

DOI: <https://doi.org/10.38035/jlph>.

Received: 4 August 2024, Revised: 27 August 2024, Publish: 6 September 2024

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The Position of Debt Collectors in the Implementation of Parate Execution of Fiduciary Guarantees Based on Law Number 42 of 1999 concerning Fiduciary Guarantees

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Abstract: Fiduciary guarantees in Indonesia are regulated in Law Number 42 of 1999. This guarantee provides security for creditors by binding movable property, both tangible and intangible, as well as immovable property, especially buildings that cannot be encumbered with mortgage rights. Debt collectors have an important role in the debt settlement process through parate execution, which is a direct execution of the fiduciary guarantee object without the need to go through court. The purpose of this research is to identify and analyze in depth the challenges faced in the implementation of existing laws, particularly in the context of parate execution by debt collectors. This research aims to document the weaknesses in the law that allow such violations to occur and explore more effective legal solutions. This research uses a legal research method that uses normative juridical research, which is research intended to conduct a study of the application of rules or norms in positive law. The result of this research is that the implementation of parate execution in fiduciary guarantees often involves debt collectors who have an important but controversial role, often causing abuse of authority and violations of human rights. Although regulations already exist, challenges still arise such as human rights violations, lack of legal understanding among debt collectors, and suboptimal supervision and law enforcement.

Keyword: Debt Collector; Parate Execution; Fiduciary Guarantee

INTRODUCTION

Fiduciary guarantees in Indonesia are regulated in Law Number 42 of 1999. This guarantee provides security for creditors by binding movable assets, both tangible and intangible, as well as immovable assets, especially buildings that cannot be encumbered with mortgage rights. The importance of fiduciary guarantees in the financial and credit system is significant, given that Indonesia has an active banking and financing sector, where creditors need assurance that the loans provided can be returned (Feryantini dkk., 2022). This is

confirmed by the preference rights of the fiduciary creditor in the event of the debtor's default, which allows the execution of the collateral without having to go through court proceedings.

Debt collectors have a crucial role in implementing parate execution, which is the direct execution without a court order of a fiduciary security object (A. Prasetyo, 2021). This role is not only important to ensure the financial liquidity of creditors but also to maintain the stability of the credit system as a whole. However, the practice of debt collectors often creates polemics, especially when there is abuse of authority in the execution process. This has led to the need for stricter supervision and clear regulations on the limits and procedures of debt collectors' actions, to avoid violations of debtors' rights and prevent unconstitutional practices.

Data from the Financial Services Authority (OJK) shows that the number of default cases involving fiduciary guarantees has tended to increase in recent years. These statistics emphasize the importance of strengthening regulations and enforcement mechanisms for fiduciary guarantees, as well as educating market participants on applicable rights and obligations. By doing so, the execution of fiduciary guarantees can be carried out in an efficient and ethical manner, reducing the risk of legal conflicts and promoting fairness for all parties involved.

According to Law No. 42/1999 on Fiduciary Guarantee, fiduciary guarantee is defined as a security right over movable objects, both tangible and intangible, as well as immovable objects, especially buildings that cannot be encumbered by mortgage rights, which remain in the control of the fiduciary, as security for debt repayment which gives priority to the fiduciary holder against other creditors (Liono, 2021). In practice, objects that can be pledged include various assets such as machinery, inventory, intellectual property rights, and vehicles. The unique characteristic of a fiduciary guarantee is that the object of the guarantee remains in the possession of the debtor who functions as the guarantor. This allows the debtor to continue using the pledged asset in its business activities without hampering its daily operations as long as the debtor fulfills its payment obligations. The fiduciary guarantee also allows the creditor, or fiduciary right holder, to have immediate execution rights over the pledged asset if the debtor fails to fulfill its obligations, known as parate execution. These characteristics make fiduciary guarantees very important in providing security to creditors while still maintaining the smooth operations of the grantor.

