

**PERLINDUNGAN HUKUM LEMBAGA PEMBIAYAAN PENERIMA
JAMINAN FIDUSIA DALAM HAL TERJADI SITA EKSEKUSI
OBJEK JAMINAN OLEH PENGADILAN KARENA
GUGATAN PIHAK KETIGA**

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INTISARI

Penelitian ini bertujuan untuk menganalisa dampak hukum lembaga pembiayaan penerima jaminan fidusia dalam hal terjadi sita eksekusi objek jaminan oleh pengadilan akibat dari gugatan pihak ketiga dan perlindungan hukum lembaga pembiayaan penerima jaminan fidusia terhadap objek jaminan yang dilakukan sita eksekusi oleh pengadilan akibat dari gugatan pihak ketiga.

Jenis penelitian ini menggunakan yuridis normatif. Sifat penelitian deskriptif. Analisis data yang digunakan metode kualitatif.

Hasil penelitian menunjukkan sita eksekusi objek jaminan oleh pengadilan memberi dampak bagi penerima fidusia terhadap status hubungan hukum dengan debitur menjadi batal demi hukum kembali pada keadaan tidak pernah ada perjanjian. Sehingga tanggungjawab debitur terhadap utang-piutang menjadi tidak jelas. Potensi kegagalan kredit karena keadaan bank tidak lagi menerima kembali dananya dan kehilangan pendapatannya sedangkan masih terdapat kewajiban membayar bunga kepada nasabah menyimpan dan biaya lainnya tetap harus dikeluarkan. Perlindungan hukum penerima fidusia terhadap objek jaminan yang disita adalah melakukan perlawanan/*partij verzet*, mengajukan gugatan baru, tindakan preventif mengasuransikan objek jaminan fidusia.

Kata Kunci : Perlindungan hukum, Fidusia, Sita Eksekusi

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**THE LEGAL PROTECTION OF FINANCIAL INSTITUTIONS
RECEIVING FIDUCIARY IN THE CASE OF EXECUTORIAL BESLAG
AGAINST THE COLLATERAL OBJECT BY THE COURT DUE TO A
THIRD-PARTY LAWSUIT**

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ABSTRACT

This research aims to analyze the legal effect of financial institutions receiving fiduciary which concern the Executorial Beslag toward the collateral object by the court as a result of a third-party lawsuit and legal protection of the financial institution receiving fiduciary against the collateral object that is executed by the court as a consequence from a third-party lawsuit.

This research used legal norm. It was descriptive research. The data analysis used qualitative methods.

The results showed that the executorial Beslag to the collateral object by the court had an impact on the Fiduciary Creditor for the status of the legal relationship with the debtor to be null and void by returning to the state that there was never an agreement. So that the debtor's responsibility for the debts becomes unclear. The potential for credit failure is due to the condition of the bank no longer receiving its funds back and losing its income, while there is still an obligation to pay interest to customers who save and other costs must be paid. The legal protection of the fiduciary creditor against the confiscated collateral object is partij verzet, file a new lawsuit, preventive action to insure the object regarding the fiduciary.

Keywords : Legal protection, Fiduciary, Executorial Beslag

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