

Aspek hukum pemberian kredit dengan jaminan produk bancassurance dalam rangka menjaga kelangsungan pelunasan pembayaran = Legal aspect of credit grant with secured bancassurance product to protect performance of repayment

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Abstrak

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Produk bancassurance merupakan produk perbankan yang terdiri dari produk simpanan/investasi yang digabung dengan produk asuransi jiwa. Salah satu bentuknya yaitu berupa deposito yang dikemas dengan asuransi jiwa didalamnya. Dalam perkembangannya, produk bancassurance yang demikian dapat dijadikan sebagai jaminan kredit perbankan. Penelitian ini bertujuan untuk mengetahui bagaimana karakteristik pemberian kredit dengan jaminan produk bancassurance dan bagaimana dengan hak bank sebagai kreditor apabila terjadi wanprestasi dalam pemberian kredit tersebut. Hasil penelitian menjelaskan bahwa karakteristik pemberian kredit semacam ini terletak pada perjanjian pengikatan jaminannya, dimana ada 2 (dua) jaminan yang diikat secara bersamaan dalam 1 (satu) perjanjian kredit, yaitu pengikatan jaminan deposito dan hak klaim atas polis asuransi jiwa. Adanya kedua jaminan tersebut menjamin bahwa debitor dapat menjaga kelangsungan pelunasan pembayarannya. Apabila debitor wanprestasi, maka bank berhak untuk dapat langsung mencairkan kedua jaminan tersebut tanpa harus melakukan pelelangan di muka umum. Untuk itu, Penulis menyarankan agar ketentuan-ketentuan tentang produk bancassurance dituangkan dalam suatu wadah peraturan tersendiri agar lebih komprehensif dan perlu dilakukan penyempurnaan atas ketentuan-ketentuan tentang hukum jaminan, terutama mengenai jaminan gadai dan fidusia.

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ABSTRACT

Bancassurance product is one of banking products consisting of deposit/investment combined with life assurance. One of the models is a deposit in which the life insurance is incorporated. The bancassurance product, in its progress, may be used as banking security credit. The objective of this research is to identify how is characteristic of credit grant with secured bancassurance and how the bank's right as creditor, in the case of default, on such the credit provision. The result shows that the characteristic of this credit grant exists in its security agreement, in which there are 2 (two) securities bound together within 1 (one) credit agreement namely deposit agreement and right to claim life insurance premium. The existences of both securities assure that the debtor may maintain the repayment process. In the case of default by the debtor, the bank has the right

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