

OPTIMIZATION OF NON-PERFORMING LOAN RESOLUTION AT PT BANK PEREKONOMIAN RAKYAT SUMATERA SELATAN (PERSERODA) USING SIMPLE LAWSUITS

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Abstract:

Non-performing loans present particular challenges for rural banks when collateral documents do not establish enforceable mortgage rights. This study examines the implementation of simple lawsuits by PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) before the Palembang District Court and identifies obstacles to resolving credit disputes and recovering outstanding loans during 2022–2024. Employing an empirical socio-legal approach, the study combines statutory, conceptual, and case analyses with interviews involving bank officials and a district court judge, alongside institutional case data. The findings show that the bank pursues simple lawsuits for contractual default after debtor guidance, restructuring, and collection efforts prove unsuccessful. The procedure provides a judicial route for claiming repayment, including where the bank lacks direct enforcement rights over certain collateral. During the study period, the bank filed 17 lawsuits involving IDR 1,415,358,950.06 in outstanding loans. Of this amount, 73.69% was classified by the bank as enforceable; however, the available records do not establish that these amounts were actually recovered. Internal obstacles include coordination, documentary preparation, and litigation costs; external obstacles include debtor nonappearance and noncompliance; and procedural obstacles concern filing requirements, electronic administration, and examination timelines. Difficulties locating debtors and identifying executable assets further complicate judgment enforcement. The study concludes that the effectiveness of simple lawsuits cannot be measured solely by judicial outcomes and requires a distinction between enforceable claims and verified loan recovery.

Keywords: Non-performing Loans; Simple Lawsuits; Judgment Enforcement.

INTRODUCTION

Rural Banks (*Bank Perekonomian Rakyat*, BPRs) play an important role in providing access to financing for individuals and businesses through lending activities. These activities constitute a source of income for banks but also expose them to risks when debtors fail to fulfill their contractual repayment obligations. Non-performing loans can adversely affect asset quality, liquidity, and a bank's ability to maintain its business operations. Accordingly, lending activities must adhere to the prudential banking principle, including assessments of borrowers' repayment capacity, monitoring of loan repayments, and credit risk management. Law Number 7 of 1992 concerning Banking, as most recently amended by Law Number 4 of 2023, emphasizes the importance of prudential principles in banking operations. These provisions are further reinforced by Financial Services Authority Regulation Number 1 of 2024 concerning

Asset Quality of Rural Banks, which governs asset quality assessments and the management of non-performing loans.¹ In practice, a bank's ability to recover outstanding loans depends not only on the debtor's financial condition but also on the enforceability of credit agreements, the legal status of collateral, and the available remedies when repayment obligations remain unfulfilled.

The legal status of collateral is particularly important because it determines the legal protection available to creditors when debtors default on their obligations. Regarding mortgage rights over land, Law Number 4 of 1996 grants the first-ranking mortgage holder the right to sell the mortgaged property through a public auction when the debtor defaults.² Exercising this right requires the valid establishment and registration of mortgage rights in accordance with applicable legal provisions. Merely possessing a land ownership certificate without establishing mortgage rights does not confer the same legal standing upon the creditor. A similar issue arises in the lending practices of PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), which, according to interviews conducted for this study, accepts various documents as loan collateral, including freehold title certificates without registered mortgage rights, land certificates, documents evidencing transfers of land rights, and certain administrative documents.³ These documents differ in their legal characteristics and consequences and therefore cannot all be treated as property-based security interests that confer direct enforcement rights. Such distinctions influence the legal remedies available to the bank when debt collection efforts under the credit agreement fail to secure repayment.

When debtors fail to fulfill their repayment obligations, banks may seek judicial remedies based on the legal relationship established by the credit agreement. One available mechanism is the simple lawsuit procedure, as regulated by Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019. This procedure applies to cases involving breach of contract or unlawful acts with a maximum material claim value of IDR 500,000,000, provided that the requirements concerning the parties, the nature of the dispute, and the simplicity of evidence are satisfied.⁴ For banks without direct enforcement rights over certain collateral, a simple lawsuit may provide a means of seeking judicial enforcement of a debtor's contractual obligations. However, bringing such a lawsuit does not automatically confer the legal status of a mortgage holder or guarantee repayment. A judgment granting the creditor's claim must still be implemented, either through the debtor's voluntary compliance or through judicial enforcement procedures if the debtor fails to comply.⁵ The distinction between resolving a dispute and enforcing a judgment is therefore essential when assessing the effectiveness of simple lawsuits in recovering outstanding loans.

