

Akibat hukum terhadap penerima fidusia atas keterlambatan pendaftaran akta jaminan fidusia = Legal consequences for fiduciary recipient due to late registration of fiduciary deed

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Abstrak

[Berdasarkan Peraturan Menteri Keuangan Nomor : 130/PMK.010/Tahun 2012 tentang pendaftaran jaminan fidusia bagi perusahaan pembiayaan yang melakukan pembiayaan konsumen untuk kendaraan bermotor dengan pembebanan jaminan fidusia dan diperkuat oleh Peraturan Otoritas Jasa Keuangan nomor 29/POJK.05/2014 tahun 2014 tentang penyelenggaraan usaha perusahaan pembiayaan, PT. Mutiara Finance (bukan nama sebenarnya) wajib untuk mendaftarkan akta jaminan fidusia tidak lebih dari 30 (tiga puluh) hari dari tanggal perjanjian kreditnya dan PT. Mutiara Finance telah menyesuaikan Sistem Operasional Prosedur (SOP) tentang fidusia. Namun, notaris lalai dalam memenuhi SOP tersebut walaupun sebelumnya telah diinformasikan dan menyetujui akan perubahan SOP tentang fidusia. Untuk itu, notaris melanggar pasal 16 Undang-Undang Jabatan Notaris (UUJN) dan pasal 3 Kode Etik Notaris. Perlindungan hukum terhadap penerima fidusia dalam kasus ini lemah namun notaris dapat dikenakan sanksi karena melanggar UUJN, kode etik dan wanprestasi terhadap perjanjian. Hasil penelitian ini bersifat eksplanatoris analitis karena penulis ingin menjelaskan objek penelitian yang lebih mendalam dari akibat hukum terhadap penerima fidusia atas keterlambatan pendaftaran akta jaminan fidusia.;Based on Peraturan Menteri Keuangan Nomor : 130/PMK.010/Tahun 2012 about

Fiduciary Registration for Finance Company that conducted consumer financing on motor vehicle with the imposition of fiduciary and strengthen by Peraturan Otoritas Jasa Keuangan nomor 29/POJK.05/2014 tahun 2014 about organizing finance company, PT. Mutiara Finance (not real name) is obliged to register fiduciary deed no more than 30 (thirty) days since credit agreement's date and PT. Mutiara Finance have conformed their System Operational Procedure (SOP) about fiduciary. However, the notary was negligent in fulfilling said SOP despite being informed before and have accepted the Fiduciary SOP conformation. Therefore, the Notary violated act 16 of Undang-Undang Jabatan Notaris (UUJN) and act 3 of Kode Etik Notaris. Legal protection for fiduciary recipient in this case is poor but notary can be punished because notary violated UUJN, kode etik and default. The result of this study will be analytical explanatory because the writer wants to describe the study object more deeply about legal consequences for fiduciary recipients due to late registration of fiduciary deeds, Based on Peraturan Menteri Keuangan Nomor : 130/PMK.010/Tahun 2012 about

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