

SURAT KUASA MEMBEBANKAN HAK TANGGUNGAN DALAM PERSPEKTIF PENYALURAN KREDIT USAHA RAKYAT

Nurkholis Tepu Army
Magister Kenotaritan, Fakultas Hukum Universitas Surabaya
Pembimbing:
Dr. J.M Atik Krustiyati, S.H., M.S

ABSTRAK

Tujuan penelitian ini adalah untuk mengetahui dan menganalisis karakteristik SKMHT dalam rangka penyaluran Kredit Usaha Rakyat dan Perlindungan hukum bagi kreditur dalam hal debitur penerima kredit usaha rakyat wanprestasi. Penelitian ini adalah penelitian yuridis normatif, dengan menggunakan pendekatan perundang-undangan dan pendekatan konseptual. Berdasarkan pembahasan diperoleh kesimpulan: *pertama*, Karakteristik Surat kuasa membebankan hak tanggungan (SKMHT) sebagai bentuk perjanjian kuasa ialah salah satu sarana yang memiliki dasar hukum dalam mewujudkan kelancaran pelaksanaan perjanjian kredit para pihak, dapat disimpulkan bahwa suatu perjanjian kredit yang diikat dengan Hak Tanggungan wajib dilakukan Akta Pemberian Hak Tanggungan (APHT) dan didaftarkan pada Kantor Badan Pertanahan Nasional. *Kedua*, Perlindungan hukum yang dapat dilakukan oleh kreditur dalam hal menangani debitur penerima kredit usaha rakyat wanprestasi adalah melalui proses non litigasi, dan melalui proses litigasi.

Kata Kunci : Surat Kuasa Membebankan Hak Tanggungan, kredit usaha rakyat, Perlindungan Kreditur, wanprestasi.

THE POWER OF ATTORNEY TO BRING LIABILITY RIGHTS IN THE PEOPLE'S BUSINESS LOAN DISTRIBUTION PERSPECTIVE

Nurkholis Tepu Arny
Magister Kenotaritan, Fakultas Hukum Universitas Surabaya
Pembimbing:
Dr. J.M Atik Krustiyati, S.H., M.S

ABSTRACT

The purpose of this study was to determine and analyze the characteristics of SKMHT in the context of distributing People's Business Credit and legal protection for creditors in the event that the debtor receiving the people's business credit defaults. This research is a normative juridical research, using a statutory approach and a conceptual approach. Based on the discussion, it can be concluded: first, the characteristics of the power of attorney imposing mortgage rights (SKMHT) as a form of power of attorney agreement is one of the facilities that have a legal basis in realizing the smooth implementation of the credit agreement of the parties, it can be concluded that a credit agreement bound with the mortgage must be carried out Deed of Granting Mortgage (APHT) and registered at the Office of the National Land Agency. Second, the legal protection that can be carried out by creditors in dealing with debtors who receive credit for people's business defaults is through a non-litigation process, and through a litigation process.

Keyword : Power of attorney to impose mortgage rights, people's business credit, creditor protection, Default.