

PUBLIC ACCOUNTABILITY IN THE MANAGEMENT OF NON-PERFORMING LOANS IN INDONESIA

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Abstract

The purpose of this study is to examine administrative and legal obstacles in the management of non-performing loans (NPLs) in Indonesian public financial institutions, especially People's Credit Bank (BPR). Applying a case study method to 30 court decisions related to NPLs, this study identifies key obstacles such as slow collateral verification, complex litigation procedures, and a lack of coordination between institutions. The results show that these obstacles significantly slow down the recovery of NPLs and reduce the efficiency of financial institutions. Regulations such as PERMA No. 2/2015 and PERMA No. 4/2019 have not been fully effective in overcoming this problem. Therefore, it is necessary to simplify litigation procedures, increase collateral verification, and integrate information systems between institutions. The

novelty of this research lies in its in-depth analysis of administrative and legal obstacles in the management of NPLs, as well as its provision of concrete policy reform proposals to improve the stability of the public financial sector.

Keywords: *public accountability, non-performing loans, administrative barriers, policy reform.*

Reikšminiai žodžiai: *viešojo atskaitomybė; neveiksnios paskolos; administracinės kliūtys; politikos reforma.*

Introduction

Public accountability is a key idea in public administration, and is essential in order to ensure that public organizations, including financial institutions, manage the resources entrusted to them responsibly. In this context, the management of non-performing loans (NPLs) in public financial institutions, especially the People's Credit Bank (BPR) and the Limited Liability Company Rural Bank Sub-district Credit Agency (PT BPR BKK), face various challenges caused by administrative obstacles, including: slow collateral verification; lack of coordination between financial and legal institutions; and legal complexity (Nithin Kumar H N 2019), as evidenced in the unclear implementation of relevant regulations and articles (Aldi Akbar, Karyadi and Budi Rustandi Kartawinata 2021). Law No. 21/2011 authorizes the Financial Services Authority to supervise the financial sector. However, the implementation of supervision is often constrained by the slow verification of collateral and a lack of coordination between institutions (Adisaputra 2023).

In addition, Article 44 of Bank Indonesia Regulation No. 14/15/PBI/2012 on asset quality assessment in commercial banks, including BPR, often causes delays in the completion of NPLs due to the lack of clear technical guidelines regarding collateral. The execution of collateral is also hampered by Law No. 4 of 1996 on Dependent Rights, where Article 20 is often interpreted differently by various agencies, slowing down this process. Despite the existence of regulations such as PERMA No. 2/2015 and PERMA No. 4/2019, their effectiveness in dealing with NPLs in public financial institutions is still doubtful.

Therefore, this study aims to analyze administrative and legal barriers that slow down the process of resolving NPLs in Indonesia, as well as provide policy recommendations that can strengthen public accountability and improve the efficiency of financial institutions in handling these issues. Increased transparency and effectiveness in this process will not only accelerate the settlement of NPLs, but will also strengthen public financial stability in Indonesia.

Through this research, it is hoped that policy recommendations can be produced that can help public financial institutions in Indonesia to be more effective in handling NPLs, utilizing both administrative and legal approaches. Reforms in litigation procedures,

increased cooperation between institutions, and the adoption of better information technology in the collateral verification process are just some of the steps that are expected to accelerate the settlement of NPLs and improve the financial stability of public institutions. Thus, this research not only provides new insights in the academic literature, but also offers practical solutions that can be applied by policymakers to improve the efficiency of public financial institutions in Indonesia when facing the challenges of NPLs.

