

# Agreement on Providing Working Capital Credit

*Faradhilla Ayun Maesaroh* Faculty of Law, Universitas Muslim Indonesia, Indonesia  
*Haris*  
*Ilham Abbas* Faculty of Law, Universitas Muslim Indonesia, Indonesia  
*Muhammad Zulkifli Muhdar* Faculty of Law, Universitas Muslim Indonesia, Indonesia

*This study uses empirical legal research methods, empirical legal research is basically a combination of normative legal approaches with the addition of various empirical elements. In this empirical research method, it is also about the implementation of the legal provisions of the law in action in every particular legal research that occurs in society. The results of this study indicate that the procedure for granting Working Capital Credit (KMK) at PT. Bank Sulselbar Mamuju Branch is guided by the procedures and principles of providing sound credit and in accordance with applicable regulations. And the efforts made by Bank Sulselbar Mamuju in terms of overcoming debtors who default are by making efforts to save credit, this is considered very important for banks to avoid the occurrence of bad loans that can affect the soundness of the bank . The recommendation of this research is for creditors and debtors to further enhance their cooperation and compromise with each other so as to establish a more sustainable and effective agreement. In order for the implementation of working capital under the auspices of Bank Sulselbar Mamuju to run smoothly and each party does not suffer losses, the parties fulfill their respective rights and obligations where the debtor must be aware of his obligations.*

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## INTRODUCTION

Progress and development economy a country gives influence based on institutions existing society , especially in institutions related laws close with the working process system economy . In addition , as has been known that change That bring impact in the field law economy which is a field law which is direct accommodate and at the same time give understanding to activity economy with without cause clashes with put framework its operations . A development economy as form development national is one of efforts to be able to realize just and prosperous welfare of the people based on Pancasila and the 1945 Constitution. [1]

Efforts to make a just and prosperous Indonesian society with based on Pancasila and the 1945 Constitution , [2] so implementation development national must notice harmony , alignment , and continuity between elements equalization development , growth economy , and stability national . Development in various aspect need supporting funds that are not A little especially in the aspect business and industry . One of sector business that has role strategic in problem cost development especially in field economy is institution banking . [3]

Banking institutions is one of institution finances that have role as intermediary for those who need funds . Funds here is the funds needed for a activity business for example in fulfil current capital requirements . [4]Banking institutions move on activities credit , granting diverse services , serving need financing as well as to launch mechanism system payment for all sector economy . Impact from existence activities That make the bank one of them institution finance plays a role as main source of funds in financing development and activities effort . [5] For support government programs in the field economy in various sector development , role institution finances that include institution banking is very much needed , especially in distribution credit to the community . This is in accordance with Bank functions as set up in Article 3 of the Law Number 7 of 1992 Concerning



Banking as well as the changes set up in Constitution Number 10 of 1998, [6] which states that, "Banks other than functioning as fundraiser from public in form savings, also functions as credit to public in frame increase tarap life and well-being public."

Implementation giving Working Capital Credit Lots influenced various aspect, no except about risk. It's normal. No There is no one can ensure what happened day tomorrow, so that activity business banking This loaded contain risk. The risk that will faced by banks and debtor nothing other than delay payment installment or inability a debtor fulfil his achievements. [7]

According to 1 Law no. 10 of 1998 explained that credit is provision of money or bill that can equated with that, based on agreement or agreement borrow borrow between the bank with party other with obligatory party borrower For Can pay off his debt after term time certain with existence flower. [8]

Credit in the world of banking is a activity the most important effort because opinion main from banking business based on from activity business credit namely in the form of interest and provision, space scope from activity credit as activity banking not solely from activity banking but rather very complex and involves relatedness elements that can it is said Lots covers sources of credit funds, allocation of funds, management credit, policy credit, documentation and administration credit, as well as settlement credit problematic. [9]

In order to get utilization maximum from activity banking that, has formed a the system in force in a way general and comprehensive everything That so that support motion banking to be able to support demands development service banking the in the funding its customers. Of course in submit a credit There is provision or guidelines alone from existing banking institutions, just as Customer determine which bank is the right choice with ability financial they. [10]

Working Capital Credit given For buy material standard, cost wages, for close receivables trade, purchase goods trade, and other funding needs of a financial nature only used during One year. Customer or candidate debtor who filed Working Capital Credit must through stages procedures that have been determined by the bank. The purpose of procedure the bank wants get belief that the project that will be financed with credit the feasible.

Regardless from That all all form credit must formed in the a agreement. Basically giving credit can done in a way oral and written, but the most common done by circles banking is in a way written as usual poured out in form agreement credit, thing This more easy the investigation If happen default from party debtor.

