

ABSTRAK

Murni, Dewi Taruna, 2022, *Tinjauan Yuridis Dan Penerapan Hukum Terhadap Masalah Jaminan Fidusia Yang Dipindahtangankan (Studi Kasus Putusan Nomor 833/Pid.Sus/2017/Pn.Smg)*, Skripsi, SI Ilmu Hukum, Universitas Ngudi Waluyo.
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Tinjauan Yuridis Dan Penerapan Hukum Terhadap Masalah Jaminan Fidusia Yang Dipindahtangankan (Studi Kasus Putusan Nomor 833/Pid.Sus/2017/Pn.Smg)

Abstrak

Penelitian ini mengemukakan dua rumusan masalah yaitu, 1. Bagaimana penerapan sanksi terhadap jaminan fidusia yang dipindahtangankan sesuai dengan studi kasus Putusan Nomor 833/Pid.Sus/2017PN.Smg. 2. Bagaimana proses penyelesaian permasalahan jaminan fidusia yang dipindahtangankan. 3. Bagaimana tinjauan terhadap studi kasus Putusan Nomor 833/Pid.Sus/2017/PN.Smg. Berdasarkan rumusan masalah tersebut peneliti memiliki tujuan untuk mengetahui penerapan sanksi terhadap jaminan fidusia yang dipindahtangankan dan proses penyelesaian permasalahan jaminan fidusia yang dipindahtangankan serta agar mengetahui bagaimana tinjauan terhadap studi kasus Putusan Nomor 833/Pid.Sus/2017/PN.Smg.

Jenis penelitian ini adalah penelitian lapangan di Pengadilan Negeri Semarang, peneliti menggunakan metode pendekatan yuridis empiris dengan mengumpulkan data sesuai dengan peraturan perundang-undangan yang sesuai dan hipotesis yang sah terlebih dahulu, kemudian melakukan wawancara secara langsung dengan Hakim Pengadilan Negeri Semarang. Adapun sumber data terdiri dari data primer dan data sekunder. Metode pengumpulan data melalui studi kepustakaan dan wawancara, kemudian data dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa tinjauan yuridis dan penerapan hukum terhadap masalah jaminan fidusia yang dipindahtangankan dilakukan berdasarkan Pasal 36 UUJF. Dan proses hukum dalam penyelesaian permasalahan jaminan fidusia yang dipindahtangankan dilakukan melalui pengadilan. Serta terdapat barang bukti berupa akta perjanjian dalam perkara tersebut.

Kesimpulan dari penerapan hukum yang diberikan kepada pemberi fidusia adalah pidana penjara selama 6 (enam) bulan dan denda sebesar Rp.20.000.000,- (dua puluh juta rupiah) dengan ketenetnuan apabila denda tersebut tidak dibayarkan maka diganti dengan pidana 1 (satu) bulan kurungan.

Kata Kunci: Jaminan Fidusia, Penerapan Hukum, Pemberi Fidusia

ABSTRACT

Murni, Dewi Taruna, 2022, *Juridical Review and Application of Law to the Issue of Transferred Fiduciary Security (Case Study Decision Number 833/Pid.Sus/2017/Pn.Smg)*, Thesis, SI Legal Studies, Ngudi Waluyo University. Dr. Rian Sapiro, SH., MH

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Juridical Review and Application of Law on Transferred Fiduciary Security Issues
(Case Study Decision Number 833/Pid.Sus/2017/Pn.Smg)

Abstract

This study proposes two problem formulations, namely, 1. How is the application of sanctions to fiduciary guarantees that are transferred according to the case study of Decision Number 833/Pid.Sus/2017PN.Smg. 2. How is the process of resolving the transferable fiduciary guarantee problem. 3. How is the review of the case study of Decision Number 833/Pid.Sus/2017/PN.Smg. Based on the formulation of the problem, the researcher has the aim of knowing the application of sanctions to the transferred fiduciary guarantee and the process of solving the problem of the transferred fiduciary guarantee and to find out how the review of the case study of Decision Number 833/Pid.Sus/2017/PN.Smg.

This type of research is a field research at the Semarang District Court, the researcher uses an empirical juridical approach by collecting data according to the appropriate laws and regulations and valid hypotheses first, then conducting direct interviews with the Semarang District Court Judges. The data sources consist of primary data and secondary data. The method of collecting data is through literature study and interviews, then the data is analyzed qualitatively.

The results of the study indicate that the juridical review and application of the law to the issue of transferable fiduciary guarantees is carried out based on Article 36 of the UUJF. And the legal process in resolving the issue of transferable fiduciary guarantees is carried out through the courts. And there is evidence in the form of a deed of agreement in the case.

The conclusion from the application of the law given to the fiduciary giver is imprisonment for 6 (six) months and a fine of Rp. 20,000,000, - (twenty million rupiah) with the stipulation that if the fine is not paid, it will be replaced with a penalty of 1 (one) month. confinement.

Keywords: Fiduciary Guarantee, Application of Law, Fiduciary Giver