

ABSTRACT

Cecilia Indrawan (00000004932)

**LEGAL ASPECT OF CREDIT AGREEMENT WITH
DEBT UNDERWRITING SECURITY IN THE FORM
OF PERSONAL GUARANTEE
(CASE STUDY OF PT. BANK CAPITAL INDONESIA, Tbk)**

(xvi + 118 pages; 13 attachments)

Banks play an important role in supporting economic development by providing credit. The existence of credit cannot be separated with the guarantee as protection for creditor if the debtor is declared in default. There are 2 (two) types of guarantees, namely general guarantees and special guarantees. Special guarantees can be either physical guarantee or individual guarantee.

One of the individual guarantees is debt underwriting security in the form of personal guarantee. This guarantee is received by PT. Bank Capital Indonesia, Tbk. The research method in this research is normative juridical with statute approach and case approach. Based on the result of research, it can be concluded that the implementation of credit agreement with debt underwriting security in the form of personal guarantee at PT. Bank Capital Indonesia, Tbk is conducted through the binding of credit agreement and continued with the binding of the underwriting agreement.

The legal consequences of the default in credit agreement with the debt underwriting security in the form of personal guarantee at PT. Bank Capital Indonesia, Tbk in Decision Number 502/ Pdt.G/2010/PN.Jkt.Sel Jo. Number 30/Pdt/2014/PT.DKI Jo. Number 2802 K/ Pdt/2014 are the bank will conduct credit rescue through credit restructuring and then proceed with the settlement of credit through civil suit in court. Meanwhile, the responsibility of the guarantor is to pay off the debtor's debt.

The suggestions in this research are the judge should accept the creditor's request for the confiscation to the guarantor's property if the guarantor has been proven to be default in the underwriting agreement and every guarantor must understand the contents of the underwriting agreement before signing the agreement to prevent an event of default.

Keywords: credit agreement, debt underwriting security, personal guarantee

References: 62 (1983 - 2017)