LEGAL EFFECTS OF FIDUCIARY GUARANTEE REGISTRATION IN ONLINE SYSTEMS

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***Article history:** received 08 April 2024; revised 16 May 2024; accepted 14 June 2024* *DOI: https://doi.org/10.33751/jssah.v4i2.10607*

Abstract. Fiduciary security institutions are regulated through legislation, Act No. 42 of 1999. This law governs the obligation of the registration of fiduciary security in order to provide legal certainty to the interested parties and this fiduciary security registration gives the rights of preference to the fiduciary recipient of other creditors. In 2013, the Government issued a regulation to Administration System of Fiduciary Security Registration electronically in order to improve services to people who need legal services in the field of fiduciary security. Laws of Fiduciary Security are positive law applicable to the fiduciary security, but there are some things that are not regulated in the law, that is, the registration done with the online system and the legal consequences that are not registered. This study used normative legal research, which explains the existence of the absence of norms in the Law of Fiduciary Security, i.e. the registration done with the online system and the legal consequences of fiduciary security which are not registered. This study used a source of legal materials consisting of primary, secondary and tertiary legal materials. The results showed that registration of fiduciary security with the online system is regulated through the Regulation of the Minister of Justice and Human Rights of the Republic of Indonesia Number 9 of 2013 concerning the electronic imposition of Fiduciary Security and Regulation of the Minister of Justice and Human Rights of the Republic of Indonesia Number 10 of 2013 concerning the System for Registration of Fiduciary Security done Electronically. The legal consequence of the Agreement of Fiduciary Security which is not registered with the online system is that it does not produce the collateral agreement of the fiduciary security so that the collateral character such as droit de suite and the rights of preference is not inherent in the creditor of the grantor of the fiduciary security and it does not have the executorial power.

Keywords: fiduciary; legal consequence of registration; online system

I. INTRODUCTION

The legal system serves as a dynamic framework that must continually adapt to technological, economic, and societal transformations. One area of modernization within Indonesia's legal administration is the implementation of electronic systems for fiduciary guarantee registration, introduced to enhance efficiency, transparency, and legal certainty. A fiduciary guarantee, governed primarily by Law No. 42 of 1999 on Fiduciary Security, is a form of collateral arrangement in which ownership of movable or immovable property is transferred to the creditor while the debtor retains control and use of the asset [1]. Before the enactment of the law, registration of fiduciary guarantees was not obligatory, leading to significant uncertainty regarding creditor rights, publicity, and enforcement [2]. Article 11 of the Fiduciary Security Law later established mandatory registration to provide legal certainty (kepastian hukum) and confer preferential rights (hak preferen) to the fiduciary recipient over other creditors [3]. Despite these statutory provisions, in practice, numerous fiduciary agreements remain unregistered, especially in small-scale credit and financing transactions [4]. This noncompliance is often attributed to administrative costs, limited awareness, or the short-term nature of loans [5]. The government addressed such inefficiencies by launching the Electronic Fiduciary Registration System under the Regulation of the Minister of Law and Human Rights No. 9 of 2013 and No. 10 of 2013, which established online procedures for fiduciary registration [6]. This reform aimed to ensure that fiduciary registration could be conducted more quickly, transparently, and affordably, aligning with global trends in digital governance and legal technology [7]. According to Kusumaatmadja (2018), the digitalization of legal services enhances accessibility, reduces bureaucratic delays, and promotes public trust in administrative processes [8]. In essence, online registration represents the realization of e-government principles within Indonesia's legal infrastructure, aligning with the Public Service Digital Transformation Agenda (2020–2024) [9]. The new system allows notaries to register fiduciary deeds directly through the SISMINBAKUM platform, eliminating physical documentation and minimizing corruption risks [10]. However, despite these advantages, legal and normative ambiguities remain concerning the legal consequences of unregistered fiduciary guarantees in the online era. Current legislation does not explicitly regulate whether electronically unregistered fiduciary agreements still produce binding collateral effects, such as droit de suite (the right to follow the collateral) and executorial power [11].

