

ABSTRAK

TANGGUNG JAWAB NOTARIS DALAM PELAKSANAAN PENDAFTARAN JAMINAN FIDUSIA

Pelaksanaan pendaftaran Jaminan Fidusia selama ini dilakukan oleh Notaris, Undang-Undang tentang Jaminan Fidusia tidak mengatur tentang kewajiban dan kewenangan Notaris dalam pelaksanaan pendaftaran Fidusia.

Tujuan penelitian mengkaji tanggung jawab Notaris dan prinsip kehati-hatian dalam pendaftaran fidusia oleh notaris

Jenis penelitian *sosio legal* dengan pendekatan *empiris*; spesifikasi penelitian *deskriptif analisis*; tempat penelitian *di pustakan lapangan* dengan alat pengumpulan data: *kaji dan dokumentasi wawancara*.

Tujuan penelitian untuk mengkaji cara pelaksanaan dan cara penerapan prinsip kehati-hatian dalam pendaftaran jaminan fidusia oleh Notaris.

Berdasarkan analisis kualitatif diketahui: bahwa tanggung jawab Notaris dalam pelaksanaan pendaftaran Jaminan Fidusia merupakan tanggung jawab seorang penerima kuasa, dalam melaksanakannya Notaris harus tetap memegang prinsip kehati-hatian dalam melakukan pendaftaran Jaminan Fidusia.

Merekomendasikan kepada Pemerintah supaya ada payung hukum bagi Notaris dalam melakukan pendaftaran Jaminan Fidusia, harus dilakukan amandemen terhadap Undang-undang Nomor 42 Tahun 1999 Tentang Jaminan Fidusia karena sudah tidak sesuai lagi dengan perkembangan masyarakat.

Kata Kunci: Tanggung Jawab, Notaris, Fidusia

ABSTRACT

NOTARY RESPONSIBILITY IN IMPLEMENTATION OF FIDUCIARY SECURITY REGISTRATION

Registration of Fiduciary Security is requirement for inception of Fiduciary Security. Registration of Fiduciary Security has been done by Notary. Law on Fiduciary Security does not regulate on duty and authority of the Notary in implementation of Fiduciary registration, as well as its implementing regulations.

Issues raised is how responsibility for implementation of fiduciary security registration performed by Notary? How implementation of Notary precautionary principle in registering Fiduciary security?. The method used is empirical juridical approach by analyzing the interview results with Ministry of Justice and Human Rights, Bank, and Notary. Analysis also conducted on Fiduciary Security and Its Implementation Regulation. The nature of research is descriptive qualitative analysis in order to obtain systematic, factual, accurate picture.

The conclusion that can be made is that responsibility of Notary in the implementation of Fiduciary registration is responsibility of a proxy. However, because Notary is a public official, Notary must hold precautionary principle in registering Fiduciary Security.

Recommends that there is legal basis for Notary to register Fiduciary Security so clearly the responsibility and authority in implementation of Fiduciary Security registration, should be made an amendment to the Law Number 42 Year 1999 on Fiduciary Security because it is no longer appropriate to the community needs.

Passwords: Responsibility, Notary, Fiduciary