

ABSTRACT

Banking participation is very important in order to occupy the funding requirements of the wider society, one of the participation was done by giving credit. While giving the credits, there was a method called Fiduciary as a credit Assurance institution. Fiduciary participant who involved must fulfill their rights and obligations in accordance with something that has been agreed together in the credit agreement. According to the background above, the researcher formulated several problems; how was the implementation of Fiduciary Guarantee assessment as credits guarantee at the banks, how was the execution of Fiduracy Guarantee practically observed from the constitution number 42 of 1999 about Fiduciary Guarantee, and what were the obstacles in implementing the objects of execution of Fiduciary Guarantee and how to resolve those obstacles.

The approach method used by the researcher in this study was empirical juridical/ sociological which conducted in the field. The approach was concerned the execution of Fiduciary Guarantee's objects according to the constitution number 42 of 1999 about Fiduciary Guarantee, in this case, investigated/observed the influence of positive law validity from the law aspect of Fiduciary Assurance object's execution and the effect of its validity on the wider society. This research was conducted by examining the field research result called interview results as the primary data. After this, the researcher combining them with material book from applicable legislation which become the secondary data..

The conclusion of this study was charge of assessing a Fiduciary Guarantee was done when: (1) all requirements submitted by the bank are fulfilled by the debtor, (2) the file is taken to the Notary office to make a Fiduciary Guarantee Deed then registered by the Notary after being given the authority by the bank to register it. The execution of Fiduciary collateral can only be done if the Fiduciary Guarantee is registered in the Fiduciary Guarantee office, if it is not registered, wait for an executorial decision, unless promised otherwise. The obstacle in implementing the execution was the debtor refused to be executed by fight out resistance.

Key words : Execution, Guarantee objects , Fiduciary