

## CREDIT AGREEMENTS WITH BANKS

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### ABSTRACT

Institution Banking is a financial institution that has strategic value in a country's economy. To achieve the specified goals, the company will use procedures that are most appropriate to the activities carried out by the company, especially in providing credit to its customers. In banking practice, we will know that there are sequences of activities or processes that occur starting from the credit applicant seeking information at the bank until the withdrawal of the loan can be realized. To obtain a clearer picture, these activities can be classified into three stages, namely: those interested in credit seeking information, obtaining information, and receiving forms (forms for submitting credit applications) from the bank, those interested in credit filling in and submitting forms to until the credit application is approved by the bank, the credit applicant applies for the realization of a credit withdrawal and the credit granting bank will realize it and to realize the credit a credit agreement is made first, where in banking the credit agreement can be made by notarial deed and private agreement.

**Keywords:** Agreement, Procedure; Credi; Bank

### Introduction

Indonesia's economic development cannot be separated from the basic philosophy that underlies the activities of the state and nation, namely Pancasila and the 1945 Constitution. The basis of economic development in Indonesia is translated in Article 33 of the 1945 Constitution Amendment IV which is the basis for the implementation of the national economy which states that the economy is structured and developed as a joint venture of all the people on a sustainable basis based on the principles of justice, efficiency and economic democracy to realize prosperity, welfare, and social justice for all the people (Damri, Putra, & Kom, 2020).

The focus of development is emphasized in the economic field which has an impact on the development of businesses in Indonesia, both large businesses, medium businesses and small businesses and even micro businesses. The implementation of economic development in addition to aiming to increase national income is also aimed at accelerating job growth and reducing unemployment. Therefore, all the potential and ability of the capital owned must be utilized to the maximum extent accompanied by policy measures from the government in order to guide, assist growth and to increase greater ability, especially for small entrepreneurs in order to actively participate in development.

Given the constraints of MSMEs in business activities is the problem of lack of capital. Therefore, the government has provided assistance and opened up opportunities for MSMEs through its programs aimed at accelerating the development of MSMEs through various types of bank credit. In fact, the government has issued many policies to empower MSMEs, especially through subsidized credit and technical assistance. Credit programs for MSME development have been in place since 1974. The first credit programs for small and medium enterprises (MSEs) were the Small Investment Credit (KIK) and Permanent Working Capital Credit (KMKP), which provided investment credit and permanent working capital, with repayment periods of up to 10 years and subsidized interest rates.

After banking regulation in 1998, SME loans with subsidized interest rates were gradually phased out, replaced by commercial bank loans. In addition, international donors arranged rupiah-denominated investment credit programs for SMEs. Between 1990 and 2000, Bank Indonesia funded various credit programs with Bank Indonesia liquidity loans (KBLI) that can be grouped into three categories: Kredit Usaha Petani (KUT), Kredit Pemilikan Rumah Sederhana/Sangat Sederhana (KPRS/SS) and Kredit Usaha Kecil and Mikro (Micro and Small Business Loans), which were channeled through cooperatives and rural banks.

The current government program for the development of MSMEs is known as Kredit Usaha Rakyat (hereinafter KUR). KUR is a follow-up to Presidential Instruction (Inpres) No. 6/2007 on Policies to Accelerate the Development of the Real Sector and Empowerment of Micro, Small, Medium Enterprises and Cooperatives. The government will encourage increased access of MSMEs to credit/financing from banks by increasing the capacity of the Credit Guarantee Agency.

Banks as intermediary institutions must be able to carry out their functions properly and optimally because banks are financial institutions where individuals, private business entities, state-owned business entities, and even government institutions deposit their funds.

Based on this, it can be explained more broadly, that banks are companies engaged in finance. This means that banking activities are always related to the financial sector so that talking about banks is inseparable from financial problems that aim to help small entrepreneurs and mobilize multiple beneficial activities and collect funds from the community in the form of savings and deposits. The credit agreement between the bank and its customers refers to article 1754 of the Civil Code regarding borrowing and lending money where the bank acts as a creditor and the customer acts as a debtor, but the creditor agreement letter does not only contain the provisions of borrowing and lending money but also what is agreed by both parties and by the principles of the agreement. Here it needs to be emphasized that the credit agreement document between the bank and the customer is the main agreement in addition to the agreement document.

