

**Bank Guarantee as A Third Party in The Event of Default at PT. BNI
(Persero), Tbk Market Branch Office Mayestik Jakarta**

Yulia Mujiaty
yulia.ymt@bsi.ac.id

Darma Wijaya
darma010780@gmail.com

Deasy Novayanti
deassy.dyn@bsi.ac.id

Siti Nurjanah
siti.stj@bsi.ac.id

Prihatiningsih
prihatiningsih26600@gmail.com

Universitas Bina Sarana Informatika

ABSTRACT

Bank Guarantee as Third Party Guarantee in the Event of Default at PT. BNI (Persero), Tbk Pasar Mayestik Branch Office, Jakarta Bank guarantee, is a payment guarantee given by the bank to a party in the form of a document. Default occurs when the obligation is not carried out or is negligent in the agreement between the creditor and the debtor. PT Bank State of Indonesia (Persero), Tbk. was founded as the central bank in Indonesia with the name "Bank Negara Indonesia" on July 5, 1946. On October 30, 1946, Bank Negara Indonesia was upgraded to Persero and given the name PT Bank Negara Indonesia, according to Law Number 17 of 1968. Collecting data in preparation is observation, interview, and literature study methods with qualitative descriptive analysis. PT. BNI (Persero), Tbk Pasar Mayestik Jakarta Branch Office carries out Bank issuance The guarantee has three stages, namely the filing stage, screening stage, and releaser stage. When applying for a bank guarantee, customers are required to attach underlying documents such as preparing funds in a savings account and a letter of principle approval from insurance.

Key words: Bank Guarantee; Guarantee and Default

INTRODUCTION

Banking is one of the industries in Indonesia that is developing very rapidly, giving rise to tight competition at the national and international levels. The large number of banks within and outside Indonesia creates tight competition in the banking industry. In order to carry out activities to increase profits, financial service institutions, both banks and non-banks, must look for innovative business concepts

in accordance with the legal provisions imposed by law. Services are usually required in all industries related to financial operations.

Banks have a significant role as financial institutions, not only in terms of savings and loans but also in terms of providing capital for commercial activities, investment, and other financial services. Banks are a type of business that provides financial services and play an important role in the economy and progress of a country. A bank is "a business entity that collects funds from the public in the form of savings and distributes them to the public in the form of credit and other forms in order to improve the standard of living of the people," according to Republic of Indonesia Law No. 10 of 1998 concerning Banking. The term "bank guarantee" comes from the English "guarantee" or the Dutch "garantie". In the Decree of the Directors of Bank Indonesia number 23/88/KEP/DIR 1991, concerning Provision of Guarantees by Banks.

LITERATURE REVIEW

Banking Overview

Financial institutions provide financial services and products, mainly collecting money from consumers and channeling it back to consumers through deposits, current accounts, and savings (Hery, 2019).

Banks are a type of business that provides financial services that have an important role in the economy and progress of a country. Banks can be defined as "Business entities that collect funds from the public in the form of savings and distribute them to the public in the form of credit and other forms in order to improve the standard of living of the people" based on RI Law No. 10 of 1998 concerning Banking.

Banking Functions

Indonesian banking strives to help the country's prosperity by encouraging equality, economic growth, and stability for the benefit of all parties, which is a banking function by Law No. 10 of 1998 concerning amendments to Law No. 7 of 1992 concerning banking (Chapter II Article 4) (LAW OF THE REPUBLIC OF INDONESIA NUMBER 7 OF 1992 CONCERNING BANKING, n.d.).

Forms and Types of Banking

Banking can be divided into four categories based on its form and type. That is:

1. Central Bank
All types of banks in Indonesia are supervised by the Central Bank, which also functions as the country's monetary authority.
2. Commercial banks
Banks that carry out conventional business activities or provide payment traffic services in their activities.