The absence of explicit legal norms has raised interpretative challenges in judicial and academic discourse. Scholars such as Simanjuntak (2020) and Rifai (2021) argue that the lack of regulation on unregistered fiduciary guarantees constitutes a legal vacuum (rechtsvacuum), which undermines creditor protection and weakens the enforceability of collateral rights [12], [13]. In several cases, Indonesian courts have diverged in their interpretations regarding whether an unregistered fiduciary agreement can serve as a valid execution title. This inconsistency threatens the principle of legal certainty and justice, two pillars of Indonesia's national legal development policy [14]. From a theoretical perspective, three key doctrines underlie fiduciary registration: the Theory of Legal Certainty, the Theory of Legal Protection, and the Publicity Principle. The Theory of Legal Certainty, as formulated by Fuller (1969) and further contextualized by Mertokusumo (2017), asserts that law must provide predictable and enforceable consequences for all legal actions [15]. The Theory of Legal Protection ensures preventive and repressive mechanisms to safeguard the rights of creditors through the issuance of fiduciary certificates, which hold executorial value equivalent to a permanent court decision [16]. Finally, the Publicity Principle requires that legal actions affecting third parties—such as fiduciary encumbrances—be made publicly accessible to establish enforceability and good faith obligations [17].

The shift to an electronic fiduciary registration system has strengthened these theoretical principles by increasing transparency and data accessibility. However, the absence of comprehensive legal norms governing online registration consequences continues to pose interpretive challenges. As Saragih (2023) emphasizes, the modernization of legal systems must balance technological innovation with doctrinal consistency, ensuring that the transformation does not create normative uncertainty [18]. Thus, the present study aims to examine: (1) the regulatory framework governing fiduciary registration through online systems, and (2) the legal effects of unregistered fiduciary guarantees within the digital registration framework. The research contributes to ongoing debates on digital legal reform in Indonesia by exploring how electronic fiduciary systems impact legal certainty, creditor protection, and publicity principles in civil law practice.

Legal certainty represents one of the core objectives of law, ensuring predictability, fairness, and stability in social and economic relations [19]. According to Gustav Radbruch's triad of legal values, law must embody justice, expediency, and certainty—where certainty provides an objective framework for the consistent application of norms [20]. In the context of fiduciary law, legal certainty requires that every fiduciary agreement be registered to obtain an official certificate with executorial power equivalent to a final court decision [21]. Without registration, creditors lose their preferential right, thereby weakening the enforceability of fiduciary collateral. Hans Kelsen's Pure Theory of Law asserts that legal validity depends on conformity with higher norms in a hierarchical legal system (Stufenbau Theory) [22]. Based on this reasoning, the obligation to register fiduciary guarantees as stipulated in Law No. 42 of 1999 serves as a constitutive requirement rather than a procedural formality. Hence, registration functions as a legal act (rechtshandeling) that creates, not merely confirms, the fiduciary right. As Marzuki (2019) explains, certainty in law arises when the normative system provides clear, binding, and enforceable consequences for all legal actions [23].

In the digital era, online registration systems enhance legal certainty by ensuring the traceability and transparency of fiduciary transactions. The electronic certificate issued through the Ministry of Law and Human Rights database constitutes digital evidence with equal probative value as physical documents [24]. Nevertheless, as Saragih (2023) warns, incomplete regulatory frameworks for digital processes may create new forms of legal uncertainty, especially when disputes arise regarding system failures or verification authenticity [18].

