

ABSTRAK

Hengki Ompu Sunggu (01656170064)

ANALISIS YURIDIS EKSEKUSI HIPOTIK DI PT.BANK RAKYAT INDONESIA (PERSERO), TBK CABANG TEGAL (SETELAH BERLAKUNYA UNDANG-UNDANG NO.4 TAHUN 1996 TENTANG HAK TANGGUNGAN ATAS TANAH BESERTA BENDA-BENDA YANG BERKAITAN DENGAN TANAH)

(x + 91 halamam + 3 lampiran)

Jaminan merupakan salah satu faktor yang penting dalam kegiatan perkreditan yang dilakukan oleh Perbankan. Dengan adanya jaminan, setidaknya Bank selaku Kreditur mendapatkan kepastian pelunasan hutang Debitur. Sebelum berlakunya Undang-Undang Nomor 4 Tahun 1996 Tentang Hak Tanggungan Atas Tanah Beserta Benda-Benda Yang Berkaitan Dengan Tanah (UUHT), Pengikatan atas tanah dan/atau bangunan menggunakan Hipotek. Permasalahan yang muncul adalah terkait pelaksanaan Lelang Parate Eksekusi Hipotek setelah berlakunya UUHT yang dialami Kantor Cabang BRI Tegal. Hasil penelitian menunjukkan bahwa kendala dalam pelaksanaan lelang Hipotek, yaitu adanya perbedaan penafsiran Pasal 24 ayat (2) UUHT antara Kantor Pertanahan dan Kantor Lelang. Kantor Lelang Tegal menghendaki agar lelang dapat dilaksanakan setelah Buku Tanah dan Sertifikat Hipotek **disesuaikan/dirubah** menjadi Hak Tanggungan, sedangkan Kantor Pertanahan hanya menganjurkan untuk dilakukan **pencoretan** pada Sertifikat Hipotek. Setelah dianalisis, diperoleh kesimpulan bahwa Pelaksanaan lelang Hipotek dapat langsung dilakukan **tanpa merubah** Buku Tanah dan Sertifikat Hipotek terlebih dahulu, namun **cukup dengan pencoretan** kata “Hipotek” menjadi “Hak Tanggungan”. Ketentuan mana telah diatur melalui Surat Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor: 110-1039 tanggal 18 April 1996 Perihal Penyampaian Undang-Undang Nomor 4 Tahun 1996 (UUHT) dan Peraturan Menteri Negara Agraria/Kepala BPN Nomor 3 Tahun 1996, yang menyatakan bahwa ketentuan Pasal 24 ayat (1) Undang-Undang Hak Tanggungan menetapkan bahwa Hak Tanggungan yang menggunakan ketentuan *hypotheek* dan *credietverband* diakui dan selanjutnya berlangsung sebagai Hak Tanggungan menurut UUHT.

Kata Kunci : Parate Eksekusi, Pengikatan Hipotek, Kredit

Referensi : 26 (1981 – 2016)

ABSTRACT

Hengki Ompu Sunggu (01656170064)

Juridical Analysis of Execution of Collateral Binding Using Mortgage Binding Institutions at PT. Bank Rakyat Indonesia (Persero), Tbk Tegal Branch (After the Enactment of Law Number 4 of 1996 concerning Mortgage Rights to Land along with Objects Related to Land)

(x + 91 pages + 3 attachment)

Collateral is one of the important factors in credit activities carried out by Banking. With the collateral, at least the Bank as the creditor gets the certainty of repayment of the debtor's debt. Before the Law Number 4 of 1996 concerning the Right to Underwrite Land and Objects Related to Land (UUHT) is issued, bonding of land and/or buildings using a Mortgage. The problem that arises is related to the implementation of the Mortgage Execution Parate Auction after the enactment of the UUHT experienced by the BRI Tegal Branch Office. The results showed that the constraints in the implementation of the Mortgage auction, namely the difference in interpretation of Article 24 paragraph (2) UUHT between the Land Office and the Auction Office. Tegal Auction Office required that the auction be carried out after the Land Book and Mortgage Certificate were adjusted/changed to Underwriting Rights, while the Land Office only recommended deletion on the Mortgage Certificate. After being analyzed, it was concluded that the Mortgage auction implementation can be directly carried out without changing the Land Book and Mortgage Certificate first, but simply by writing off the word "Mortgage" to be "Underwriting Rights". The provisions have been regulated through the Letter of Minister of Agrarian Affairs/Head of National Land Agency Number: 110-1039 dated April 18, 1996 Regarding the Submission of Law Number 4 of 1996 (UUHT) and Regulation of the Minister of Agrarian Affairs/Head of BPN Number 3 of 1996, which states that the provisions of Article 24 paragraph (1) of the Underwriting Rights Law stipulate that Underwriting Rights that use hypotheek and credietverband provisions are recognized and subsequently take place as Underwriting Rights according to UUHT.

Keywords: Execution Parate, Mortgage Binding, Credit

References : 26 (1981 – 2016)