Literature Review

NPL management is a crucial issue in the public finance sector because of its impact on financial stability and economic growth (Victor Osunnaiye and Alymkulova 2022). In Indonesian public financial institutions such as BPRs, the high number of NPLs affects liquidity, new credit capabilities, and public confidence in the financial system (Sutisnawati and Anggraeni 2023). Given the direct link between NPL recovery rates and financial stability, addressing this bottleneck remains critical, especially given Indonesia's growing public finance sector. Given the direct link between NPL recovery rates and financial stability, addressing this bottleneck remains critical, especially given Indonesia's growing public finance sector. In the context of public administration, accountability is a very important element of ensuring that financial institutions are responsible for the management of the resources entrusted to them (Natision et al. 2022). Global studies show that developed countries, such as the US, made major reforms after the 2008 crisis, including bail-outs and regulatory tightening (d'Udekem and Van Audenrode 2019). In contrast, developing countries such as India, Brazil, and Indonesia still face challenges regarding limited regulation and weak credit risk management (Hoque and Zaidi 2020). Factors such as poor credit risk management, low asset quality, a liquidity crisis, and inadequate regulatory oversight contribute to the high number of NPLs (Gaur, Mohapatra, and Jena 2022). Empirical studies show that weaknesses in credit risk management, especially in debtor evaluation and supervision, are the main cause of the increase in the amount of NPLs in developing countries (Wahyudi and Arbay 2021).

Administrative and legal reforms are essential in order to overcome barriers to NPL resolution in Indonesia. Despite regulations such as PERMA No. 2/2015 and PERMA No. 4/2019, challenges in NPL management in public financial institutions still persist, especially post-COVID-19. The experience of countries such as South Korea and Greece shows that procedural reforms and the utilization of information technology can accelerate the resolution of NPLs (Gillispie 2021).

Coordination between institutions, including financial institutions, legal authorities, and the government, is a major challenge in managing NPLs in Indonesia, which is exacerbated by the lack of information system integration and slow data exchange (Apriani et al. 2023). Countries such as Italy and Spain have shown that increased transparency in the management of NPLs, through external audits and public engagement, can increase public

accountability and trust in financial institutions (Manes Rossi, Brusca, and Aversano 2018; Garcia-Lacalle and Torres 2021). Therefore, transparency and accountability are key elements of strengthening public trust and ensuring that NPL management is carried out efficiently and responsibly.

A literature review highlights the research gaps related to NPL management in public financial institutions in Indonesia, especially procedural barriers and cross-agency coordination. Most previous studies have focused on the macroeconomic impact of NPLs, without addressing operational challenges such as collateral verification, complex litigation, and inter-agency coordination, which affect credit recovery (Hussaini 2019; Wen et al. 2021; Jiang and Zhao 2022).

Therefore, this study seeks to fill this gap through an in-depth analysis of 30 court decisions in Indonesia in order to evaluate how administrative and legal barriers affect the management of NPLs in public financial institutions.

Research Method

This study investigates administrative and legal challenges in handling NPLs in Indonesian public financial institutions, with a focus on BPRs. It uses a case study method along with a thorough review of existing literature to delve into these issues. This method shows potential in studying the factors that impact how well NPL management works and helps us better understand the specific institutional situation in Indonesia. A study was performed to improve the analysis framework by combining theory and practice, creating a solid academic foundation for this research (Nakano and Muniz Jr., 2018) .

This research was performed in a step-by-step manner to achieve thorough results. The initial step was to recognize the main issues concerning administrative and legal challenges in handling NPLs in Indonesian public financial institutions, specifically BPRs. A literature review was conducted to outline the essential theories when creating the theoretical framework for this research. The next step involved gathering information from 30 court rulings regarding NPLs in Indonesia. These rulings were selected based on their importance and geographical diversity in order to highlight the challenges that public financial institutions encounter in different areas. Other related regulations, including PERMA No. 2/2015 regarding Mediation Procedures in Court and PERMA No. 4/2019 regarding Small Claims Settlement, were also assessed in order to understand how they are used in relation to NPLs and their impact on credit recovery. This information was then used in the next stage of analysis.