3. Savings bank
The main function of financial institutions is to accept savings deposits and pay interest on savings.
4. Development Bank
Are banks, whether public, private, or cooperative, national and local, accept deposits first and then issue medium-term and long-term securities to increase capital (Hery, 2019).
5. Commercial banks
Banks that carry out conventional business activities or provide payment traffic services in their activities.

METHOD

Design and Sample

Methods with qualitative descriptive analysis.

Instrument and Procedure

Collecting data in preparation is observation, interview, and literature study PT. BNI (Persero), Tbk Pasar Mayestik Jakarta Branch Office carries out Bank issuance

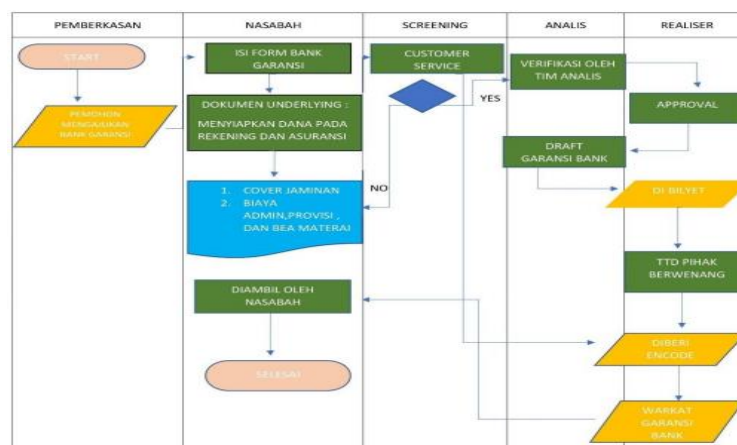
Data Analysis

The data analysis used The guarantee has three stages, namely the filing stage, screening stage, and releaser stage.

RESULT AND DISCUSSION

Procedure for Submitting a Bank Guarantee

Results from interviews with one of the employees of BNI (Persero), Tbk Mayestik Branch Office in the Procedure for Providing a Bank Guarantee, there are three processing stages from foreign transaction customer service, the following are the stages of the Bank Guarantee application process:



Source: PT. BNI (Persero), Tbk Mayestik Jakarta Branch Office

Figure III. 3 Flowchart of Bank Guarantee Issuance

1. Filing Stage

- a. Applicants who wish to apply for a Bank Guarantee have become BNI customers.
- b. Fill out the Bank Guarantee issuance form.
- c. Attach the main agreement (Underlying):
 - a. Prepare funds in a savings account (for full cover)
 - b. Letter of approval in principle from insurance (contra Bank Guarantee from insurance) Insurance company collaborating with PT. BNI (Persero), Tbk, namely:
 - 1) Tripakarta
 - 2) Askrindo
 - 3) Tarta rides
 - 4) Raharja Services
- d. Provides Bank Guarantee cover of 100% of the Bank Guarantee value
- e. Provides admin fees, provision fees, and Bank Guarantee stamp duty fees.

Admin fee charged Rp. 250,000,- and provision fees depend on the term and value of the Bank Guarantee. Where these costs are debited directly from the customer's account. For stamp duty costs of Rp. 10,000- for three stamps where the fee is debited directly to the customer's account or the applicant brings it himself.

2. Screening Stage

After the customer collects the files and prepares the funds in his account, the files are handed over to the customer service staff at the bank guarantee unit to check again. If there are missing files, the customer service staff will ask the customer for revisions. If the file is complete and revised by the customer, it is returned to the customer service staff.

Customer service will submit documents to be processed by the data processing team. Here, the analyst will verify the documents in more detail, which have been screened by customer service.

3. Releaser Stage

After the analyst has verified the documents, the releaser will approve the bank guarantee. After approval, the analyst will issue a bank guarantee draft, which will then be printed on the bank guarantee. However, the customer service staff will recheck the document before printing to avoid human error.

