

ABSTRACT

Kevin Ardhya Wibisono (01051170113)

THE VALIDITY OF CREDIT TRANSACTION IN HOUSE BUYING TRANSACTIONS

(ix + 87 pages)

Bank is one of the financial institutions whose function is to collect funds from the public and channel them back to the community in the form of credit. Credit agreements are made between the borrower's customer as the debtor and the bank as the creditor. One of the ways that debtors do in terms of housing loans to avoid default in credit installment payments is to transfer credit to new debtors. In this study, the author will discuss the transfer of credit which was carried out with an underhand agreement without the knowledge of the Bank that there had been a transfer of the old debtor to the new debtor. As a result, when the new debtor has paid off the credit installments, the Bank does not want to provide the certificate because it is still registered in the name of the old debtor. Based on this, the problem to be analyzed is regarding the validity of the transfer of credit in buying and selling houses in terms of the Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Regulations and Government Regulation of the Republic of Indonesia Number 37 of 1998 concerning Regulations on Official Positions. The maker of the Land Deed as well as regarding the legal considerations and rulings of Decision Number 20/Pdt.G/2021/PN Unr in terms of the Civil Code and the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary position. The research method used by the author is normative-empirical using secondary data. As for the results in this case, the validity of credit in the sale and purchase of houses must comply with the provisions of Article 1320 of the Civil Code and must be carried out with the knowledge of the Bank if the credit involves the Bank as the creditor and the deed must be made before a close official and in this case The Panel of Judges has provided certainty, justice, and benefit.

References : 34 (1984-2020)

Keywords: Over Credit, Debtor Transfer, Agreement.