¹ Republic of Indonesia, Law Number 7 of 1992 concerning Banking, as most recently amended by Law Number 4 of 2023 concerning Financial Sector Development and Strengthening; Financial Services Authority, Financial Services Authority Regulation Number 1 of 2024 concerning Asset Quality of Rural Banks.

² Republic of Indonesia, Law Number 4 of 1996 concerning Mortgage Rights over Land and Objects Related to Land, Articles 6, 10, 13, and 14; Anis Eka Asriati and Luluk Lusiaty Cahyarini, "Wewenang Pejabat Pembuat Akta Tanah dalam Pendaftaran Pembebanan Hak Tanggungan atas Tanah yang Belum Bersertifikat," *Notarius* 15, no. 1 (2022): 1–17, <https://doi.org/10.14710/nts.v15i1.46020>; Novia Boedi Soebagio and Edith Ratna M.S., "Perlindungan Hukum bagi Kreditor atas Pembebanan Jaminan Kredit dalam Jaminan Hak Tanggungan," *Notarius* 18, no. 2 (2025): 518–534, <https://doi.org/10.14710/nts.v18i2.64661>.

³ Interview with Muhammad Fuad, Head of the Credit Department, PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), October 23, 2025; interview with Ari Yulianto Harsono, Head of the Legal and Risk Mitigation Division, PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), October 20, 2025.

⁴ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 2 of 2015 concerning Procedures for the Resolution of Simple Lawsuits, as amended by Supreme Court Regulation Number 4 of 2019, Articles 3 and 4.

⁵ Herliana, "How Judiciary Supports Contract Law Enforcement: Indonesian Experience," *Jurisdictie: Jurnal Hukum dan Syariah* 13, no. 2 (2022): 143–161, <https://doi.org/10.18860/j.v13i2.18941>.

This distinction is reflected in the preliminary data concerning the resolution of non-performing loans by PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) through the Palembang District Court during the 2022–2024 period. The data collected in this study indicate that the bank filed 17 simple lawsuits involving total outstanding loans of IDR 1,415,358,950.06. Of this amount, IDR 1,043,046,434.58, or 73.69 percent, was classified as enforceable, while the remaining IDR 372,312,515.48, or 26.31 percent, was classified as unenforceable.⁶ These figures indicate differences in the reported outcomes of loan resolution but do not establish whether the amounts classified as enforceable were actually received by the bank as repayments. Furthermore, the data do not establish the relationship between the operative provisions of judgments, debtor compliance, enforcement measures, and actual loan recovery in individual cases. These distinctions are essential for accurately assessing the effectiveness of the simple lawsuit mechanism. This issue requires closer examination of judicial proceedings and the obstacles encountered after the bank has obtained a legal basis for demanding fulfillment of the debtor's obligations.

Previous studies have examined the use of simple lawsuits in resolving civil and credit disputes from different perspectives. Pujiyono and colleagues analyzed simple lawsuits as an alternative mechanism for resolving breaches of credit agreements, particularly regarding procedural effectiveness, legal certainty, and timely dispute resolution.⁷ Hidayat investigated the implementation of simple lawsuits and identified internal and external obstacles affecting their effectiveness in resolving civil disputes.⁸ Meanwhile, Pati and colleagues examined the use of simple lawsuits by Indonesian banks during the COVID-19 pandemic, focusing on regulatory developments and changes in the filing of credit-related claims.⁹ Wibowo and Wijaya discussed the implementation of small claims courts in Indonesia as a procedural response to the complexity, duration, and costs of conventional civil litigation.¹⁰ More specifically, Hutomo and Santoso examined two credit default cases before the Melonguane District Court, finding that both disputes resulted in reconciliation during the first hearing.¹¹ These studies address the procedural framework, practical implementation, and outcomes of simple lawsuits across different institutional and judicial settings.

Beyond procedural implementation, the enforcement of judgments constitutes another important dimension of simple lawsuit mechanisms. Firmansyah, Septyanun, and Erwin examined the enforcement of judgments in simple lawsuit cases, including the distinction between voluntary compliance and judicial execution.¹² Their study provides a basis for examining the relationship between judicial decisions and their subsequent implementation.

⁶ PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), institutional data on simple lawsuits filed during 2022–2024.