If everything is appropriate, the draft is printed on the billet and signed by the authorized official (branch leader), customer service leader, and customer service supervisor of the bank guarantee unit. In the bank guarantee, there is an encode, where the encode is the amount of collateral value guaranteed in the bank guarantee.

If the bank guarantee is ready, it will be informed to the customer to collect it

themselves, and it is not recommended to send it via courier.

Calculation of Profit for Bank Guarantee Services at PT. BNI (Persero), Tbk Mayestik Market Branch

One of Bank BNI's actions is calculating profits from bank guarantee services. The aim is to encourage bank guarantee services to offer services to smaller segments and increase the marketing of bank guarantee products. BNI has set a percentage of 1.5% for bank guarantee services. To calculate the profits from PT. BNI (Persero), Tbk Mayestik Branch Office, the formula for calculating profits from bank guarantee services is as follows: Provision rate of 1.5% is fixed according to the total value of the bank guarantee and the period of the bank guarantee:

$$FB = \frac{NJ \times \text{provision rate \%} \times JW}{12}$$

Information :

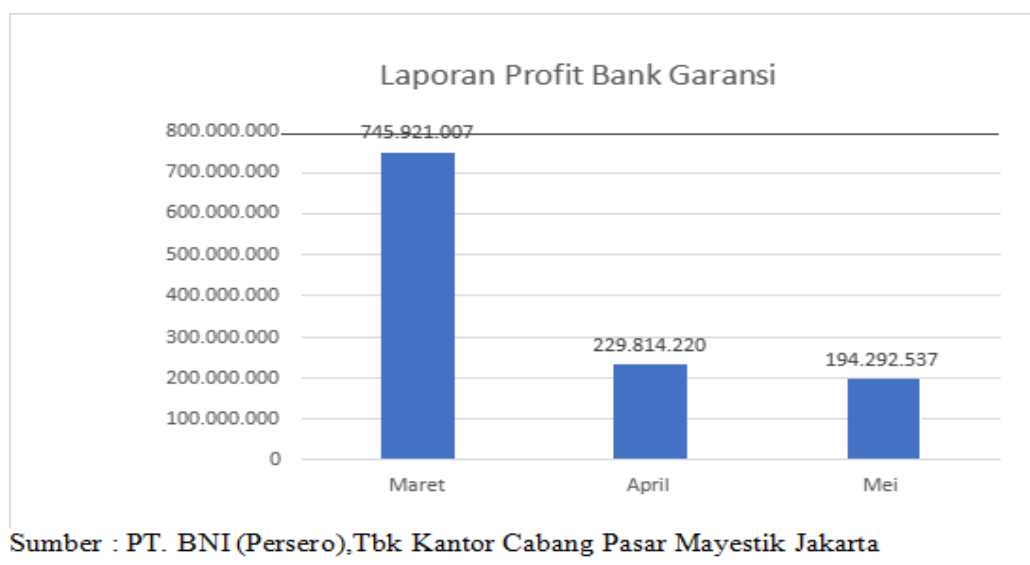
FB: Fee Base (transaction profit)

NJ: Guaranteed Value

Provision Rate: 1.5%

JW: period (months)

The following is a graph of profit from bank guarantee services at PT. BNI (Persero), Tbk Mayestik Market Branch Office Jakarta:



Gambar III. 4

Perolehan Profit Bank Garansi

In the profit report above, PT. BNI (Persero), Tbk Pasar Mayestik Jakarta Branch Office, the profit obtained from the Bank Guarantee service differs monthly. Following are the details of the Bank Guarantee profit:

1. In March 2023, PT Bank Guarantee Services profit. BNI (Persero), Tbk Mayestik Market Branch Office amounting to Rp. 745,921,007,-,
2. In April 2023 profit from PT Bank Guarantee services. BNI (Persero), Tbk Mayestik Market Branch Office amounting to Rp. 229,814,220,-,
3. In May 2023, PT Bank Guarantee service profits will be obtained. BNI (Persero), Tbk Mayestik Market Branch Office amounting to Rp. 194,292,537,-,

