

**LEGAL PROTECTION AGAINST PT. PEGADAIAN (PERSERO)  
AS CREDITOR AND THE ROLE OF NOTARY IN THE  
REGISTRATION OF FIDUCIARY GUARANTEE  
AT PT. PEGADAIAN (PERSERO)  
BRANCH OF SRAGEN**

Erlinda Frisca Dewi<sup>1</sup>, Taufiq El Rahman<sup>2</sup>

**ABSTRACT**

This study aims to identify and assess the legal protection of PT. Pegadaian (Persero) as the creditor and the role of notary in registration of fiduciary guarantee associated with the Circular Letter of the Board of Directors of PT. Pegadaian (Persero) No. 51 / UL. 4.00.22 4/2008 about the Amendment of the Binding Procedure of Fiduciary Guarantee on Fiduciary Guarantee Credit.

This research is an empirical jurisdiction. Primary data were obtained from field studies. Secondary data were obtained from the literature. Data were analyzed using qualitative methods. Results of this study are presented descriptively.

The results of investigation showed that normatively the legal protection of PT. Pegadaian (Persero) Branch of Sragen as a creditor of the fiduciary guarantee which was not registered, was not protected. The creditor did not obtain preferential rights because : (1) The lack of legal awareness of the creditor to comply with laws and regulations governing the fiduciary guarantee; (2) The creditor assumed that the fiduciary guarantee registration fee was quite expensive and encumbered the debtor; while it practically showed that the legal protection of PT. Pegadaian (Persero) Branch of Sragen had been protected because: (1) Compliance debtors comply with fiduciary credit agreement that had been by both parties; (2) to the credit freeze settlement using amicable way. The Notary as a public official of the state had carried out his roles and duties in accordance with the provisions of Law No. 2 Year 2014 About the Position of Notary. Related fiduciary guarantee deed which was not registered notary has provided legal understanding.

**Keywords:** Legal Protection, Role of Notary, Fiduciary Guarantee

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<sup>1</sup> Ngegot village RT/RW 04/12, Selokaton district, Gondangrejo subdistrict, Karanganyar regency.

<sup>2</sup> Lecturer at Faculty of Law, Gadjah Mada University.

**PERLINDUNGAN HUKUM TERHADAP PT. PEGADAIAN (PERSERO)  
SEBAGAI KREDITUR SERTA PERAN NOTARIS DALAM  
PENDAFTARAN JAMINAN FIDUSIA  
DI PT. PEGADAIAN (PERSERO)  
CABANG SRAGEN**

Erlinda Frisca Dewi,<sup>1</sup> Taufiq El Rahman<sup>2</sup>

**INTISARI**

Penelitian ini bertujuan untuk mengetahui dan mengkaji perlindungan hukum PT. Pegadaian (Persero) sebagai kreditur dan peran notaris dalam pendaftaran jaminan fidusia terkait dengan adanya Surat Edaran Direksi PT. Pegadaian (Persero) Nomor 51/UL. 4.00.22 4/2008 Tentang Perubahan Prosedur Pengikatan Jaminan Fidusia Pada Kredit Jaminan Fidusia.

Penelitian ini bersifat yuridis empiris. Data primer diperoleh dari studi lapangan. Data sekunder diperoleh dari studi pustaka. Data hasil penelitian dianalisis dengan metode kualitatif. Hasil penelitian ini disajikan secara deskriptif.

Hasil penelitian menunjukkan bahwa secara normatif perlindungan hukum PT. Pegadaian (Persero) Cabang Sragen sebagai kreditur terhadap jaminan fidusia yang tidak didaftarkan adalah tidak terlindungi, kreditur tidak mendapatkan hak preferen dikarenakan: (1) Kurangnya kesadaran hukum kreditur untuk mematuhi peraturan perundang-undangan yang mengatur tentang jaminan fidusia; (2) Kreditur beranggapan biaya pendaftaran jaminan fidusia cukup mahal dan akan memberatkan debitur; sedangkan secara praktis menunjukkan bahwa perlindungan hukum PT. Pegadaian (Persero) Cabang Sragen telah terlindungi yaitu: (1) Kepatuhan debitur dalam mentaati perjanjian kredit dengan jaminan fidusia yang telah disepakati oleh kedua belah pihak; (2) Terhadap kredit macet penyelesaian dengan menggunakan cara kekeluargaan. Notaris sebagai pejabat umum negara telah melaksanakan peran dan tugasnya sesuai dengan ketentuan Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris. Terkait akta jaminan fidusia yang tidak didaftarkan oleh kreditur notaris telah memberikan pemahaman hukum kepada kreditur.

**Kata Kunci :** Perlindungan Hukum, Peran Notaris, Jaminan Fidusia

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<sup>1</sup> Desa Ngegot RT/RW 04/12, Kelurahan Selokaton, Kecamatan Gondangrejo, Kabupaten Karanganyar.

<sup>2</sup> Fakultas Hukum, Universitas Gadjah Mada.