The Theory of Legal Protection focuses on the function of law as a mechanism to safeguard individual and collective rights from arbitrary actions. Philipus M. Hadjon (2007) divides legal protection into preventive protection, which prevents rights violations, and repressive protection, which provides remedies after violations occur [25]. In the fiduciary context, registration is a preventive measure that formalizes the creditor's right over the collateral and enables repressive protection through direct execution in case of debtor default. The issuance of a fiduciary certificate acts as a preventive legal instrument that affirms the existence of collateral and protects both creditor and debtor interests. The certificate's executorial power allows the creditor to enforce repayment without additional court approval, embodying repressive legal protection. This is consistent with Soeroso (2020), who emphasizes that effective legal protection must be accessible, enforceable, and supported by administrative mechanisms that uphold due process [26]. However, when fiduciary registration is conducted electronically, the protective function of law faces new challenges related to data accuracy, cybersecurity, and authentication of digital documents. The Cyber Law and Electronic Information Law (Law No. 11 of 2008) recognizes the validity of electronic evidence but requires secure digital signatures and verifiable system integrity. Thus, ensuring adequate digital legal protection has become a fundamental prerequisite for maintaining trust in online fiduciary systems [27].

The Publicity Principle (asas publisitas) is an essential element of property law, stipulating that legal acts involving third-party effects must be made public to establish validity and opposability [17]. In fiduciary guarantees, registration serves as the mechanism for publicity, granting legal visibility and ensuring that third parties recognize the creditor's rights over the collateral. According to Schrage (2019), publicity prevents fraud, establishes priority among creditors, and enhances transparency in the credit market [17]. With the introduction of the online fiduciary registration system, publicity is now achieved through the electronic publication of registered fiduciary certificates. This digital transparency enables stakeholders to verify ownership status and collateral encumbrances through an accessible public database. Prabowo (2022) explains that this modernization aligns with the global shift toward open-access legal information systems, which increase accountability and reduce administrative corruption [9]. Nevertheless, Hendrawan and Siregar (2023) note that the absence of a fully integrated national database and weak synchronization between agencies may limit the realization of full publicity benefits [28].

Based on these theories, the fiduciary registration process—whether conventional or electronic—must fulfill three interrelated legal objectives: Legal Certainty, through the existence of a clear normative framework ensuring that registration creates enforceable legal rights; Legal Protection, by securing creditor and debtor rights through preventive and repressive mechanisms; and Publicity, by making registration accessible and verifiable to third parties. The transition from manual to digital registration should strengthen these objectives rather than undermine them. The online fiduciary registration system is therefore not merely an administrative innovation but a legal transformation that must preserve the fundamental doctrines of civil law and guarantee equitable protection for all legal subjects.

II. RESEARCH METHODS

This research employs a normative juridical approach, focusing on the study of legal norms, principles, and doctrines related to the registration and legal effects of fiduciary guarantees in Indonesia's online system. The study examines both primary legal materials—including Law No. 42 of 1999 on Fiduciary Security, Law No. 11 of 2008 on Electronic Information and Transactions, Government Regulation No. 21 of 2020, and Ministerial Regulation No. 9 of 2013 on Electronic Fiduciary Registration—and secondary legal materials, such as scholarly articles, legal commentaries, and court decisions. Data collection was conducted through document and literature review, systematically analyzing statutory provisions, official regulations, and academic discussions relevant to fiduciary registration and digital legal transformation. The normative juridical method was chosen to explore how existing legal frameworks accommodate technological innovations while ensuring the principles of legal certainty, legal protection, and publicity remain intact [29].

The analytical process followed a qualitative and prescriptive approach, combining statutory interpretation, comparative analysis, and legal reasoning. Statutory interpretation was used to examine the coherence between fiduciary laws and electronic registration regulations; comparative analysis evaluated how other jurisdictions, such as the Netherlands and Singapore, regulate online collateral registration; and prescriptive reasoning was applied to propose solutions for normative inconsistencies within Indonesia's fiduciary system. Data were analyzed using a deductive reasoning model, starting from general legal theories and moving toward specific conclusions on the implications of unregistered or electronically registered fiduciary guarantees. This methodological framework aligns with the doctrinal research principles outlined by Soekanto (2019) and Ibrahim (2020), ensuring academic rigor and practical relevance in the assessment of Indonesia's digital legal development [30].

