

Perbandingan konstruksi hukum anjak piutang di Indonesia dan Amerika Serikat = Legal construction comparison of factoring in Indonesia and United States of America / Prita Purwanto

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Abstrak

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Anjak piutang, yang jenisnya dapat dibagi menjadi factoring with recourse dan factoring without recourse, adalah fasilitas layanan pengambilalihan piutang yang berkembang dari sistem hukum common law. Di Indonesia, payung hukum anjak piutang masih belum jelas dan terdapat inkonsistensi jangka waktu objek anjak piutang antarperaturan. Oleh karena itu, sebagai fungsi inspiratif, dilakukan perbandingan konstruksi hukum anjak piutang antara Indonesia dan Amerika Serikat dengan metode perbandingan yang menghasilkan bentuk penelitian yuridis-normatif. Penelitian ini menunjukkan bahwa konstruksi hukum anjak piutang di Indonesia, selain memiliki persamaan, juga perbedaan dengan Amerika Serikat. Perbedaan utama yang terlihat adalah di Amerika Serikat, factoring with recourse tidak diklasifikasi sebagai anjak piutang. Hal ini memberikan perlindungan hukum tidak hanya bagi factor, namun juga bagi klien dan nasabah.

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ABSTRACT

Factoring, the type of which can be divided into factoring with recourse and factoring without recourse, is a service facility to take over account receivables that has been developing from the common law system. In Indonesia, the underlying law for factoring is still unclear and inconsistent in term of the regulations on the object of the factoring. Therefore, as an inspired function, a comparison of legal construction for the factoring is made between Indonesia and the United States under comparison method producing forms of normative-juridical research. This research shows that the legal construction for factoring in Indonesia, other than the similarity, also has the difference with that in the United States. The fundamental difference lies on the factoring with recourse in the United States where it is not classified as a factoring. This generates legal protection not only for the factors but also both clients and customers.