In connection with the description above, it has encouraged the author to study it in writing with the title Credit Agreement at the Bank.

### Research Method

In collecting data and materials to conduct this research, the following data collection methods and data analysis methods were used:

1. Field Research Direct review of the selected research object to examine the results of primary data. Direct research into this field will be able to help the author to complete the necessary data.
2. Library Research Research conducted in the library in the form of scientific books and writings related to the discussion. Data Analysis Method In analyzing the data, the author uses qualitative data analysis. Qualitative data is information data in the form of verbal sentences not in the form of numerical symbols or numbers, therefore with this method the author will try to provide facts or facts experienced with existing theories. (Efendi & Ibrahim, 2018).

### Result And Discussion

#### Definition of Bank

Banks can simply be defined as:

A financial institution whose main activity is to collect funds from the public and channel these funds back to the public.

Meanwhile, the definition of a financial institution is:

Any company engaged in finance whose activities either only raise funds, or only distribute funds, or both raise and distribute funds.

Then the definition of a bank according to Indonesian Law Number 10 of 1998 dated November 10, 1998, concerning Banking is:

Business Entities collect funds from the public in the form of deposits and channel them to the public in the form of credit and/or other forms in order to improve the lives of many people.

From the description above, it can be explained that banks are companies engaged in finance, meaning that banking businesses are always related to financial matters. So it can be concluded that the banking business includes three main activities, namely:

1. Raising Funds
2. Distributing Funds

#### Providing other bank services

The activity of collecting and channeling funds is the main activity of banking, while the activity of providing other bank services is only a supporter of the two activities above. The definition of collecting funds means collecting or looking for funds (money) by buying from the wider community in the form of demand deposits, savings and deposits. The purchase of funds from the community is carried out by the bank by installing various strategies so that people want to invest their funds. The types of deposits that the community can choose from are demand deposits, savings, time

deposit certificates where each type of deposit has its own advantages and benefits. This activity of raising funds is often referred to as funding.

Furthermore, the definition of channeling funds is throwing back funds obtained through demand deposits, savings and deposits to the public in the form of loans (credit) (Kasmir & SE, 2012).

### **Types of Banks**

In order to improve the banking system in Indonesia, steps were taken to simplify the types of banks into Commercial Banks and Rural Banks. This is in accordance with what is stated in Article 1 numbers 3 and 4 of Law No. 10 of 1998 concerning the amendment of Law No. 7 of 1992 concerning Banking.

According to its type, banks consist of :

1. Commercial Bank

Commercial Banks are Banks that carry out business activities conventionally and or based on sharia principles which in their activities provide services in payment traffic.

2. Rural Bank

Rural Banks are banks that carry out business activities conventionally or based on sharia principles, which in their activities do not provide services in payment traffic. (Firdaus & Ariyanti, 2017)

Types of banks in terms of ownership are as follows:

- a. Government-owned financial institutions Where both the company's letter of incorporation and capital are privately owned by the government.
- b. National privately owned financial institutions. Financial institutions owned by the national private sector as well as the company's letter of incorporation. And so is the division of profits. In terms of the status of the division of financial institutions can be seen based on the position and status of the financial institution.

In the activities of the types of financial institutions can be seen in terms of status which consists of two kinds, namely: (Rohmatilah Hakim, 2021)

1. Foreign exchange financial institutions Financial institutions with foreign exchange status or foreign exchange financial institutions that can carry out payments abroad and deal with foreign currencies.
2. Non foreign exchange financial institutions The opposite of foreign exchange financial institutions, where payments are made within one country. dalam satu negara.

### **Understanding Kredit**

According to HMA Savelberg in a book written by Mariam Darus Badruzaman, states that credit has meaning: (Fitriyani & Muthahir, 2021)

1. As the basis of every engagement and someone has the right to demand something from another person;
2. As a guarantee and someone hands over something to another with the aim of getting back what was handed over. (Idris, 2017).

