

Perlindungan hukum terhadap bank sebagai penerima hak jaminan atas resi gudang menurut undang-undang no. 9 tahun 2011 tentang sistem resi gudang = Legal protection of bank as the recipient of warehouse receipt security according to law no. 9 of 20/1 regarding warehouse receipt system

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Abstrak

Industri perbankan mempunyai fungsi yang penting dan strategis bagi aktivitas perekonomian. Dalam menyalurkan danalkredit kepada masyarakat, bank wajib melakukan penjlaiian yang seksama terhadap character, capacity, capital, condition of economy dan collateral (jaminan/agunan) dari nasabah debitur. Salah satu benda yang dapat dijadikan jaminan adalah Resi Gudang. Sebagai upaya u ntuk: mernberikan perlindungan bagi bank, tJndang-Undang No. 9 Tahun 2011 tentang Sistem Resi G udang menegaskan bahwa b sebagai penerima Hak Jaminan atas Resi Gudang harus memberitahukan pe.Ijanjian pengikatan Resi G udang sebagai hak jaminan kepada Pusat Registrasi dan Pengelola Gudang. Resi Gudang yang telah dijadikan jaminan didaftarkan ke PT." K:liring Beijangka Indonesia scbagai Pusat Registrasi-untuk: dieatat dalam Buku Daftar Pembebanan Hak J nan atas kesalahan penulis R:eterangan dalam Resi Gudang dan atas kehilanganlkerugian barang yang disebabkan oleh kelalaiannya dalam menyjmpnan dan enyerahkan bararrg. Pembebanan Hak Jaminan atas Resi Gudang di Bank Rakyat Indonesia dilaksanakan berdasarkan Surat Edaran Nos S.2- DIR/ADK701/2008 yang menga tur tentang Kredi Moaal Kerja Dengan Jaminan Resi Gudang (KRG). Penelitian ini dilakul(an dengan menggunakan Yfetode pendekatan juridis nonnatif ang mengacu ke.pada norma-norma hu.

Dalam penelitian ini dapat disimpul.kan bahwa Undang-Undang No. 9 Tahun 2011 tentang Sistem Resi Gudang telah..memberikane bank. Pengelola G udan\$ juga bergt gung jawab terhadap barang yang mengalami kerusakin/kehilangan yang bukan disebabkan oleh kcsalahannya, khususnya p,ada penstiwa lCebakaran, kccurian, d kebanjiran. Pelaksanaan pembebanan H ak Jaminan atas Resi Gudang di Bank Rakyat Indonesia sesuai dengan Undang-Undang No. 9 Tahun 201 1 tentang Sistem Resi Gudang. Tahap pertama didahului dengan pembuatan peljanjian pokok berupa peijanjian kredit. Tahap kedua berupa pembuatan perjanjian pembebanan Hak Jaminan atas Resi Gudang. Tahap ketiga adalah pendaftaran jaminan Resi Gudang ke Pusat Registrasi.

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The banking indusTry has an important and strategic function in economic activity. In distributing funds or credit to borrower, a hank must first conduct a careful assessment towards the character, capacity, capital, condition of economy, and collateral of debtor. Warehouse Receipt is one of instruments that can be used as a security or collateral. In an effort to provide protection for the banks, Law No. 9 of 201 1 on Warehouse Receipt System confirms that bank as recipient, sha I notify he of Registration and the Warehouse Manager. Warehouse Receipt as collateral must he register in Indonesia Futures Clearing Company (PT. K/iring Berjangka Indonesia) as the Center of. Registration, to he recorded in the egieter of Imposition of Guarantee on Warehouse Receipt Rights. In aadition, the Warehouse Manager is responsible on an.x writing error in

Warehouse Receipt and of the loss or damage of goods, either caused by its negligence in storing and delivering or as a result of fire, theft, and flooding. The imposition of rights on Warehouse Receipt in Bank Rakyat Indonesia is implemented based on Circular Letter No. S.2-DIRIADKIOI/2008 governing the Loan of Working Capital Guaranteed by Warehouse Receipt. The research was conducted using a juridical-normative method referring to legal norms.

The study concluded that Law No. 9 of 2009 on Warehouse Receipt System has provided sufficient protection for banks. The imposition of guarantee on Warehouse Receipt rights in Bank Rakyat Indonesia is in accordance with the said law. The process itself is conducted in three stages, firstly preceded by a basic loan agreement, followed by a Warehouse Receipt collateral agreement imposing the rights guarantee on Warehouse Receipt, and lastly, the registration of Warehouse Receipt as collateral to the Center of Registration.