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# The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



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**FAIR SETTLEMENT RECONSTRUCTION OF PROBLEMATIC CREDIT  
DISPUTE AT BANK RAKYAT INDONESIA (STUDY CASE AT MEDAN-  
SINGAMANGARAJA BRI BRANCH OFFICE)**

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**ABSTRACT**

The role of banking in the economy as the intermediary institution will strengthen the economic structure of a country. Loans extended by the bank to borrowers have risks to be stuck credit such as experienced by banking institutions including Medan Singamangaraja *BRI* Branch Office. Therefore, the problems in this study are about causes of stuck credit, efforts of the bank business in the implementation of dispute resolution over stuck and problematic credits and the ways of reconstruction of problematic credit dispute at Medan Singamangaraja *BRI* Branch Office.

This research is descriptive empirical jurisdiction, and the research results show that the causes of stuck credit at Medan Singamangaraja *BRI* Branch Office are due to internal factors (weakness in credit analysis and credit documents, as well as carelessness of bank officer), and external factors (economic and political situation, in the country, and Legal Policy of the Government).

Efforts of Medan Singamangaraja *BRI* Branch Office to anticipate stuck credit are preventively applying the precautionary principle (Prudential Principle) in credit distribution procedures, and repressively through Restructuring, sale of security object of credit under hand, and if the efforts do not yield results, then lines to resolution at courts are chosen, through the State Receivables Affairs Committee.

From the results of fair dispute resolution of stuck credit, the reconstructions are as follows:

1. Article 2 of Law No. 7 of 1992 states: "*Bank Indonesia* in running the banking business is based on economic democracy using the precautionary principle; providing criminal and administrative sanctions to employees who violate the principles of prudence, resulting in stuck credit and causing losses for banks/state
2. To achieve equitable settlement credit dispute, then in the letter of credit agreement a firm clause must be included, that: "In the event of disagreement or dispute settlement of stuck credit occurring between the bank / creditor and the debtor, the parties concerned will choose the best dispute resolution for them through banking mediation, and if they fail, they will take the path of litigation or referral to the State Receivables Affairs Committee "

**Keywords:** *Bank, Stuck Credit, Justice Value*

## OUTLINE

The banking industry is often regarded as the heart and driving force of the economy of a country.<sup>1</sup> This is seen from the strategic role of the bank in the economy as the intermediary institution in collecting and distributing public funds to finance sectors of the economy to strengthen the economic structure of a country.<sup>2</sup>

Broadly speaking, the role of bank in the economy is, first, to run the transmission function, second, to collect and distribute funds (intermediation function); the third, to transform and distribute risk in an economy (transformation and distribution of risk function) and the fourth as an instrument to stabilize economic conditions (stabilization function).<sup>3</sup>

Acting as a transmitting agency means that the banking institution has the ability to control the amount and the movement of money in circulation. As an institution, the bank is able to create a financial instrument (such as the creation of the currency by the Central Bank and demand deposits by commercial banks), then the bank can influence the provision of most of the money supply to be used both as a medium of exchange (medium of exchange) or as a means of payment (unit of account). In short through its ability to control the amount and the movement of money in circulation, the banking institution has a very important role as the transmission of monetary policy.<sup>4</sup>

Meanwhile, as an intermediary institution, a banking institution has a role to mobilize funds from parties who have idle funds or excess funds (surplus units) to then distribute them to those in need or lack of funds (deficit units). Through intermediation, the banking institution has the ability to reallocate funds more effectively between the two parties (surplus and deficit units) that are separate and do not know each other. Therefore, through this intermediary function, the banking institution has a very important position to support life and economic progress.<sup>5</sup>

The role of the bank as intermediary in mobilizing and channeling funds, directly or indirectly, makes the institution have the ability to transform and distribute risk. This means that on the one hand, all the economic activities have risks. Then, there is one economic activity that might have a higher risk compared to other economic activities.

