

**PENERAPAN PRINSIP KEHATI-HATIAN YANG TERDAPAT PADA
PENGIKATAN JAMINAN DALAM AKTA PEMBEBANAN HAK
TANGGUNGAN DI KOPERASI SIMPAN PINJAM DAN
PEMBIAYAAN SYARIAH BMT X
DI KABUPATEN BANTUL**

INTISARI

Oleh :

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Tujuan penelitian ini adalah untuk mengkaji dan menganalisis pengaturan prinsip kehati-hatian pengikatan jaminan pada Koperasi Simpan Pinjam dan Pembiayaan Syariah, serta untuk mengkaji dan menganalisis penerapan pengaturan prinsip kehati-hatian pengikatan jaminan dengan Akta Pembebanan Hak Tanggungan pada Koperasi Simpan Pinjam dan Pembiayaan Syariah BMT X Di Kabupaten Bantul

Penelitian ini merupakan penelitian normatif empiris yang mengkaji bahan hukum primer berupa peraturan perundang-undangan dan bahan hukum sekunder melalui studi dokumen buku, jurnal, dan penelitian lapangan. Data tersebut dikumpulkan dan dianalisis secara kualitatif, melalui kategorisasi berdasarkan permasalahan yang diteliti dan data yang dikumpulkan yang menggambarkan akibat hukum terhadap penerapan prinsip kehati-hatian yang terdapat pada pengikatan jaminan dalam akta pembebanan hak tanggungan di koperasi simpan pinjam syariah kabupaten Bantul.

Hasil penelitian menunjukkan: Pengaturan prinsip kehati-hatian pengikatan jaminan pada Koperasi Simpan Pinjam dan Pembiayaan Syariah dilakukan dengan menganalisis prinsip 5C (*Character, Capacity, Capital, Collateral, Condition of Economics*) dan mematuhi standar operasional sesuai dengan ketentuan Pasal 31 Peraturan Menteri koperasi UKM No 12 Tahun 2018 tentang Kualifikasi Nasional Indonesia Bidang Pengelolaan Koperasi Simpan Pinjam dan Pembiayaan Syariah. KSPPS BMT X belum menerapkan prinsip kehati-hatian dalam pengikatan jaminan dengan akta pembebanan hak tanggungan sesuai dengan peraturan Permenkop UKM No 12 Tahun 2018 tentang Kualifikasi Nasional Indonesia Bidang Pengelolaan Koperasi Simpan Pinjam Dan Pembiayaan Syariah. KSPPS BMT X telah melakukan pencairan sebelum dilakukannya pengecekan sertifikat oleh PPAT.

Kata Kunci : Kehati-hatian, Jaminan, Koperasi Simpan Pinjam Pembiayaan Syariah

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**THE APPLICATION OF THE PRUDENTIAL PRINCIPLE
CONTAINED IN THE BINDING OF COLLATERAL IN THE DEED OF
ENCUMBRANCE OF MORTGAGE RIGHTS IN SAVINGS AND LOAN
COOPERATIVES AND SHARIA FINANCING.
FINANCING COOPERATIVE BMT X
IN BANTUL DISTRICT**

ABSTRACT

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The purpose of this research is to review and analyze the prudential arrangements for binding collateral, as well as to review and analyze the application of the prudential arrangements for binding collateral with a Deed of Encumbrance of Mortgage Rights at BMT X Sharia Savings and Loan Cooperative in Bantul Regency.

This research is an empirical normative research that examines primary legal materials in the form of laws and regulations and secondary legal materials in the form of document studies of books, journals, and field research. The data is collected and analyzed qualitatively, through categorization based on the problems studied and the data collected which describes the legal consequences of the application of the precautionary principle contained in the binding of collateral in the deed of encumbrance of mortgage rights in Islamic savings and loan cooperatives in Bantul Regency.

The research results show: The regulation of the prudential principle of binding collateral in Sharia Savings and Loan and Financing Cooperatives is carried out by analyzing the 5C principle (Character, Capacity, Capital, Collateral, Condition of Economics) and complying with operational standards in accordance with the provisions of Article 31 of the Regulation of the Minister of SME Cooperatives No. 12 of 2018 concerning Indonesian National Qualifications in the Field of Management of Sharia Savings and Loan and Financing Cooperatives. KSPPS BMT X has not applied the precautionary principle in binding collateral with a deed of encumbrance in accordance with the regulations of the Minister of Cooperatives and SMEs Regulation No. 12 of 2018 concerning Indonesian National Qualifications in the Field of Management of Sharia Savings and Loan Cooperatives. KSPPS BMT X has made disbursements before checking the certificate by PPAT.

Keywords: *Prudence, Guarantee, Sharia Financing Saving and Loan Cooperati*

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