

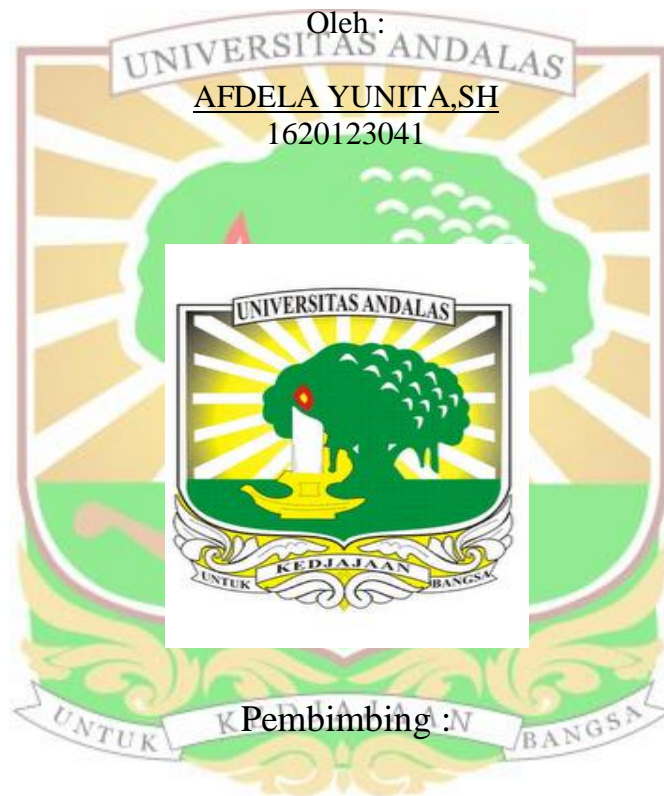
**EKSEKUSI GADAI TERHADAP OBJEK JAMINAN YANG BUKAN MILIK SI
PEMBERI GADAI PADA PT. PEGADAIAN (PERSERO) CABANG TERANDAM
PADANG**

TESIS

*Diajukan Sebagai Salah Satu Syarat Untuk Mendapatkan
Gelar Magister Kenotariatan*

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ABSTRAK

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Judul : Eksekusi Gadai Terhadap Objek Jaminan Yang Bukan Milik Si Pemberi Gadai Pada PT. Pegadaian (Persero) Cabang Terendam Padang.

Pegadaian merupakan salah satu perusahaan Badan Usaha Milik Negara (BUMN). Produk Kredit Cepat Aman (KCA) merupakan sistem gadai yang diperuntukan kepada semua nasabah. Dalam menjalankan fungsi dan tugasnya Pegadaian menawarkan peminjaman dengan sistem gadai. Pemberian kredit harus disertai dengan pemberian jaminan. Untuk sahnya suatu perjanjian gadai pemberi gadai seorang yang berwenang menguasai bendanya. Ketentuan Pasal 1152 KUHperdata memberi kemungkinan bahwa barang yang digadaikan untuk jaminan utang tidak harus dimiliki oleh debitur yang meminjam uang, tetapi bisa juga kebendaan bergerak milik orang lain yang digadaikan. Penelitian ini membahas tentang Prosedur Pengikatan jaminan terhadap objek jaminan yang bukan milik si pemberi gadai, Eksekusi gadai terhadap objek jaminan yang bukan milik si pemberi gadai dan Perlindungan hukum terhadap si pemilik objek jaminan dalam pelaksanaan lelang eksekusi gadai. Metode Penelitian yang digunakan adalah yuridis empiris dengan sifat penelitian Deskriptif analisis. Data yang digunakan adalah data primer dan data sekunder, yang terdiri dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Pengumpulan data dilakukan melalui studi pustaka, studi dokumen dan wawancara. Hasil penelitian dan pembahasan menentukan bahwa prosedur pengikatan jaminan yang objeknya bukan milik si pemberi gadai pada PT. Pegadaian (persero) Cabang Terendam Padang adalah tetap sama seperti prosedur para nasabah yang menggadaikan objek jaminan milik debitur itu sendiri, tanggung jawab pihak ketiga ini hanya sebatas benda gadai yang dia berikan.

Kata Kunci : Prosedur, Gadai, Eksekusi, jaminan



ABSTRACT

Name :Afdela Yunita
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Title :Pawn Execution of Guaranteed Objects That Are Not Owned by Si Pawn Giver at PT. Pegadaian (Persero) Terandam Branch Padang.

Pegadaian is one of the companies of State-Owned Enterprises (BUMN). Fast and Safe Credit Products (KCA) are mortgage systems that are intended for all customers, both for consumer and productive. In carrying out its functions and duties Pegadaian offers loans with a mortgage system. Rian Pembe credit must be accompanied by premises n provision of guarantees. For the time being a mortgage pawn agreement, an authorized person controls the object. The provisions of Article 1152 of the Criminal Procedure Code give the possibility that goods pawned for collateral for debt do not have to be owned by debtors who borrow money, but can also be movable material belonging to other people who are pawned. When the debtor it defaults on the agreed pawning agreement, by not paying off or paying for the loan in accordance with the predetermined due date. This results in PT. Pegadaian executing the object guaranteeing a mortgage that does not belong to the Sipem gives the mortgage itself. This study discusses the binding procedure guarantees against security object that does not belong to the pledgor, Implementation of the auction were executed i liens against collateral objects that do not belong to estab be ri liens and legal protection against the owner of the security object in the implementation of the execution lien auction. The research method used is juridical analysis with the nature of research and descriptive analysis. The data used are primary and secondary data, which consists of primary legal materials, secondary legal materials and tertiary legal materials. Data collection is done through literature studies, documentary studies and interviews. Data processing is done by checking data, classifying data and systematizing, which is then analyzed qualitatively. H acyl research and discussion to determine that the binding procedure guarantees that the object does not belong to the pledgor on PT.Pegadaian (Persero) Branch Terandam Padang is the same as the procedures of the customer yes ng mengg a Daikan object belonging to the debtor ja Minan itself, Tanggu ng responsible this third party only a n da lien be limited to that which he gave. The auction execution of the mortgage against the collateral object not owned by the pawn shop has been carried out according to the procedures set by PT. Pegadaian (Persero) Terandam Padang Branch . Before doing estab beritahuan PT.Pegadaian executed prior to the Pem b eri pledge (the Borrower) Legal protection for the object owner the real mortgage for the auction of the pawn object is given by law, if it is proven that the recipient of the mortgage is in good faith, then the recipient of the pledge is obliged to return the goods pawned to the real owner.

Keywords: Procedure, guarantee, Execution, mortgage