Once the data had been gathered, the next step was to create a guide for analyzing the data. This guide helped with coding and identifying essential themes, such as challenges with verifying collateral, legal issues, and communication between organizations. This guide helps analyze every obstacle consistently to keep the analysis accurate and consistent

During the fourth stage, we analyzed administrative and legal barriers by studying data from court rulings and relevant rules and regulations. This analysis focuses on finding obstacles that cause delays in the NPL recovery process. Examples include slow collateral verification, complex litigation procedures, and a need for coordination between agencies. This analysis looks at administrative and legal factors, as well as the context of Indonesian public administration, and how they affect public accountability.

After identifying administrative and legal barriers, step 5 involved synthesizing findings. This step was focused on compiling the main findings from analyzing court cases and regulations. This synthesis brought together the data analysis findings and a review of related literature to give a better understanding of the structural barriers in managing NPLs in Indonesia. Combining information in this way helped to highlight the challenges that public financial institutions encounter when dealing with NPLs. It also helped when creating practical policy recommendations during the next step. These policy suggestions aimed to address the challenges of dealing with NPLs in public financial institutions, specifically rural banks. During the conclusion-drawing stage, a summary providing suggestions on how policy changes can enhance the way Indonesian public financial institutions handle NPLs was formulated. These suggestions involve: making court processes simpler, enhancing the checking of collateral, and enhancing cooperation among different organizations. This research offers policy recommendations to help policymakers enhance public financial stability in Indonesia.

For more details of the stages in this study, see Figure 1.

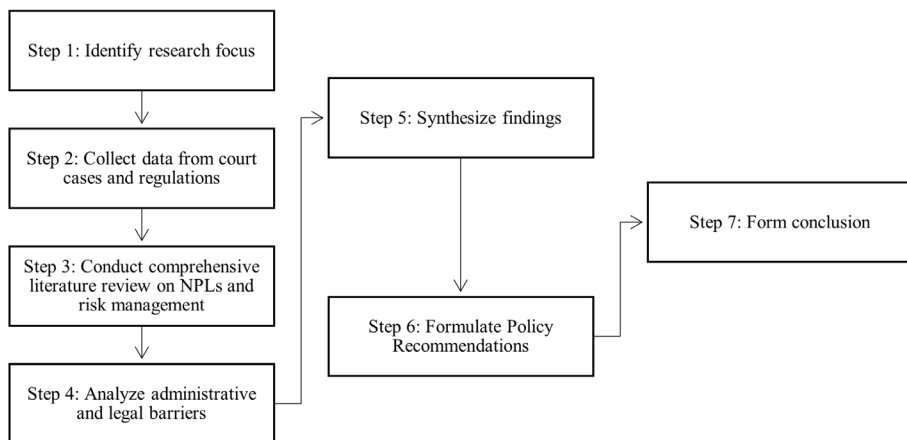


Figure 1. Research stages

Results and Discussion

In order to offer a more comprehensive comprehension of the administrative and legal obstacles that public financial institutions encounter while handling NPLs, Table 1 provides an examination of the empirical data pertaining to 30 NPL cases in Indonesian courts.

Table 1. The 30 court decisions related to NPLs

No.	Financial institution	Loan type	Dispute type	Court ruling	Legal/admin barriers	Process duration (months)	Year
1	PT BPR BKK Semarang	Micro business loan	Debtor default	Creditor won	Complicated lawsuit process	6	2002
2	PT BPR BKK Solo	Small business loan	Unclear collateral	Creditor lost	Unverified collateral	8	2003
3	PT BPR BKK Kudus	Micro business loan	Payment delay	Creditor won	Interagency coordination	7	2004
4	PT BPR Central Java	Consumer loan	Debtor default	Creditor won	Slow administration	10	2005
5	PT BPR East Java	Small business loan	Collateral default	Creditor lost	Complex litigation process	9	2006
6	PT BPR BKK Yogyakarta	Consumer loan	Asset seizure	Creditor won	Lack of legal documents	5	2007
7	PT BPR BKK Tegal	Micro business loan	Debtor default	Creditor won	Execution day	7	2008
8	PT BPR BKK Malang	Consumer loan	Collateral seizure	Creditor won	Collateral issue	6	2009
9	PT BPR BKK Surabaya	Small business loan	Inadequate collateral	Creditor lost	Lack of collateral verification	12	2010
10	PT BPR Bali	Micro business loan	Payment delay	Creditor won	Lack of legal coordination	8	2011