Inability debtor For pay installment his credit is symptom beginning from the emergence a credit problematic. Credit problematic happen Because There is a number of factors that influence it. Factors the can due to from in the bank or intentional from debtor or you can also happen Because factor unintentional. In the legal world, credit such a traffic jam which is a matter of fact is No implementation payment installment called default. In case default happen in giving credit by the bank, then the bank has the right demand repayment of principal and interest on loans given.

Based on the description above, then writer interested For researching more carry on regarding How implementation and what just constraint in implementation giving Working Capital Credit wrong One Bank companies in the Sulawesi region. The bank is Bank Sulsebar. Bank Sulsebar or PT. Bank Pembangunan Daerah Sulawesi Selatan and Sulawesi Barat is a Regionally-Owned Enterprise that seeks to in field banking. Where of course just in activity this bank's financial there is kind of agreement Working Capital Credit to customers them. Moreover researcher want to to study efforts made For finish credit problematic through policies taken the bank, especially PT. Bank Sulsebar Mamuju Branch.

## RESEARCH METHODS

Study This is study law Empirical that is study with the existence of field data as source main , such as results interview . [11]As for the location research that is used place For do study is at Bank Sulsebar Mamuju Branch which is located at Jl. Martadinata Mamuju . With consideration that location study is the most effective location For researching Because according to Researcher of Bank Sulsebar Mamuju Branch is a bank that has authority For do interview , [12] interview regarding the agreement process credit , even the agreement process credit that occurs in the regions is also in West Sulawesi Province was conducted by Bank Sulsebar Mamuju Branch . The sample was some of which are taken from population with use ways certain . Taking sample is a process in choose a representative part from A population . Analysis of the data used aiming For give clear and focused understanding from results study later closely related issues the relation with research conducted by the author . [13]Data analysis methods used is descriptive qualitative namely data that has been collected Then arranged in accordance with fact based on order discussion that has been planned . Next done description enough in business understand the reality that exists in business interesting conclusion .

## DISCUSSION

### **Procedure agreement in giving working capital credit at Bank Sulsebar, Mamuju Main Branch**

According to The Hasibuan Credit is all type loans that must be paid return together interest by the borrower in accordance with the agreement that has been agreed .

Law no. 7 of 1992 Concerning Banking as has changed becoming Law No. 10 of 1998 ( Banking Law ) defines credit as provision of money or bill that can be equated with that , based on agreement or agreement borrowing and lending between the bank and other parties who are required party borrower For pay off his debt after term time certain with giving flower . [14]

PT. Bank Sulsebar Mamuju Branch channeling Working Capital Credit and credit investment . As for the distribution credit guided by procedures and principles giving healthy credit in accordance applicable provisions , namely :

Procedures applicants at Bank Sulsebar Mamuju Branch . Requirements The applicant ( debtor ) is an Indonesian citizen, at the Bank Sulsebar Mamuju Branch , the person who makes the application 100% Indonesian citizen credit based on interview conducted by Mr. Imran as Account Officer of Bank Sulsebar Mamuju Branch . The following results interview : “ Bank Sulsebar applicants are 100% Indonesian citizens. Furthermore they ( debtors ) apply application at a time debtor fill in available forms here as well as give information complete about business they applicant ( debtor ) . The debtor who applies application at this bank must have business , as for the types things that can made into guarantee credit at Bank Sulsebar Mamuju Branch covering things move that is vehicles , machines , letters valuable as well as documents and objects No move that is land that is not burdened right liability . [15]

Procedures processing application credit at Bank Sulsebar Mamuju Branch

According to results interview from Mrs. Indah as the credit admin . This bank (Bank Sulsebar Mamuju Branch ) carries out assessment on each applicant related whether they ( debtors ) fulfill condition or No whether can be trusted or no , and we are from party administration do approaches Good from aspect cultural , family , so that it is established mutual relationship guard commitment . Based on results as well as document Supporter applicant at Bank Sulsebar Mamuju Branch all applicant fulfil the conditions we set as well as the applicant also does not financed by the relevant



implementing bank .

Evaluation or analysis applicant ( debtor ) i carried out by Bank Sulsebar Mamuju Branch related risk credit based on the assessment we did during giving credit at this bank, thank God, the debtors use in accordance with objective as well as pay it off along with the flowers just in time . ( Interview) as the credit admin of Bank Sulsebar Mamuju Branch )

Evaluation on capital namely How many the amount of capital/ assets of the applicant . Bank Sulsebar Mamuju Branch evaluate debtor related to the debtor's capital and wealth have where is the Bank Sulsebar Mamuju Branch has give credit if debtor the own guarantee types things that can guaranteed as guarantee credit at Bank Sulsebar Mamuju Branch in form fiduciary that is covering object move including motor vehicles or car , deposit or letter valuable and documents that have value and can cashed , goods supplies , as well as object No move that is in the form of land .

