

***THE APPLICATION OF THE INDIVISIBILITY PRINCIPLE IN SECURITY  
SHARING AGREEMENTS FOR MULTI-CREDITOR FINANCING  
AT BANK B***

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***ABSTRACT***

*This research aims to examine and analyze the application of the principle of indivisibility of security rights in the practice of security sharing agreements over jointly encumbered collateral, as well as the legal protection afforded to creditors under such agreements in the event of debtor default.*

*This research employs an empirical-normative legal research method. Primary data were obtained from research subjects, namely practitioners involved as parties in security sharing agreements, and from the research object, namely the security sharing agreement itself. Secondary data were obtained through library research. The approaches used in this research are the case approach and the conceptual approach. The data were analyzed using a qualitative descriptive method, presented in a descriptive-analytical manner, and conclusions were drawn deductively.*

*The research concludes, first, that the principle of indivisibility of security rights can be applied within the concept of jointly held collateral involving multiple creditors under a security sharing agreement, with the purpose of maintaining the integrity of the collateral for the benefit of each creditor. Second, legal protection for creditors under a security sharing agreement may be provided through the refinement of contractual clauses within the agreement and the establishment of minimum regulatory guidelines for agreements involving jointly held collateral.*

*Keywords: principle of indivisibility, security sharing agreement, jointly held collateral, multiple creditors.*

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## **PENERAPAN ASAS JAMINAN TIDAK DAPAT DIBAGI-BAGI DALAM PRAKTIK *SECURITY SHARING AGREEMENT* PADA PEMBIAYAAN MULTI KREDITUR DI BANK B**

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### **INTISARI**

Penelitian ini bertujuan untuk mengetahui dan menganalisis penerapan asas hukum jaminan yaitu asas tidak dapat dibagi-bagi pada praktik *security sharing agreement* untuk jaminan yang diagunkan bersama serta perlindungan hukum terhadap kreditur dalam *security sharing agreement* apabila debitur wanprestasi.

Penelitian ini merupakan penelitian hukum empiris-normatif. Cara memperoleh data primer dari subjek penelitian yaitu praktisi yang menjadi pihak dalam *security sharing agreement* dan objek penelitian yaitu *security sharing agreement*, sedangkan data sekunder diperoleh melalui penelitian kepustakaan. Metode pendekatan masalah yang digunakan yaitu pendekatan kasus dan pendekatan konseptual. Analisis data menggunakan metode analisis deskriptif kualitatif, disajikan secara deskriptif analitis, dan metode penarikan kesimpulan dilakukan secara deduktif.

Penelitian ini memiliki kesimpulan : Pertama, asas jaminan tidak dapat dibagi-bagi dapat diterapkan dalam konsep jaminan bersama multi kreditur pada sebuah *security sharing agreement* dengan tujuan untuk mempertahankan keutuhan jaminan untuk masing-masing kreditur. Kedua, perlindungan hukum bagi kreditur dalam *security sharing agreement* dapat berupa penyempurnaan klausul-klausul pada *security sharing agreement* dan pengaturan pedoman minimal perjanjian dengan konsep jaminan bersama.

Kata kunci:

Asas tidak dapat dibagi-bagi, *security sharing agreement*, jaminan bersama, multi kreditur.

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