11	PT BPR BKK Bandung	Small business loan	Debtor default	Creditor won	Documentation barriers	9	2021
12	PT BPR BKK Solo	Consumer loan	Debtor default	Creditor won	Complicated application process	10	2013
13	PT BPR BKK Surabaya	Small business loan	Inadequate collateral	Creditor lost	Collateral not verified	8	2014
14	PT BPR East Java	Micro business loan	Payment delay	Creditor won	Lengthy legal process	7	2015
15	PT BPR BKK Semarang	Small business loan	Debtor default	Creditor won	Administrative barriers	9	2016
16	PT BPR BKK Tegal	Consumer loan	Asset seizure	Creditor won	Asset execution delay	6	2017
17	PT BPR Bali	Micro business loan	Payment delay	Creditor won	Inadequate collateral	9	2018
18	PT BPR BKK Yogyakarta	Consumer loan	Collateral seizure	Creditor won	Lack of legal evidence	7	2019
19	PT BPR Central Java	Micro business loan	Debtor default	Creditor won	Third-party involvement	10	2020
20	PT BPR BKK Bandung	Consumer loan	Collateral default	Creditor won	Unclear document verification	8	2020
21	PT BPR East Java	Small business loan	Payment delay	Creditor won	Slow settlement	8	2009
22	PT BPR BKK Malang	Consumer loan	Unclear collateral	Creditor won	Slow evidence verification	9	2010
23	PT BPR BKK Kudus	Micro business loan	Debtor default	Creditor won	Lengthy litigation process	7	2011

24	PT BPR BKK Semarang	Small business loan	Collateral default	Creditor lost	Lack of court coordination	10	2012
25	PT BPR BKK Solo	Small business loan	Inadequate collateral	Creditor won	Slow asset verification	11	2013
26	PT BPR BKK Surabaya	Consumer loan	Payment delay	Creditor won	Procedural barriers	6	2014
27	PT BPR Central Java	Small business loan	Unclear collateral	Creditor won	Incomplete documentation	9	2015
28	PT BPR BKK Bali	Micro business loan	Debtor default	Creditor won	Slow execution process	8	2016
29	PT BPR BKK Tegal	Small business loan	Asset seizure	Creditor won	Asset payment delay	7	2017
30	PT BPR BKK Bandung	Micro business loan	Payment delay	Creditor won	Weak administrative verification	10	2018

Source: *Directory of Decisions of the Supreme Court of the Republic of Indonesia*. Jakarta: Mahkamah Agung Republik, Indonesia

Based on an analysis of 30 court decisions related to NPLs in public financial institutions, it can be seen that administrative and legal barriers are among the main factors affecting the effectiveness of credit recovery (Pavlikov et al. 2023). Issues such as inadequate collateral verification, lack of coordination between agencies, and protracted litigation procedures reflect fundamental challenges in public financial governance in Indonesia. These barriers slow down the credit recovery process and reduce public accountability, where communities and stakeholders face difficulties in accessing efficient and transparent processes (Rouhanizadeh and Kermanshachi 2021).

One prominent issue is the inefficiency of collateral verification, which has repeatedly emerged as an inhibiting factor in cases of NPLs. In the context of public administration, failure to properly verify collateral not only causes financial losses for public financial institutions, but also undermines the government's credibility in managing public assets (Jiang and Zhao 2022). This shows that there is a gap in the capacity of the bureaucracy to carry out its duties optimally, especially in relation to credit risk management. Other administrative obstacles, such as delays in the implementation of court decisions and a lack of coordination between institutions, reflect weak integration in the public administration system. If

not handled properly, these weaknesses can worsen public confidence in the government's ability to manage the public financial sector efficiently and responsibly.

