

# SETTLEMENT OF MICRO BUSINESS NON-BUSINESS LOANS IN BANKING DUE TO THE IMPACT OF THE COVID-19 PANDEMI AT PT. BANK BENGKULU

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**Abstract:** *The granting of credit is generally carried out by entering into an agreement, the agreement consists of a principal agreement, which consists of a credit agreement and is followed by an additional agreement in the form of a credit agreement that has been approved and agreed upon between the givers. With the Covid-19 pandemic, the government issued a policy in the form of Financial Services Authority Regulation Number 11/POJK.03/Tahun 2020 concerning national economic stimulus as a countercyclical policy impacting the spread of Coronavirus Disease 2019. With the POJK, the debtor feels that the bank cannot help in making payments, let alone with the current conditions of the Covid-19 pandemic, with the impact of the Covid-19 pandemic, debtors experience objections if the restructuring period has expired, the debtor will experience instalment payments with payments as in the beginning before the Covid-19 pandemic.*

**Key Words:** *Settlement, Bad Loans, Micro Business, Financial Services Authority Regulations, Covid-19 Pandemic.*

## 1. INTRODUCTION:

Policy for *countercyclical* the impact of the *Coronavirus Disease*, in Article 5 Paragraph (1) which explains that: "credit or financing restructuring can be carried out for all credit or financing given to debtors affected by the spread of *coronavirus disease* 2019 or commonly called Covid-19, including micro, small and medium business debtors without a ceiling limit. In the problem based on the Financial Services Authority Regulation Number 11/POJK.03/Tahun 2020 concerning (hereinafter referred to as POJK) in Article 5 Paragraph (1) it is contrary to the presence in the field which in the OJK Regulation Article 5 Paragraph (1) explains that what can do the restructuring can be done to all debtors while in the field who get this restructuring is only for people who propose to the bank and the bank to hold a meeting first and then the bank surveys the location if according to the bank it is appropriate then the bank will provide restructuring to micro business debtors who are being affected by the Covid-19 Pandemic.

## 2. THEORITICAL FRAMEWORK:

- a. Legal Certainty Theory  
According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is enforced, that those entitled by law can obtain their rights and that decisions can be enforced.[1]
- b. Legal Protection Theory  
According to Satjito Rahardjo legal protection is an effort to protect someone's interests by allocating a human right to him to act in the context of his interests.[2]
- c. Dispute Resolution Theory  
In resolving disputes, there are several dispute resolution mechanisms, namely litigation and non-litigation.

## 3. LITERATURE REVIEW:

According to Abdulkadir Muhammad, an agreement is an agreement by which two or more people bind themselves to carry out a matter regarding property.[3]

The banking business is basically a savings and loan business for the sake of and for the benefit of third parties regardless of the legal form whether it is an individual or a legal entity (*rechts person*).

The main problem for micro-enterprises in maintaining and enlarging their production and marketing scale is their inability to access bank credit.

#### 4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[4]

#### 5. DISCUSSION:

In 2021 with the existence of the Financial Services Authority Regulation Number 11/POJK.03/Tahun 2020 concerning (hereinafter referred to as POJK) with extended credit numbers or what is commonly called restructuring, there are 65 people based on the nominative data of the Covid-19 restructuring with bad credit problems due to Covid-19, many pending credit installments are assessed based on the customer's turnover ability with the existence of bad credit problems at PT. Bank Bengkulu and banks provide relief by reducing installments and extending the initial installment period of 1 year to 2 years for PT. Bengkulu Bank looks at the debtor's ability to pay the installments. If the installments are up for 2 years, the debtor returns to the initial installments.

#### 6. ANALYSIS:

##### A. PT indicators. Bengkulu Bank in Determining Micro Business Bad Loans Based on Financial Services Authority Regulation Number 11/POJK.03/2020

With POJK regulation Number 11/POJK.03/2020, these rules apply to debtors who are unable to pay off based on data in 2020, who experienced bad credit because they were no longer able to pay with what is usually called collectibility 5 or referred to as bad credit with a total of 8 (eight) people based on Covid-19 nominative restructuring data. In 2021 with the existence of the Financial Services Authority Regulation Number 11/POJK.03/Tahun 2020 concerning (hereinafter referred to as POJK) with extended credit numbers or what is commonly called this restructuring, there are as many as 65 people from the total data based on the nominative data of the Covid-19 restructuring. 19, but with the existence of bad credit problems due to Covid-19, many have bad credit with a number of 8 (eight) people assessed based on the ability of customer turnover with bad credit problems at PT. Bengkulu Bank and the bank provided relief by reducing installments and extending the initial installment period of 1 year to 2 years and PT. Bengkulu Bank looks at the debtor's ability to pay the installments. If the installments are up for 2 years, the debtor returns to the initial installments. Furthermore, debtors who experience bad credit in micro businesses due to the Covid-19 pandemic. Debtors who experience bad credit get fines. If there is a delay in installment payments, they are subject to a fine of 1.5% (one point five percent) per month of the total outstanding installments (principal + interest). ), then with fines or arrears of principal and interest calculated on a daily basis.

##### B. Obstacles in Resolving Bad Credit During the Covid-19 Pandemic and the Efforts of PT. Bengkulu Bank in Handling Problem Credit

With the current cases during the Covid-19 pandemic, there are obstacles that arise in implementing this POJK, among others, debtors in general do not understand that relaxation policies in the form of restructuring by banks are not intended for all debtors but only for debtors who propose to the bank, besides that the lack of outreach by the bank regarding this stimulus policy has led to misunderstandings regarding the criteria or the restructuring mechanism itself and also with this restructuring the debtor feels that the bank is not providing relief that with the extension of the term the debtor continues to pay principal and interest Initially, the installments were 1 year extended to 2 years, but the debtor continues to make payments with restructuring (extension of the term) if the extension is over, the debtor returns to pay as before and if the debtor is included in the in collectibility 5 or including bad credit get fined by late payment of installments subject to a fine of 1.5% (one point five percent) per month of the total installments in arrears (Principal + interest), then with fines or arrears principal and interest are calculated on a daily basis .

## 7. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) Whereas the Financial Services Authority Regulation Number 11/POJK.03/Year 2020, regarding national economic stimulus as a *countercyclical* the impact of the spread of *Coronavirus Disease* 2019.
- 2) The pandemic has had a major impact on all sectors, especially the economic sector with debtor restructuring, the bank feels have no concern for debtors affected by the Covid-19 pandemic.

## REFERENCES:

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