⁷ Pujiyono, Umi Khaerah Pati, Pranoto, and Kukuh Tejomurti, “Small Claim Court as the Alternative of Bad Credit Settlement for Legal Certainty of the Economic Actors,” *Indonesian Journal of Advocacy and Legal Services* 3, no. 2 (2021): 137–154.

⁸ Dudung Hidayat, “Small Claim Court (SCC): Implementasi dan Hambatannya dalam Penyelesaian Sengketa Perdata,” *Jurnal Pembangunan Hukum Indonesia* 5, no. 1 (2023): 47–69, <https://doi.org/10.14710/jphi.v5i1.47-69>.

⁹ Umi Khaerah Pati, Kukuh Tejomurti, Pujiyono, and Pranoto, “The Small Claim Courts during Covid-19: Analysis of Indonesian Banks’ Claims on Bad Credit,” *UUM Journal of Legal Studies* 15, no. 1 (2024): 97–120, <https://doi.org/10.32890/uujls2024.15.1.5>.

¹⁰ Seno Adhi Wibowo and Massulthan Rafi Wijaya, “Implementation of the Small Claims Court in Dispute Case Settlement in Indonesia,” *Lex Scientia Law Review* 5, no. 1 (2021): 165–178, <https://doi.org/10.15294/lesrev.v5i1.42859>.

¹¹ Bimo Satria Hutomo and Budi Santoso, “Pemecahan Sengketa Wanprestasi Melalui Gugatan Sederhana Di Pengadilan Negeri Melonguane,” *Notarius* 15, no. 1 (2022): 502–520, <https://doi.org/10.14710/nts.v15i1.46057>.

¹² Agus Hartawan Firmansyah, Nurjannah Septyanun, and Yulias Erwin, “The Mechanism of Execution of the Judge’s Decision in a Simple Lawsuit,” *Jurnal Ilmiah Advokasi* 12, no. 1 (2024): 38–52, <https://doi.org/10.36987/jiad.v12i1.5148>.

Taken together, previous studies have addressed procedural simplification, legal certainty, case resolution, and judgment enforcement. However, they have not specifically examined how the legal status of collateral arrangements relates to judicial outcomes, enforcement of judgments, and actual loan recovery at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda). This distinction is particularly relevant when banks pursue contractual repayment claims without possessing registered mortgage rights over certain collateral. Accordingly, the present study examines the implementation of simple lawsuits and obstacles to loan recovery within this banking institution, focusing on the relationship between collateral arrangements, judicial proceedings, enforcement of judgments, and the fulfillment of debtors' repayment obligations.

Against this background, this study examines the resolution of non-performing loans through simple lawsuits filed by PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) before the Palembang District Court during the 2022–2024 period. It addresses two research questions: how simple lawsuits are implemented in resolving non-performing loans at the bank, and what factors impede case resolution and the recovery of outstanding loans. The analysis examines the legal provisions governing credit agreements, collateral, and simple lawsuit procedures and relates them to case data and information obtained from bank officials and judicial personnel. Particular attention is given to the distinction between the resolution of disputes through judicial judgments, the fulfillment of debtors' obligations, and payments actually received by the bank. The study also examines the legal status of collateral documents in credit relationships and their implications for the selection of legal remedies when debtors default. Through this examination, the study seeks to provide a more systematic assessment of the implementation of simple lawsuits and the obstacles to loan recovery, considering the relationship between legal provisions, judicial practice, and the enforcement of judgments.

METHOD

This study employs an empirical socio-legal research method to examine the application of legal provisions governing the resolution of non-performing loans through simple lawsuits filed by PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) before the Palembang District Court. It adopts statutory, conceptual, and case approaches.¹³ The statutory approach examines the legal framework governing credit agreements, mortgage rights, and simple lawsuit procedures. The conceptual approach explores the relationship between the legal status of collateral, default, dispute resolution, and loan recovery. Meanwhile, the case approach examines the practices involved in resolving non-performing loans through simple lawsuits filed by BPR Sumsel. The study focuses on the implementation of simple lawsuits during the 2022–2024 period, including case outcomes and obstacles encountered in recovering outstanding loans. This scope enables the study to relate applicable legal provisions to the actual practices of credit dispute resolution at the bank under examination, particularly in assessing the implementation of simple lawsuit procedures and the factors affecting the successful resolution of non-performing loans.