In a developing country such as Indonesia, the banking industry is becoming increasingly important. This is the typical feature of developing countries where the saving-investment gap cannot be covered by the government budget. The involvement of the bank in collecting and channeling back the public funds will help the process of economic development. So it is not surprising that the role of the bank in developing economies is more dominating compared to banks in advanced countries.<sup>7</sup>

As an illustration, a study conducted by the World Bank shows that the assets of the banking sector against all the assets of financial institutions of countries in Asia and Latin America in 1994 reached 60%. Even in Indonesia, the ratio reached 90%.<sup>8</sup>

Although the existence of the bank is very important for the economy, but still business in the financial sector poses a risk, and, if not anticipated posing a counter-attack to the economy.<sup>9</sup> Banking is a business that has a high exposure level. As a financial intermediary, banking business faces a number of risks.<sup>10</sup>

In term of investment, the most dominant intermediation conducted by the bank is credit distribution. It is recognized that in addition to promising a profit as the main source of income of the bank, giving credit also has high risk for the bank, namely the risk of greater return failure, leading to problematic credit inclined to stuck credit resulting in losses for the bank giving the credit.

In general, problematic credit is a loan causing problems, not only against the bank as a lending institution, but also to customers as credit recipients, and because of this, all credits

must be resolved in various ways. If the credit gets stuck , then indirectly, it will also harm the society as the fund owners.

Problematic credit means that there is a difficulty that needs solving, or an obstacle that interfere bothering the achievement of optimal performance. The problem may also be a deviation or inconsistency between necessity and reality. The core of the problem formulation is to get an answer to improve any error encountered and remove any obstacle found.

So the problematic credit could still be resolved if handled properly and appropriately by competent and experienced officers or bank officials. Problematic credit requires special attention from the bank as creditor and the debtor as a customer. A problematic credit, if not handled professionally, will evolve to undermine the established order of credit.

Based on the background of the study and pertaining to the researcher, a retired auditor of *Bank Rakyat Indonesia* is willing to give academic contribution to Bank Rakyat Indonesia in particular and for the Indonesian banking in general, and the researcher is interested make an analysis on *Fair Settlement Reconstruction of Problematic Credit Dispute at Bank Rakyat Indonesia* (study case at Singamangaraja *BRI* Branch Office).

The main issue to be analyzed in this dissertation is *Fair Settlement Reconstruction of Problematic Credit Dispute at Bank Rakyat Indonesia* (study case at Singamangaraja *BRI* Branch Office), with the problem formulation as follows:

### **Formulation Identification**

1. What are the causing factors of the problematic credit at Singamangaraja Branch Office of *Bank Rakyat Indonesia*?
2. What are the efforts to anticipate the disputes of the problematic credit at Singamangaraja Branch Office of *Bank Rakyat Indonesia*?

3. How is the Fair Settlement Reconstruction of Problematic Credit Dispute at Singamangaraja Branch Office of *Bank Rakyat Indonesia* conducted?

**Objectives of the research:**

1. To determine the causing factors of the problematic credit at Singamangaraja Branch Office of *Bank Rakyat Indonesia*.
2. To determine the efforts to anticipate the disputes of the problematic credit at Singamangaraja Branch Office of *Bank Rakyat Indonesia*.
3. To describe how the Fair Settlement Reconstruction of Problematic Credit Dispute at Singamangaraja Branch Office of *Bank Rakyat Indonesia* is conducted.

The study uses the legal system of ethical theory as a framework to see and understand the issues in the resolution of problematic credit. According to the ethical theory,<sup>12</sup> the law is solely aimed at realizing justice. In terms of justice, Adam Smith says that the purpose of justice is to protect oneself from any loss.<sup>13</sup>

By this it is clear that justice according to Adam Smith is concerned with guarantee and respect on individual and basic rights. Individual rights are regarded perfect rights, as rights must be be appreciated.<sup>15</sup>

The sense of justice propounded by Adam Smith contains a broad sense because it does not only cover recovery, but also the prevention of the violation of interests and rights of others. Furthermore, with regard to guarantee of the perfect rights of individual, which applies to all forms of reciprocal relations among individual to individual, family relations, civil relations and economic relations as well as the government relations with people. Justice is also associated with the same treatment for all people in accordance with applicable law by the principles of impartiality (impartiality).<sup>16</sup>

Further according to the rules, justice should be the greatest possible clarity for every human action, which is set as precisely as possible, as demanded by justice. Justice is the moral virtue that can be imposed, because:<sup>17</sup>

1. Rules concerning human rights which are precious and must be upheld by anyone. The rules sets out what can and cannot be done in relation to the rights of others.
2. That in reality, a violation of justice will cause harm and crime in society, which in turn would disrupt the social order.

Justice context in the issues to be studied can then be seen on the interaction between the bank and customers in a relationship that can be categorized into two forms, namely the funding clientele relationship and credit clientele relationship. The clientele relationship must be based on two things, namely legality and trust. Legality gives certainty while trust underlies business ethics which must be upheld by the parties (bank and the customer / debtor).

