam rangka memitigasi resiko kredit. Dalam perkara Nomor: 45/Pid.Sus-TPK/2020/PN Smg, dilakukan pengesampingan asas kehati-hatian yang berdampak pada kredit macet. Dalam penelitian menggunakan Pendekatan Doktrinal, dengan meneliti peraturan perundang-undangan, asas-asas hukum, serta putusan pengadilan. Penelitian ini menggunakan spesifikasi penelitian Deskriptif-Analitis. Penelitian ini menggunakan data hukum sekunder. Penerapan Asas Kehati-Hatian Perbankan pada Pemberian Kredit harus sesuai dengan peraturan perundang-undangan yang berlaku, serta prosedur-prosedur dalam perbankan. Penyaluran kredit harus didasarkan pada Asas Kehatian-hatian Bank yang dirincikan menjadi Prinsip *the 5C's of credit*. Penerapan Asas Kehati-Hatian Perbankan pada Perkara Nomor: 45/Pid.Sus-TPK/2020/PN Smg tidak diterapkan sehingga terjadi kemacetan kredit dalam perkara *a quo*. Dalam perkara *a quo* terdapat sengketa antara Bank Mandiri dengan Donny Iskandar Sugiyo Utomo, mengenai kredit macet. Proses penyaluran kredit tersebut melewati langkah prosedur Bank Mandiri, yang mengesampingkan Asas Kehati-hatian Bank.

Kata Kunci: *Kredit, Asas Kehati-hatian, Bank BUMN*

ABSTRACT

*State-Owned Enterprises (SOEs) serve as pillars of a people-oriented economy. SOEs, particularly in the banking sector, must conduct their banking activities—especially in the distribution of credit to the public for community empowerment—by taking into account the principle of prudential banking in order to mitigate credit risk. In Case Number: 45/Pid.Sus-TPK/2020/PN Smg, the prudential principle was disregarded, which resulted in non-performing loans. This research uses a doctrinal approach by examining legislation, legal principles, and court decisions. The research adopts a descriptive-analytical specification and relies on secondary legal data. The application of the Prudential Principle in banking credit distribution must comply with the applicable laws and regulations as well as banking procedures. The distribution of credit must be based on the Bank's Prudential Principle, which is detailed through the 5C's of credit. In Case Number: 45/Pid.Sus-TPK/2020/PN Smg, the Prudential Principle in banking was not implemented, resulting in a non-performing loan in the case *a quo*. The dispute in the case *a quo* involved Bank Mandiri and Donny Iskandar Sugiyo Utomo regarding a defaulted loan. The credit distribution process bypassed Bank Mandiri's procedures, effectively neglecting the Bank's Prudential Principle.*

Keywords: *Credit, Prudential Principle, State-Owned Bank*