

ABSTRACT

Anggraeni Nawang Hapsari (01656210009)

NOTARY'S RESPONSIBILITY FOR THE EXECUTION OF AIRCRAFT COLLATERAL IN INTERNATIONAL INTEREST BASED ON CAPE TOWN CONVENTION 2001

(xi + 116 pages; annex)

Notary as a public official is authorized to make authentic deeds based on Article 15 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Position. The deed in question can be in the form of a deed of encumbrance of collateral on an object (movable or immovable) to a deed of execution of collateral against the object. The author understands that the execution of a fiduciary guarantee of a movable object has a very different concept from a lease agreement on an aircraft object. However, both have similarities, namely the existence of execution if there is a breach of promise (default) in the previously agreed agreement. In the execution of fiduciary guarantees, pledges, and mortgages, notaries play an active role in the preparation of the deed of auction minutes, while in the execution of aircraft mortgages until now there is no clarity in the implementation of its execution. Therefore, in 2007 Indonesia ratified the 2001 Cape Town Convention, one of which discusses the irrevocable letter of application for deregistration and export (IDERA) as a procedure for executing the aircraft as a whole (frame, engine, and components) in order to return to its country of origin. Prior to the existence of IDERA in Indonesia, if creditors wanted to recall their aircraft, they had to obtain a court decision first in order to recall the aircraft. Now, creditors can practically withdraw their aircraft using IDERA, which has the same power as a court decision. Against this, the author questions how the notary's responsibility in the execution of aircraft in international interests. From the results of this research, the author gets answers that have been analyzed through interviews with various relevant sources. That until now, the provisions regarding the property rights of aircraft are still unclear, so that notaries have not yet obtained clarity on their roles and responsibilities in the execution of international interests in Indonesia. The responsibility of the notary is only to legalize the aircraft ownership documents when registering the aircraft in Indonesia and make an authentic deed of lease agreement.

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Keywords : Aircraft, Execution, Notary, IDERA.