In addition, litigation processes in the legal system are often in the spotlight, especially those related to a settlement that ranges from 5 to 12 months in duration. This inconsistency in law enforcement not only creates uncertainty for the parties involved, but also has the potential to reduce public trust in the integrity of the legal system itself (Hidayat, Yunus, and Helmi 2023). In many cases, especially those involving unclear collateral or delays in asset execution, dispute resolution times can be stretched much longer. This phenomenon reflects significant challenges in case management and the implementation of law enforcement, which need to be addressed immediately to improve the efficiency of the litigation process.

The phenomenon of inconsistency in the litigation process emphasizes the need for reform in law enforcement, especially in the settlement of NPL-related cases (Arato, Brown, and Ortino 2020). When the legal process lasts longer than expected, this has a direct impact on the increase in the number of NPLs because delays in collateral execution or dispute resolution make it increasingly difficult for NPLs to be recovered (Hasibuan, Sinaga, and Adawiyah 2023). This problem becomes even more apparent when viewed in the context of the trend in the total amount of NPLs, which continues to fluctuate from year to year – especially during times of economic crisis and regulatory uncertainty.

To give a more concrete picture of how the total amount of NPLs grew from 2002 to 2020 in Indonesia, Figure 2 shows fluctuations in this figure in USD. This trend provides empirical evidence of the impact of inefficiencies in litigation processes and other structural challenges faced by public financial institutions.

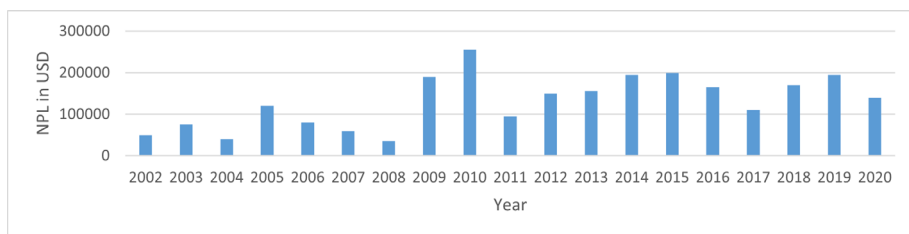


Figure 2. The total amount of NPLs in Indonesia, USD

Source Data processed from 30 Supreme Court rulings on NPL cases (2002–2020)

Based on the analysis of Figure 2, it can be concluded that the total amount of NPLs in public financial institutions has experienced significant fluctuations. At the beginning of the period under study, the amount of NPLs was relatively low, but this began to show a gradual increase until a drastic spike in 2009 and 2010, which can be attributed to the impact of the global financial crisis. The increase in NPLs during this period reflects the weakening of global economic stability, where many business sectors and financial institutions

faced difficulties in meeting financial obligations. The NPL peak occurred in 2010, with the total amount of NPLs reaching more than \$250,000, signaling serious challenges in credit risk management.

Despite a decline in the following years, the NPL trend remained unstable, indicating the continued challenges in managing NPLs in public financial institutions. Repeated increases in 2013, 2015, and 2019 indicate that although various improvement policies have been implemented, structural problems in credit management have not been fully resolved. The main causes of these fluctuations can be traced to several factors, such as poor economic conditions, where a recession or economic slowdown has a direct impact on the debtor's ability to meet credit payment obligations (Kehoe et al. 2020). In addition, weak risk management and low asset quality in various financial institutions also worsened the NPL situation, due to weak supervision of the provision of credit to debtors with high risk profiles (Miglionico 2019).

The liquidity crises that occurred in several periods are also important factors that exacerbate the NPL condition, where financial institutions have difficulty maintaining stable cash flow to support their operations (Chen, Chen, and Huang 2021). On the other hand, inadequate oversight from regulators and sudden regulatory changes have contributed to the increase in the total amount of NPLs, as many financial institutions are not yet ready to adapt their strategies to the new regulations. In 2020, there was a resurgence in the total amount of NPLs, which was most likely affected by stimulus policies and credit moratoriums in response to the COVID-19 pandemic. However, this decline more likely reflects delays in reporting NPLs than actual settlements, given that structural causes such as economic conditions, supervision, and poor asset quality remain challenges in the long term. Table 3 shows the main causes of NPLs.

