

**PELAKSANAAN PARATE EKSEKUSI JAMINAN FIDUSIA PASCA
PUTUSAN MAHKAMAH KONSTITUSI NOMOR 18/PUU-XVII/2019
DI KOTA JAMBI**

ABSTRAK

Tujuan penelitian untuk mengetahui dan menganalisis pelaksanaan parate eksekusi, kendala yang dihadapi dalam pelaksanaan parate eksekusi jaminan fidusia pasca Putusan Mahkamah Konstitusi Nomor 18/PUU-XVII/2019 di Kota Jambi dan upaya penanggulangan yang dilakukan dalam mengatasi kendala yang dihadapi. **Metode Penelitian** Penelitian yang digunakan bersifat yuridis empiris. **Hasil penelitian** Pertama, pelaksanaan parate eksekusi jaminan fidusia di Kota Jambi masih belum sesuai dengan Putusan Mahkamah Konstitusi Nomor 18/PUU- XVII/2019. Hal ini dapat dilihat dari tiga kasus yang Penulis angkat dalam penelitian ini dinyatakan hanya satu kasus saja yang melakukan parate eksekusi sesuai dengan Putusan Mahkamah Konstitusi Nomor 18/PUU-XVII/2019, dan dua kasus lainnya tidak sesuai Putusan Mahkamah tersebut. Artinya, masih terdapat pihak kreditur yang langsung melakukan eksekusi sebelum pengajuan Permohonan Sita Eksekusi ke Pengadilan Negeri. Kedua, kendala yang dihadapi dalam pelaksanaan parate eksekusi jaminan fidusia pasca Putusan Mahkamah Konstitusi Nomor 18/PUU- XVII/2019 dan upaya penanggulangan yang dilakukan dalam mengatasi kendala yang dihadapi, yakni kendalanya sejak berlakunya putusan ini sangat sulit untuk melakukan penagihan terhadap nasabah karena adanya aturan-aturan hukum. Yang mana jika aturan hukum tersebut dilanggar, PT. Adira Dinamika Multi Finance yang menanggung konsekuensinya, selain itu debitur bersikeras untuk tidak mau melepaskan unitnya dan melanggar batas waktu pembayaran. Adapun upaya penanggulangan yang dilakukan dalam mengatasi kendala yang dihadapi PT. Adira Dinamika Multi Finance yaitu jika debitur melakukan wanprestasi, yaitu tidak membayar angsuran telah ditentukan sebagaimana mestinya dan telah diberi somasi, jika debitur jatuh pailit, dan Debitur meninggal dunia dan ahli warisnya tidak ada.

Kata Kunci: Parate Eksekusi; Jaminan Fidusia; Putusan Mahkamah Konstitusi.

**IMPLEMENTATION OF FIDUCIARY COLLATERAL EXECUTION
PARATE POST CONSTITUTIONAL COURT DECISION NUMBER
18/PUU-XVII/2019 IN JAMBI CITY**

ABSTRACT

The purpose of this research is to find out and analyze the implementation of the execution of the fiduciary guarantee, the obstacles encountered in the implementation of the execution of the fiduciary guarantee after the Constitutional Court Decision Number 18/PUU-XVII/2019 in Jambi City and the countermeasures carried out in overcoming the obstacles encountered. **Research Methods**, the research used is empirical juridical. First, the results of the research are that the execution of fiduciary guarantees in Jambi City is still not in accordance with the Constitutional Court Decision Number 18/PUU-XVII/2019. This can be seen from the three cases that the author raised in this study, it was stated that only one case carried out parate execution in accordance with the Constitutional Court Decision Number 18/PUU-XVII/2019, and two other cases did not comply with the Court's decision. This means that there are still creditors who immediately carry out executions before submitting an Application for Confiscation of Execution to the District Court. Second, the obstacles encountered in implementing the execution of fiduciary guarantees after the Constitutional Court Decision Number 18/PUU-XVII/2019 and the countermeasures made to overcome the obstacles faced, namely the obstacle since the entry into force of this decision is very difficult to collect from customers due to regulations -rule of law. Which if the rule of law is violated, PT. Adira Dinamika Multi Finance will bear the consequences. In addition, the debtor insists on not letting go of his unit and violates the payment deadline. The countermeasures carried out in overcoming the obstacles faced by PT. Adira Dinamika Multi Finance, namely if the debtor defaults, namely does not pay the installments that have been determined properly and has been given a subpoena, if the debtor becomes bankrupt, and the debtor dies and the heirs are absent.

Key Word: Execution Parates; Fiduciary Guarantee; Constitutional Court Decision.