In a clientele credit relationship, the legal relationship between the bank as the lender and the customer as the debtor is a contractual relationship. The contractual relationship occurs when the creditor has established a legal relationship with the debtor through credit agreement upholding the clauses contained in the credit agreement. The formulation of clauses in bank credit agreement is under the authority of the bank as the creditor. Clause is an attempt to minimize risk in bank loan. The bank formulates the clauses both in terms of finance or legality. The consideration is, the bank as a financial institution whose fund originates from the society needs to be careful (prudential banking) in credit distribution.

When the concepts of Adam Smith are viewed, the losses arising from stuck credit should be sanctioned to attain balance in the realization of justice. The loss factor caused by the stuck credit is owing to meeting the obligations as listed in the bank credit clause

agreement and responsibility of the person concerned should be demanded legally either in the form civil or criminal law, or there will be chaos in society.

There are several legal theories that can be used to answer the problems faced by *Bank Rakyat Indonesia* in the resolution of problematic credit: First, the Welfare State Theory (Welfare State) as a Grand Theory, Second, Theory of Law Functioning as the Middle Range Theory, and the third, Dispute Resolution Theory as Applied Theory.

In this study, the research paradigm used is the theory of Constructivism. Paradigm is a series of guides for the researcher to view reality (ontology), relationship between researcher with the research object (epistemology) and how research is to be conducted (methodology). The method derived from research in particular paradigm should be based on the consistency of the ontology and epistemology. Therefore once chosen, a particular paradigm must be consistent ontologically, epistemologically and methodologically.

Constructivist theory is a theoretical approach to communication study originally developed in the 1970s by Jesse Deli and his colleagues. Constructivist theory states that people interpret and act according to the various categories of conceptual thinking. According to this theory, reality does not manifest itself in rough shape, but must be filtered first through perception.<sup>18</sup>

In accordance with the problems and the objectives, this dissertation is a descriptive study by means of empirical jurisprudence, which describe the facts and legal acts of the process or mechanism for resolution of problematic credit at *Bank Rakyat Indonesia*, Medan Singamangaraja Branch Office

The research materials are obtained through empirical jurisprudence approach, which begins with library research to obtain secondary data and field research to obtain primary data. Empirical jurisprudence approach is a legal approach to look at the implementation of applicable laws in practice.

The term research is more likely to be identified with the elaboration of an effort to discover the facts / principles / new product from a knowledge. This type of research is descriptive analysis that aims to find a new knowledge that does not previously exist and in this case things to be found are rules of law and justice as a whole so far in problematic credit resolution is not yet maximized.

The method research approach is sociological jurisdiction. According to Ronny Hanitijo Soemitro, socio- jurisdiction means to identify and conceptualize law as a social institution that is real and in functional system patterned in social life. The sociological approach is also called the empirical approach. Through sociological juridical approach in this study, the researcher wishes to find the essence of justice and the rule of law which should be presented in the law system in Indonesia, which is closely related to the imposition of criminal sanctions against employees of banks that ignore the precautionary principle in the loan process, as well as enforcement of mediation before loan resolution submitted into the path of litigation.

The data collection techniques used in this study are as follows:

1) Field Study (field research)

Field study is a study in which researcher directly comes to the field to obtain primary data and particulars required. The techniques used in the collection of data through field study is by interview.

Interview is a way of obtaining data by asking questions to the respondent orally. The interview techniques used in this study is a structured interview in which questions can be developed in accordance with the necessary requirements. In this way, the first is to make a draft so that questions can be directed in accordance with the disciplines used. This is caused by the extension of the scope in terms of banking that include a variety of disciplines.

2) Literature study (library research).

Literature study is collecting the materials in the form of books, legislation, papers, and other library materials related to the issues analyzed in order to get an overview and understanding of the theoretical framework. In addition, to obtain other necessary secondary data to conduct a document study, especially at the Branch Office of Medan Singamangaraja *Bank Rakyat Indonesia*.

In the process of data analysis, there are three components that must be completely understood. The three components are as follows:<sup>20</sup>

1) Reduction of data.

Research data that have been collected are then reduced. Data reduction is a process of selection, focusing, simplification and abstraction of the field-note data. This process continues until the final report of the study is complete. Data reduction is a form of analysis that sharpens, classifies, and organizes data in such a manner that the final conclusion can be drawn and verified.