Implementation working capital agreement of PT. Bank Sulsebar Cabang Mamuju . System and procedures giving credit by Bank Sulsebar Mamuju Branch so that the credit provided to Customer become categorized assets productive For institution banking For to obtain income beside That as candidate Customer can know method to obtain facility credit at PT Bank Sulsebar Mamuju Branch with good and right .

## **Efforts Made by Bank Sulsebar For Prevent The occurrence Negligence Debtors in Collection Working Capital Credit**

Efforts made by Bank Sulsebar Mamuju in to collect return credit from defaulting debtor is with to collect Alone credit the to debtor billing credit to debtor can also be done through intermediaries , such as service bureaus billing . Even lately This There is some banks that do billing with road install advertising in the mass media , especially newspaper . [5]

Interview conducted by Mr. Mahmud as notary at bank sulsebar branch Mamuju Completion Credit Troubled , about supervision and inspection after credit distributed : " Bank Sulsebar " as creditors do visit to customers ( debtors ) or Visit Call for monitor so that in distribution credit the No happen default "

The interview was conducted by Mrs. Nuni as Bank Sulsebar Mamuju Branch Customers "We are very grateful with loan from Bank Sulsebar Mamuju Branch because of the procedure the loan is very easy especially us as a villager who still stuttering in speaking and in matter technology , but Mamuju bank employee able to explain in detail related management application credit with Language our daily life as inhabitant Mamuju so that it is easy for us understand it ."

Bank in operate activity his efforts , including in giving credit to debtor must always guided by and implemented principle caution . Principle This among others, it is realized in form implementation in a way consistent based on faith Good to all terms and conditions related legislation in giving credit by the bank concerned . Interview conducted by Mr. Amirullah as Bank customers exist a number of system For to overcome creditors jammed , which if explained as below This :

### **Billing Direct**

Billing direct Billing direct can run when bank Sulsebar Mamuju have belief that company debtor Still can walk or reviewed from aspect law goods collateral controlled by the bank has been tied up in a way perfect , easy melt as well as Enough big its value . So that the letter bill official sent by the bank is not contain disabled law , in compile letter the the bank should ask opinion or suggestions from lawyer .

### **Use agency assistance billing**

Bank can also charge credit congested from debtor with road ask for agency assistance debt collectors who are considered is method effective and fast billing .

### **Billing credit with advertisement calling**

Address in advertisement name and address mentioned they , then they appealed within the time limit certain come to creditor bank office use finish obligation finance them to the creditor bank . This method Can profitable and there is possibility can succeed will but method This contain risk , namely if those who are loaded feel defamed , he will submit lawsuit civil and with advertise the names of debtors in the mass media actually the bank has leak bank secrecy and according to Criminal Code Article 310, defamation somebody in advance general or leak bank secrecy , can charged sanctions general .

Parate execution . According to with Article 1178 of the Civil Code , in order to take settlement credit principal and or outstanding interest , creditors holder mortgage First guarantee own right parate execution , namely sell Alone treasure guarantee that . With thus For execute treasure guarantee the No required agreement District Court first previously , as well as the confiscation process execution and existence gross deed . Although Thus , sales treasure guarantee the No may deviate from provisions of Article 1211 of the Civil Code juncto ET Auction Regulation 1908 Number 189. In accordance with provision said , sales treasure guarantee debtor must done in a way auction . Besides That other creditors must given know about sale auction treasure guarantee no later than 30 ( three) days twenty ) days previously .

## **CONCLUSION**

Based on results research , Procedure giving Working Capital Credit (KMK) at PT. Bank Sulselbar Mamuju Branch guided by procedures and principles giving healthy and appropriate credit with applicable provisions . However lack of socialization carried out by the bank and its duration disbursement of working capital credit funds to customers . Efforts made by Bank Sulselbar Mamuju in matter overcome defaulting debtor is with do effort rescue credit , thing This considered very important for banks to avoid the occurrence credit traffic jam that can influence level bank health . The need for awareness between bank and other parties Customer together commitment what has been promised . Based on study This recommended Leader sexy Marketing of PT. Bank Sulselbar Mamuju Branch must more increase distribution Working Capital Credit (KMK) in the future come so that entrepreneurs can increase Again efforts to implement working capital under under the auspices of Bank Sulselbar Mamuju walk with smoothly and for each party No experience loss then the parties fulfil the rights and obligations of each where debtor must realize his obligations .

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