

ABSTRACT

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“THE TRANSFER OF FIDUCIARY GUARANTEE OBJECTS BY DEBTORS IN A FOUR-WHEELED VEHICLE LEASING FINANCING AGREEMENT (STUDY OF SUPREME COURT DECISION NUMBER 2641 K/PID.SUS/2018)”

(XVII + 133 pages: 1 table)

In practice, the implementation of leasing financing agreements unlawful acts can be found, such as those committed by debtors who transferring fiduciary collateral objects to third parties without the creditor's permission. The problems raised in this study are how to regulate the transfer of fiduciary guarantee objects in a fiduciary guarantee agreement in terms of the Fiduciary Guarantee Law and how judges consider the transfer of fiduciary guarantee objects by debtors in a four-wheeled vehicle leasing financing agreement (Study of Supreme Court Decision Number 2641 K/Pid.Sus/2018). The writer uses a normative research method with emphasis on secondary data using and uses a literature study collection data technique with approach to legal systematics and a case approach as well as using a qualitative data analysis technique. Based on the results of the study, it can be concluded that arrangements related to criminal acts against fiduciary guarantees are only regulated in Article 23 paragraph (3), and Article 36 of the Fiduciary Guarantee Law. Actions included in the category of criminal offenses against fiduciary guarantees are deliberately transferring objects that are objects of fiduciary guarantees by the debtor to a third party without written approval from the creditor. Furthermore, the judge's considerations regarding the criminal case of transferring a fiduciary guarantee object without written approval from the creditor were carried out by Endang defendant in the Supreme Court Decision Number 2641 K/Pid.Sus/2018 is considered to be under the provisions of the Fiduciary Guarantee Law, namely by punishing the defendant with imprisonment for 1 (one) year and fine of Rp. 3.000.000,- (three million rupiah).

Keywords: Credit Agreement, Fiduciary Guarantee, Criminal Act, Transfer of objects of fiduciary guarantee.

References: 46 (1986-2022)