

**EKSEKUSI TERHADAP BARANG JAMINAN YANG DIIKAT DENGAN FIDUSIA DI  
PT. ADIRA DINAMIKA MULTI FINANCE CABANG  
KUDUS (STUDI PUTUSAN PERKARA  
NOMOR 49/Pdt.G/2011/PN.Kds)**

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**INTISARI**

Tujuan penelitian ini untuk mengetahui dan menganalisa alasan PT. Adira Dinamika Multi Finance Cabang Kudus menggunakan Lelang untuk melakukan eksekusi barang jaminan fidusia berdasarkan Putusan Perkara Nomor 49 / Pdt.G / 2011 / PN.Kds. Penelitian ini merupakan penelitian hukum normatif. Penelitian ini menggunakan data sekunder. Data sekunder dilakukan melalui kepustakaan. Cara pengumpulan data sekunder dilakukan dengan metode dokumentasi dan alat pengumpulan datanya dengan studi dokumen. Analisa data dilakukan secara deskriptif kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa alasan PT. Adira Dinamika Multi Finance Cabang Kudus menggunakan Lelang karena di dalam amar Putusan Perkara Nomor 49 / Pdt.G / 2011 / PN.Kds menyatakan menurut hukum Penggugat Rekonpensi berhak untuk melakukan penjualan lelang atas kendaraan objek jaminan Fidusia dan uang hasil penjualan lelang kendaraan tersebut dipergunakan untuk membayar/melunasi hutang Tergugat Rekonpensi kepada Penggugat Rekonpensi. Pelaksanaan lelang diawali dengan adanya surat permohonan tindak lanjut pelaksanaan eksekusi yang diajukan pemohon eksekusi kepada Ketua Pengadilan Negeri setempat, kemudian atas dasar surat tersebut Ketua Pengadilan Negeri membuat surat penetapan pelaksanaan lelang eksekusi yang memerintahkan kepada Panitera untuk mengajukan surat pemberitahuan lelang dan surat permohonan lelang eksekusi yang ditujukan kepada Kepala Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL) setempat, serta melengkapi berkas persyaratan pelaksanaan lelang eksekusi pengadilan, sebagaimana yang disebutkan pada Pasal 6 angka 2 Peraturan DJPLN No. PER/-02/PL/2002 Tentang Petunjuk Teknis Pelaksanaan Lelang Balai Lelang menurut Peraturan Menteri Keuangan Nomor 118/PMK.07/2005 Tentang Balai Lelang memiliki kewajiban dan tanggungjawab dalam melakukan eksekusi barang jaminan. PT. Adira Dinamika Multi Finance Cabang Kudus juga melihat kelebihan-kelebihan menggunakan Lelang

Berdasarkan hasil penelitian dan pembahasan disimpulkan bahwa PT. Adira Dinamika Multi Finance Cabang Kudus menggunakan Lelang karena adanya putusan pengadilan yang menyatakan eksekusi lelang. Berdasarkan kesimpulan maka disarankan PT. Adira Dinamika Multi Finance Cabang Kudus diharapkan dapat menyelesaikan permasalahannya dengan cara kekeluargaan, sehingga permasalahan yang timbul dapat diselesaikan dengan baik tanpa harus melalui jalur hukum mengingat kredibilitas PT. Adira Dinamika Multi Finance Cabang Kudus.

**Kata Kunci** : Eksekusi, Fidusia, Barang Jaminan dan Perjanjian Kredit

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## THE EXECUTION OF FIDUCIARY WARRANTY OBJECTS IN PT. ADIRA DINAMIKA MULTI FINANCE BRANCH OF KUDUS(STUDY OF VERDICT NUMBER 49/Pdt.G/2011/PN.Kds)

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### ABSTRACT

This study is purposed to understand and to analyze the reason of PT. Adhira Dinamika Multi Finance Branch of Kudus uses the Auction to execute fiduciary warranty objects based on the Verdict 49/Pdt.G/2011/PN.Kds. This study is a normative legal research. This study uses secondary data through literature study. The way of data collection is conducted by documentation method and data collection tool with document study. Data analysis is conducted descriptively qualitative.

The result of the research shows that the reason of PT. Adhira Dinamika Multi Finance Branch of Kudus use the Auction is because in the Verdict Number 49/Pdt.G/2011/PN.Kds, it is stated that the Recompense Plaintiff has the right to make auction sale on the vehicle of fiduciary warranty objects, and the money from the Auction sale of the vehicle is used to repay and settle debts of the Recompense Defendant to the Recompense Plaintiffs. The Auction is preceded by a letter of application for the follow-up of execution by the execution applicant to the Head of the District Court, then on the basis of the letter, the Head of the District Court makes a letter stipulating the execution auction, instructing the Clerk of the Court to file an auction notice, and a request for the Auction of execution, addressed to the Head of State Service Office for Wealth and Auction, as well as completion of the requirements file for the execution of the court execution auction, as mentioned in Article 6 item 2 inthe Regulation of the Directorate General of State Assets No. PER/-02/PL/2002 concerning Technical Guidelines for Auction Implementation by Auction Hall according to the Regulation of the Minister of Finance No. 118/PMK.07/2005 concerning Auction Hall, which has obligation and responsibility in execution of warranty objects. PT. Adhira Dinamika Multi Finance Branch of Kudus also sees the benefits of using the Auction

Based on the results of the discussion can be concluded that PT. Adhira Dinamika Multi Finance Branch of Kudus using the Auction is caused by a court decision stating the execution of the Auction. Based on these conclusions, it is suggested that PT. Adhira Dinamika Multi Finance Branch of Kudus is expected to solve the problem by familial, so that the problems that arise can be solved well without having to go through legal channels considering the credibility of PT. Adhira Dinamika Multi Finance Branch of Kudus which is good enough so far.

**Keywords:** Auction, Fiduciary, Warranty Objects

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