

ABSTRAK

Penelitian ini bertujuan untuk menganalisis penyelesaian kredit bermasalah yang dijamin dengan jaminan fidusia pada PT BPR Artha Nusantara Abadi, dengan menggunakan pendekatan yuridis empiris. Permasalahan yang dikaji meliputi mekanisme penyelesaian kredit bermasalah serta kesesuaian antara ketentuan hukum yang berlaku (*das sollen*) dengan praktik di lapangan (*das sein*). Metode penelitian yang digunakan adalah penelitian hukum empiris dengan data primer melalui wawancara serta data sekunder dari peraturan perundang-undangan dan literatur hukum. Hasil penelitian menunjukkan bahwa penyelesaian kredit bermasalah dilakukan melalui upaya non-litigasi seperti restrukturisasi kredit (*rescheduling, reconditioning, dan restructuring*) serta upaya litigasi melalui eksekusi jaminan fidusia. Namun, dalam praktiknya masih terdapat kendala, seperti kurangnya pemahaman debitur, hambatan administratif, serta ketidaksesuaian prosedur eksekusi dengan ketentuan hukum yang berlaku. Hal ini menunjukkan adanya kesenjangan antara *das sollen* dan *das sein* dalam pelaksanaan jaminan fidusia. Berdasarkan teori kepastian hukum, pelaksanaan eksekusi jaminan fidusia seharusnya memberikan kepastian bagi kreditur dalam memperoleh pelunasan piutang. Sementara itu, berdasarkan teori perlindungan hukum, baik kreditur maupun debitur harus mendapatkan perlindungan yang seimbang agar tidak terjadi penyalahgunaan kewenangan. Oleh karena itu, diperlukan peningkatan kepatuhan terhadap prosedur hukum serta penguatan pemahaman para pihak guna mewujudkan kepastian dan perlindungan hukum yang optimal.

Kata Kunci: Kredit Bermasalah, Jaminan Fidusia, Penyelesaian Sengketa,

ABSTRACT

This study aims to analyze the resolution of non-performing loans secured by fiduciary guarantees at PT BPR Artha Nusantara Abadi, using an empirical juridical approach. The issues examined include the mechanisms for resolving non-performing loans and the conformity between the applicable legal provisions (das sollen) and their implementation in practice (das sein). The research method applied is empirical legal research, utilizing primary data obtained through interviews and secondary data derived from laws and regulations as well as legal literature. The results of the study indicate that the resolution of non-performing loans is carried out through non-litigation efforts such as credit restructuring (rescheduling, reconditioning, and restructuring), as well as litigation efforts through the execution of fiduciary guarantees. However, in practice, there are still several obstacles, such as the lack of debtor understanding, administrative barriers, and inconsistencies in the execution procedures compared to the applicable legal provisions. This reflects a gap between das sollen and das sein in the implementation of fiduciary guarantees. Based on the theory of legal certainty, the execution of fiduciary guarantees should provide certainty for creditors in obtaining repayment of receivables. Meanwhile, according to the theory of legal protection, both creditors and debtors must receive balanced protection to prevent any abuse of authority. Therefore, it is necessary to enhance compliance with legal procedures and improve the understanding of the parties involved in order to achieve optimal legal certainty and protection.

Keywords: *Non-Performing Loans, Fiduciary Guarantee, Dispute Resolution.*