

Perlindungan hukum terhadap kreditur penerima jaminan fidusia dan penyelesaian sengketa wanprestasi dalam perjanjian pemberian jaminan fidusia pada PT Astra Sedaya Finance = Legal protection of the fiduciary receiver creditors and dispute resolution in the breach fiduciary agreement on PT Astra Sedaya Finance

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Abstrak

[Tesis ini menganalisa mengenai penyelesaian sengketa wanprestasi dalam perjanjian pemberian jaminan fidusia pada PT. Astra Sedaya Finance dan perlindungan hukum terhadap kreditur penerima jaminan fidusia. Permasalahan yang dibahas adalah mengenai lemahnya perlindungan bagi kreditur, yang memberikan kekuasaan atas barang jaminan atas dasar kepercayaan kepada debitur. Konstruksi jaminan fidusia merupakan jalan keluar bagi dunia usaha untuk mendapatkan fasilitas fidusia dengan tetap memanfaatkan barang jaminannya sebagai perangkat usaha, namun di sisi lain, dengan masih menguasai jaminan itu masyarakat umum menganggap bahwa benda jaminan tersebut adalah milik debitur. Hasil penelitian menyarankan perlunya

Departemen Hukum dan HAM Republik Indonesia, untuk melakukan penyuluhan hukum pada lembaga-lembaga pembiayaan, menyangkut perjanjian fidusia dan pihak perusahaan pembiayaan untuk menerapkan ketentuan-ketentuan yang tercantum dalam UU No. 42 Tahun 1999 secara penuh.;The focus of this thesis is to analyze the dispute settlement provision in the breach fiduciary agreement on PT. Astra Sedaya Finance and legal protection against fiduciary receiver creditors. The main issues that would be discussed are in regards about the lack

of protection for creditors, which gives power over the collateral on the basis of trust to the debtor. Fiduciary Construction is a way out for businesses to obtain the fiduciary facilities while harnessing the guarantee as a business device, but on the other hand, with still controls the objects, they thinks that the object of the guarantee is the property of the debtor. Results of the study suggest the need for the Ministry of Justice and Human Rights of the Republic of Indonesia, to conduct legal counseling on financing institutions, regarding the fiduciary agreement and the financing company to fully apply the provisions contained in Law No. 42 of 1999., The focus of this thesis is to analyze the dispute settlement provision in the breach

fiduciary agreement on PT. Astra Sedaya Finance and legal protection against fiduciary receiver creditors. The main issues that would be discussed are in regards about the lack of protection for creditors, which gives power over the collateral on the basis of trust to the debtor. Fiduciary Construction is a way out for businesses to obtain the fiduciary facilities while harnessing the guarantee as a business device, but on the other hand, with still controls the objects, they thinks that the object of the guarantee is the property of the debtor. Results of the study suggest the need for the Ministry of Justice and Human Rights of the Republic of Indonesia, to conduct legal counseling on financing institutions, regarding the fiduciary agreement and the financing company to fully apply the provisions contained in Law No. 42 of 1999.]