

Analisis yuridis jaminan fidusia terhadap hewan ternak studi kasus bank bri cabang tuban = Juridical analysis fiduciary against livestock study case bank bri tuban

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Abstrak

Dalam rangka mempercepat swasembada sapi di Indonesia, Pemerintah telah berupaya menciptakan tatanan iklim usaha yang mendorong pelaku usaha untuk bergerak dibidang pembibitan sapi. Salah satu upaya tersebut adalah melalui penyediaan skema Kredit Usaha Pembibitan Sapi dengan suku bunga bersubsidi yang diatur dalam Peraturan Menteri Keuangan Nomor 131/PMK.05/2009 tentang Kredit Usaha Pembibitan Sapi (KUPS) tanggal 18 Agustus 2009 dan Peraturan Menteri Pertanian Nomor 40 tentang Pedoman Pelaksanaan Kredit Usaha Pembibitan Sapi tanggal 8 September 2009. Berdasarkan penelitian di lapangan Bank BRI Cabang Tuban dalam menjalankan program KUPS Bank BRI Cabang Tuban mensyaratkan jaminan pokok dan jaminan tambahan. Jaminan pokoknya adalah objek yang dibiayai oleh bank yaitu hewan ternak sapi debitur, dan agunan tambahannya berupa fixed asset debitur. Tibulnya permasalahan jaminan kredit dengan agunan hewan ternak diakibatkan aturan hukum yang berlaku sekarang masih belum cukup untuk memberi perlindungan hukum kepada kreditur dalam perjanjian kredit dengan agunan hewan ternak. Adapun permasalahan timbul karena agunan terhadap hewan ternak tidak sama dengan agunan benda lainnya sehingga untuk proses penjaminannya hingga proses eksekusinya juga sering menimbulkan kesulitan bagi kreditur.

In order to speed up the self-sufficiency of cattle in Indonesia, the Government has sought to create order of business climate that encourages businesses to move in the field of cattle breeding. One such effort is through the provision of Cattle Breeding Loan scheme with subsidized interest rate stipulated in the Regulation of the Minister of Finance No. 131 / PMK.05 / 2009 on Credit Cattle Breeding (KUPS) dated August 18, 2009 and the Regulation of the Minister of Agriculture No. 40 on Guidelines Cattle Breeding Loan implementation on September 8, 2009. Based on research in the field of Bank BRI Tuban in running the program KUPS BRI Tuban requires additional core guarantees and warranties. Assurance is principally object dibiayai by banks that animals cattle debtor, and additional collateral in the form of fixed assets of the debtor. Tibulnya problems with collateral loan guarantee livestock caused by the applicable law is still not enough to give legal protection to the lender in a mortgage loan agreement with livestock collateral. The problem arises because the collateral against farm animals is not the same as other objects that collateral for the bail until his execution process also often pose difficulties for creditors.