

## Analisis ketentuan perundang-undangan di Indonesia dan India mengenai anjak piutang = The analysis of factoring law act provision in Indonesia and India

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### Abstrak

Melalui Nomor Keputusan Presiden. 61 tahun 1988 tentang Lembaga Pembiayaan, dan setelah itu muncul ketentuan yang mengatur anjak piutang meskipun tidak spesifik tentang anjak piutang dan hanya sedikit. Akan tetapi sejak diperkenalkan di Indonesia hingga saat ini belum ada ketentuan yang secara khusus mengatur anjak piutang. Sementara itu di India, tagihan anjak piutang yang diperkenalkan pada tahun yang sama sudah memiliki ketentuan secara khusus mengatur anjak piutang di India, yaitu The Act Factoring Regulation Act, 2011 dan Registrasi Assignment of Receivables Rules, 2012 yaitu ketentuan yang mengatur pendaftaran anjak piutang. Penelitian ini akan menganalisis ketentuan mengenai anjak piutang di Indonesia dan juga di India serta persamaan dan perbedaannya. Penelitian ini dilakukan dengan metode yuridis normatif. Hasil penelitian ini menunjukkan bahwa di Indonesia perjanjian anjak piutang sendiri masih didasarkan pada prinsip kebebasan kontrak yang ada di Burgerlijk Wetboek (BW) dan ketentuannya ada dalam ketentuan yang berbeda, memiliki ketentuan yang belum ada dalam ketentuan tersebut. The Factoring Regulation Act 2011 di India dan sebaliknya. Menurut penulis, yang kurang dari ketentuan anjak piutang di Indonesia mengenai hak dan kewajiban yang dirasa sangat penting tetapi belum diatur oleh Indonesia. Oleh karena itu, diperlukan ketentuan atau peraturan khusus mengenai anjak piutang di Indonesia untuk memberikan kepastian hukum bagi para pihak pesta.

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Factoring has been introduced in Indonesia since 1988 through Presidential Decree Number. 61 of 1988 concerning Financing Institutions, and after that comes the provisions governing factoring although not specific about factoring and only a little. Will but since it was introduced in Indonesia until now there has been no provision in that specifically regulates factoring. Meanwhile in India factoring receivables introduced in the same year already have provisions in a manner specifically regulates factoring in India, namely The Factoring Regulation Act, 2011 and Registration of Assignment of Receivables Rules, 2012 viz the provisions governing registration of factoring. This research will analyze the provisions concerning factoring in Indonesia and also in India and their similarities and differences. This research was conducted with normative juridical methods. The results of this study show that in Indonesia the agreement for factoring itself is still based on the principle freedom of contract that is in Burgerlijk Wetboek (BW) and its provisions are in different provisions, have provisions that dont yet exist in the provisions of The Factoring Regulation Act 2011 in India and vice versa. According to the author, which is less than the factoring provisions in Indonesia regarding rights and obligations that are felt to be very important but have not been regulated by Indonesia. Therefore, special provisions or regulations are needed regarding factoring in Indonesia to provide legal certainty for parties.