Data were collected through literature review and interviews with individuals involved in resolving non-performing loans through simple lawsuits. The literature review covered legislation, legal scholarship, and other materials relevant to credit dispute resolution mechanisms. Interviews were conducted with the Head of the Legal and Risk Mitigation Division, the Head of the Credit Department, and the Head of the Credit Collection Division at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), as well as a judge of the Palembang District Court. Information obtained from these participants was used to examine lending practices, the filing of simple lawsuits, judicial proceedings, and obstacles to loan

¹³ Irwansyah, *Penelitian Hukum: Pilihan Metode dan Praktik Penulisan Artikel* (Makassar: Mirra Buana Media, 2021), 133–148.

recovery. The collected data were analyzed using a qualitative descriptive method by examining the relationship between legal provisions, interview findings, and case resolution data.¹⁴ Conclusions were drawn inductively by examining specific findings concerning the implementation of simple lawsuits and the obstacles encountered to develop an understanding of non-performing loan resolution at the bank under examination.¹⁵ The analysis also distinguishes between judicial case outcomes and the actual recovery of outstanding loans, consistent with the study's research focus.

ANALYSIS AND DISCUSSION

Resolution of Non-Performing Loans through Simple Lawsuits at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) before the Palembang District Court

Lending constitutes one of the principal business activities of PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), generating income through interest and other charges agreed upon with debtors. However, such activities also involve risks when debtors fail to fulfill their repayment obligations within the stipulated period. Under the asset quality framework applicable to Rural Banks (BPRs), loans are classified into five categories: performing, special mention, substandard, doubtful, and loss. Non-performing loans comprise those classified as substandard, doubtful, and loss, meaning that not all loans requiring additional monitoring qualify as non-performing loans.¹⁶ According to an interview with the Head of the Credit Department at BPR Sumsel, lending decisions are made by assessing prospective debtors based on the 5Cs of credit, including character, capacity, capital, collateral, and economic conditions.¹⁷ This assessment forms part of the prudential banking principle but does not entirely eliminate the possibility of default after loans have been disbursed. When repayment obligations remain unfulfilled, the bank's ability to obtain repayment also depends on the enforceability of credit agreements and the legal status of collateral provided by debtors.

The legal status of collateral is particularly important in BPR Sumsel's lending practices because not all documents submitted by debtors confer direct enforcement rights upon the bank. According to an interview with the Head of the Legal and Risk Mitigation Division, the bank accepts freehold title certificates without registered mortgage rights, land certificates, documents evidencing transfers of land rights, and administrative documents such as appointment decrees and educational diplomas. The acceptance of these documents is partly based on the debtors' repayment history and previous credit relationships with the bank.¹⁸ However, possession of such documents cannot be equated with the establishment of a property-based security interest. Article 13 of Law Number 4 of 1996 provides that mortgage rights arise on the date recorded in the mortgage land register, while Article 6 authorizes the first-ranking mortgage holder to sell the mortgaged property through a public auction when the debtor defaults.¹⁹ Without the establishment of mortgage rights, the bank does not acquire such authority merely by possessing a land ownership certificate. Nevertheless, the bank retains the

¹⁴ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 67.

¹⁵ Muhaimin, *Metode Penelitian Hukum*, 67.

¹⁶ Financial Services Authority, Financial Services Authority Regulation Number 33/POJK.03/2018 concerning Productive Asset Quality and the Establishment of Allowances for Productive Asset Losses of Rural Banks; Financial Services Authority, Financial Services Authority Regulation Number 1 of 2024 concerning Asset Quality of Rural Banks.

¹⁷ Muhammad Fuad, Head of the Credit Department, PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), interview, October 23, 2025.

¹⁸ Ari Yulianto Harsono, Head of the Legal and Risk Mitigation Division, PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), interview, October 20, 2025.

¹⁹ Republic of Indonesia, Law Number 4 of 1996 concerning Mortgage Rights over Land and Objects Related to Land, Articles 6, 13, and 14.

right to seek fulfillment of obligations under the credit agreement through available civil remedies.²⁰

The distinction between the right to recover outstanding loans and the right to enforce collateral determines the legal remedies available when debtors fail to fulfill their repayment obligations. In practice, BPR Sumsel initially addresses non-performing loans through debtor guidance, communication, loan restructuring, and the issuance of three warning letters. According to the Head of the Legal and Risk Mitigation Division, these measures are undertaken before the bank files a simple lawsuit as a means of judicial dispute resolution.²¹ Loan restructuring constitutes one approach to assisting debtors experiencing repayment difficulties and must comply with the asset quality regulations and lending policies applicable to BPRs. For the 2022–2024 research period, the relevant regulatory framework includes Financial Services Authority Regulation Number 33/POJK.03/2018 and its subsequent replacement by Financial Services Authority Regulation Number 1 of 2024.²² However, the success of restructuring and debt collection depends on the debtor's circumstances and compliance with the agreed arrangements. If repayment obligations remain unfulfilled, the bank may pursue a claim for breach of contract, including through a simple lawsuit, provided that the dispute satisfies the applicable procedural requirements.

