

ABSTRAK

Penelitian ini dilatarbelakangi oleh kesulitan Bank dalam Pengambilalihan Aset Debitor (AYDA) untuk menyelesaikan kredit macet. Oleh karena itu, Penulis tertarik menulis Tesis yang berjudul “Peran Notaris Dalam Pelaksanaan Pengambilalihan Aset Debitor (AYDA) untuk Mengatasi Penyelesaian Kredit Macet (Studi Kasus di Perbankan Kabupaten Pati)”.

Adapun permasalahannya : (1) Bagaimana Pelaksanaan Penyelesaian Kredit Macet melalui AYDA di Bank Jateng Pati?; (2) Bagaimana Peran Notaris dalam Pelaksanaan AYDA di Bank Jateng Pati?; dan (3) Apa Hambatan-hambatan dan solusinya di dalam Pelaksanaan Penyelesaian Kredit Macet melalui AYDA di Bank Jateng Pati?.

Tujuan Penelitian untuk mengetahui : (1) Pelaksanaan AYDA di Bank Jateng Pati; (2) Peran Notaris dalam Pelaksanaan AYDA di Bank Jateng Pati; dan (3) Hambatan-hambatan dan solusinya di dalam Pelaksanaan AYDA di Bank Jateng Pati.

Metode penelitian yang digunakan adalah pendekatan yuridis empiris, dengan Spesifikasi Penelitian yang bersifat Deskriptif Analitis. Lokasi di Bank Jateng Cabang Pati, dengan populasi semua Pihak/Instansi yang terkait dengan proses Penyelesaian Kredit Macet pada Bank Jateng Cabang Pati. Teknik pengumpulan data melalui Data Primer : Wawancara, dan Data Sekunder : Bahan Hukum Primer, Bahan Hukum Sekunder, dan Bahan Hukum Tersier. Teknik Analisis Data : (1) menganalisis data secara deskriptif kualitatif; dan (2) menarik Simpulan secara deduktif.

Hasil Analisis Data disimpulkan: (1) Pelaksanaan AYDA dilakukan melalui: (a) Penyerahan Sukarela oleh Debitor, dilakukan dengan membuat Perjanjian Penyerahan Aset/Penyelesaian Kredit, melalui Akta Jual Beli atau Perjanjian Pengikatan Jual Beli; (b) Lelang Hak Tanggungan via KPKNL/Kantor Lelang Negara melalui Risalah Lelang; dan (c) Pengambilalihan melalui Proses Hukum/Litigasi/Lelang Eksekusi via Pengadilan Negeri melalui Risalah Lelang; (2) Peran Notaris dalam Pelaksanaan AYDA dengan membuat Akta-akta Autentik, yaitu : Akta Jual Beli atau Perjanjian Pengikatan Jual Beli dan akta-akta pendukung, yaitu: Akta Perjanjian Penyelesaian Hutang dengan Penyerahan Barang Jaminan, Akta Pernyataan, Akta Surat Kuasa untuk Menjual, Akta Perjanjian Pengosongan; dan (3) Hambatan-hambatan pelaksanaan AYDA berasal dari : (a) Pihak Debitor, terjadi karena Debitor tidak kooperatif dalam menyelesaikan kreditnya yang macet; (b) Pihak Ketiga, dalam hal ini terutama pemilik dari tanah dan bangunan yang dijaminakan oleh Debitor kepada bank selaku Kreditor. Pihak ketiga sering kali melakukan perlawanan pada saat Proses Eksekusi Agunan yang akan diambil alih; dan (c) Pihak Negara melalui ketentuan Perundang-undangan. Solusi untuk mengatasi hambatan tersebut melalui Efektivitas dan Efisiensi pelaksanaan AYDA.

Kata kunci : **Notaris, AYDA, Kredit Macet**

ABSTRACT

This research is motivated by the difficulty of the Bank in the Takeover of Debtor Assets (AYDA) to resolve bad debts. Therefore, the author is interested in writing a thesis entitled "The Role of Notaries in the Implementation of Debt Asset Acquisition (AYDA) to Overcome Non-performing Loans (Case Study in Pati Regency Banking)".

The problem : (1) How is the Implementation of Non-performing Loan Settlement through AYDA at Bank Jateng Pati?; (2) How is the Implementation of Non-performing Loan Settlement through AYDA at Bank Jateng Pati?; and (3) What are the obstacles and solutions in the Implementation of Non-performing Loan Settlement through AYDA in Bank Jateng Pati?.

Research Objectives to find out : (1) Implementation of AYDA at Bank Jateng Pati; (2) The Role of Notary in the Implementation of AYDA in Bank Jateng Pati; and (3) Obstacles and solutions in the Implementation of AYDA in Bank Jateng Pati.

The research method used is an empirical juridical approach, with Descriptive Analytical Research Specifications. Location on Bank Jateng Pati, with a population of all Parties / Agencies related to the process of Settlement of Bad Credit on Bank Jateng Pati. Data collection techniques through Primary Data: Interviews, and Secondary Data: Primary Legal Materials, Secondary Legal Materials, and Tertiary Legal Materials. Data analysis technique : (1) analyze data in a descriptive qualitative; dan (2) deductively draw conclusions.

Based on the Results of Data Analysis it was concluded: (1) AYDA is carried out through : (a) Voluntary Transfer by Debtor, made by entering into an Asset / Credit Settlement Agreement, through the Sale and Purchase Deed or the Purchase Binding Agreement; (b) Auction of Mortgage Rights via KPKNL / State Auction Office through the Minutes of Auction; and (c) Takeover through the Legal Process / Litigation / Auction Execution via the District Court through the Minutes of Auction; (2) The role of the Notary in the Implementation of AYDA by making Authentic Acts, namely: Deed of Sale and Purchase of Agreement and supporting deeds, including: Deed of Debt Settlement Agreement with Delivery of Collateral Goods, Deed of declaration, Deed of Power of Attorney to Sell, Deed of Discharge Agreement; and (3) The obstacles to implementing AYDA originate from : (a) The Debtor, because the Debtor is not cooperative in resolving bad loans; (b) Third Party, in this case mainly the owners of land and buildings that are guaranteed by the Debtor to the bank as a Creditor. Third parties often fight back when the Collateral Execution Process is to be taken over; and (c) States Parties through Legislation. The solution to overcome these obstacles is through the Effectiveness and Efficiency of AYDA implementation.

Keywords: Notary Public, AYDA, Bad Credit