So if the total profit from bank guarantee services for three months is IDR. 1,170,027,764,-,

Company Overview

Company History and Development

PT Bank Negara Indonesia (Persero), Tbk. was founded as the central bank in Indonesia under the name "Bank Negara Indonesia" on July 5, 1946. On October 30, 1946, Bank Negara Indonesia printed and distributed Oeang Republik Indonesia, also known as ORI, as an official means of payment. The proponent for establishing the bank, Raden Mas (RM) Margono Djojohadikusumo, was the founder and first main director of Bank Negara Indonesia.

Bank Negara Indonesia was upgraded to Persero and given the name PT Bank Negara Indonesia by Law Number 17 of 1968. After this change, Bank Negara Indonesia became known as "BNI 46". To be easier to remember, the company identity was changed to "Bank BNI" in 1988, and in 1992, the identity was changed to PT Bank Negara Indonesia (Persero).

To comply with Limited Liability Companies dated August 16, 2007, BNI's articles of association have been adjusted. These adjustments were made in Deed no. 46 dated June 13, 2008, before Fathiah Helmi, SH, notary in Jakarta, based on the decision of the Extraordinary General Meeting of Shareholders dated May 28, 2008 (Official Site of PT. BNI (Persero), Tbk, 2023).

Company Logo



Source: PT. BNI (Persero), Tbk Mayestik Market Branch Office

Figure III. 1 Company Logo

Vision and mission of the company

BNI Vision:

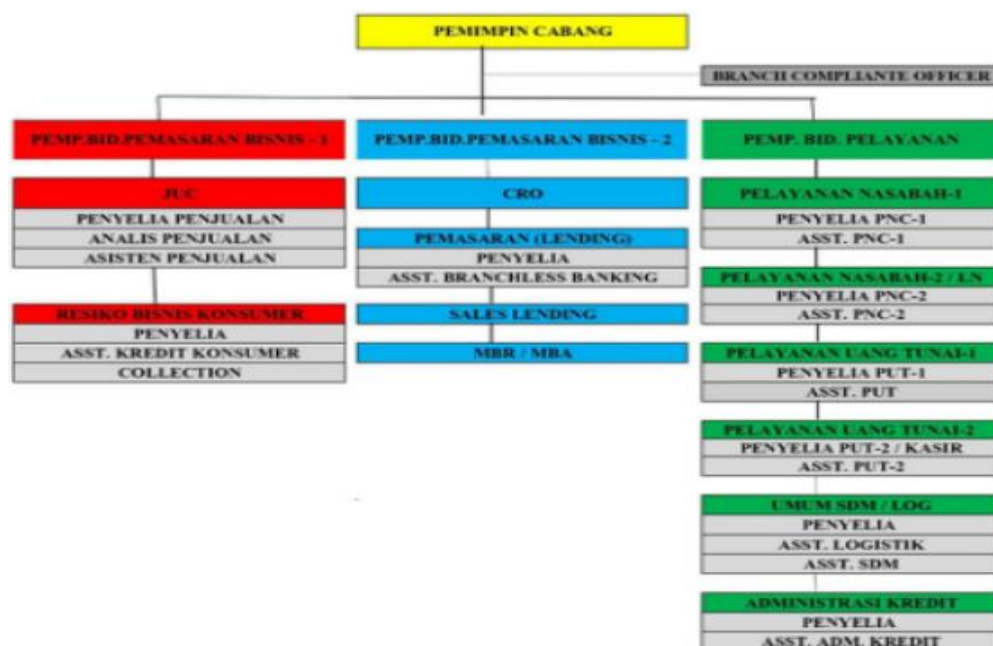
To become the leading financial institution in sustainable service and performance.

