

Perlindungan Hukum Bank Pasca Penutupan Layanan Pencatatan Pendaftaran dan Pencatatan Perubahan Persekutuan Komanditer (CV) = Legal Protection for Banks Following the Closure of Registration and Amendment Recording Services for Limited Partnerships

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Abstrak

Bank melaksanakan pemberian kredit sebagai salah satu kegiatan usaha utama untuk mendukung pertumbuhan ekonomi. Bank selaku kreditur seharusnya memperoleh perlindungan hukum melalui kejelasan kedudukan hukum CV. Namun, penutupan layanan pencatatan pendaftaran dan pencatatan perubahan CV dalam Sistem Administrasi Badan Usaha (SABU) menciptakan potensi kekosongan hukum yang dapat merugikan bank yang telah memberikan fasilitas kredit kepada CV. Berdasarkan permasalahan tersebut, dapat dirumuskan dua permasalahan. Pertama, dilakukan analisis terhadap kedudukan hukum dan pertanggungjawaban sekutu CV yang telah terdaftar di Pengadilan Negeri tapi belum tercatat dalam SABU terhadap bank sebagai kreditur pasca penutupan layanan pencatatan pendaftaran dan pencatatan perubahan. Kedua, dilakukan analisis mengenai perlindungan hukum bagi bank sebagai kreditur yang mengalami kerugian akibat penutupan layanan pencatatan pendaftaran dan pencatatan perubahan CV. Dengan menggunakan metode penelitian doktrinal, diperoleh kesimpulan sebagai berikut. Pertama, CV yang hanya terdaftar di Pengadilan Negeri tetap memiliki kedudukan yang sah dalam hubungan hukumnya dengan bank. Terkait tanggung jawab para sekutu, sekutu komplementer memikul tanggung jawab penuh secara pribadi termasuk konsekuensi administratif yang timbul, sedangkan sekutu komanditer terbatas tanggung jawabnya sebesar modal yang disetor selama tidak mengintervensi pengurusan CV. Kedua, bank dapat menjalankan dua bentuk perlindungan hukum. Bank dapat mengambil langkah preventif dengan mendorong sekutu komplementer untuk melakukan pencatatan sebelum tenggat waktu penutupan layanan dan memperketat prinsip kehati-hatian pada pemberian kredit baru kepada CV. Selanjutnya, perlindungan hukum represif dimana CV dapat menggunakan layanan pendaftaran CV dalam SABU pasca penutupan layanan pencatatan pendaftaran dan pencatatan perubahan.

.....Banks provide credit as one of their main business activities to support economic growth. As creditors, banks should receive legal protection through clarity regarding the legal status of limited partnerships. However, the closure of registration and amendment recording services for limited partnership in the Business Entity Administration System (SABU) creates potential legal gaps that could harm banks that have provided credit facilities to limited partnership. Based on these issues, two problems can be formulated. First, an analysis is conducted on the legal status and liability of limited partnership partners who have registered with the District Court but have not been recorded in SABU towards banks as creditors, following the closure of registration and amendment recording services. Second, an analysis is conducted regarding legal protection for banks as creditors who suffer losses due to the closure of limited partnership registration and amendment recording services. Using doctrinal research methods, the following conclusions are obtained. First, limited partnerships that are only registered with the District Court maintain valid legal standing in their relationship with banks. Regarding partner liability, managing partners bear full personal responsibility, including arising administrative consequences, while limited partner liability is restricted to

their paid-up capital as long as they do not intervene in limited partnership management. Second, banks can implement two forms of legal protection. Banks can take preventive measures by encouraging managing partners to complete registration before the service closure deadline and tighten prudential principles for new credit facilities to limited partnership. Furthermore, repressive legal protection is available where limited partnership can use limited partnership registration services in SABU.