

Kedudukan kreditor dalam pembebanan kepentingan internasional atas obyek pesawat udara yang timbul akibat perjanjian pemberian hak jaminan kebendaan = The position of creditor in the impositioning of international interest against aircraft which arise from security agreement

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Abstrak

[Pemberian kredit oleh perbankan membutuhkan dukungan kepastian hukum yang setidaknya meliputi kepastian mengenai bentuk pengikatan jaminan yang dapat dilakukan, kelengkapan lembaga yang mendukung pelaksanaan pengikatan jaminan tersebut, kedudukan bank selaku kreditor pemegang jaminan, Pokok permasalahan yang dibahas adalah bagaimanakah kedudukan kreditor dalam pembebanan kepentingan internasional atas obyek pesawat udara yang timbul akibat perjanjian pemberian hak jaminan kebendaan, serta bagaimanakah perlindungan terhadap kreditor pemegang kepentingan internasional atas obyek pesawat udara yang timbul akibat perjanjian pemberian hak jaminan kebendaan. Penulisan Tesis ini menggunakan penelitian yuridis normatif dengan data sekunder sebagai sumber data utama yang diperoleh melalui studi kepustakaan. Dalam melakukan analisa, sumber hukum primer utama yang digunakan adalah Undang-undang Nomor 1 tahun 2009 tentang Penerbangan, Kitab Undang-undang Hukum Perdata (Burgerlijk Wetboek), Undang-undang Nomor 4 tahun 1996 tentang Hak Tanggungan Atas Tanah Beserta Benda-benda Yang Berkaitan Dengan Tanah, Undang-undang Nomor 42 tahun 1999 tentang Jaminan Fidusia, Walaupun UU Penerbangan telah menyatakan bahwa pembebanan kepentingan internasional atas obyek pesawat udara yang timbul dari perjanjian pemberian hak jaminan kebendaan menimbulkan hak prioritas kepada penerimanya, pengaturan dalam UU Penerbangan masih menimbulkan pertanyaan mengenai kedudukan kreditor yang menerima pembebanan kepentingan internasional tersebut untuk menjamin utang atau kredit yang diberikannya, karena peraturan perundangundangan tidak memberikan penjelasan mengenai bentuk hak jaminan kebendaan yang dapat digunakan dalam perjanjian pemberian hak jaminan kebendaan berdasarkan UU Penerbangan. Penulisan Tesis ini memiliki tujuan untuk memperoleh jawaban atas permasalahan-permasalahan tersebut

The extension of credit by banks, requires the support of at least the legal certainty which includes certainty about the form of security that can be exercised, the availability of institutions that support the implementation of the execution of the security, the position of the bank as creditor holders of collateral, The subject matter discussed herein, is how the position of creditors in the

imposition of international interest on aircraft object arising from the security agreement, as well as how is the protection of the interests of creditor as the holders of international interest against aircraft arising from the security agreement. The writing of this thesis use a normative juridical research approach with secondary data as the primary data source obtained through library research. In conducting the analysis, the main source of primary law used is Law No. 1 of 2009 on Aviation, Code of Civil Law (Burgerlijke Wetboek), Law No. 4 of 1996 on the Hak Tanggungan, Law No. 42 of 1999 on Fiduciary, Although the Aviation Law has stated that the imposition of international interest on aircraft object arising from the security agreement granting the right of priority to the recipient, the regulation in the Aviation Law still raises questions about the position creditors who receive the imposition of international interest arising from security agreement for guaranteeing a debt or credit that it provides, because the legislation does not define the form of security interest that might be used in the in the security agreement under the Aviation Law. The writing of this thesis has the aim to obtain answers to these problems. , The extension of credit by banks, requires the support of at least the legal

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