

Akibat Hukum Putusan Mahkamah Konstitusi Nomor 18/PUU-XVII/2019 Pada Eksekusi Jaminan Fidusia Dalam Kasus Pembiayaan Konsumen Kendaraan Bermotor Di Perusahaan Pembiayaan X = Legal Effect of Constitutional Court Verdict Number 18/PUU-XVII/2019 on Execution of Fiduciary Collateral Over Motor-Vehicle Consumer Financing Case at Finance Company X

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Abstrak

Dikeluarkannya Putusan Mahkamah Konstitusi Republik Indonesia Nomor 18/PUU-XVII/2019 tentang pengujian UU Jaminan Fidusia Pasal 15 ayat 2 dan 3 memberi penafsiran baru terhadap beberapa frasa dan penjelasannya dalam UU Fidusia, di mana hal ini memberikan implikasi terhadap proses eksekusi jaminan fidusia. Tulisan ini bertujuan untuk menelaah dampak dari putusan MK terhadap perusahaan pembiayaan X dengan melihat tiga hal yakni: a) proses eksekusi jaminan fidusia di Perusahaan Pembiayaan X sebelum adanya putusan MK b) pengaruh Putusan MK terhadap proses eksekusi jaminan fidusia di Perusahaan Pembiayaan ; c) kendala-kendala yang dilalui Perusahaan Pembiayaan X setelah adanya Putusan MK. Dengan menggunakan metode penelitian social legal dengan pendekatan kualitatif, penulis menemukan bahwa meskipun proses eksekusi jaminan fidusia kendaraan bermotor di perusahaan X tidak berubah, namun terdapat perubahan terkait pemaknaan dokumen.

..... The issuance of the Decision of the Constitutional Court of the Republic of Indonesia Number 18/PUU-XVII/2019 regarding the review of the Fiduciary Law Article 15 paragraphs 2 and 3 provides a new interpretation of several phrases and explanations in the Fiduciary Law, where this has implications for the process of executing fiduciary collaterals. This paper aims to examine the impact of the Constitutional Court's decision on financing company X by looking at three things, namely: a) the process of executing fiduciary collaterals at Financing Company X prior to the Court's decision b) the effect of the Constitutional Court's decision on the process of executing fiduciary collateral in Financing Companies; c) the obstacles faced by Financing Company X after the Constitutional Court's Decision. By using the social legal research method with a qualitative approach, the authors found that although the process of executing motor vehicle fiduciary collaterals in Company X did not change, there were changes related to the meaning of the document