

## ABSTRAK

Richan Simanjuntak (01659220115)

PROBLEMATIKA PELAKSANAAN EKSEKUSI JAMINAN FIDUSIA SETELAH PUTUSAN MAHKAMAH KONSTITUSI NOMOR 18/PUU-XVII/2019 *juncto* PUTUSAN MAHKAMAH KONSTITUSI NOMOR 2/PUU-XIX/2021 *juncto* PUTUSAN MAHKAMAH KONSTITUSI NOMOR 71/PUU-XIX/2021 MELALUI PENGADILAN NEGERI.

(133 halaman: 0 gambar, 0 tabel, 1 lampiran putusan)

Tesis ini membahas tentang Problematika Pelaksanaan Eksekusi Jaminan Fidusia setelah Putusan Mahkamah Konstitusi Nomor 18/PUU- XVII/2019 *juncto* Putusan Mahkamah Konstitusi Nomor 2/PUU-XIX/2021 *juncto* Putusan Mahkamah Konstitusi Nomor 71/PUU-XIX/2021 melalui Pengadilan Negeri, yang mana seharusnya setiap peraturan perundang-undangan seharusnya dapat memberikan kepastian hukum dan perlindungan hukum bagi masyarakat sebagaimana tujuan dan amar putusan Mahkamah Konstitusi tersebut. Dimana berdasarkan pelaksanaan eksekusi jaminan fidusia berdasarkan Undang-Undang Nomor 42 Tahun 1999 tentang Jaminan Fidusia, Peraturan Otoritas Jasa Keuangan Republik Indonesia Nomor 7 /POJK.05/2022 tentang Perubahan Atas Peraturan Otoritas Jasa Keuangan Nomor 35/POJK.05/2018 tentang Penyelenggaraan Usaha Perusahaan Pembiayaan, dan Peraturan Kapolri Nomor 8 Tahun 2011 tentang Pengamanan Eksekusi Jaminan Fidusia adalah bersifat eksekutorial, namun setelah dilakukan penelitian ini dengan metode analisis penelitian secara normatif-empiris maka dapat disimpulkan bahwa terdapat Problematika pelaksanaan eksekusi jaminan fidusia setelah Putusan Mahkamah Konstitusi Nomor 18/PUU- XVII/2019 *juncto* Putusan Mahkamah Konstitusi Nomor 2/PUU-XIX/2021 *juncto* Putusan Mahkamah Konstitusi Nomor 71/PUU-XIX/2021 melalui Pengadilan Negeri, yaitu tidak terdapat peraturan pelaksana atas Putusan Mahkamah Konstitusi Nomor 18/PUU-XVII/2019 *juncto* Putusan Mahkamah Konstitusi Nomor 2/PUU-XIX/2021 *juncto* Putusan Mahkamah Konstitusi Nomor 71/PUU-XIX/2021, kurangnya jumlah sumber daya manusia atau pegawai pengadilan negeri (jurusita) dalam pelaksanaan eksekusi jaminan fidusia, tarif pelaksanaan eksekusi jaminan fidusia yang berbeda pada setiap pengadilan negeri, tidak terdapat pengaturan mengenai kriteria wanprestasi dan besaran kerugian yang dialami oleh kreditur dalam hal eksekusi jaminan fidusia melalui Pengadilan Negeri, yang mana problematika tersebut akan dibahas dan diuraikan dalam penelitian ini.

Referensi: 39 (1963 – 2021)

**Kata Kunci:** *Problematika, Jaminan Fidusia, Eksekusi Jaminan Fidusia*

## ABSTRACT

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*The Problematics Arising from the Execution of Fiduciary Guarantee Following the Decisions of the Constitutional Court Number 18/PUU-XVII/2019 juncto Decisions of the Constitutional Court Number 2/PUU-XIX/2021, juncto Decisions of the Constitutional Court Number 71/PUU-XIX/2021, as Implemented by the State Court.*

(133 pages: 0 picture, 0 table, 1 attachment)

*This thesis discusses the Problems of Executing Fiduciary Guarantees following the Constitutional Court Decision Number 18/PUU-XVII/2019 in conjunction with the Constitutional Court Decision Number 2/PUU-XIX/2021 in conjunction with the Constitutional Court Decision Number 71/PUU- where every statutory regulation should be able to provide legal certainty and legal protection for the community as per the objectives and rulings of the Constitutional Court's decision. Where based on the execution of fiduciary guarantees based on Law Number 42 of 1999 concerning Fiduciary Guarantees, Regulation of the Financial Services Authority of the Republic of Indonesia Number 7 /POJK.05/2022 concerning Amendments to Financial Services Authority Regulation Number 35/POJK.05/2018 concerning Business Conduct Financing Companies, and National Police Chief Regulation Number 8 of 2011 concerning Securing the Execution of Fiduciary Guarantees are executorial in nature, but after carrying out this research using normative-empirical research analysis methods, it can be concluded that there are problems in implementing the execution of fiduciary guarantees after the Constitutional Court Decision Number 18/PUU - Constitutional Court Decision Number 2/PUU-XIX/2021 in conjunction with Constitutional Court Decision Number 71/PUU-XIX/2021, the lack of human resources or district court employees (bailiffs) in carrying out the execution of fiduciary guarantees, the rates for executing fiduciary guarantees are different in In every district court, there are no regulations regarding the criteria for default and the amount of loss experienced by creditors in terms of executing fiduciary guarantees through the District Court, which problems will be discussed and described in this research.*

References: 39 (1963 – 2021)

**Key Words:** *Problematics, Fiducia Guarantee, Execution of Fiducia Guarantee*