

# LEGAL CERTAINTY OF A CERTIFICATE COMPENSATION (SKGR) AS CREDIT GUARANTEE IN PT. BANK RAKYAT INDONESIA PERSERO TBK BENGKALIS BRANCH

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**Abstract:** Bank credit guarantees function to guarantee certainty that the debtor's debt will be repaid if the debtor defaults. Mortgage rights are the only guarantee institution for land rights to pay off certain debts by giving priority positions to certain creditors over other creditors. At PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch accepts debtors with collateral for land, Certificates of Compensation that are not bound by mortgage rights. This is because the Certificate of Compensation is not included in the object of the mortgage. The credit agreement and collateral binding are carried out under the hand.

**Key Words:** Credit Guarantee, Certificate of Compensation (SKGR).

## 1. INTRODUCTION:

The Certificate of Compensation (SKGR) fulfills the requirements, can be valued in money and can be transferred, but does not meet the requirements, including rights that are registered in the public register and conditions that require appointment by law because SKGR is a basis for rights that have not been registered with the National Land Agency, and SKGR) is not a land right designated by law as described in Article 4 and Article 27 of Law Number 4 of 1996 concerning Mortgage Rights over Land-Related Objects. So that the SKGR in the guarantee cannot be bound.

## 2. THEORITICAL FRAMEWORK:

### a. Legal Effectiveness Theory

The theory of legal effectiveness according to Soerjono Soekanto that effective is the extent to which a group can achieve its goals.[1]

### b. Legal Certainty Theory

The theory of legal certainty according to Bachsan Mustafa, is that positive administrative law must be able to guarantee legal certainty to the population.[2]

## 3. LITERATURE REVIEW:

Basically, a bank is a banking business which is an interchange and loan business for the sake of and for the benefit of third parties, regardless of whether the legal form is an individual or a legal entity.[3]

According to Achmadi Anwari, credit is a gift of achievement by one party to another party and the achievement (service) will be returned at a certain time in the future accompanied by a contract of achievement (remuneration in the form of a fee).[4]

## 4. METHOD:

The method used in this research is an empirical juridical approach, which is an approach based on field research methods, namely examining the legal provisions that apply and what happens in people's lives.[6]

## 5. DISCUSSION:

SKGR which is land that has not been certified will cause difficulties for creditors in terms of executing collateral if the debtor defaults. This difficulty is due to the arrangement regarding the execution of guarantees on

land that has not been certified does not yet have a strong legal umbrella, so creditors do not have preferential rights and do not have executorial rights as attached to Mortgage Rights. This makes it difficult to execute collateral in the form of uncertified land.

## 6. ANALYSIS:

### A. The process of granting credit with a guarantee letter of compensation (SKGR) at PT. Bank Rakyat Indonesia Persero Tbk Bengkalis B

In the implementation of lending with SKGR guarantee PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch also does not involve Notaries or Land Deed Officials (PPAT). as an authorized General Official. Whereas credit agreements made by or before a Notary have the power of proof in the event of a default. And if the land guarantee is tied to a mortgage right, then there is a Deed of Granting Mortgage Rights (APHT) made by the PPAT in accordance with applicable laws and regulations.

### B. Bank Considerations in Providing Credit Guaranteed Certificate of Compensation (SKGR) at PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch

Giving credit with consideration of looking at the business of the prospective debtor can be said to be ineffective. According to Soerjono Soekanto, law can be said to be effective if there is a positive legal impact. In reality what happened in the field, there are debtors who do not have a business in providing credit by PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch, often the loans disbursed by the bank are not used as business capital or to increase their business, but sometimes the loans given are used to buy motorized vehicles or to build houses. This of course puts the creditor in an insecure position if the creditor makes aspects of the debtor's business a consideration for granting credit. In the end, collateral should be the only aspect that needs attention and to pay off the debtor's debt if the debtor defaults.

### C. Legal Certainty Letter of Compensation (SKGR) As Credit Guarantee at PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch

Legal certainty wants the law to be implemented and strictly enforced for every concrete event and there should be no deviations. And in legal certainty there must be conformity between the regulations and the implementation of the law, they cannot conflict with each other.

## 7. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The process of granting credit with an SKGR guarantee at PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch is the same as the process of granting credit in general, but the Credit Agreement is made privately, and the binding of collateral is carried out with a Power of Attorney to Sell Collateral (SKMA) which is also made privately.
- 2) Bank considerations in providing credit with an SKGR letter guarantee at PT. Bank Rakyat Indonesia Persero Tbk Bengkalis Branch is the type of business owned by prospective customers.
- 3) Lending with SKGR collateral does not have legal certainty, due to the absence of laws governing guarantees for land rights that have not been certified.

## REFERENCES:

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