

Kedudukan collateral manager dalam pembiayaan resi gudang (studi putusan No. 2239 K/Pdt/2014) = Collateral manager status in warehouse receipt financing (case studies of decision No. 2239/K/Pdt/2014)

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Abstrak

Skripsi ini membahas tentang peranan collateral manager dalam pembiayaan resi gudang dan analisis putusan hakim yang menyatakan Collateral manager dalam suatu pembiayaan resi gudang dalam skema Collateral management agreement memiliki kedudukan hukum untuk mengajukan gugatan perlawanan. Penelitian ini dilakukan dengan metode penelitian hukum normatif. Hasil penelitian ini adalah bahwa collateral manager dalam suatu pembiayaan resi gudang memiliki peranan yang krusial. Baik dalam skema collateral management agreement (CMA) maupun berdasarkan UU Sistem Resi Gudang, Collateral manager memiliki peranan untuk menerbitkan resi gudang, menjamin keamanan dan keutuhan barang yang disimpan, memberikan proteksi risiko kepada pemilik barang, memudahkan pemilik barang memperoleh kredit. Collateral manager dalam Putusan No. 2239/K/Pdt/2014 seharusnya tidak memiliki kedudukan hukum untuk mengajukan gugatan perlawanan. Hakim dalam memutuskan perkara terkait wewenang collateral manager tidak mempertimbangkan perjanjian yang dibuat oleh para pihak maupun peraturan perundang-undangan mengenai wewenang collateral manager. Padahal, collateral manager hanya diberikan wewenang untuk melakukan pengurusan terkait komoditas yang berada di kekuasaannya.

The focus of this study is the analysis of the court's decision which states that Collateral Manager involved in Collateral Management Agreement has a legal standing to file a claim for resistance. This research was conducted using the normative legal research method. The results of this study are that in a warehouse receipt financing, collateral manager plays an important role. Both in the collateral management agreement (CMA) scheme and under the Warehouse Receipt System Act. Collateral manager has the role to issue warehouse receipts, guarantee the safety and integrity of the goods stored, provide risk protection to the owner of the goods, and facilitate the owner of the goods obtain credit. Role of collateral manager is related to the management of goods stored in the warehouse. Collateral manager in Decision No. 2239 / K / Pdt / 2014 should not have a legal standing to file a claim for resistance, because matters relating to litigation is not the authority of the collateral manager. The judge in deciding cases related to collateral manager's authority does not consider the agreements made by the parties nor the laws and regulations concerning the collateral manager's authority. In fact, the collateral manager is only given the authority to make arrangements related to commodities in its control.