BPR Sumsel's use of simple lawsuits is governed by Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019. This procedure applies to cases involving breach of contract or unlawful acts with a maximum material claim value of IDR 500,000,000, provided that the requirements concerning the parties, court jurisdiction, and the nature of the dispute are satisfied.²³ When filing a lawsuit, the bank prepares the statement of claim, credit agreement, collateral documents, details of the debtor's outstanding obligations, installment payment records, and warning letters.²⁴ These documents are necessary to establish the legal relationship between the parties, the amount owed, and the basis of the alleged default. Following registration and administrative review, the judge conducts a preliminary examination to determine whether the dispute is suitable for resolution through the simple lawsuit procedure.²⁵ This examination is important because the procedure does not apply to disputes over land rights or cases requiring complex evidence. In credit disputes involving land documents submitted as collateral, judges must distinguish claims for debt repayment from claims concerning the ownership or possession of land rights.

Simple lawsuit proceedings involve the appointment of a judge, preliminary examination, summonses to the parties, attempts at reconciliation, examination of evidence, and the delivery of a judgment. Supreme Court regulations require cases to be resolved within a maximum of 25 days from the first hearing, with judges playing an active role in providing procedural guidance, facilitating reconciliation, and directing the examination of evidence.²⁶

²⁰ Mohammad Naefi and Dian Latifiani, "Akibat Hukum Putusan Gugatan Sederhana Tidak Dijalankan bagi Para Pihak," *Pandecta Research Law Journal* 16, no. 2 (2021): 335–344, <https://doi.org/10.15294/pandecta.v16i2.31854>.

²¹ Harsono, interview, October 20, 2025.

²² Financial Services Authority, Regulation Number 33/POJK.03/2018; Financial Services Authority, Regulation Number 1 of 2024, provisions concerning loan restructuring.

²³ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 2 of 2015 concerning Procedures for the Resolution of Simple Lawsuits, as amended by Supreme Court Regulation Number 4 of 2019, Articles 3 and 4.

²⁴ Harsono, interview, October 20, 2025.

²⁵ Muhammad Agus Prasetyo, Supriyadi, Diah Sulistyani, and Zaenal Arifin, "Reposisi Pelaksanaan Penyelesaian Sengketa Perdata Dengan Gugatan Sederhana (Small Claim Court)," *Jurnal USM Law Review* 4, no. 2 (2021): 905–918, <https://doi.org/10.26623/julr.v5i1.4237>.

²⁶ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019, provisions concerning case examination, reconciliation, evidence, judgments, and objections.

According to an interview with a judge of the Palembang District Court, the simplicity of evidence is an important consideration in determining whether a dispute may be examined under this procedure.²⁷ If reconciliation is unsuccessful, the judge examines the legal relationship, the debtor's obligations, and the evidence presented to determine whether a breach of contract has been established. The parties may file an objection against the judgment under the applicable provisions governing simple lawsuits, while appeals, cassation, and judicial review are unavailable as subsequent remedies. These procedural limitations allow disputes to be examined within a relatively short period.²⁸ However, the time limit for judicial examination must be distinguished from the period required for loan recovery, as enforcing a judgment constitutes a separate stage, particularly when debtors fail to comply voluntarily.

During the 2022–2024 period, BPR Sumsel filed 17 simple lawsuits involving total outstanding loans of IDR 1,415,358,950.06.²⁹ The data indicate variations in the number of cases and the value of outstanding loans across the three years. The highest number of lawsuits was filed in 2022, followed by a decline in filings in 2023 and 2024. However, this decline cannot automatically be interpreted as a reduction in non-performing loans because the data cover only disputes pursued through simple lawsuits rather than the bank's entire loan portfolio. In reporting the outcomes, the bank distinguishes between amounts classified as enforceable and unenforceable. These categories must be interpreted according to the bank's reporting classification rather than as evidence that all enforcement measures or repayments have been completed. Determining the legal significance of each category requires information concerning individual judgments, their enforcement status, and payments actually received. Table 1 presents the number of cases, outstanding loan amounts, and reported classifications of non-performing loan resolution during the period under examination.

