

Abstract

One of the activities carried out by banks to develop the national economy is lending money to people who attempt to develop a business or other needs. This should be a legal protection for creditor and the certainty that the credit distributed to debtor will be returned to the creditor. The Efforts should be made by the creditor to the debtor is asking for guarantee as preventative action when a breach of contract, the creditor can execute the guarantee. The guarantee are often used by the debtor to obtain credit is a Mortgage guarantee. The Law No. 4 of 1996 on Mortgage regulates Mortgage guarantee that gives a right to the creditor to execute the Mortgage objects if the debtor breach of contract and set the sales process Mortgage object. The legal issues in this study is whether the creditor has the right to sell on his own authority to Mortgage objects as well as whether the sale Mortgage objects can be done through a public auction or under the hand. The method used is normative. The approach used is to approach legislation (statute approach). The results of this study is that the creditor has the right to sell on his own authority to Mortgage objects if the debtor breach of contract and the sale of Mortgage objects can be done through a public auction and under hand.