UUP 1967 Article 1c says the meaning of Credit is the provision of money or bills based on borrowing and lending agreements between banks and other parties in which the borrower is obliged to repay the debt after a certain period of time with a predetermined amount of interest. (Firdaus & Ariyanti, 2017).

According to Drs.O.R Simorangkir, credit is the provision of achievements (e.g. money, goods) with reciprocal achievements (counter achievements) will occur in the future. Today's modern economic life is the achievement of money, so credit transactions involving money as a means of credit are discussed. Credit functions cooperatively between the lender and the recipient or between the creditor and the debtor. They benefit and bear each other's risks. In short, credit in the broadest sense is based on the components of trust, risk and future economic exchange. (Badruzaman & SH, 2023). Meanwhile, from an economic point of view, credit is defined as the provision of money or bills. According to Article 1 number 11 of Law Number 10 of 1998 concerning banking, states that Credit is the provision of money or bills that can be equated with it, based on an agreement or borrowing and lending agreement between a bank and another party that requires the borrower to pay off his debt after a certain period of time with the provision of interest. (Undang-Undang, 1998).

### **Credit Function**

Credit at the beginning of its development functions to stimulate both parties to help each other with the aim of achieving needs, be it in the field of business or daily needs. The various functions of credit are:

- a. Credit can increase the usability of money and goods.
- b. Credit can increase circulation and money traffic.
- c. Credit as a means of economic stability.
- d. Credit as a bridge to increase national income.
- e. Credit is also a tool of international economic relations (Alanshari & Marlius, 2018).

### **Types of Credit**

Based on the purpose of providing credit to meet customer needs, OJK divides credit into 3 (three), namely:

- a. Working Capital Loans, which are credit facilities provided both in rupiah and foreign currencies to finance the working capital component / business activities of the company in one business cycle and can be extended as needed. Generally, the loan period is between 1-3 (one to three) years and the Bank can provide an opportunity for the customer to extend the credit facility when it is due. Credit payments can be made in installments or in one lump sum.
- b. Investment Credit, which is the provision of credit to support the need for long-term investment financing funds such as the purchase of kiosks, shop houses, machinery, factory construction or purchase of vehicles and others. The term of investment loans is generally quite long and usually more than 3 (three) years. Generally, the

repayment of investment loans is made in monthly installments of principal and interest.

- c. Consumption Loans, which are loans granted to customers to acquire goods or services to fulfill the primary, secondary and tertiary needs of the customers.

Based on the repayment period of credit, it can be divided into 3 (three), namely: (Ibrahim & Rahmati, 2017)

- a. Short-Term Credit, credit that has a repayment period of 1 (one) year. This type of credit is usually given for business activities that generate relatively short profits.
- b. Medium-Term Credit, credit that has a maximum repayment period of 3 (three) years.
- c. Long-Term Credit, credit that has a repayment period of up to 5 (five) years, or more. This credit is usually used in business activities that earn profits with a long period of time. For example, the rubber and palm oil industries.

Based on the recording or bookkeeping system in the Bank's Financial Statements, it can only be divided into 2 (two), namely:

- a. Direct facilities (or cash facilities), credit facilities that are recorded in the Bank's assets account (on balance sheet), namely in the Loans Given (KYD) account, usually in the form of PRK (Current Account Loan), Demand Loan, Instalment Loan, Discounted Notes, Negotiated Notes, L/C Advances, Credit on the basis of trust (T/R), Export Credit.
- b. Indirect Facilities (or non-cash facilities), credit facilities are recorded in the Bank's administrative accounts (off balance sheet), namely in Commitment Receivables and Contingent Liabilities, usually in the form of O/S Credits Unused/OCU (OCU-L/C and OCU-Local), Forward and Spot Foreign Exchange Purchase Contracts, Forward and Spot Foreign Exchange Sales Contracts, Arbitration Transactions, Bank Guarantees and other administrative liabilities.