2) Data Presentation

After the data reduction is done, the next step is data presentation. Data presentation is a modification of information organization that allows the conclusion of the research to be done. Data presentation can include various types of matrices, drawings / schemes, network, respective activities and also tables.

3) Inference or verification.

After data reduction and presentation, the final step is to make a conclusion / verification. The results of the data obtained from subsequent research reports are combined and summarized and verified. Conclusion is a part of configuration activity and the conclusion is also kept in verification during the research.

Data verification is the examination of the validity of the results of a research report; while the conclusion is a review of the record field. Conclusions can be reviewed as a meaning emerging from the data to be verified, solidified and suited in the form of validity.<sup>21</sup>

Credit distribution from the bank is not entirely returned by the customer in accordance with the agreed time. This can lead to the stoppage or stagnation of credit line. Stuck credit is one of the risks faced by the bank matters of loan. Credit risk is a risk that would be encountered as a result of the length of time separating the achievement gift from contra-achievement to be accepted at a later time.

Every bank must face problems of problematic and stuck credits. In general, the problems arising in the form of credit payment delay, namely the so-called problematic and stuck credits. Problematic credit is different from stuck credit. Problematic credit is not necessarily put into the category of stuck credit, while stuck credit is definitely in the category of problematic credit.

With reference to the above provisions, the bank credit according to the quality is based on the possibility of risk according to the bank tied to the conditions and adherence of the debtor to meet the obligations to pay interest, installment and settle the loan to the bank. So a key element in determining the quality is the time of interest, loan and main loan payments. The details are as follows:<sup>21</sup>

1. Smooth Credit

Credit is classified into smooth credit when meeting the following criteria: Repayment of capital loan and / or interest on time

2. Special Attention

Credit is classified into credit in special attention when meeting the following criteria: main loan and / or interest has not exceeded 90 days.

### 3. Substandard .

Credit is classified into substandard credit when meeting the following criteria: main loan and / or interest has exceeded 90 days.

### 4. Doubtful

Credit is classified into doubtful credit if they meet the following criteria: main loan and / or interest has exceeded 180 days.

### 5. Stagnation or Loss

Credit is classified into stuck credit when meeting the following criteria: main loan and / or interest has exceeded 270 days.

Causes of problematic credit at Bank Rakyat Indonesia consists of Internal and External Factors.

## **Internal Factor.**

1. Weakness in credit analysis, such as: First, credit analysis is not based on accurate data or the data quality is low; second, the credit information is incomplete or low data quantity; third, the extension of credit is too little or too much; fourth, credit officers, namely credit analyst, financial analyst, accounting officer or all the three are less keen in observing (figures, data, information) about the customer's business; fifth, granting a period that does not fit the needs of credit (too long or too short); and sixth, the lack of accountability of credit decision.
2. Weakness in the loan documents, such as: first, data on the debtor's credit is not well documented; second, oversight of the physical documents are not executed in accordance with the provisions.
3. Carelessness of bank officers, such as: first, the bank is too eager to earn huge profits, so the analysis is often not sharp, inadvertent, even conceded; second, the bank is too

compromising with the customer for fear that the customer will run into another bank, so there is an impression to follow the will of the client; third, the clerks or bank officials oversimplify the problem; and fourth, a misunderstanding in competition among banks.

**External Factor:**

1. Economic Situation, among other: First, the globalization of the economy, where goods produced abroad freely enter and compete with domestic production. If the entrepreneurs in the country do not work with a high level of efficiency, the products in the country certainly cannot compete; Second, changes in foreign exchange rates greatly affect the smooth running of the debtor's business.
2. The political situation in the country, one of the examples is during the confrontation between Indonesia and Malaysia. There is no economic fluency relations between the two countries. If something like this happens with neighboring countries, it would be very disruptive trading progress.
3. Government Regulation. In Indonesia frequent deregulation keeps appearing in general to protect the public interest. If bank customers are affected by the deregulation, then obtaining credit becomes problematic.

**Preventive Effort**

Applying the precautionary principle (Prudential Principle) in credit procedures, is done by:

First, the compulsion of credit distribution is based on the analysis of 6C namely: character (attitude/behavior), capacity (ability to pay for the credit), capital (capital), collateral (guarantee), condition of economy (economic condition), and constraint (barrier).

Second, as the implementation of the principle of prudence in lending is to the principles of assessment with an analysis of 7P, namely: personality (attitude), party (Classification), purpose (purpose of credit), prospects (prospects in the future), payment (the way repayment), profitability (profit-making ability), and protection (loan security).