BNI Mission:

1. Providing excellent service and digital solutions to all customers as the first choice business partner.
2. Strengthen international services to support the needs of Global Business Partners.
3. Increasing superior investment value for Investors.
4. Creating the best conditions for employees as a place of pride for work and achievement.
5. Increasing awareness and responsibility for the environment and society.
6. Become a reference for implementing compliance and good corporate governance for the industry.

Organizational Structure and Work Procedures

The following is the organizational structure of PT. BNI (Persero), Tbk Mayestik Branch Office:



Source: PT. BNI (Persero), Tbk Mayestik Market Branch Office

Figure III. 2 Organizational structure of the company

The respective duties and authorities contained in PT. BNI (Persero), Tbk Pasar Mayestik Branch is described as follows:

1. Branch Leader
Duties and Authorities:
 - a. Work plans, setting business goals and objectives, and actively supervising work units in the work area according to their duties.
 - b. Fully responsible for the management, development, and development of employees.
 - c. Lead and actively participate in the units under him.
2. Business Marketing Leader Duties and Authorities:
 - a. Collaborate and support branch leaders in organizing and overseeing marketing operations and business processing.
 - b. Actively participate in the implementation of service standards by leadership elements.
 - c. Build and maintain good relationships with customers.
3. Leader of Service
Development Division Duties and authority:
 - a. Help branch office leaders organize and supervise service activities.
 - b. Supervise correspondence regarding all customer service activities at the front desk and ensure excellent service.
 - c. Carrying out office cash operations and meeting bank and ATM needs.
4. Sales Analyst
Duties and authorities:
 - a. Selling BNI goods and services, managing and serving institutional fund customers to achieve institutional fund goals.
 - b. Carry out sales activities for BNI goods and services to achieve goals.
 - c. Mapping customers included in the sales portfolio according to tiering and customer categories.
 - d. Actively participate in the sale of goods and services to BNI consumer segments.
5. Sales Assistant
Duties and Authorities:
 - a. Assist supervisors. Assist marketing managers in selling BNI goods and services to achieve targets, collect funds, and provide credit to consumer segments
 - b. Assist marketing supervisors in carrying out sales activities for BNI products and services in an effort to achieve targets, raise funds, and consumer segment credit.
 - c. Create and supervise programs to fulfill sales work plans.
 - d. Oversee consumer and retail segment credit application procedures.
 - e. Checking the suitability of credit terms.
6. Consumer Credit Supervisor Duties and Authorities:
 - a. Receive and examine the results of verification and assessment of collateral as material for credit analysis

- b. Determining the suitability of prospective debtors from the results of credit analysis.
- c. Propose the credit process for credit applications
- 7. Consumer Credit Analyst Duties and Authorities:
 - a. Ensure the quality and quantity of loans are in line with targets.
 - b. Make credit process proposals for each credit application with or without collateral, without notifying the supervisor.
 - c. Determine the suitability of prospective debtors from the results of credit analysis.
- 8. Consumer Credit Assistant Duties and Authorities:
 - a. Carry out the consumer fixed income credit process such as BNI Fleksi or BNI Griya to achieve quality and quantity according to targets.
 - b. Receive and examine the results of verification and assessment of collateral as material for credit analysis
 - c. Receive additional data if there is a need for more data in the verification unit.
 - d. Reject the application if the debtor cannot complete the data by the provisions.
 - e. Receive the results of credit analysis reviews from supervisors if things need to be corrected.
- 9. Collection Assistant
His duties and authority:
 - a. Carry out process monitoring and billing debtor undermanage it
 - b. Implement predetermined billing strategies in an effort to achieve targets
 - c. Prepare proposals for settlement and credit rescue efforts

Business activities

Business activities at PT. BNI (Persero), Tbk Mayestik Market Branch, business services and marketing. Activities at Bank BNI Mayestik Branch consist of:

