

## **ABSTRAK**

### **PERJANJIAN YANG DAPAT MEMENUHI KEINGINAN PARA PIHAK TERKAIT ALIH DEBITOR TANAH DAN BANGUNAN YANG MASIH MENJADI AGUNAN BANK**

Tujuan Penelitian, mengetahui jenis perjanjian, perlindungan hukum terhadap kreditor dan penerima pengalihan kredit serta tanggungjawab Notaris dengan dibuatnya perjanjian alih debitor.

Metode penelitian sociolegal, dilakukan terhadap Bank Tabungan Negara dan Notaris, dengan alat pengumpul data wawancara.

Berdasarkan analisis kualitatif, perjanjian yang dapat memenuhi keinginan alih debitor adalah akta Novasi, Akta Jual Beli, Akta Pemberian Hak Tanggungan dan atau Surat Kuasa Membebaskan Hak Tanggungan. Pengalihan Kredit Kepemilikan Rumah banyak terjadi dengan dibuatnya Perjanjian Pengikatan Jual Beli dan Akta Kuasa, debitor beritikad baik dapat menggunakan akta Kuasa untuk mengambil sertipikat pada Bank, Perjanjian Pengikatan Jual Beli digunakan untuk membaliknama sertipikat atas nama pihak yang menerima pengalihan Kredit Kepemilikan Rumah. Notaris yang sudah menjalankan kewenangannya sesuai dengan Undang-Undang Jabatan Notaris, tidak dapat diminta pertanggungjawaban secara perdata. Kreditor tidak dapat meminta pertanggungjawaban secara perdata karena perjanjian alih debitor telah terjadi sebelum dibuatnya Perjanjian Pengikatan Jual Beli dan Kuasa.

***Kata Kunci : Perjanjian, Novasi, PPJB, Notaris***

## **ABSTRACT**

### **PLAUSIBLE AGREEMENT FOR CONCERNED PARTIES IN DEBT ASSIGNMENT OF LAND AND BUILDING SERVING AS BANK COLLATERAL**

The research was aimed to determine the type of the agreement, legal protection to the creditor and credit assignee and the responsibilities of the notary through the agreement of debt assignment.

The research was based on socio legal method, conducted to Bank Tabungan Negara and Notary. Data were collected through direct interview.

Based on the quantitative analysis, the plausible agreement for debt assignment should be based on Deed of Novation, Deed of Sales and Purchase, Deed of Grant of Mortgage, and/or Power of attorney granted to a branch office of Mortgage Grant. Debt Assignment on House Loans are commonly found using Sales and Purchase Agreement and Power of attorney granted to a branch office which is unrecognized by the creditor, but for the debtor with good will, The Power of Attorney can be used to obtain the certificate from the bank and the Sales and Purchase Agreement can be used to transfer the title of the certificate to the assignee. Notary who has implemented its authority in accordance with Law Notary shall be liable based on the Civil Rights. Creditor shall not hold accountable based on the Civil Rights since the debt assignment has been performed prior to the Sales and Purchase Agreement.

***Key words : Agreement, Novation, Sales and Purchase Agreement (SPA), Notary***