

ABSTRACT

Activity PT Pawnshop (Persero) to lend money to the community to function as a financial institution, but not the bank as the channeling of funds to this community from funds not collected from the community. One of the new areas of business are offered pawn shops and quite a lot of interest is the installment credit system fiduciary (CREATION) ie loans (credits) within a specified period, using a construction loan guarantee is Fiduciary, Legal issues arising from lending in PT Pawnshop (Persero) is How the practice of guaranteeing fiduciary PT Pawnshop (Limited and aspects of the law of any arising, when the deed of fiduciary shall be notarized but not registered to Registration Office Fiduciary (KPF) is connected by Act No. 42 of 1999 on Fiduciary PT Pawnshop (Persero) and Why Deed of Fiduciary (notarized) not registered at the registry office Fiduciary and what legal effect against the debtor and the creditor.

The research in this thesis is included descriptive research analytical, which means describe the facts in the form of secondary data (existing data), which consists of primary legal materials (legislation), secondary law (doctrine), and materials tertiary, dictionaries, encyclopedias, bibliographies, Black's Law, dictionary, and the study, researchers used a normative juridical approach, a method that uses the sources of secondary data, namely legislation, law theories and opinions of the scholars, who then analyzed and draw conclusions on the issue will be used to assess and analyze the secondary data.

The results showed that the fiduciary guarantee in PT Pawnshop (Persero) is performed simultaneously with binding credit executed before Notary appointed by PT Pawnshop (Persero) (to be notarized). In fact after the credit agreement turned out to guarantee fidusianya not necessarily registered with the Registry Office fiduciary and legal aspects for the recipient fiduciary / PT Pawnshop (Persero) is actually a very weak if they are not registered, even if the agreement made Notaril, because the fiduciary rights according to Law No. 42 1999 attached to the Certificate of Fiduciary and the certificate Fiduciary can only be obtained if the guarantee fidusianya registered in the registry office Fiduciary, so as to obtain a perfect right to do and When the receiver fiduciary / PT Pawnshop (Persero) is not registered in the Registry Office fiduciary, then Fiduciary receiver / PT Pawnshop (Persero) lost the right to register for sequestration of collateral objects. If the creditor bad faith, other than the PT Pawnshop (Persero) can be categorized had violated Law No. 42 of 1999.

Keywords: Fiduciary, Creditors, Default