ABSTRACT


Keywords: fidusia assurance, rahn tasjîlî

There is increasing in building of economic and necessary that take much of funds be used for fulfill the daily need. And the funds gets from loan activity. In the loan activity there is product that can using by society in goods assurance form to get financing, that is Rahn and fidusia assurance.

The purpose of this research is to knowing the fidusia assurance law according to Undang-Undang Nomor 42 Tahun 1999 about fidusia assurance with rahn tasjîlî law according to instructions Number 68/DSN-MUI/III/2008 and to know about the law comparison between fidusia assurance based on Undang-Undang Nomor 42 Tahun 1999 with rahn tasjîlî based on the instructions Number 68/DSN-MUI/III/2008. To get the goal, the researcher use normatif research law with using comparative approach.

There are two finding of this research. First, fidusia assurance is a treaty where is the debitor make his treaty to the creditor about debit and credit. That is become ownership proof for an object as the assurance to his debt and also added with an interest. The treaty in fidusia assurance is called as accesoir treaty (addition treaty), is not the main treaty of debit and credit. To fulfill the achievement between parts so fidusia assurance have to be registered on the Fidusia Registration Office. Whereas the substance of rahn tasjîlî from râhin make a treaty with murtahin. That is called as rahn tasjîlî. This treaty use debit and credit agreement. And it also be completed with an assurance as the ownership proof object where is given to murtahin. It mean there is a characteristic of accesoir in the rahn tasjîlî. Because the guarantee in a debit and credit of rahn tasjîlî is an addition treaty. Second, The difference between the fiduciary with Rahn tasjîlî can be seen in terms of maintenance items. In fiduciary, maintenance objects that serve as collateral for a debt that is the duty of the creditor, but the cost of maintenance is the responsibility of the debtor. While in the maintenance tasjîlî Rahn objects used as collateral for a debt that is not only an obligation râhin, but can be done also by murtahin. While the similarities is can be seen from various aspects of the definition, object, form of treaty, ending of treaty, and the way of execution goods. One of the aspect from object view, fidusia assurance and rahn tasjîlî is same being to assurance for debt not form of the goods, but proof of the goods ownership.