### **Credit Application Process**

The procedure for applying for credit for prospective debtors (loan takers). Submit a letter of application / fill out the following application form with the following attachments: (Kurniawan, 2018)

1. Individual loan / credit:
2. Photocopy of personal identity (KTP, driver's license, or passport)
3. Copy of marriage certificate (for those who are married) 3.
4. Photocopy of family card (KK).
5. Copy of bank statement/ current account or copy of savings book in any bank between the last six to three months.
6. Copy of salary slip and certificate of employment from the company.

For Business Loans/Credit: (Hutahaean, Komalasari, Ambarita, & Tanika, 2022)

1. Photo copy of the identity of the company owner (directors and commissioners)
2. Photo copy of SIUP (Trading Business License)
3. NPWP (Taxpayer Identification Number)



4. Photo copy of TDP (Company Registration Certificate)
5. Deed of establishment (initial and its amendments)
6. Photocopy of collateral (SHM, BPKB, etc.)
7. Photo copy of IMB (Building Construction Permit)
8. Financial Statement Data

The procedure for consideration from the Bank is as follows: (Wihara & LEKSONO, 2018)

1. Receive application letter + registered.
2. Check the list of complete documents.
3. Check the BI Blacklist if included in the category means that the Bank must reject the credit application, otherwise the customer's application will be processed immediately.
4. Interview and will be conducted by the Bank.
5. Make a rejection letter if the deciding official says it is not feasible.
6. If the prospective debtor's business is visible (can be seen) the bank will immediately process.
7. Conduct economic analysis, data collection and checking.
8. Furthermore, the bank conducts a collateral assessment to see the possibility of marketing the collateral.
9. The complete credit proposal is submitted to the deciding official for a decision whether or not to continue processing.
10. If it is decided, the bank will make a notification letter or will contact and contain the terms and conditions that must be met by the prospective debtor..

The BI Black List check is not done for credit applications but for customers who have issued blank checks / demand deposits, if for credit, BI Checking / ID (Debtor Information System) is carried out which contains the prospective customer's credit track record at other banks. In addition to BI checking, there is still trade checking, collateral analysis, analysis of funding needs, cash flow analysis, etc. This task is usually done by a credit analyst or part of marketing. The meaning of feasible is not "can be seen" but feasible.

The credit proposal is not submitted at the end of the process but rather at the beginning of the process which will then be analyzed by the credit analyst. The credit decision maker (in banks it is called the credit committee) decides to reject/approve after receiving a recommendation from the credit analyst.

### **Notarial Deed and Underhand Agreement**

Credit agreements are generally outlined in the form of notarial deeds or agreements under the hand. Notarial deeds are made and signed in the presence of a notary and the preparation follows the procedures in Law Number 30 of 2004 concerning the office of Notary. An agreement under the hand is made and signed in the presence of the parties who bind themselves in the agreement. In principle, both types of deeds have the same

binding force for the parties as long as they fulfill the legal requirements of the agreement as stipulated in Article 1320 of the Civil Code. (Purwoko, 2011).

The form of a notarial deed or agreement under the hand will only affect the evidence in the future if there are legal problems between the creditor and the debtor. Notarial deeds provide more certainty, order and legal protection for the parties bound than underhand agreements because notarial deeds make formal truths about the substance of the deed such as the identity of the parties signing the deed, the date and place of signing the deed, and the substances agreed upon by the parties and contained in the deed of agreement.

### Conclusion

The requirements for applying for credit are Photocopy of Marriage Certificate, Photocopy of KK and KTP, Photocopy of Collateral that you want to guarantee. Credit Application Procedure at the Bank The first process of customers submitting documents and requirements to the marketing department, then marketing looks at the history of customer data whether or not the customer is bad, after that if bad marketing can cancel the submission but if good marketing can process it further and submit the document to the Head of Subdivision for approval then submitted to the Branch Manager for Signature and continued by being submitted to the Head of Cash for final approval, then Marketing contacts the customer that the credit application can be disbursed and can be taken on the specified date.

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