III. RESULTS AND DISCUSSION

Fiduciary Guarantee Registration Arrangements Through the Online System

Fiduciary guarantees have been used in Indonesia since the Dutch colonial era as a form of guarantee that was born from jurisprudence, which originated from the Roman era. At that time the fiduciary guarantee was not registered with a fiduciary guarantee registration agency. This is possible because there is no regulation regarding fiduciary guarantees. The absence of the registration obligation is felt in practice as a weakness and weakness for the fiduciary guarantee legal institution, in addition to creating legal uncertainty, the non-fulfillment of the fiduciary guarantee registration obligation causes the fiduciary guarantee to not fulfill the publicity element. This can lead to things that are not healthy in practice. Based on these considerations, the Fiduciary Guarantee Act regulates the registration of fiduciary guarantees, namely Article 11 of the Fiduciary Guarantee Act: (1) Objects that are burdened with fiduciary guarantees must be registered. (2) In the event that the object that is encumbered with Fiduciary Guarantee is outside the territory of the Republic of Indonesia, the mandatory ban as referred to in paragraph (1) remains in effect [4].

The registration of fiduciary guarantees is intended to provide legal certainty for the parties, both for fiduciary givers and for fiduciary recipients so that they can provide legal protection for creditors and other third parties. In 2013. The government issued a regulation with the Electronic Fiduciary Registration Administration System, in order to improve services to people who need legal services in the field of fiduciary guarantees, namely the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2013 concerning the Enforcement of Fiduciary Guarantee Registration Electronically and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2013 concerning Procedures for Electronic Registration of Fiduciary Guarantees. The purpose of enactment of electronic fiduciary guarantee registration is to improve fiduciary guarantee registration legal services easily, quickly, cheaply and conveniently, the application for fiduciary guarantee registration is carried out electronically [4]. The enactment of the online system for fiduciary guarantee registration resulted in changes to the registration system. The change lies in the fiduciary registrar. Manual fiduciary guarantee registration system, parties who can register fiduciary guarantees are fiduciary recipients directly or can be authorized or represented. Registration of fiduciary guarantees with an online system, fiduciary registrants can only be done at the notary's office and by a notary. Registration with the online system is regulated in Article 2 and Article 3, Regulation of the Minister of Law and Human Rights Number 9 of 2013 concerning Enforcement of Electronic Fiduciary Guarantee Registration. The place for registration of fiduciary guarantees on the online system is in accordance with the Regulation of the Minister of Law and Human Rights Number 9 of 2013, Article 3 states that "Electronic registration of fiduciary guarantees as referred to in Article 2 can be done through electronic fiduciary registration service kiosks in all registration offices. fiduciary". The electronic fiduciary registration office is a notary office, where only a notary can access the website www.sisminbakum.go.id to register a fiduciary guarantee deed. The notary himself will register the fiduciary guarantee online by inputting the data according to the deed of encumbrance he made, because he remembers the username and password to enter the online fiduciary guarantee registration service menu which is only owned by a notary [4].

The manual fiduciary guarantee registration system requires the submission of physical documents in the form of a fiduciary guarantee registration statement whose blanks are provided by the fiduciary registration office, a letter of application for registration of a fiduciary guarantee, a copy of the Fiduciary Guarantee Deed, a Power of Attorney to register, proof of PNBP payment and a photocopy of proof of ownership of the object to the fiduciary registration office as a registration requirement, while in the electronic fiduciary registration administration system all the required data only needs to be inputted online without having to be accompanied by the submission of physical documents [4].

