

ABSTRAK

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TINJAUAN YURIDIS AKTA NOTARIS DALAM KERJASAMA TERKAIT PELAKSANAAN *BUYBACK GUARANTEE* SEHUBUNGAN DENGAN PEMBERIAN FASILITAS KREDIT PEMILIKAN APARTEMEN

(xi + 107 halaman; 4 lampiran)

Bank dalam menjalankan usahanya penuh dengan risiko, oleh karena itu bank perlu mengamankan jaminan bukan saja secara yuridis tetapi juga secara fisik, Untuk mengatasi hal tersebut antara lain diberlakukan klausula *buyback guarantee* atau jaminan membeli kembali. Setiap Perjanjian Kerjasama pemberian fasilitas kredit antara developer dengan bank selalu mengatur mengenai *buyback guarantee*. Pokok permasalahan dalam tesis ini adalah bagaimana klausula *buyback guarantee* yang dituangkan dalam akta perjanjian kerjasama antara bank dengan developer dan akta perjanjian tambahan antara developer dengan konsumen sehubungan dengan pemberian fasilitas kredit pemilikan apartemen dan perlindungan hukum bagi para pihak terhadap akta tersebut. Penelitian ini adalah penelitian yuridis-normatif yang menggunakan data kepustakaan, peraturan perundang-undangan dan pendekatan kasus dalam penelitian. Hasil dari penelitian adalah *buyback guarantee* adalah suatu klausula dalam perjanjian pemberian fasilitas kredit antara bank dengan developer dimana selama belum ditandatanganinya Akta Jual Beli dan APHT, developer harus membayar kewajiban utang konsumen kepada bank apabila konsumen wanprestasi. Setelah dilakukannya *buyback guarantee* oleh developer, bank dan developer wajib menandatangani akta subrogasi sebagai peralihan hak piutang bank kepada developer. Agar terciptanya transparansi antara bank, developer dengan konsumen, pemerintah perlu membuat aturan khusus mengenai *buyback guarantee* dan proses pelaksanaan *buyback guarantee*.

Kata Kunci: *Buyback Guarantee*, Kredit Pemilikan Apartemen,

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ABSTRACT

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LEGAL REVIEW ON NOTARIAL DEEDS IN COOPERATION RELATED TO THE IMPLEMENTATION OF BUYBACK GUARANTEE WITH REGARD TO THE PROVISION OF CREDIT FACILITIES FOR THE OWNERSHIP OF APARTMENT

(xi + 107 pages, 4 attachment)

Bank in their businesses full of risk, hence the need to secure guarantee not only in a juridical manner but also physically, to solve the problem include imposed klausula buyback guarantee. Every cooperation agreements between the credit between developers with a bank always set about buyback guarantee. The main problem in this thesis is how the buyback guarantee clause is set forth in the deed of the cooperation agreement between the bank and the developer and the additional agreement deed between the developer and the consumer in connection with the provision of apartment ownership credit facilities and legal protection for the parties to the deed. This research is juridical-normative research that uses library data, legislation and case approaches in research. The result of the study is a buyback guarantee is a clause in the agreement for credit facilities between banks and developers where as long as the APHT Sale and Purchase Deed has not been signed, the developer must pay the consumer debt obligations to the bank if the consumer defaults. After a buyback guarantee by developers, banks and developers is required to sign a subrogation deed as a transfer of bank receivable rights to the developer. In order to create transparency between banks, developers and consumers, the government needs to make special rules regarding the buyback guarantee and the implementation of the buyback guarantee

Keywords: *Buyback Guarantee*, Loan Of Ownership Apartment

Reference : 54 (1986-2017)