

Kedudukan penjamin perorangan yang telah melepaskan hak istimewanya dalam perjanjian sewa guna usaha dengan hak opsi : studi kasus PT. Orix melawan Y = Personal guarantor as third party that released priveledge right in lease contract

Benny Taufan, author

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Abstrak

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Tesis ini membahas mengenai Kedudukan seorang Personal Guarantor yang bertindak sebagai penjamin terhadap perjanjian sewa guna usaha dengan hak opsi. Hal ini dilatarbelakangi bahwa banyak pihak yang secara sukarela dimintakan sebagai penjamin namun pada saat pihak yang dijamin wanprestasi, kewajibannya berpindah kepada Personal Guarantor. Dalam upaya untuk mengetahui kedudukan Personal Guarantor sebagai penjamin pihak ketiga terhadap perjanjian sewa guna usaha, maka metode penelitian ini bersifat preskriptif analitis dan metode pendekatan yang dipakai adalah yuridis normatif. Berdasarkan penelitian penulis memperoleh jawaban atas permasalahan yang ada, bahwa kedudukan Personal Guarantor yang telah melepaskan hak istimewa adalah sejajar dengan debitur yang wanprestasi.

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ABSTRACT

This thesis discusses the rating of a Personal Guarantor acting as a guarantor of the lease agreement with the option . It is emphasized that many of those who voluntarily sought as guarantor , but by the time the secured party in default , obligations transferred to the Personal Guarantor . In an effort to determine the position of the Personal Guarantor as guarantor for third parties to the lease agreement , the research method is analytical and prescriptive approach used is a normative juridical . Based on the research, the authors obtained the answers to the problems that exist , that the position of Personal Guarantee has rescued privilege is in line with borrowers who are in default.;This thesis discusses the rating of a Personal Guarantor acting as a guarantor of the lease agreement with the option . It is emphasized that many of those who voluntarily sought as guarantor , but by the time the secured party in default , obligations transferred to the Personal Guarantor . In an effort to determine the position of the Personal Guarantor as guarantor for third parties to the lease agreement , the research method is analytical and prescriptive approach used is a normative juridical . Based on the research, the authors obtained the answers to the problems that exist , that the position of Personal Guarantee has rescued privilege is in line with borrowers who are in default., This thesis discusses the rating of a Personal Guarantor acting as a guarantor of the lease agreement with the option . It is emphasized that many of those who voluntarily sought as guarantor , but by the time the secured party in default , obligations transferred to the Personal Guarantor . In an effort to determine the position of the

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