

## ABSTRAK

Penelitian ini memiliki tujuan untuk mengetahui dan menganalisis Penegakan Hukum Pengalihan Objek Jaminan Fidusia Kepada Pihak Ketiga Oleh Debitor (Studi Putusan Nomor 12/Pid.B/2018/PN.Sbr., Faktor-faktor Yang Mempengaruhi Penegakan Hukum Pengalihan Objek Jaminan Fidusia Kepada Pihak Ketiga Oleh Debitor; serta Seharusnya Penegakan Hukum Pengalihan Objek Jaminan Fidusia Kepada Pihak Ketiga Oleh Debitor.

Penelitian ini menggunakan metode penelitian yuridis sosiologis, dengan menggunakan teori keadilan Pancasila dan Teori Penegakan Hukum.

Hasil penelitian dan pembahasan menyimpulkan; 1) Penegakan Hukum Pengalihan Objek Jaminan Fidusia Kepada Pihak Ketiga Oleh Debitor (Studi Putusan Nomor 12/Pid.B/2018/PN.Sbr. dikategorikan perkara pidana, pada kasus mengenai pengalihan objek jaminan fidusia. 2) Faktor-faktor Yang Mempengaruhi Penegakan Hukum Pengalihan Objek Jaminan Fidusia Kepada Pihak Ketiga Oleh Debitor, meliputi lima faktor, yakni faktor hukumnya, penegak hukumnya, sarana dan fasilitas, masyarakat serta faktor budaya yang hidup di masyarakat, disamping faktor kemudahan mendapatkan objek jaminan fidusia. 3) Seharusnya Penegakan Hukum Pengalihan Objek Jaminan Fidusia Kepada Pihak Ketiga Oleh Debitor, menyelesaikan sengketa tersebut dengan melakukan penarikan objek jaminan fidusia secara paksa maupun penyerahan secara sukarela yang dilakukan oleh debitor ataupun pihak ketiga. Saran: 1) Disarankan agar debitor sebelum menyewakan objek jaminan fidusia kepada pihak ketiga, debitor diwajibkan mengajukan permohonan izin secara tertulis. 2) Kreditor seyogianya menyelesaikan sengketa dengan debitor dengan secara musyawarah sesuai dengan Perjanjian Pembiayaan Konsumen dan Pemberian Jaminan Secara Kepercayaan (fidusia), dan jika penyelesaian sengketa dengan cara musyawarah tersebut tidak tercapai, maka dapat melakukan penarikan objek jaminan fidusia secara paksa. 3) Kreditor (*Leasing*) dalam penarikan objek jaminan fidusia secara paksa, tidak seharusnya tidak secara paksa dan kekerasan tanpa mengindahkan sopan santun.

Kata Kunci : *Penegakan Hukum, Objek, Jaminan Fudusia, Pihak Ketiga, Debitor.*

## ABSTRAK

This study aims to determine and analyze the law enforcement of the transfer of Fiduciary Collateral Objects to Third Parties by Debtors (Decision Study Number 12 / Pid.B / 2018 / PN.Sbr., Factors Affecting Law Enforcement of Transfer of Fiduciary Objects to Third Parties. By the Debtor; and Supposedly Law Enforcement Transfer of Fiduciary Collateral Objects to Third Parties by the Debtor. Third By the Debtor (Decision Study Number 12 / Pid.B / 2018 / PN.Sbr. Categorized as a criminal case. In cases concerning the transfer of fiduciary collateral objects. 2) Factors Affecting Law Enforcement of the Transfer of Fiduciary Collateral Objects to Third Parties by Debtors, includes five factors, namely legal factors, law enforcers, facilities and facilities, community people and cultural factors that live in society, in addition to the factor of ease of obtaining objects of fiduciary guarantee. 3) Law enforcement on the transfer of the object of fiduciary security to third parties by the debtor should resolve the dispute by forcibly withdrawing the object of fiduciary security or voluntary submission by the debtor or third party. Suggestions: 1) It is recommended that the debtor before renting the object of fiduciary security to a third party, the debtor is required to apply for a permit in writing. 2) Creditors should resolve disputes with debtors by deliberation in accordance with the Consumer Financing Agreement and Trust Guarantee (fiduciary), and if the settlement of disputes by means of deliberation is not achieved, then it can withdraw the object of fiduciary security by force. 3) Creditors (Leasing) in withdrawing the object of fiduciary guarantee by force, it should not be forced and violent without heeding courtesy.

*Keywords* : *Law Enforcement, Objects, Fuduciary Guarantee, Third Parties, Debtors.*

## KATA PENGANTAR