

**PERLINDUNGAN HUKUM BAGI BANK DARI KERUGIAN
AKIBAT ITIKAD TIDAK BAIK DALAM KREDIT UMUM
(STUDI PERUSAHAAN DAERAH BANK
PEREKONOMIAN RAKYAT BESTARI)**

Oleh

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Abstrak

Bank sebagai lembaga intermediasi keuangan memiliki peran penting dalam menghimpun dan menyalurkan dana kepada masyarakat guna mendukung pertumbuhan ekonomi. Namun, dalam praktik pemberian kredit, bank menghadapi berbagai risiko, khususnya risiko kerugian akibat itikad tidak baik nasabah. Perilaku tersebut antara lain berupa pemberian informasi palsu, manipulasi data dan agunan, serta wanprestasi yang dilakukan secara sengaja sehingga berpotensi menimbulkan kredit bermasalah. Oleh karena itu, diperlukan perlindungan hukum yang efektif bagi bank untuk menjaga stabilitas dan keberlangsungan usaha perbankan. Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum bagi bank terhadap kerugian akibat itikad tidak baik nasabah dalam pemberian kredit umum, dengan studi pada Perusahaan Daerah Bank Perekonomian Rakyat Bestari. Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan kualitatif. Data diperoleh melalui observasi lapangan, wawancara dengan pihak internal Perusahaan Daerah Bank Perekonomian Rakyat Bestari, serta studi dokumentasi terhadap peraturan perundang-undangan dan kebijakan internal bank. Data yang diperoleh dianalisis secara deskriptif-analitis untuk menggambarkan penerapan perlindungan hukum dalam praktik pemberian kredit. Hasil penelitian menunjukkan bahwa perlindungan hukum bagi bank terdiri atas perlindungan hukum preventif dan represif. Perlindungan hukum preventif diwujudkan melalui penerapan prinsip kehati-hatian, analisis kelayakan kredit, pengikatan jaminan, serta pengawasan internal. Sementara itu, perlindungan hukum represif dilakukan melalui penagihan kredit, restrukturisasi kredit, eksekusi agunan, serta penyelesaian sengketa melalui jalur hukum apabila diperlukan. Namun, dalam praktik masih ditemukan kendala berupa keterbatasan bank dalam mengidentifikasi itikad sebenarnya dari nasabah serta lemahnya efektivitas penegakan hukum. Oleh karena itu, diperlukan penguatan kebijakan internal, peningkatan kapasitas sumber daya manusia, serta optimalisasi penerapan regulasi guna meningkatkan efektivitas perlindungan hukum bagi bank.

Kata Kunci: Perlindungan Hukum, Bank, Itikad Tidak Baik, Kredit Umum, BPR.

**LEGAL PROTECTION FOR BANKS AGAINST LOSSES
CAUSED BY BAD FAITH IN GENERAL KREDIT
(A STUDY AT THE REGIONAL
RURAL BANK BESTARI)**

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Abstract

Banks as financial intermediary institutions play an important role in collecting and distributing funds to the public in order to support economic growth. However, in the practice of credit provision, banks face various risks, particularly the risk of losses arising from customers' bad faith. Such bad faith behavior includes the provision of false information, manipulation of data and collateral, as well as intentional default, which may lead to non-performing loans. Therefore, effective legal protection for banks is necessary to maintain stability and sustainability in banking operations. This research aims to analyze the forms of legal protection for banks against losses caused by customers' bad faith in the provision of general credit, with a case study at the Regional Rural Bank Bestari. This study employs an empirical legal research method with a qualitative approach. Data were collected through field observations, interviews with internal parties of the Regional Rural Bank Bestari, and documentation studies of relevant laws and regulations as well as the bank's internal policies. The collected data were analyzed using a descriptive-analytical method to describe the implementation of legal protection in credit practices. The results of the study indicate that legal protection for banks consists of preventive and repressive legal measures. Preventive legal protection is implemented through the application of the prudential principle, creditworthiness analysis, collateral binding, and internal supervision. Meanwhile, repressive legal protection is carried out through credit collection, credit restructuring, execution of collateral, and dispute resolution through legal channels when necessary. However, in practice, several obstacles remain, including the limited ability of banks to identify customers' true intentions and the weak effectiveness of law enforcement. Therefore, strengthening internal bank policies, improving human resource capacity, and optimizing the implementation of regulations are necessary to enhance effective legal protection for banks against losses caused by customers' bad faith.

Keywords: *Legal Protection, Bank, Bad Faith, General Credit, Rural Bank.*