Table 1. Summary of Non-Performing Loan Resolution through Simple Lawsuits at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), 2022-2024

Year	Number of Cases	Total Outstanding Loans (IDR)	Enforceable Amount (IDR)	(%)	Unenforceable Amount (IDR)	(%)
2022	12	1,098,575,047.95	976,260,479.87	88.87	122,314,568.08	11.13
2023	3	82,499,649.13	66,785,954.71	80.95	15,713,694.42	19.05
2024	2	234,284,252.98	—	—	234,284,252.98	100.00
Total	17	1,415,358,950.06	1,043,046,434.58	73.69	372,312,515.48	26.31

Source: PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), non-performing loan resolution data, 2022-2024.

Note: The categories “enforceable” and “unenforceable” follow the bank's reporting classifications. Amounts classified as enforceable do not necessarily represent payments actually received by the bank.

Table 1 shows that outstanding loans classified as enforceable amounted to IDR 1,043,046,434.58, representing 73.69 percent of the total outstanding loans pursued through simple lawsuits. The percentages varied across the three years, reaching 88.87 percent in 2022 and 80.95 percent in 2023, while no amount was recorded as enforceable in 2024. However, these differences cannot establish an improvement or decline in effectiveness without

²⁷ Fatimah, Judge of the Palembang District Court, interview, October 29, 2025.

²⁸ Aisyah Nanda Rosyid and Abdullah Fikri, “Analisis Urgensi Perubahan Peraturan Gugatan Sederhana PERMA Nomor 4 Tahun 2019,” *HUKMY: Jurnal Hukum* 4, no. 2 (2024): 670–694, <https://doi.org/10.35316/hukmy.2024.v4i2.670-694>.

²⁹ Harsono, interview, October 20, 2025; Muhammad Rizal, Head of the Credit Collection Division, PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda), interview, October 27, 2025.

examining the resolution status of each case. According to Soerjono Soekanto's theory of legal effectiveness, the operation of law is influenced by legal norms, law enforcement officials, facilities and infrastructure, society, and legal culture.³⁰ In BPR Sumsel's practice, the enforcement of judgments may encounter obstacles when debtors fail to fulfill their obligations, their whereabouts are difficult to establish, or assets expected to be used for repayment are controlled by third parties.³¹ These circumstances underscore the need to distinguish obtaining a legal basis for debt recovery from the actual recovery of outstanding loans, particularly when assessing institutional obstacles, the conduct of the parties, and the implementation of judicial enforcement procedures.³²

Obstacles to the Resolution of Non-Performing Loans through Simple Lawsuits at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda)

The resolution of non-performing loans through simple lawsuits at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) faces obstacles relating to the bank's institutional preparedness, debtor conduct, and the implementation of judicial procedures. According to interviews with the Head of the Credit Collection Division and a judge of the Palembang District Court, these obstacles arise during the preparation of lawsuits, judicial examination of cases, and enforcement of judgments.³³ These three stages must be distinguished because each involves different legal requirements and objectives. Preparing a lawsuit concerns documentary completeness and the bank's ability to establish default, while judicial examination determines whether the claim can be granted under the applicable procedural rules. Meanwhile, enforcing a judgment concerns the fulfillment of the debtor's obligations following judicial resolution. These distinctions are important because administrative difficulties that delay the filing of lawsuits do not necessarily cause failures in loan recovery. Similarly, obtaining a favorable judgment does not automatically eliminate difficulties in debt collection. Internal obstacles must therefore be examined first, as they affect the bank's readiness to file lawsuits and present evidence from the outset of dispute resolution proceedings.³⁴

The internal obstacles encountered by BPR Sumsel primarily concern time constraints, coordination among personnel, document preparation, and litigation costs. According to an interview with the Head of the Credit Collection Division, handling several non-performing loans simultaneously requires the bank to coordinate the preparation of statements of claim and the examination of supporting documents before filing lawsuits.³⁵ This process requires consistency among credit agreements, outstanding debt calculations, collateral documents, payment records, and warning letters previously issued to debtors. Inconsistencies in these documents may complicate the establishment of outstanding obligations or default, particularly because simple lawsuits are intended for disputes involving straightforward evidence. Cost considerations also influence the bank's decision to initiate judicial proceedings after previous debt collection efforts have failed. However, these obstacles cannot automatically be attributed

³⁰ Muhammad Handika Suryanto, Fatma Tria Arresti, and Aisyunnada Makky, "No Viral No Justice Perspektif Teori Efektivitas Hukum Soerjono Soekanto," *Widya Yuridika: Jurnal Hukum* 7, no. 3 (2024): 513–522.

