

Analisis yuridis kewajiban perusahaan pembiayaan mendaftarkan jaminan fidusia menurut peraturan menteri keuangan (PMK) Nomor 130 tahun 2012 = Juridical analysis of liabilities financing company registering fiduciary according to the finance minister regulation (PMK) No 130 tahun 2012

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Abstrak

[Kewajiban pendaftaran fidusia oleh perusahaan pembiayaan yang termuat dalam PMK No. 130/PMK 010/2012 pendaftaran harus dilakukan maksimal 30 hari setelah perjanjian pembiayaan ditandatangani. Kewajiban pendaftaran jaminan fidusia juga berlaku bagi pembiayaan konsumen kendaraan bermotor berdasarkan prinsip syariah dan/atau pembiayaan konsumen kendaraan bermotor yang pembiayaannya berasal dari pembiayaan penerusan (channeling) atau pembiayaan bersama (joint financing). Kepastian hukum jaminan fidusia erat kaitannya dengan pendaftaran fidusia. Proses pendaftaran sertifikat fidusia yang membutuhkan waktu yang lama kini tidak akan terjadi lagi dengan dimunculkannya sistem pendaftaran jaminan fidusia online. Melalui sistem ini, pendaftaran fidusia menjadi lebih cepat, akurat, dan bebas pungutan liar dan mendorong peningkatan pendapatan negara dari sektor penerimaan negara bukan pajak (PNBP). Pendaftaran jaminan fidusia oleh perusahaan pembiayaan menjadi suatu kewajiban dalam rangka pemenuhan asas publisitas dan untuk memberikan hak preferensi bagi penerima fidusia. Jadi melalui fasilitas pendaftaran jaminan fidusia yang disediakan oleh pemerintah, diharapkan kepastian hukum dalam Undang-Undang Jaminan Fidusia dapat terpenuhi sesuai dengan tujuan dibentuknya Undang-Undang Jaminan Fidusia yang antara lain adalah untuk memenuhi kebutuhan hukum masyarakat, untuk menjamin kepastian hukum dan untuk memberikan perlindungan kepada pihak-pihak yang berkepentingan.

.....Registration of fiduciary by financing companies according to PMK No. 130 / PMK 010/2012 registration must be made up to 30 days after signing the financing agreement. Registration fiduciary also applies to motor vehicle consumer financing based on Islamic principles and / or financing consumer financing motor vehicles originating from financing forwarding (channeling) or cofinancing (joint financing). Legal certainty is closely related to fiduciary registration. The registration process fiduciary certificates that require a long time now not going to happen again with fiduciary online registration system. Through this system, the registration of fiduciary becomes more rapid, accurate, and free extortion and boost state revenues from the sector of non-tax revenues (non-tax). Registration fiduciary by the finance company become an obligation in order to fulfill the principle of publicity and to give preference for the recipient fiduciary rights. So through a fiduciary guarantee registration facilities provided by the government, expected legal certainty in Law Fiduciary can be met in accordance with the purpose of establishing the Fiduciary Law, among others, is to meet the legal needs of the community, to ensure legal certainty and to provide protection to interested parties.

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