

Keabsahan penyerahan jaminan fidusia atas bangunan di atas tanah hak sewa: studi terhadap dokumen fasilitas kredit PT. Bank CIMB Niaga Tbk = Fiduciary validity handing over above building land lease right: study to document credit facilities PT. Bank CIMB Niaga Tbk

Zulfa, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20423169&lokasi=lokal>

Abstrak

Tesis ini membahas mengenai keabsahan jaminan fidusia yang diberikan oleh PT Mandra Alila selaku pemberi fidusia kepada PT Bank CIMB Niaga Tbk selaku penerima fidusia dengan menggunakan bangunan yang didirikan diatas tanah dengan hak sewa sebagai objek jaminan fidusia, serta membahas mengenai eksekusi yang dapat dilakukan terhadap bangunan yang kepemilikannya berbeda dengan tanahnya.

Penelitian yang digunakan adalah deskriptif-analitis yaitu penelitian dengan cara mengumpulkan data-data yang sebenarnya kemudian disusun, diolah dan dianalisis untuk dapat memberikan gambaran mengenai masalah yang ada.

Hasil penelitian menyarankan antara Pemilik tanah dengan PT Mandra Alila selaku penyewa seharusnya membuat surat pernyataan dan kesepakatan bersama yang isinya menyatakan bahwa bangunan yang didirikan diatas tanah milik pemilik tanah adalah milik PT Mandra Alila, mengingat hal ini dimungkinkan karena system hukum dinegara kita mengunagakan asas pemisahan horizontal.

<hr>

This Thesis is written to discuss about the validity of collateral fiduciary that have been given by PT Mandra Alila as "Fiduciary's lender" to PT Bank CIMB Niaga Tbk as the receiver of the "Fiduciary", with a building that had been built above the ground with the rights of lending/hak sewa on it as the object of collateral fiduciary. This thesis also discussed about the execution that might be carried out to the buildings with the rights of the land and the rights of the buildings is owned by different owners.

The research methodology for this thesis is analytical- descriptive, which mean that the methods are collecting the actual data(s) and compiling them, processing the data(s) and being analyzed before get the actual picture to show the actual problem(s).

The result of the research is to give a suggestion between the owner of the land and PT Mandra Alila as the "lender" that they should have such a "statement letter and agreement letter between the parties" that the content itself must be stipulates that the construction builds above the land owned by the land's owner should be "owns" by PT Mandra Alila, take into account that this conditions is possible to do in Indonesia referring to the Indonesian law systems that using the principles of horizontal separation.