

ABSTRACT

THE SECURITY INSTITUTION HAK TANGGUNGAN AS SECURITY AGREEMENT IN LOAN

by
Priyo Handoko

This research is aimed at studying *Hak Tanggungan* on loan agreement. *Hak Tanggungan* ordered by article 51 jo. 57 Law Number 5 Year 1960. The substance of *Hak Tanggungan* is Hypothek from section second of the *Burgerlijke Wetboek*. This fact arising problem to fix the position of *Hak Tanggungan* on national law system; the efficiency of Law Number 4 year 1996 on Security Rights on Land in loan; and execution of the *Hak Tanggungan* on a debt settlement. The normative analysis was carried out by using two kinds of approach namely statute approach and historical approach.

The result of the research revealed that position of the *Hak Tanggungan* to guarantee his funds by means of a special contract, the characteristics of which are accessory to the main agreement. Ideally the *Hak Tanggungan* on the national system law covered by the judicial system on security rights who belong to the civil judicature law ; Some article of Law Number 4 year 1996 less support to the efficiency of *Hak Tanggungan* as seen on article 15 that have time limit in behalf of giving *Hak Tanggungan* and the procedur to make *Hak Tanggungan* is not efficient ; the methods of executing the *Hak Tanggungan* through direct execution (article 6 jo. 20 (1), execution based on certificate of *Hak Tanggungan* and a sale based on private agreement. This means that due to this private agreement, the owner of the secured goods has to give his approval and signature; Based on execution methods we know that they will be unpopular and still far to obtain easy and legal assurance aspect of secured transaction that give protection for creditor.

The reforms on Security Law should be focused on reforms on the system of Security Rights Law as its principal law. With reforms toward the important basics ownership of said goods, our framework will be formed by means of system mutually agreed upon. Based on the idea we can build the strong national law system who ready to fight on globalization.

Key words : Security Institution, *Hak Tanggungan*, Loan Agreement