

**PRAKTIK PELAKSANAAN PENDAFTARAN FIDUSIA OLEH NOTARIS DENGAN
PEMBERI FIDUSIA WARGA NEGARA ASING DALAM KETIDAKPASTIAN
REGULASI MENURUT UNDANG-UNDANG NOMOR 42 TAHUN 1999
TENTANG JAMINAN FIDUSIA**

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INTISARI

Penelitian hukum ini bertujuan untuk mengetahui dan menganalisis praktik pelaksanaan pendaftaran fidusia oleh Notaris dengan pemberi fidusia Warga Negara Asing dalam ketidakpastian regulasi, selain itu juga bertujuan untuk mengetahui dan menganalisis upaya perlindungan hukum yang dilakukan kreditur penerima fidusia untuk mengantisipasi debitur Warga Negara Asing wanprestasi yang status tinggalnya di Indonesia bersifat sementara (*temporary*).

Penelitian hukum ini bersifat deskriptif dengan jenis penelitian yuridis-normatif. Penelitian hukum ini dilakukan berdasarkan bahan hukum utama dengan cara menelaah teori-teori, konsep-konsep, asas-asas hukum serta peraturan perundang-undangan. Hasil penelitian lapangan sebagai penunjang data dihubungkan dengan peraturan perundang-undangan yang terkait penelitian ini. Data yang diperoleh dari hasil penelitian kepustakaan dan lapangan dianalisis secara kualitatif dan selanjutnya hasil analisis akan disajikan secara deskriptif.

Hasil penelitian menunjukkan: 1) Praktik pelaksanaan pendaftaran fidusia oleh Notaris dengan pemberi fidusia Warga Negara Asing dalam ketidakpastian regulasi dilakukan sesuai prosedur dalam Undang-Undang Nomor 42 Tahun 1999 tentang Jaminan Fidusia dan Peraturan Pemerintah Nomor 21 Tahun 2015 tentang Tata Cara Pendaftaran Jaminan Fidusia dan Biaya Pembuatan Akta Jaminan Fidusia. 2) Upaya perlindungan hukum yang dilakukan kreditur penerima fidusia dengan perlindungan hukum preventif menerapkan prinsip kehati-hatian dan perlindungan hukum represif dengan lelang melalui Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL) maupun gugatan secara perdata ke Pengadilan Negeri.

Kata Kunci: Jaminan Fidusia, Warga Negara Asing, Wanprestasi

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**THE PRACTICE OF IMPLEMENTING FIDUCIARY REGISTRATION
BY A NOTARY WITH A FOREIGN CITIZEN FIDUCIARY
PROVIDER IN UNCERTAINTY OF REGULATION
ACCORDING TO LAW NUMBER 42 YEAR 1999
CONCERNING FIDUCIARY GUARANTEE**

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ABSTRACT

This legal research intends to understand and analyze the practice of implementing fiduciary registration by a Notary with a fiduciary provider of Foreign Citizens in uncertainty of regulation, besides that it also intends to understand and analyze legal protection efforts which carried out by fiduciary creditors to anticipate default foreign debtors whose status of residence in Indonesia is temporary.

This legal research is descriptive with the type of juridical-normative research. This legal research was conducted based on the main legal material by studying theories, concepts, legal principles and legislation. The results of field research as supporting data are related to the laws and regulations related to this research. The data that obtained from the results of literature and field research were analyzed qualitatively and then the results of the analysis will be presented descriptively.

The results of the study show: 1) The practice of implementing fiduciary registration by a Notary with a fiduciary provider of Foreign Citizens in uncertainty of regulation is carried out according to the procedures in Law Number 42 Year 1999 concerning Fiduciary Guarantee and Government Regulation Number 21 Year 2015 concerning Procedures for Registration of Fiduciary Guarantee and Fees Making Fiduciary Guarantee Deed. 2) The efforts of Legal protection were carried out by fiduciary creditors with preventive legal protection by applying the principle of prudence and repressive legal protection by auctions through the Office of the State Assets and Auction Service as well as lawsuits civilly before the District Court.

Keyword: Fiduciary Guarantee, Foreign Citizens, Defaulted

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