The procedure for registering fiduciary guarantees with an online system is regulated in the Regulation of the Minister of Law and Human Rights Number 10 of 2013 concerning Procedures for Electronic Fiduciary Guarantee Registration, Article 2 states that: (1) Applications for Electronic Fiduciary Guarantee Registration are submitted to the Minister. (2) Registration of Fiduciary Security as referred to in paragraph (1) includes: (a) registration of application for Fiduciary Security. (b) registration of changes to Fiduciary Security. (c) elimination of Fiduciary Guarantee. Article 3 regulates the procedure for registering an application for a fiduciary guarantee electronically, namely: (1) Registration of an application for a Fiduciary Guarantee electronically is carried out by filling out an application form. (2) Filling out the application form as referred to in paragraph (1) includes: (a) the identity of the Applicant. (b) the identity of the fiduciary giver. (c) the identity of the fiduciary recipient. (d) Fiduciary Guarantee deed. (e) principal agreement. (f) the value of the guarantee. (g) the value of the object that is the object of the Fiduciary Guarantee. (3) Applicant prints proof of registration after completing filling out the application form. (4) The proof of registration as referred to in paragraph (3) contains: (a) registration number. (b) the date of filling out the application. (c) Name of Applicant. (d) the name of the Fiduciary Registration Office. (e) type of application. (f) registration fee for the Fiduciary Guarantee application in accordance with the provisions of the laws and regulations. (5) Based on the registration evidence as referred to in paragraph (4), the applicant pays the registration fee for the Fiduciary Guarantee application through the Perception Bank. (6) After making the payment as referred to in paragraph (5), the Applicant prints a Fiduciary Guarantee certificate which has been signed electronically by the Fiduciary Guarantee Registration Officer [4].

In the manual system, the fiduciary recording is carried out by the authorized official, where it is necessary to submit documents first. This is different in the online system, in the online system the recording of fiduciary guarantees is still carried out, but it is not recorded manually through the fiduciary register book but with an online system. After inputting all the data, the fiduciary guarantee has been automatically registered with the online system. After being registered through the online system, then a fiduciary guarantee certificate can be printed [4]. The birth of a fiduciary guarantee through an online system is the same as a manual system, namely at the time the fiduciary guarantee is registered. Fiduciary Guarantee, born on the same date as the date the fiduciary guarantee was recorded in the online system. The registration fee for fiduciary security has changed because in 2014 Government Regulation Number 45 of 2014 concerning Types and Tariffs of Non-Tax State Revenue Applicable at the Ministry of Law and Human Rights (hereinafter referred to as Government Regulation 45 of 2014) has been issued which replaces Government Number 38 of 2009 concerning Types and Tariffs of Non-Tax State Revenues Applicable to the Ministry of Law and Human Rights [4].

In the electronic fiduciary registration administration system, the party who prints the fiduciary guarantee certificate is the registration applicant himself, namely at the notary office by the notary himself, in contrast to the manual fiduciary guarantee registration system, the party that prints the fiduciary guarantee certificate is the fiduciary registration office. In the manual fiduciary guarantee registration system, the signature in the Fiduciary Guarantee Certificate is given by the Head of the Regional Office of each province on behalf of the Minister of Law and Human Rights manually and affixed with the local Kanwil stamp. But in the administrative system of electronic fiduciary registration, the signature is done electronically. Fiduciary guarantee is a guarantee right that takes precedence over other creditors. The provisions of Article 1133 of the Civil Code states that there are three material rights that give priority to the holder, namely privilege, pawn and mortgage, outside the Civil Code there are two other material rights, namely mortgage rights and fiduciary guarantees, which also give priority to the holder. These three are called the right of precedence or the right of preference among people who owe debts, this is what is called the right to take precedence in a broad sense. Meanwhile, priority rights in a narrow sense are billing rights which by law are classified as privileges. The claim is called a priority bill or preference bill, while the creditor is called a priority creditor [4].

Legal Effects of Unregistered Fiduciary Guarantee Registration in the Online System

