PEMBUATAN SURAT KUASA MEMBEBANKAN HAK TANGGUNGAN (SKMHT) DAN AKTA PEMBERIAN HAK TANGGUNGAN (APHT) DALAM PEMBERIAN KREDIT PEMILIKAN RUMAH PADA PT. BANK TABUNGAN NEGARA (PERSERO) CABANG PADANG

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INTISARI

Tujuan dari penelitian ini adalah untuk mengetahui bagaimana peranan Notaris / PPAT dalam pembuatan SKMHT dan APHT untuk KPR Bank BTN cabang Padang dan langkah-langkah apa saja yang dilakukan pihak Bank BTN jika kredit macet.

Penelitian Pembuatan SKMHT dan APHT untuk pemberian KPR Bank BTN cabang Padang ini merupakan penelitian yang bersifat Yuridis sosiologi yaitu mengkaji antara aturan yang ada dengan aturan yang berlaku di Bank BTN. Lokasi yang dipilih adalah Bank BTN cabang Padang, Kantor Notaris Indra Jaya. SH dan Kantor Pertahanan Kota Padang. Pengumpulan data dilakukan dengan wawancara dengan responden dan studi dokumen.

Peranan Notaris / PPAT dalam pembuatan SKMHT dan APHT untuk KPR Bank BTN sangat penting karena berhubungan dengan hak tanggungan. Hal ini dilakukan untuk meminimalkan resiko kredit macet dari pihak Bank. Untuk mengatasi kredit macet, Bank BTN mengandalkan restrurisasi kredit, jika hal ini tidak berhasil maka langkah terakhir yang dilakukan Bank BTN adalah kredit dinyatakan macet maka dilakukan pelelangan terhadap obyek hak tanggungan.

Kata kunci : Peranan Notaris, SKMHT, APHT dan Kredit Macet.

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THE LETTER OF ATTORNEY CONCEPTION TO MORTGAGE LOAN AND CREDIT QUARANTEE ACT BY CHARGING OF PROPERTY IN ALLOWING CREDIT OF HOUSE OWNERSHIP AT PT. BANK TABUNGAN NEGARA (PERSERO) BRANCH OF PADANG

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ABSTRACT

The data which is used in this research are primary data namely data which is obtained from first resource by using data collection tools in the form of questionnaire list and interview, and secondary data namely data which obtained from library through document study. Both data that have been collected and then analyzed qualitatively and prepare them in the form of result report of descriptive research.

In order to eliminate the credit risk of stuck, the banking in distributing their credit closed link with careful principle. One of their applications is the security of banking credit which is distributed by asking guarantee of credit from creditor to debtor. In general, the mortgage loan will be received by creditor is in the form of charging permanent property. For example; the land and property such as the building as the mortgage loan.

The reason of prevailing the charging of property by a debtor to a creditor as security for a debt has been ruled in Act No.4 in 1996. In this case, if benefactor of charging of property can not be attended in the front Notaries face to face or Authorized Official of Land Act, in the section 15 sentence 1 of Act. No.4 in 1996 provides the opportunity to benefactor in order to use The Letter of Attorney Conception to Mortgage Loan (SKMHT). The conception of it is also possible in the form of charging the property or land as the object of guarantee that don't have a certificate. In the agreement of mortgage loan, debtor as the receiver of credit should charge their credit by property for example the house or the land which have been bough by using related banking credit facility. While, banking party just allocate credit as the holder of SKMHT only. Because of certificate right on the land which becomes guarantee object is not done individually yet so far.

PT. Bank Tabungan Negara (Persero), branch of Padang in the case of handling stuck credit of mortgage loan by BTN require restructurization credit. Unless it is fail, the last step is taken place the auction over the object of credit guarantee.

Key words: Mortgage loan, SKMHT (The Letter of Attorney Conception to Mortgage Loan), and APHT (Credit Guarantee Act by Charging of Property)

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