³¹ Rizal, interview, October 27, 2025.

³² Tuti Alawiyah, Inge Dwisvimiar, and Mochammad Arifinal, "Eksekusi Gugatan Sederhana Di Pengadilan Negeri Serang (Studi Putusan Pengadilan Negeri Serang Nomor 4/Pdt.G.S/2019/PN.Srg)," *SALAM: Jurnal Sosial dan Budaya Syar-i* 9, no. 4 (2022): 1087–1106, <https://doi.org/10.15408/sjsbs.v9i4.27073>.

³³ Muhammad Rizal, interview, October 27, 2025; Fatimah, interview, October 29, 2025.

³⁴ Hendra Musril, Arief Wisnu Wardhana, and Darmadi Djufri, "Faktor-Faktor Penghambat Keberhasilan Gugatan Sederhana dalam Penyelesaian Kredit Bermasalah Kupedes: Studi Yuridis Empiris pada PT Bank Rakyat Indonesia (Persero) Tbk. Cabang Palembang Ahmad Rivai," *Jurnal Ilmiah Galuh Justisi* 14, no. 2 (2026), <https://doi.org/10.25157/justisi.v14i2.26103>.

³⁵ Rizal, interview, October 27, 2025.

to deficiencies in the simple lawsuit procedure, as some arise from the bank's internal administrative and resource management. The need for coordination and complete documentation demonstrates the importance of creditors' institutional preparedness when utilizing judicial mechanisms, particularly when the number of cases requiring attention increases during a given period.

In addition to internal obstacles, the resolution of non-performing loans is affected by debtors' conduct and attendance during judicial proceedings.³⁶ According to an interview with the Head of the Credit Collection Division, the absence of debtors from hearings necessitates further summonses and may disrupt the examination of cases.³⁷ However, such absence cannot automatically be interpreted as bad faith without examining the validity of service and the circumstances preventing debtors from attending. Article 13 of Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019, governs the legal consequences of defendants' nonappearance, including the possibility of default judgments (*verstek*) and opposition proceedings (*verzet*) under the applicable requirements.³⁸ A judgment rendered in the defendant's absence does not relieve the judge of the obligation to examine the legal basis of the claim and the evidence presented. A separate problem arises after a judgment becomes enforceable when debtors fail to fulfill their repayment obligations voluntarily. At that stage, the bank's difficulties extend beyond the debtor's attendance at hearings to the practical possibility of obtaining repayment under the judicial judgment.

Procedural obstacles concern the parties' understanding of simple lawsuit requirements, the use of electronic case administration, and compliance with the prescribed period for judicial examination. According to an interview with a judge of the Palembang District Court, limited understanding of simple lawsuit procedures and difficulties in using electronic services may affect the efficient handling of cases.³⁹ However, Article 6A of Supreme Court Regulation Number 4 of 2019 permits plaintiffs and defendants to use electronic case administration rather than imposing it as an absolute requirement in every simple lawsuit.⁴⁰ This issue must be distinguished from the requirement to complete judicial examination within 25 days of the first hearing. In practice, interview evidence indicates that some proceedings may exceed this period, although detailed information concerning the number of cases affected and the causes of delay is unavailable. Accordingly, delays cannot automatically be attributed to judicial noncompliance without examining the relevant timelines and procedural stages. Distinguishing administrative obstacles from difficulties in applying procedural law is important because these problems require different forms of institutional and procedural responses.

Obstacles more directly affecting loan recovery arise during the enforcement of judicial judgments. Article 31 of Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019, governs the enforcement of final and binding judgments, including the judicial warning procedure (*aanmaning*) when the losing party fails

³⁶ Komang Juli Agustawan, I Nyoman Suarna, and I Made Putu Sujana, "Pelaksanaan Gugatan Sederhana dalam Penyelesaian Sengketa Kredit di Pengadilan Negeri Kelas 1A Mataram," *Jurnal Hukum Agama Hindu Widya Kerta* 2, no. 1 (2020): 27–38, <https://e-journal.iahn-gdepudja.ac.id/index.php/WK/article/view/146>.

