

ABSTRAK

Kebutuhan manusia adalah keinginan manusia untuk memiliki dan menikmati kegunaan dari barang atau jasa yang dapat memenuhi kebutuhan jasmani dan rohani manusia. Perjanjian sewa beli merupakan perjanjian dua arah, timbulnya akibat adanya hak dan kewajiban para pihak. Di dalam perjanjian sewa beli banyak dilakukan oleh masyarakat luas, salah satu bentuknya adalah sewa beli kendaraan bermotor. Timbulnya wanprestasi mengakibatkan terjadinya sengketa diantara para pihak. Sengketa merupakan suatu keadaan dimana terdapat pihak yang dirugikan oleh pihak lain.

Metode yang digunakan adalah metode yuridis sosiologis yang menggunakan spesifikasi penelitian bersifat deskriptif dengan alat pengumpulan data melalui interview (wawancara). Setelah data di peroleh, dianalisa dengan menggunakan metode kualitatif. Rumusan masalah dalam penelitian ini yaitu : prosedur pelaksanaan perjanjian sewa beli kendaraan bermotor di PT Federal International Finance Jepara, kapan debitur dinyatakan wanprestasi dalam perjanjian sewa beli kendaraan bermotor di PT Federal International Finance Jepara, upaya penyelesaian dan prosedur penarikan kendaraan akibat debitur wanprestasi dalam perjanjian sewa beli.

Kesimpulan akhir dalam penelitian ini adalah Dalam prosedur pelaksanaan perjanjian harus memenuhi beberapa tahap yaitu tahap permohonan, tahap pengisian formulir, tahapan pengecekan dan pengamatan dilapangan, tahap pembuatan customer profile, tahap pengajuan proposal kepada kredit komite, tahapan keputusan kredit komite, tahap pengikatan, tahap pemesanan barang, tahapan pembayaran kepada dealer, tahap penagihan/monitoring pembayaran, tahap pengambilan surat jaminan. Debitur dinyatakan wanprestasi dalam perjanjian sewa beli kendaraan bermotor di PT Federal Internasional Finance yaitu ketika debitur tidak mampu melaksanakan pembayaran angsuran, Seperti pembayaran angsuran yang terlambat, tidak membayar angsuran secara bertahap, melanggar kesepakatan dalam perjanjian. Upaya yang dilakukan dalam penyelesaian dan penarikan kendaraan bermotor akibat debitur wanprestasi, yaitu pihak kreditur bernegosiasi dengan pihak kreditur untuk mencari jalan keluar yang baik agar debitur bisa membayar angsuran dengan lancar. Apabila tidak ada respon yang baik oleh debitur maka pihak kreditur berhak melakukan penarikan dengan menggunakan akta fidusia.

Kata Kunci : Sengketa, Wanprestasi, Perjanjian Sewa Beli.

ABSTRACT

Human needs are human desire to possess and enjoy the use of goods or services that can fulfill the physical and spiritual needs of humans. The lease agreement is a two-way agreement, arising from the rights and obligations of the parties. In the lease agreement, a lot is done by the public, one form is the purchase of motorized vehicles. The occurrence of default results in a dispute between the parties. Disputes are circumstances where there are parties who are harmed by other parties.

The method used is the sociological judicial method that uses descriptive research specifications with data collection tools through interviews (interviews). After the data is obtained, it is analyzed using qualitative methods. The formulation of the problem in this study are: the procedure for the implementation of the purchase agreement of motorized vehicles in PT Federal International Finance Jepara, when debitiur is declared default in the rental agreement for motorized vehicles in PT Federal International Finance Jepara, settlement efforts and procedures for withdrawal of vehicles due to debtor defaults on the lease agreement buy.

The final conclusion in this study is that in the implementation procedure the agreement must fulfill several stages, namely the application stage, the stage of filling out the form, the checking and observation stages in the field, the stage of making the customer profile, the stage of submitting the proposal to the committee credit, the committee's credit decision stage, the binding stage, the ordering phase goods, stages of payment to the dealer, payment / monitoring phase of payment, stage of collecting collateral. The debtor is declared in default in the agreement to purchase a motorized vehicle at PT Federal International Finance, namely when the debtor is unable to carry out installment payments, such as late installment payments, not paying installments in stages, violating the agreement in the agreement. Efforts are made in the completion and withdrawal of motorized vehicles due to the default of the debtor, ie the creditor negotiates with the creditor to find a good solution so that the debtor can pay the installments smoothly. If there is no good response by the debtor, the creditor has the right to withdraw using the fiduciary deed.

Keywords: Disputes, Defaults, Lease Agreements.