

ABSTRAK

STATUS HUKUM OBJEK JAMINAN FIDUSIA YANG DITETAPKAN SEBAGAI BARANG RAMPASAN NEGARA YANG TELAH DILELANG

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Tujuan penelitian ini untuk menganalisis status hukum objek jaminan fidusia yang ditetapkan sebagai barang rampasan negara yang telah dilelang dan menganalisis penyelesaian hak negara dalam merampas dan melelang objek jaminan fidusia dengan hak perusahaan pembiayaan pemegang jaminan fidusia selaku kreditur yang belum terpenuhi haknya. Studi ini menggunakan metode penelitian yuridis normatif dengan pendekatan peraturan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Hasil penelitian Objek jaminan fidusia yang dirampas dan dilelang negara tidak otomatis menghapus hak kreditur, karena asas *droit de suite* tetap memberikan hak menuntut objek atau hasil lelang. Ketidakjelasan regulasi menimbulkan ketidakpastian hukum dan menghambat minat pembiayaan berbasis fidusia. Dari perspektif keadilan, negara tidak dapat mengeksekusi aset tanpa mempertimbangkan hak kreditur yang sah. Penyelesaian konflik antara hak negara dan kreditur harus dilakukan secara proporsional melalui jalur pidana, perdata, maupun non-litigasi, agar tercipta keseimbangan antara penegakan hukum dan perlindungan hak kreditur serta menjaga stabilitas sektor pembiayaan.

Kata Kunci: Objek Jaminan Fidusia; Barang Rampasan Negara; Lelang

ABSTRACT

LEGAL STATUS OF THE OBJECT OF THE FIDUCIARY DETERMINED AS STATE CONFISCATED GOODS THAT HAVE BEEN AUCTIONED

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The purpose of this study is to analyze the legal status of fiduciary collateral objects designated as state-confiscated assets that have been auctioned, and to examine the resolution of the state's rights in confiscating and auctioning fiduciary collateral objects in relation to the rights of financing companies as fiduciary creditors whose claims remain unsettled. This study employs a normative juridical research method using statutory, case, and conceptual approaches. The results show that fiduciary collateral objects confiscated and auctioned by the state do not automatically nullify the creditor's rights, as the principle of droit de suite entitles creditors to claim the object or the proceeds from its sale. Regulatory ambiguity creates legal uncertainty and discourages fiduciary-based financing practices. From a justice perspective, the state must not arbitrarily execute assets without considering the legitimate rights of creditors. Resolution of the conflict between the rights of the state and creditors must be carried out proportionally through criminal, civil, or non-litigation avenues, in order to establish a balance between law enforcement and creditor protection, thereby maintaining stability in the financing sector.

Keywords: *Fiduciary Collateral Object; State-Confiscated Assets; Auction*