

## ABSTRAK

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### **Tindak Pidana Menggadaikan dan Menjual Benda Objek Jaminan Fidusia (Analisis Perkara Nomor 845/PID.B/2018/PN/TNG)**

( Vii + 114 Halaman : 1 Lampiran)

Tindak pidana merupakan pengertian dasar dalam hukum pidana yang berhubungan perbuatan yang melanggar hukum pidana. Permasalahan penelitian ini terkait dengan perkara Nomor 845/Pid.B/Pn.Tgr, adanya sanksi pidana dalam perjanjian jaminan fidusia kendaraan bermotor, melanggar dari isi perjanjian fidusia. Dimana Lembaga pembiayaan memberikan fasilitas kredit kepada debitur untuk mendapatkan kredit motor dengan mengangsur tiap bulan. Penjaminan kebendaan berupa benda bergerak, pada objek benda (motor) dijamin dengan fidusia. Debitur setelah mendapatkan kendaraan bermotor, pada tahap cicilan pembayaran pertama, debitur, menggadaikan dan menjual objek jaminan fidusia kepada pihak ketiga. Pihak debitur tidak memberitahukan kepada kreditur (*Finance*) untuk didaftarkan ulang kembali pada jaminan fidusia terhadap objek benda yang telah diberikan oleh kreditur (*finance*). Maka kreditur memberikan sanksi kepada debitur atas tindakan melawan hukum dari isi perjanjian pokok, melakukan dalam perjanjian fidusia. Bahwa objek benda fidusia telah dialihkan ke pihak ketiga, dan objek fidusianya telah hilang, adanya unsur kesengajaan dari pihak debitur melakukan perbuatan melawan hukum. Pihak kreditur (*finance*) melaporkan ke pihak kepolisian untuk dilakukan penyidikan dan melakukan pemanggilan ke debitur untuk meminta keterangan. Akibat hukum jaminan fidusia, digadaikan dijual ke pihak ketiga dikenakan sanksi pidana yang didalam KUHP diatur di Pasal 372 tentang penggelapan dan Pasal 36 UUJF (Undang-undang Jaminan Fidusia). Nomor 42 Tahun 1999.

Referensi : 35 (1955-2016)

Kata kunci : Tindak Pidana, menggadaikan dan menjual benda, jaminan fidusia.

## ABSTRACT

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**Criminal Act of Pawning and Selling Fiduciary Security Object Objects (Case Analysis Number 845/PID. B/2018/PN/TNG).**

( Vii + 114 Pages : 1 Appendix)

Criminal acts are basic understandings in criminal law related to acts that violate criminal law. The problem of this research is related to the case No. 845/ Pid.B / Pn.Tgr, the existence of criminal sanctions in the fiduciary guarantee agreement of motor vehicles, violating the contents of the fiduciary agreement. Where the financing institution provides credit facilities to debtors to obtain motor loans by gradually each month. Guarantee of the object in the form of moving objects, on objects (motors) are guaranteed with fiduciary. The debtor after obtaining the motor vehicle, at the installment stage of the first payment, the debtor, pawns and sells the fiduciary guarantee object to a third party. The debtor does not notify the creditor (Finance) to re-register on the fiduciary guarantee against the object that has been given by the creditor (finance). Thus the creditor sanctions the debtor for the unlawful actions of the contents of the principal agreement, performing in a fiduciary agreement. That the fiduciary object has been transferred to a third party, and the fiduciary object has been lost, there is an element of intentionality on the part of the debtor committing unlawful acts. The creditor (finance) reports to the police for investigation and summons the debtor to request information. As a result of fiduciary guarantee law, pawned sold to third parties subject to criminal sanctions in the Criminal Code is regulated in Article 372 on embezzlement and Article 36 of the Fiduciary Guarantee Law. Number 42 of 1999.

References : 35 (1955-2016)

Keywords: Criminal acts, pawning and selling objects, fiduciary guarantees.