

Penggunaan agunan berupa fidusia atas tagihan pembayaran proyek konstruksi dalam pemberian kredit kepada debitur yang berkegiatan usaha di bidang jasa konstruksi = The use of fiduciary collateral for construction project payment claims in extending credit to debtors engaging in and dealing with construction services

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Abstrak

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Tesis ini membahas mengenai penggunaan agunan berupa fidusia atas tagihan pembayaran proyek konstruksi dalam pemberian kredit kepada debitur yang berkegiatan usaha di bidang jasa konstruksi. Tujuan penelitian ini adalah untuk memperoleh gambaran mengenai penggunaan agunan berupa fidusia atas tagihan pembayaran proyek konstruksi dalam penyediaan fasilitas kredit serta untuk memperoleh penjelasan mengenai latar belakang serta praktek penggunaan agunan berupa fidusia atas tagihan pembayaran proyek konstruksi, bagaimanakah dapat menjamin pemenuhan kewajiban kontraktor sebagai debitur penerima kredit. Bentuk penelitian adalah studi pustaka dengan menggunakan tipologi penelitian deskriptif analitis. Penelitian menghasilkan kesimpulan bahwa penggunaan agunan berupa fidusia atas tagihan pembayaran proyek konstruksi dari debitur kepada pihak ketiga memudahkan debitur yang berkegiatan usaha di bidang jasa konstruksi untuk memperoleh fasilitas kredit dari bank sebagai kreditur. Penggunaan agunan fidusia atas tagihan pembayaran proyek konstruksi dapat menjamin dipenuhinya kewajiban debitur kepada kreditur sepanjang kondisi pertumbuhan usaha debitur dalam keadaan yang baik. Merujuk kesimpulan yang dihasilkan, penulis memberikan saran bahwa dalam pelaksanaan penyediaan fasilitas kredit yang menggunakan agunan fidusia atas tagihan pembayaran proyek konstruksi, kreditur disarankan untuk memperketat monitoring atau pengawasan terhadap perkembangan piutang debitur yang dijadikan sebagai agunan serta mencermati keadaan pertumbuhan usaha debitur. Disamping itu dalam pelaksanaan penyediaan fasilitas kredit yang menggunakan agunan berupa tagihan pembayaran proyek konstruksi, perlu dipertimbangkan untuk melakukan penambahan agunan lain seperti Hak Tanggungan maupun jaminan kebendaan lainnya.

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ABSTRACT

This thesis studies on the use of fiduciary collateral for construction project payment claims in extending credit to debtors engaging in and dealing with construction services. The purposes of the research are to find out the description of fiduciary collateral use for construction project payment claims in extending credit facility, and to obtain exposition on the background and practice of the use of fiduciary collateral for construction project payment claims, how far can it guarantee the fulfillment of contractor's obligations as a debtor. The form of research is literature study by applying the analytical descriptive research typology. The research comes to the conclusion that the use of fiduciary collateral for construction project payment claims by the debtor to third party(ies) will facilitate the debtor engaging in or dealing with construction services to get credit facility from banks. The use of fiduciary collateral for construction project payment claims will guarantee the fulfillment of debtor's obligation to the creditor so long as the debtor's business growth is still

in good

condition. This research comes to the advises that the implementation of provision of credit facilities based on the fiduciary collateral for construction project payment claims, creditors are recommended to intensify the monitoring or supervision to the debtor's account receivable trend as the collateral, and scrutinize the debtor's business growth condition. In addition, the implementation of provision of credit facilities using collateral covering construction project payment claims, required to be considered to make another additional collaterals such as "Hak Tanggungan" or another assets guarantee.;This thesis studies on the use of fiduciary collateral for construction project payment claims in extending credit to debtors engaging in and dealing with construction services. The purposes of the research are to find out the description of fiduciary collateral use for construction project payment claims in extending credit facility, and to obtain exposition on the background and practice of the use of fiduciary collateral for construction project payment claims, how far can it guarantee the fulfillment of contractor's obligations as a debtor. The form of research is literature study by applying the analytical descriptive research typology. The research comes to the conclusion that the use of fiduciary collateral for construction project payment claims by the debtor to third party(ies) will facilitate the debtor engaging in or dealing with construction services to get credit facility from banks. The use of fiduciary collateral for construction project payment claims will guarantee the fulfillment of debtor's obligation to the creditor so long as the debtor's business growth is still in good condition. This research comes to the advises that the implementation of provision of credit facilities based on the fiduciary collateral for construction project payment claims, creditors are recommended to intensify the monitoring or supervision to the debtor's account receivable trend as the collateral, and scrutinize the debtor's business growth condition. In addition, the implementation of provision of credit facilities using collateral covering construction project payment claims, required to be considered to make another additional collaterals such as "Hak Tanggungan" or another assets guarantee., This thesis studies on the use of fiduciary collateral for construction project payment claims in extending credit to debtors engaging in and dealing with construction services. The purposes of the research are to find out the description of fiduciary collateral use for construction project payment claims in extending credit facility, and to obtain exposition on the background and practice of the use of fiduciary collateral for construction project payment claims, how far can it guarantee the fulfillment of contractor's obligations as a debtor. The form of research is literature study by applying the analytical descriptive research typology. The research comes to the conclusion that the use of fiduciary collateral for construction project payment claims by the debtor to third party(ies) will facilitate the debtor engaging in or dealing with construction services to get credit facility from banks. The use of fiduciary collateral for construction project payment claims will guarantee the fulfillment of debtor's obligation to the creditor so long as the debtor's business growth is still in good condition. This research comes to the advises that the implementation of provision of

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