³⁷ Rizal, interview, October 27, 2025.

³⁸ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019, Article 13.

³⁹ Fatimah, interview, October 29, 2025; Annisa Dita Setiawan, Artaji, and Sherly Ayuna Putri, "Implementasi Sistem E-Court dalam Penegakan Hukum di Pengadilan Negeri," *Jurnal Poros Hukum Padjadjaran* 2, no. 2 (2021): 198–217, <https://doi.org/10.23920/jphp.v2i2.352>.

⁴⁰ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 4 of 2019 concerning the Amendment to Supreme Court Regulation Number 2 of 2015 on Procedures for the Resolution of Simple Lawsuits, Article 6A.

to comply voluntarily.⁴¹ According to an interview with the Head of the Credit Collection Division, enforcement difficulties arise when debtors are unwilling to pay, their whereabouts are difficult to establish, or assets expected to satisfy outstanding obligations are controlled by third parties.⁴² However, third-party possession does not necessarily preclude enforcement, as the ownership status of the assets and the legal position of the parties in possession must first be examined.⁴³ These difficulties must also be distinguished from situations in which debtors lack sufficient assets to satisfy the judgment. In credit disputes without established mortgage rights, the bank does not possess the specific enforcement powers available to mortgage holders. Consequently, the enforcement of judgments must follow the applicable civil enforcement procedures.

The internal, external, and procedural obstacles identified above can be examined through Soerjono Soekanto's theory of legal effectiveness, which identifies legal norms, law enforcement officials, facilities and infrastructure, society, and legal culture as factors influencing the operation of law.⁴⁴ Difficulties in coordination and document preparation reflect the bank's institutional preparedness, while problems involving electronic case administration concern the use of facilities supporting judicial proceedings. Debtors' nonappearance and difficulties in complying with judgments relate to the conduct of the parties, although their causes must be distinguished among inability to pay, noncompliance, and obstacles to judicial enforcement. Meanwhile, the rules governing summonses, judicial examination, and enforcement provide the legal basis for assessing whether actual practices comply with applicable procedural requirements. Examining these factors indicates that the effectiveness of simple lawsuits concerns not only the speed of dispute resolution but also the ability of legal mechanisms to secure fulfillment of obligations. The distinction between amounts classified as enforceable and payments actually received remains essential when assessing the relationship between these obstacles and the outcomes of non-performing loan resolution.

CONCLUSION

The resolution of non-performing loans through simple lawsuits at PT Bank Perekonomian Rakyat Sumatera Selatan (Perseroda) is pursued after debtor guidance, loan restructuring, and debt collection efforts have failed to secure fulfillment of debtors' obligations. These lawsuits are filed on the grounds of breach of credit agreements, including cases in which the bank lacks direct enforcement rights over certain collateral, and are conducted in accordance with the requirements and procedural stages governing simple lawsuits. During the 2022–2024 period, the bank filed 17 cases involving total outstanding loans of IDR 1,415,358,950.06, of which 73.69 percent was classified as enforceable, although this amount cannot be confirmed as actual repayments received by the bank. The implementation of this mechanism faces internal obstacles involving coordination, administrative documentation, and litigation costs; external obstacles involving debtors' nonappearance and difficulties in securing their compliance; and procedural obstacles concerning filing requirements, electronic case administration, and examination timelines. At the judgment enforcement stage, difficulties in locating debtors and identifying assets available to satisfy outstanding obligations further impede loan recovery.

⁴¹ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 2 of 2015, as amended by Supreme Court Regulation Number 4 of 2019, Article 31, particularly paragraphs (2a), (2b), and (3).

⁴² Rizal, interview, October 27, 2025.

⁴³ Andika Tanaya Setiadi, Paramita Prananingtyas, and Irawati Irawati, "Analisis Upaya Hukum Pihak Ketiga terhadap Eksekusi Benda Jaminan," *Notarius* 13, no. 1 (2020): 209–223, <https://doi.org/10.14710/nts.v13i1.30325>.

⁴⁴ Suryanto, Arresti, and Makky, "No Viral No Justice Perspektif Teori Efektivitas Hukum Soerjono Soekanto," 513–522.

These findings indicate that resolving disputes through simple lawsuits does not necessarily result in the fulfillment of repayment obligations. Accordingly, the effectiveness of this mechanism must be assessed by distinguishing between obtaining judicial judgments and achieving actual loan recovery.

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