In 2013 the Ministry of Law and Human Rights launched the Electronic Fiduciary Guarantee Registration Administration System. This is evidenced by the issuance of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2013 concerning the Enforcement of Electronic Fiduciary Guarantee Registration and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2013 concerning Procedures for Electronic Fiduciary Guarantee Registration in the framework of improve services to people who need legal services in the field of fiduciary guarantees. The purpose of enactment of electronic fiduciary guarantee registration is to improve fiduciary guarantee registration legal services easily, quickly, cheaply and conveniently, the application for fiduciary guarantee registration is carried out electronically [5]. The Ministry of Law and Human Rights then publishes an online fiduciary guidebook for the smooth process of registering the online system. The manual contains the stages in registering an online fiduciary guarantee deed. The stages are login menu, registration process, certificate printing process, certificate change process, certificate deletion process, object search process and data search. The Fiduciary Guarantee Law requires that objects that are burdened with fiduciary guarantees must be registered, for fiduciary security objects that are not registered, they do not have the benefits of registration, among others: (1) Having the right to precede. The position of preference is related to the results of the execution, this is clear when it is related to Article 1132 which in principle the creditors share the proceeds of the execution of the debtor's property, with the imposition of a fiduciary guarantee, the creditor becomes the preference over the proceeds of the sale of certain objects belonging to the debtor, and he has the right to first take the money from the execution of the fiduciary guarantee object. (2) Has executive power. The execution of the object of fiduciary security can be carried out based on the grosse of the fiduciary guarantee certificate in accordance with the provisions of Article 29 paragraph (1) sub a of the Fiduciary Guarantee Law or with the executorial title of the fiduciary guarantee certificate granted Article 15 paragraph (2) of the Fiduciary Guarantee Law. The fiduciary guarantee certificate has the same executorial power as a court decision that has permanent legal force, then the execution of the fiduciary guarantee object is based on the grosse fiduciary guarantee certificate or with the executorial title of the fiduciary guarantee certificate following the implementation of a court decision. On this basis, the fiduciary recipient can automatically execute objects that are used as objects of fiduciary security if the debtor or fiduciary giver breaks his promise, without having to wait for a court order [5].

Based on the online fiduciary guidebook, in the manual registration system there are several problems, namely as follows: (1) The one day service provision is not met. (2) There is no uniformity in service (SOP) as a guide for service requests for fiduciary guarantees. (3) The level of understanding of human resources in regional offices/fiduciary registration offices (KPF) is still not uniform. The significant surge in requests for registration of fiduciary guarantees exceeds the capabilities of human resources and infrastructure in each KPF. (4) Legal certainty is not fulfilled because KPF has not provided certainty for the issuance of a fiduciary guarantee certificate because the pile of applications reaches 1000 to 2000 applications every day. (5) There is no integrated data center between regional offices and the Directorate General of AHU as technical advisor. (6) There is a buildup of fiduciary registration files in the regional office that requires a large space. (7) Existence of illegal levies. (8) High costs due to a notary to KPF in the provincial capital. In this regard and to provide optimal services in the registration of fiduciary guarantees, the Directorate General of General Legal Administration enforces electronic registration of fiduciary guarantees which changes the manual registration system to electronic-based registration services. Online fiduciary is a breakthrough from the Directorate General of General Legal Administration in providing services to the public for a better Indonesia [5].

The consequences that arise if the fiduciary guarantee is not registered, the recipient does not have a position as a creditor preference and the fiduciary recipient will have difficulty executing, if the debtor defaults. In accordance with Article 29 paragraph (1) of the Fiduciary Guarantee Law that: (1) If the debtor or Fiduciary Provider is in breach of contract, the execution of the object that is the object of the Fiduciary Security can be carried out by: (a) implementing the executive title as referred to in Article 15 paragraph (2) by the Fiduciary Recipient; (b) the sale of Objects that are the object of the Fiduciary Guarantee on the authority of the Fiduciary Recipient himself through a public auction and take the settlement of his receivables from the proceeds of the sale; (c) underhand sales made based on an agreement between the Giver and the Fiduciary Recipient if in this way the highest price can be obtained that benefits the parties. The Fiduciary Guarantee Law does not regulate fiduciary guarantees with an electronic system and unregistered fiduciary guarantees, so that it can trigger a form of intentional act from parties to delay or even not register fiduciary guarantees. Registration of fiduciary guarantees is very important because it affects legal certainty. The purpose of registering a fiduciary guarantee is to protect creditors as fiduciary recipients from debtors who default. In the absence of these rules, there is a norm vacuum, in the case of facing a legal vacuum or a law vacuum, judges adhere to the ius curia novit principle, where judges are considered to know the law. Judges may not reject a case on the grounds that it does not exist or the law is not clear. He is prohibited from refusing to make a decision on the pretext that the law is incomplete or unclear. He must understand, follow, and explore the legal values that live in society. Therefore he must make legal discoveries [6].