Third, another principle is the principle of the 3Rs, namely: Return (assessment of the results to be obtained after obtaining credit), repayment (capacity, schedules, and loan payment term), risk bearing ability (the ability of the company to avoid risks).

Fourth, assessment of the aspects of Credit Analysis, namely: Juridical, Marketing, Management and Organization, Technical, Financial, Security and Aspects, Socio-economic and Environmental Impact Assessment (EIA), Risk Analysis and Critical Points of the project as critical points will create barriers to the success of project t: man, management, marketing, money, material, machine, method, mentality, and the macro economy.

Fifth, the credit agreement is made in writing before the Notary Public covering guarantee binding, such as land or building with the Act of Encumbrance Right (APHT) and registered to the Land Office as a publicity principle, so the bank has the preference right executing security object in case of the credit jammed in the return of loans to borrowers.

### **Repressive Effort**

To anticipate the stuck credit repressively is:

First, if the debtor's business is still running and still has prospects for improvement, rescue loans can be done through debt restructuring. Restructuring is done by: Rescheduling (Rescheduling the credit period), or Reconditioning (Changing credit terms), or Realignment (Realignment of credit), or a combination of Rescheduling, Reconditioning and Realignment

Second, the object of collateral credit sales under the hand, can be performed by the debtor himself or carried out by the bank on the basis of a power of attorney from the debtor.

Third, the settlement through the courts. If the attempt to rescue the Restructuring and sale of collateral under the hand does not yield results, then the bank will resolve the stuck debts through the courts (litigation).

Fourth, stuck loan resolution through State Receivable Affairs Committee (*PUPN*). Basically the settlement of loans (including trust of the country) can be resolved through State Receivable Affairs Committee (*PUPN*).

## **Juridical Banking Law Reconstruction**

### **Before Reconstruction:**

1. Article 2 of Law No. 7 of 1992 states: "*Bank Indonesia* in the conduct of its business is based on economic democracy with the use of the precautionary principle."

Weaknesses: Bank employees violating the principles of prudence, causing bad loans are not sanctioned.

2. In a letter of credit agreement that has no firm statement of clause, that: "In the event of disagreement or dispute settlement of stuck loans between the bank / creditor and the debtor, the respective parties will choose the best dispute resolution through banking mediation, and if they fail then they will take litigation or referral lines to the State Receivables Affairs Committee."

### **Reconstruction**

1. Article 2 of Law No. 7 of 1992 states: "Bank Indonesia in the conduct of its business is based on economic democracy by using the precautionary principle; using the

precautionary principle and criminal and administrative sanctions for employees who violate the principles of prudence, causing stuck loans and losses to the bank / state.

2. To achieve equitable credit dispute settlement, then in the letter of credit agreement a clause should be inserted stating that: "In the event of disagreement or dispute settlement of stuck loans occur between the bank / creditor and the debtor, the parties will choose the best dispute resolution through banking mediation, and if they fail then they will take litigation or referral lines to the State Receivables Affairs Committee. "

### **New Theory: Accountability Theory of Stuck Credit.**

Based on value and juridical reconstruction mentioned above, a new theory of dispute resolution of stuck credit at Bank Rakyat Indonesia relevantly used is *Accountability Theory of Stuck Credit*. Responsibility is man's consciousness of behavior or actions done on purpose or not. The responsibility also means to do something as the embodiment of awareness of obligations. Responsibility is natural, it is already a part of human life, that every human being is loaded with responsibility.

Based on a review of the research result of the dissertation, the researcher then draws conclusions and recommendations as follows:

#### **A. Conclusion**

1. The causes of stuck credit at Medan-Singamangaraja *BRI* Branch Office is due to Bank Internal and External Factors.
  - a. Causes of Internal factors of stuck credit are:
    - 1) Weakness in credit analysis, among others: Analysis of credit is not based on accurate data or the data quality is low, and credit officers covering credit analyst,

financial analyst, accounting officer or all the three are less keen in observing (figures, data, information) of the customer's business.

