

Tinjauan yuridis lembaga jaminan sistem resi gudang dalam pelaksanaan jaminan resi gudang (warehouse receipt) = Juridical review of institution of warehouse receipt system guarantee in implementation warehouse (receipt guarantee)

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Abstrak

Pemerintah pada tahun 2011 melalui Undang-Undang Nomor 9 Tahun 2011 tentang Perubahan Undang-Undang Nomor 9 Tahun 2006 tentang Sistem Resi Gudang telah melakukan perubahan akan pelaksanaan dan aturan mengenai Sistem Resi Gudang. Perubahan didasari atas kebutuhan pelaku usaha di bidang Sistem Resi Gudang, dimana dalam pelaksanaannya terdapat beberapa kelemahan yang menghambat perkembangan Sistem Resi Gudang, diantaranya adalah dengan tidak tersedianya mekanisme jaminan yang relative terjangkau bagi pelaku usaha apabila Pengelola Gudang mengalami pailit atau melakukan kelalaian dalam pengelolaan mishandling, sehingga tidak dapat melaksanakan kewajibannya. Oleh sebab itu dalam UU Sistem Resi Gudang terdapat subjek hukum baru yang dapat memberikan jaminan dalam penyelenggaraan Jaminan Sistem Resi Gudang yaitu Lembaga Jaminan Sistem Resi Gudang Guarantee Fund. Selanjutnya pelaksana tugas Lembaga Jaminan Sistem Resi Gudang ditetapkan oleh Pemerintah melalui PP Nomor 1 Tahun 2016 tentang Lembaga Pelaksana Jaminan Sistem Resi Gudang. Tesis ini akan memberi penjelasan mengenai mekanisme penjaminan dan tanggung jawab dari Lembaga Jaminan Sistem Resi Gudang serta konsekuensi dipenuhinya tanggung jawab Lembaga Jaminan Sistem Resi Gudang, dimana lembaga tersebut memperoleh Hak Subrogasi dari Pemegang Resi Gudang dan Penerima Hak Jaminan. selain hal tersebut dalam hal Pengelola Gudang gagal dan dinyatakan pailit tindakan eksekusi seperti apa yang dapat dilakukan oleh Lembaga Jaminan Sistem Resi Gudang, sehingga Lembaga tersebut dapat mempertahankan hak-hak yang dimilikinya.

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The Government in 2011 through Act No. 9 of 2011 on Amendment of Act No. 9 of 2006 about the warehouse receipt systems has made changes to the implementation and rules on Warehouse Receipt System. Changes are based on the needs of businessmen in the field of warehouse receipt systems, where in the implementation there are some weaknesses that hamper the development of warehouse receipt systems, such as the unavailability of guarantee mechanism that are relatively affordable for businessmen if the Warehouse manager experienced bankruptcy or negligence in the management of mishandling, so it can not perform its obligations. Therefore, in the Law of Warehouse Receipt System there is a new legal subject that can provide guarantees in the implementation of Warehouse Receipt System the subject is Institution of Warehouse Receipt System Guarantee. Furthermore, the executor of the Guarantee Institute of Warehouse Receipt System is stipulated by the Government through Government Regulation No. 1 of 2016 on the Institution of Warehouse Receipt System Guarantee. This thesis will provide explanation on the guarantee mechanism and responsibility of Institution of Warehouse Receipt System Guarantee and the consequence of fulfillment of responsibility of Welfare Institution of Warehouse Receipt Institution, where the institution obtains Subrogation Right from Warehouse Receipt Holder and Receiver of Warranty Right. In addition to that in case the Warehouse Manager fails and declares bankruptcy what kind of execution action can be

performed by the Institution of Warehouse Receipt System Guarantee so that the Institution can defend the rights it owns.