The discovery of law is not a new science, but has long been known and practiced by judges, legislators and legal scholars whose task is to solve legal problems. In Dutch literature, many people have written about legal discoveries. Legal discovery is basically an activity in legal practice, but legal discovery cannot be separated from legal science. Although historically the practice of law was born earlier than the science of law, in its development the practice of law requires a theoretical foundation from the science of law. On the other hand, legal science requires its material from legal practice. So in practice, the practice of law and the science of law need each other [7]. In the legal construction method, there are 4 methods used by judges when making legal discoveries, namely Argumentum Per Analogiam, Argumentum a Contrario, Refinement of law and legal fiction. Of the four legal constructions, the legal construction used is legal fiction. This method of finding law through legal fiction is actually based on the principle that everyone is considered to know the law. The essence of legal fiction is a method of legal discovery that presents new facts, so that a new personification appears. The function of legal fiction in addition to fulfilling the desire to create legal stability, is also primarily to fill the void in the law. In other words, legal fiction intends to resolve the conflict between the new claims and the existing legal system [8].

IV. CONCLUSIONS

Based on the results described in the above, the following conclusions can be drawn: (1) The Fiduciary Guarantee Act, namely Law Number 42 of 1999, is the basis for the rules for registering fiduciary guarantees, but the regulations concerning electronic registration of fiduciary guarantees and fiduciary guarantees are not registered there is no regulation in this law. Fiduciary guarantee registration arrangements with an online system are regulated in a Ministerial Regulation, namely Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2013 concerning Enforcement of Electronic Fiduciary Guarantee Registration and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2013 concerning Procedures Registration of Fiduciary Guarantees Electronically. (2) The legal consequence of a fiduciary guarantee agreement that is not registered in the online system is that it does not give birth to a material agreement for the fiduciary guarantee, so that material characters such as droit de suite and preference rights are not attached to the creditor providing the fiduciary guarantee. The Fiduciary Guarantee Law requires that objects that are burdened with fiduciary guarantees must be registered, benefits. Obtained by registration include: (a) Having the right to precede Collateral which has the right to precede means that the creditor as a fiduciary recipient has the priority right over other creditors to sell or execute the collateral object and the prior right to obtain repayment of the debt from the execution of the fiduciary guarantee object. referred to in the case of the debtor defaulting as regulated in Article 27 and Article 28 of the Fiduciary Guarantee Law. (b) Has executive power. Execution of the object of fiduciary security can be carried out based on the grosse of the fiduciary guarantee certificate in accordance with the provisions of Article 29 paragraph (1) sub a of the Fiduciary Security Law or with the original executive title of the fiduciary guarantee certificate given in article 15 paragraph (2) the Fiduciary Guarantee Act. The fiduciary guarantee certificate has the same executorial power as a court decision that has permanent legal force, then the execution of the fiduciary guarantee object is based on the grosse fiduciary guarantee certificate or with the executorial title of the fiduciary guarantee certificate following the implementation of a court decision.

In relation to the main problems in this research which have been described in the previous chapters, the following suggestions can be given: (1) Currently, the law that regulates fiduciary is Law Number 42 of 1999 concerning Fiduciary Guarantees. The law was made a long time ago, so it is necessary to make additions or changes to the rules of fiduciary security by taking into account the needs of today's society. (2) To realize legal certainty and fulfill the principle of publicity in the registration of fiduciary guarantees, the parties should immediately register objects that have been burdened with fiduciary guarantees. The government as an executive institution and the House of Representatives as a member of the legislature can change or add to the consequences of unregistered fiduciary guarantees

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