- 1. Service
 - a. Customer Service (Customer Service)
Providing information, managing customer administration, and offering bank guarantee products and services from BNI Bank.
 - b. Cash service (Teller)
In contrast to customer service, the teller's job is to serve the transaction process for customers, such as exchanging money and withdrawing large amounts of money.
- 2. Business Marketing
 - a. BNI Griya
It is a source of consumer financing that can be used for various purposes, such as purchasing, building, renovating, upgrading, refinancing, or taking over property, such as a residence. The financing needs and repayment capabilities of each applicant are highly customized.
 - b. BNI Flexi
It is an unconditional credit facility (KTA) given to active employees with

- a fixed salary.
- c. BNI Agent 46
BNI partners, individuals, and legal entities collaborate with BNI to provide banking services to the public.
- d. BNI Emerald
BNI Emerald, a priority service for BNI bank customers, offers various advantages adjusted based on savings class.

CONCLUSION

Based on research which has been carried out at PT. BNI (Persero), Tbk Mayestik Market Branch. Based on the facts in the field, it can be concluded that the Bank Guarantee is a third-party guarantee in the event of a Default at PT. BNI (Persero), Tbk Pasar Mayestik Jakarta Branch is:

1. The procedures used at PT BNI (Persero), Tbk Pasar Mayestik Branch Office for issuing bank guarantees are by Bank Indonesia regulations. Customers need more understanding regarding bank guarantees to be able to issue bank guarantees, resulting in many adjustments occurring at the application stage.
2. The process of issuing a bank guarantee at PT BNI (Persero), Tbk Mayestik Branch, can be broken down into several stages as follows:
 - a. Filing stage
 - b. Screening Stage
 - c. Releaser Stage
3. There are only three customers who have experienced default with PT BNI (Persero), Tbk Mayestik Branch, since the end of 2019. The bank is impartial in resolving defaults, which means it does not intervene if a default occurs between Bowheer and the bank guarantee applicant. Because the bank is a third party and issues a bank guarantee by the underlying contract requested by Bowheer, the bank can only guarantee that the customer will work by the underlying document. If an error occurs, such as a default, the bank cannot take further action.

REFERENCES

- Adati, MA (2018). Default is an Agreement that can be punished according to Article 378 of the Criminal Code. *Lex Privatum*, VI(4), 5–15.
- Anwar, AR (2022). DEVELOPMENT AND LIMITATIONS OF THE USE OF BANK GUARANTEES AS A GUARANTEE FOR IMPLEMENTATION BY THE GOVERNMENT AND SOE COMPANIES IN IMPLEMENTING THE AGREEMENT. 1(1).
- Darmawan, SP (2023). Bank Guarantee as a Transfer of Obligations in the Event of Default by the Customer (Study at Bank BRI Kelapa Gading Branch). 05(04), 16810–16820.
- Harry. (2019). Banking management. Jakarta: PT Gramedia. Indonesia, IB (2014). Getting to Know Banking Operations 1. Jakarta: PT Gramedia Pustaka Utama.

- Cashmere. (2013). *Banking Basics*. Jakarta : Raja Grafindo Persada. Cashmere. (2014). *Banking Basics*. Jakarta : Raja Grafindo Persada.
- Khairandy, R. (2013). *Indonesian Contract Law (Pe Print)*. Yogyakarta : FH UII Perss.
- Sinaga, N., & Darwis, N. (2020). Default and Consequences in Implementing the Agreement. *Management Partners Journal*. *Official Site of PT. BNI (Persero)*, Tbk. (2023). <https://www.bni.co.id> *Bank Indonesia Board of Directors Decree No. 23/88/KEP/DIR dated March 18, 1991, Article 1 paragraph (3)*. (nd).
- Tiastuti, IGY, Irawan, C., & Kontesa, E. (nd). Implementation of Bank Guarantees in Construction Contracts. 2, 200–212. *LAW OF THE REPUBLIC OF INDONESIA NUMBER 7 OF 1992 CONCERNING BANKING*. (nd). <https://www.bphn.go.id/data/documents/92uu007.pdf>