Table 3. Causes of NPLs

No.	NPL Cause	Total number of cases
1	Poor economic conditions	5
2	Poor risk management	5
3	Low asset quality	5
4	Liquidity crisis	5
5	Inadequate supervision	5
6	Regulation changes	5

To address the problems caused by the factors shown in Table 3, public administration reforms focused on improving efficiency, transparency, and accountability in the management of NPLs are needed. Factors such as poor economic conditions, weak risk management, and liquidity crises, as shown in Table 3, indicate the existence of systemic weaknesses that hinder the effectiveness of NPL management. Therefore, improvements must

be made comprehensively – from the policy level to implementation in the field. Reforms must respond to fluctuating economic conditions and address long-standing weaknesses such as weak risk management and inadequate supervision. Strengthening administrative capacity, particularly in collateral verification and simplifying litigation, is needed to accelerate the settlement of NPLs and reduce financial risks (Kokkinis and Miglionico 2020).

Improved coordination between institutions, including the integration of information systems to share data quickly, is also important in order to improve the efficiency of handling NPLs (Zaini and Hakim 2019). These reforms are expected to increase public confidence in transparent and accountable fund management, as well as contribute to long-term financial stability through effective structural improvements in credit risk mitigation.

Conclusion

1. This study examined the management of NPLs in public financial institutions in Indonesia, focusing on legal and administrative barriers that hinder the settlement of NPLs. Key findings show that a lack of coordination between institutions, a slow collateral verification process, and prolonged litigation are significant challenges that hinder NPL management efficiency.
2. Success in addressing NPL challenges in public financial institutions is highly dependent on comprehensive structural reforms. These reforms must not only strengthen the stability of the financial sector, but also increase accountability and public trust in the financial system in Indonesia.
3. This study recommends strategies for simplifying litigation procedures, strengthening collateral verification, and improving coordination between institutions to accelerate the settlement of NPLs. The integration of information systems between public financial institutions and legal authorities is also expected to increase transparency and accelerate the non-performing credit management process.

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VIEŠOJI ATSKAITOMYBĖ VALDANT NEVEIKSNIAS PASKOLAS INDONEZIJOJE

Anotacija

Šio tyrimo tikslas – išnagrinėti administracinės ir teisinės neveiksnių paskolų (NPL) valdymo kliūtis Indonezijos valstybinėse finansų įstaigose, ypač Liaudies kredito bankuose (BPR). Taikant atvejo analizės metodą, susijusį su 30 teismo sprendimų dėl neveiksnių paskolų, tyrimo metu nustatytos pagrindinės kliūtys: lėtas užstato tikrinimas, sudėtingos bylinėjimosi procedūros ir nepakankamas institucijų veiklos koordinavimas. Rezultatai rodo, kad šios kliūtys itin sulėtina neveiksnių paskolų išieškojimą ir mažina finansų įstaigų veiksmingumą. Tokie reglamentai kaip PERMA Nr. 2/2015 ir PERMA Nr. 4/2019 nebuvo itin veiksmingi sprendžiant šią problemą. Todėl būtina supaprastinti bylinėjimosi procedūras, padidinti užstato patikros mastą ir integruoti įstaigų informacines sistemas. Šio tyrimo naujumas – išsami administracinių ir teisinių kliūčių, kylančių valdant neveiksnius paskolas, analizė, taip pat konkretūs politinių reformų pasiūlymai, kuriais siekiama padidinti viešojo finansų sektoriaus stabilumą.

Reikšminiai žodžiai: viešojo atskaitomybė; neveiksnius paskolas; administracinės kliūtys; politikos reforma.

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