

Perlindungan hukum bank selaku kreditur pemegang hak tanggungan dalam kredit pemilikan rumah terhadap agunan yang digugat pihak ketiga studi kasus Bank X = Legal protection of bank as creditor rights holder liability of mortgage from third party collateral sued study case Bank X

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Abstrak

[ABSTRAK

Tesis ini membahas mengenai Perlindungan hukum bagi bank selaku kreditur pemegang Hak Tanggungan dalam Kredit Pemilikan Rumah dengan kasus yang terjadi pada Bank X, dimana jaminan kredit yang ada pada Bank X digugat oleh pihak ketiga yang mengaku sebagai pemilik sah dari jaminan tersebut. Kedudukan Bank X selaku kreditur preference pemegang Hak Tanggungan dan proses pemberian kredit yang dilakukan pun dipertanyakan. Penelitian ini menggunakan metode penelitian kepustakaan yang bersifat yuridis normatif dengan pendekatan kualitatif untuk menghasilkan data deskriptif analitis. Berdasarkan hasil penelitian dapat disimpulkan bahwa proses KPR yang dilakukan oleh Bank X sudah sesuai dengan ketentuan perkreditan yang ada dengan menerapkan prinsip prudential banking dengan baik. Dengan demikian dapat dikatakan Bank X merupakan kreditur yang beritikad baik, sehingga kepentingannya harus dilindungi oleh hukum. Dalam Yurisprudensi Mahkamah Agung Republik Indonesia No. 394/K/Pdt/1984 tanggal 31 Mei 1985 sudah mengatur perlindungan hukum terhadap bank selaku kreditur yang beritikad baik. Namun dalam kasus ini hukum tersebut dikesampingkan, dan kedudukan bank selaku kreditur preference menjadi tidak mutlak.

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ABSTRACT

This thesis discusses the legal protection for the bank as creditor Mortgage holders in Housing Credit From Bank X Cases, where the credit guarantees available From the Bank X sued by a third party claiming to be legitimate owner of the collateral. The Bank X Status as the holder of preference Mortgage lenders shaken and processes performed lending has also been questioned. This study case uses the literature resources with juridical normative approach to generate qualitative analytical descriptive data. Based on the results of this study concluded that the mortgage process is carried out by the Bank X is in conformity with the provisions of the existing credit by applying prudential banking principles as well. Therefore, it can be said that Bank X as a good faith creditor, so its interest should be protected by law. In the Indonesia Supreme Court's Jurisprudence No. 394/K/Pdt/1984 on May 31, 1985 has been set as the legal

protection of creditor banks were acting in good faith. But in this case the law be excluded, and the position of the bank as creditor preference not becomes absolute; This thesis discusses the legal protection for the bank as creditor Mortgage holders in Housing Credit From Bank X Cases, where the credit guarantees available From the Bank X sued by a third party claiming to be legitimate owner of the collateral. The Bank X Status as the holder of preference Mortgage lenders shaken and processes performed lending has also been questioned. This study case uses the literature resources with juridical normative approach to generate qualitative analytical descriptive data. Based on the results of this study concluded that the mortgage process is carried out by the Bank X is in conformity with the provisions of the existing credit by applying prudential banking principles as well. Therefore, it can be said that Bank X as a good faith creditor, so its interest should be protected by law. In the Indonesia Supreme Court's Jurisprudence No. 394/K/Pdt/1984 on May 31, 1985 has been set as the legal protection of creditor banks were acting in good faith. But in this case the law be excluded, and the position of the bank as creditor preference not becomes absolute, This thesis discusses the legal protection for the bank as creditor Mortgage holders in Housing Credit From Bank X Cases, where the credit guarantees available From the Bank X sued by a third party claiming to be legitimate owner of the collateral. The Bank X Status as the holder of preference Mortgage lenders shaken and processes performed lending has also been questioned. This study case uses the literature resources with juridical normative approach to generate qualitative analytical descriptive data. Based on the results of this study concluded that the mortgage process is carried out by the Bank X is in conformity with the provisions of the existing credit by applying prudential banking principles as well. Therefore, it can be said that Bank X as a good faith creditor, so its interest should be protected by law. In the Indonesia Supreme Court's Jurisprudence No. 394/K/Pdt/1984 on May 31, 1985 has been set as the legal protection of creditor banks were acting in good faith. But in this case the law be excluded, and the position of the bank as creditor preference not becomes absolute]