

ABSTRAK

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FIDUSIA ATAS PERALATAN PENGEBORAN MIGAS DAN PANAS BUMI (*RIG ONSHORE*) SEBAGAI JAMINAN KREDIT PERBANKAN.

(viii + 136 halaman: 1 gambar; 0 tabel; 2 lampiran)

Meningkatnya kebutuhan energi nasional mendorong peningkatan pengadaan Rig sebagai alat untuk pengeboran minyak, gas dan panas bumi. Untuk pengadaan kebutuhan Rig tersebut, diperlukan modal investasi yang besar melalui fasilitas kredit perbankan, dengan menjadikan Rig sebagai benda jaminan fidusia.

Berdasarkan hasil penelitian menggunakan teknik pengumpulan data berupa penelitian kepustakaan serta penelitian lapangan dengan mewawancarai notaris, pegawai kantor Kementerian Hukum dan HAM, pelaku bisnis serta pejabat perbankan, disimpulkan bahwa pihak perbankan dan Notaris dalam pengikatan dan pendaftaran Rig secara fidusia sebagai jaminan kredit masih belum ada keseragaman atas kelengkapan dokumen seperti Surat Keterangan Terdaftar khusus dari ESDM, Surat keterangan kepemilikan Rig, *Purchase Order* (PO), *Performance Invoice*, surat pernyataan antisipasi terjadinya *lost in hole*, SKPI asli sebagai dokumen pelengkap jaminan Rig yang dikeluarkan Dirjen Migas, sertifikat kelayakan Rig, dan Surat Keterangan Terdaftar.

Adapun tanggungjawab Debitur atas hilangnya bagian Rig (*Drill Pipe Equipment*) dibagi kedalam dua cara yaitu: tanggungjawab terhadap risiko yang muncul dan tanggungjawab berdasarkan ketentuan dalam perjanjian antara kontraktor dengan operator. Perlu dilakukan penyeragaman pengaturan pengikatan jaminan secara notariil dan mekanisme pendaftaran fidusia dalam peraturan perundang-undangan, serta pembentukan lembaga yang khusus menangani benda-benda yang tidak terdaftar seperti Rig.

Kata Kunci: Fidusia, mekanisme pendaftaran, lost in hole, tanggung jawab debitur

ABSTRACT

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FIDUCIARY OF OIL, GAS AND GEOTHERMAL DRILLING EQUIPMENT (RIG ONSHORE) AS COLLATERAL FOR BANK LOANS

(viii + 136 pages: 1 images; 0 tables; 2 attachments)

The growing need for national energy boost rig procurement as a tool to drill for oil, gas and geothermal. Rig for procurement needs, it needs a huge investment capital through bank credit facilities, to make the rig as a fiduciary.

Based on the results of research using data collection techniques such as library research and field research by interviewing notaries, clerks office of the Ministry of Justice and Human Rights, businessmen and bank officials, concluded that the banks and Notary in binding and registration Rig fiduciary as loan collateral is still no uniformity on documents such as Certificate of Registered particular from EMR, ownership certificate Rig, Purchase Order (PO), Performance Invoice, a statement of anticipation of lost-in-hole, SPKI original as a companion document guarantees Rig issued by the Director General of Oil and Gas, a certificate of Eligibility Rig, and Certification of registration.

The Debtor responsibility for the loss of part Rig (Drill Pipe Equipment) is divided into two ways, namely: responsibility for emerging risks and responsibilities under the provisions of the agreement between the contractor and the operator. Binding arrangements necessary to guarantee uniformity be notarized and fiduciary registration mechanism in the legislation, as well as the establishment of a special agency to handle objects that are not registered as Rig.

Keywords: Fiduciary, registration mechanism, lost in the hole, the responsibility of the debtor