

ABSTRACT

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LEGAL PROTECTION OF CREDITORS IN THE IMPLEMENTATION OF ELECTRONIC INTEGRATED MORTGAGE RIGHTS SERVICES

(xiii + 151 pages, 1 attachment)

The Indonesian Government seeks to improve the welfare of its citizens through various means, one of which is funding in the form of bank credit. Lending from banks often uses mortgage rights as collateral, because land as its object has high economic value and always increases over time. The imposition of mortgage rights consists of 2 (two) processes, namely the process of granting mortgage rights (making APHT by PPAT) and the process of registering mortgage rights (APHT registration to the Land Office). Currently, arrangements for imposing mortgage rights in Indonesia have experienced a breakthrough by implementing electronic mortgage services through Permen ATR/KBPN 5/2020. This regulation changes the registration of mortgage rights which used to be done conventionally to be electronically so that mortgage certificates are now also in the form of electronic documents. The purpose of this study is to compare mortgage rights registration before and after the implementation of Permen ATR/KBPN 5/2020 and legal protection for creditors in implementing electronic integrated mortgage registration. The author uses normative empirical research in the form of a non-judicial case study, with a systematic approach to law and types of primary data through interviews and secondary data through literature studies on primary, secondary, and tertiary legal materials. The results of this study indicate that the comparison of conventional and electronic mortgage registration can be viewed from 7 (seven) aspects, namely the role of the parties, registration method, registration requirement documents, PNBPN, time of registration, registration results, and deletion of mortgage right. Then, the legal protection for creditors in conventional and electronic registration of mortgages is the same, namely through a mortgage certificate with executive power.

References: 92 (1960-2022)

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