- 2) Weakness in the loan documents, among others: Data on the debtor's credit is not well-documented, and oversights of the physical documents are not executed in accordance with the provisions.
- 3) Carelessness of bank clerk, among others: The bank is too eager to earn huge profits, so the analysis is not sharp and careful, and the bank clerk or officer oversimplifies the problem.

b. External factors causing stuck credit are:

- 1) Economic Situation, among others, economic globalization, whereby if entrepreneurs in the country does not work with a high level of efficiency, the products in the country certainly cannot compete.
- 2) The political situation in the country, such as the case of confrontation with neighboring countries, it would be very disruptive trading progress.
- 3) The government regulation. In Indonesia frequent deregulation appears in general to protect the public interest. If the bank customers are affected by deregulation, it means that obtaining credit becomes problematic.

2. Efforts of Medan-Singamangaraja *BRI* Branch Office to anticipate of the stuck credit should be done by Preventive and Repressive ways.

a. Anticipating stuck credit in Preventative way : Applying the precautionary principle (Prudential Principle) in loan procedures, done by:

- 1) The compulsion of credit distribution based on the analysis of 6C, 7P, 3R and , Assessment of the aspects of Credit Analysis.

- 2) The credit agreement is to be made made in writing before the Notary Public and guarantee binding , such as land or buildings through the imposition of Mortgage Act (*APHT*) and registered at the Land Office.
- b. Anticipating stuck credit in a repressive way:
    - 1) If the debtor's business is still running and has prospects for improvement, rescue loans can be done through debt restructuring, sales of credit security under hand.
    - 2) If the Restructuring and sale of collateral under the hand do not give results, then the way chosen is through the courts and Settlement of stuck credit through the State Receivable Affairs Committee (*PUPN*).
3. Reconstruction of resolution of stuck credit dispute
    - a. The credit officer does not apply the precautionary principle causing stuck credit and to the bank / state that is not yet regulated in criminal sanction in the Law of the Republic of Indonesia Number 10 of 1998 on the amendment of Law No. 7 of 1992 on Banking.
    - b. Agreements made between the bank / lender and the customer / debtor does not include clause such as arbitration, mediation, etc. as stated in Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution.

## **B. Suggestion**

1. In anticipation of stuck credit, the principle of caution in the granting of credit is to be applied , which is a comprehensive analysis of the ability of borrowers in repayment or redemption of loans from business prospects financed from loans before the credit is realized, and the bank is required to conduct an assessment of careful review of the credit documents and to administer the credit documents in an orderly manner as the anticipation in case of stuck credit and debts the debtor is not cooperative and misuse the credit then respective items can be auctioned for loan repayment. To the loan

officer with the elements of misusing his authority by violating the principles of prudence in credit granting process resulting in the emergence of stuck credit, causing losses for banks / state, the loan officer concerned could be handed over to law enforcement to be convicted. The credit officer in the credit approval process must be attentive to economic globalization, the political situation in the country, and government regulation.

2. In anticipation of stuck credit at Medan-Singamangaraja *BRI* Branch Office, preventive way is to be applied by regularly monitoring the place of the debtor's business after the loan disbursement. During a visit to the place of business of the debtor who receives the credit, there must be assurance that the debtor has used the funds in accordance with the planning of credit proposals submitted, since the feasibility of the proposals has already been learned and also analyzed by the bank as a business prospect will be able to pay or repay loans granted by the bank. If the credit eventually becomes stuck, repressive efforts could be done so that the credit can be saved or repaid by the debtor if the debtor's business is still running and has prospects for improvement, and by this credit rescue loans could be done through debt restructuring. If the Restructuring is not giving results, then the sale of the collateral can be taken under the hand. If the attempt to sale of collateral under the hand does not yield results, then the bank could resolve the stuck credit through mediation. If mediation does not give results then the credit resolution could be reached by the courts or through State Receivable Affairs Committee (PUPN).
3. Government is expected to reconstruct the provisions of the Law of the Republic of Indonesia Number 10 of 1998 on the Amendment of Act No. 7 of 1992 on Banking which makes provision using strict criminal sanctions to the bank officers who misuse their authority on deliberate intention to violate banking principles caution in the credit

approval process resulting in bad debts to incur losses for banks / state, and all forms of banking practices should be based on the principles contained in the Indonesian state ideology of Pancasila and the Indonesian State Interest in the Preamble to the Constitution of 1945 and the Constitution of 1945. To realize the above-mentioned terms, then the letter of credit agreement must include a firm a clause, : "if there is a disagreement or a dispute settlement of stuck credit between the bank / creditor and the debtor, the parties concerned will choose the dispute settlement best for them through banking mediation, and if not successful then they will seek litigation or referral to the Committee for Affairs of State Receivables . "

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