

ABSTRAK

Gunawan / 2100874201073 / Fakultas Ilmu Hukum / Hukum Bisnis / Perlindungan Hukum Bagi Debitur Terhadap Penarikan Secara Paksa Objek Jaminan Fidusia / Pembimbing 1 H. Abdul Hariss, S.H., M.Hum. Pembimbing 2 Hj. Nuraini, S.H., M.H.

Penelitian ini dilatar belakangi adanya penarikan secara paksa objek jaminan fidusia, terutama dalam konteks Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen dan Undang-undang Nomor 42 Tahun 1999 tentang Jaminan Fidusia. Rumusan penelitian ini ialah Bagaimana perlindungan hukum bagi debitur terhadap penarikan secara paksa objek jaminan fidusia dan apa upaya hukum bagi pihak debitur terhadap penarikan paksa objek jaminan fidusia. Penelitian ini bertujuan untuk mengetahui dan menganalisis perlindungan hukum bagi debitur terhadap penarikan secara paksa objek jaminan fidusia. Metode penelitian yang digunakan adalah yuridis normatif,. Hasil penelitian menyimpulkan bahwa Perlindungan hukum bagi debitur terhadap penarikan secara paksa pada objek jaminan fidusia dimulai sejak terbitnya Putusan Mahkamah Kostitusi Nomor 18/PUU-XVII/2019 tertanggal 06 Januari 2020 yang secara tersirat tidak memperbolehkan penarikan paksa terhadap objek jaminan fidusia melainkan apabila terjadi wanprestasi dan tidak tercapai kesepakatan antara kedua belah pihak yaitu debitur dan kreditur, proses eksekusinya harus dilakukan sesuai dengan eksekusi putusan pengadilan yang berkekuatan hukum tetap dan/atau dilaksanakan melalui permohonan eksekusi di pengadilan.

Kata Kunci : Perlindungan Hukum dan Objek Jaminan Fidusia.

ABSTRACT

Gunawan / 2100874201073 / Faculty of Law / Business Law / Legal Protection for Debtors Against Forced Withdrawal of Fiduciary Guarantee Objects / Supervisor 1: H. Abdul Hariss, S.H., M.Hum. Supervisor 2: Hj. Nuraini, S.H., M.H.

This research is motivated by the forced withdrawal of fiduciary guarantee objects, particularly in the context of Law Number 8 of 1999 on Consumer Protection and Law Number 42 of 1999 on Fiduciary Guarantees. The research questions are: How is the legal protection for debtors against the forced withdrawal of fiduciary guarantee objects, and what legal remedies are available to debtors against such withdrawals? This study aims to understand and analyze the legal protection for debtors against the forced withdrawal of fiduciary guarantee objects. The research method used is normative juridical. The results conclude that the legal protection for debtors against forced withdrawals of fiduciary guarantee objects began with the issuance of Constitutional Court Decision Number 18/PUU-XVII/2019 dated January 6, 2020, which implicitly prohibits forced withdrawals of fiduciary guarantee objects unless there is a default and no agreement is reached between the parties, namely the debtor and the creditor. The execution process must be carried out in accordance with the execution of court decisions that have permanent legal force and/or conducted through an execution application in court.

Keywords: Legal Protection and Fiduciary Guarantee Objects.