

ANALISIS YURIDIS TERHADAP JUAL BELI MOBIL MELALUI *OVER* KREDIT PADA PT ASTRA SEDAYA FINANCE BATAM

(Putusan Nomor: 14/Pdt.G/2020/Pn.Btm)

¹Brigitta Tasya Prisilla Agestha S., ¹Zarfina

¹Program Studi Ilmu Hukum, Fakultas Hukum, ¹Universitas Bung Hatta

Email: brigittatasya252@gmail.com

ABSTRAK

Perjanjian Kredit merupakan kategori perjanjian pinjam-meminjam atau hutang-piutang yang melibatkan pihak yang memberi pinjaman (kreditur) dan pihak yang menerima pinjaman (debitur). Perjanjian kredit diawali dengan pembuatan kesepakatan antara penerima kredit (debitur) dan yang memberi kredit (kreditur) yang dituangkan dalam bentuk perjanjian. Rumusan masalah yang dapat dikaji sesuai pernyataan tentang bagaimana upaya penyelesaian wanprestasi apabila objek jaminan sudah berpindah ke pihak ketiga, sebagaimana dalam kasus Putusan Pengadilan Negeri Batam Nomor 14/Pdt.G/2020/Pn.Btm. Rumusan masalah 1) Akibat hukum adanya jual beli mobil melalui *over* kredit secara dibawah tangan antara debitur dengan pihak ketiga? 2) Pertimbangan hukum Majelis Hakim dalam mengadili dan memutus Perkara No.14/Pdt.G/2020/PN.Btm? Metode penelitian hukum normatif, sifat penelitian deskriptif analisis sumber data bahan hukum primer dan skunder. Teknik pengumpulan data studi dokumen. Analisis data secara kualitatif. Hasil penelitian 1) akibat hukum jual beli mobil melalui *over* kredit secara dibawah tangan ini terdapat konsekuensi apabila terjadi wanprestasi dan proses pengambilan BPKB mengalami kesulitan bagi debitur baru pada Lembaga pembiayaan. 2) Pertimbangan hakim dalam memutuskan perkara ini menurut penulis berdasarkan pasal 283 RBg, Penggugat telah memenuhi kewajibannya sebagai penerima *over* kredit ini, serta memiliki itikad baik sehingga dapat melanjutkan dan melunasi angsuran, serta si Penggugat memiliki bukti berupa surat kuasa dari debitur lama.

Kata Kunci: Analisis Yuridis, Akibat Hukum, *Over* Kredit

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ABSTRACT

Credit Agreement is a category of loan-borrowing or debt-receivable agreement that involves the party giving the loan (creditor) and party receiving the loan (debtor). The credit agreement begins with making an agreement between the credit recipient (debtor) and the creditor (creditor) which is stated in the form of an agreement. The formulation of the problem that can be studied according to the statement above about how to resolve the default if the object of guarantee has been transferred to a third party, as in the case of the Batam District Court Decision Number 14/Pdt.G/2020/Pn.Btm. Problem formulation 1) The legal consequences of buying and selling cars through over-credit under the hands of the debtor and a third party? 2) Legal considerations of the Panel of Judges in hearing and deciding Case No. 14/Pdt.G/2020/PN.Btm? The research method is normative law, the nature of the research is descriptive analysis of primary and secondary legal material data sources. Document study data collection techniques. Qualitative data analysis. The results of the study 1) the legal consequences of buying and selling cars through underhanded over-credit have consequences in the event of a default and the process of taking BPKB experiences difficulties for new debtors at a financing institution. 2) The judge's consideration in deciding this case according to the author based on article 283 RBg, the Plaintiff has fulfilled its obligations as the recipient of this over credit, and has good faith so that it can continue and pay off the installments, and the Plaintiff has evidence in the form of a power of attorney from the old debtor.

Keywords: Juridical analysis, Legal consequences, Over credit