

ABSTRAK

Usaha Mikro, Kecil, dan Menengah (UMKM) memiliki peran penting dalam perekonomian nasional. Namun pasca pandemi *Covid-19* banyak pelaku UMKM mengalami kesulitan dalam memenuhi kewajiban utangnya sehingga menimbulkan kredit macet. Pemerintah kemudian menerbitkan Peraturan Pemerintah Nomor 47 Tahun 2024 Tentang Penghapusan Piutang Macet kepada UMKM yang memberikan mekanisme penghapusan piutang melalui penghapusbukuan dan penghapustagihan. Di sisi lain, sistem hukum Indonesia juga menyediakan mekanisme penyelesaian utang melalui Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan PKPU. Keberadaan dua mekanisme tersebut menimbulkan potensi persoalan hukum terkait kepastian penyelesaian utang serta perlindungan hukum bagi debitur maupun kreditor. Oleh karena itu, penelitian ini bertujuan menganalisis mekanisme penghapusan piutang macet UMKM serta hubungannya dengan mekanisme penyelesaian utang melalui kepailitan dan PKPU.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan historis. Bahan hukum yang digunakan terdiri dari bahan hukum primer berupa peraturan perundang-undangan, bahan hukum sekunder berupa buku, jurnal ilmiah, serta dokumen terkait, dan bahan hukum tersier sebagai pendukung. Seluruh bahan hukum dianalisis secara deskriptif-analitis.

Hasil penelitian menunjukkan bahwa mekanisme penghapusan piutang macet dalam PP 47 Tahun 2024 bersifat administratif dan terbatas pada piutang bank atau lembaga keuangan non-bank milik BUMN. Sementara itu, penyelesaian utang melalui kepailitan dan PKPU bersifat litigasi melalui proses peradilan. Perbedaan karakteristik tersebut menunjukkan bahwa penghapusan piutang tidak menghapus kewajiban debitur terhadap kreditor lain sehingga masih dimungkinkan adanya gugatan melalui mekanisme kepailitan. Oleh karena itu diperlukan analisis pengaturan guna memberikan kepastian dan perlindungan hukum bagi para pihak.

Kata Kunci : UMKM, Penyelesaian utang, Peraturan Pemerintah Nomor 47 Tahun 2024, UU Nomor 37 Tahun 2004, Perlindungan Hukum.

ABSTRACT

Micro, Small, and Medium Enterprises (MSMEs) play a vital role in the national economy. However, following the Covid-19 pandemic, many MSMEs experienced difficulties in meeting their debt obligations, resulting in bad debts. The government subsequently issued Government Regulation Number 47 of 2024 concerning the Write-Off of Bad Debts for MSMEs, which provides a mechanism for writing off receivables through write-offs and write-offs. Furthermore, the Indonesian legal system also provides a debt settlement mechanism through Law Number 37 of 2004 concerning Bankruptcy and the Suspension of Payment of Debts (PKPU). The existence of these two mechanisms raises potential legal issues related to the certainty of debt settlement and legal protection for both debtors and creditors. Therefore, this study aims to analyze the mechanism for writing off bad debts for MSMEs and its relationship to the debt settlement mechanisms through bankruptcy and PKPU.

This research is a normative legal study using both statutory and historical approaches. The legal materials used consist of primary legal materials in the form of laws and regulations, secondary legal materials in the form of books, scientific journals, and related documents, and tertiary legal materials as supporting materials. All legal materials were analyzed descriptively and analytically.

The results show that the mechanism for writing off bad debts in Government Regulation No. 47 of 2024 is administrative and limited to receivables from banks or non-bank financial institutions owned by state-owned enterprises. Meanwhile, debt settlement through bankruptcy and PKPU (Debt Settlement Order) is litigation-based through the courts. These differences in characteristics indicate that writing off receivables does not eliminate the debtor's obligations to other creditors, thus allowing for lawsuits through bankruptcy mechanisms. Therefore, a regulatory analysis is necessary to provide legal certainty and protection for the parties.

Keywords: *MSMEs, Debt Settlement, Government Regulation No. 47 of 2024, Law No. 37 of 2004, Legal Protection.*