Debt collectors have an important role in the debt settlement process through parate execution, which is the direct execution of a fiduciary security object without the need to go through court. This role is regulated in Law Number 42 Year 1999 on Fiduciary Guarantee. According to this law, execution can be carried out when the debtor is in default, which gives the creditor the right to sell the object of collateral directly in the market. The legal position of debt collectors in the implementation of parate execution is as representatives of creditors, not as parties who have independent legal authority. Debt collectors are tasked with carrying out the process of selling fiduciary collateral with the aim of recovering the value of unpaid credit by the debtor (H. Prasetyo, 2022). They are not allowed to act outside the limits set by the law and must avoid actions that could be considered a violation of the law, such as the use of force or intimidation.

The authority of debt collectors in the execution of their duties is also limited by other relevant regulations, including regulations on consumer protection and business ethics. For example, they must give advance notice to the debtor of the execution plan and give the debtor the opportunity to fulfill their obligations before the collateral object is sold (Lua dkk., 2021). This aims to provide protection to debtors and avoid arbitrary actions that can harm the debtor. In practice, the role and limits of debt collectors' authority is often a gray area that raises controversy and legal issues. Data from several case studies show that there have been incidents where debt collectors have overstepped their authority, leading to injustice and

sometimes legal action from debtors. This emphasizes the importance of stricter supervision and adequate training for debt collectors to ensure that they operate within a clear and fair legal framework.

The growth of credit in Indonesia backed by fiduciary guarantees has seen a significant increase over the past decade, however, it has also given rise to various challenges and legal issues related to parate execution (Chi dkk., t.t.). According to data from the Directorate General of General Legal Administration, there are thousands of fiduciary guarantee execution cases every year, but not all go smoothly. In many cases, the process often involves conflict between debt collectors and debtors, which sometimes escalates into physical clashes. Controversial cases often occur when debt collectors violate the limits of authority set by law, for example by conducting forcible seizures without a proper court order. A vivid example is a case in Jakarta last year, where a debt collector used violence to seize a pledged vehicle. This case sparked a public debate on the need to tighten regulation and supervision of the practice of debt collectors. Legislation such as Law No. 42/1999 on Fiduciary Guarantee provides the legal framework for the execution of collateral, but the implementation of this law is often inconsistent. This research aims to identify the gaps between theory and practice, and provide recommendations to strengthen legal procedures and protect the rights of all parties involved.

In the context of Law No. 42/1999 on Fiduciary Guarantee, several legal loopholes and gray areas have been the focal point of criticism and discussion, particularly with regard to the role and authority of debt collectors in the execution of parate execution. One of the main issues is the absence of a clear and comprehensive definition regarding the limitations of actions that can be taken by debt collectors during the execution process. This absence often allows for abuse of authority that leads to violations of debtors' rights, such as the taking of assets that are not in accordance with legal provisions or the use of violence and intimidation. According to data from various recorded cases, there are many instances where debt collectors act beyond the limits of their authority, indicating that existing regulations have not been effective enough in preventing or cracking down on violations. For example, in some cases, assets that are not included in the fiduciary guarantee object are forcibly taken by debt collectors, or executions are carried out without the supervision of a notary or competent legal officer, as required by law.

In order to address this issue, the purpose of this research is to identify and analyze in depth the challenges faced in the implementation of existing laws, particularly in the context of parate execution by debt collectors. The research aims to document the weaknesses in the law that allow such violations to occur and explore more effective legal solutions. One area of focus is increasing transparency and accountability in the fiduciary guarantee execution process, as well as reaffirming clear roles and authorities for all parties involved, including debt collectors, debtors, and legal authorities. By strengthening regulations and implementing evidence- and data-driven solutions, a fairer and more effective mechanism for the enforcement of fiduciary guarantees is expected, which not only protects the rights of debtors but also ensures that debt collectors can perform their duties within ethical and legal boundaries. This study is not only relevant for improving practices in the field but also important for consideration in the revision or drafting of new, more comprehensive laws in the future.

METHOD

This research uses a legal research method that uses normative juridical research, which is research intended to conduct a study of the application of rules or norms in positive law (Suyanto & others, 2023). The data source used by the author in this research is secondary data obtained from library research.

RESULTS AND DISCUSSION

Analysis of the Role and Limitations of Debt Collectors in the Implementation of Parate Execution

The implementation of parate execution in the context of fiduciary guarantees often involves the role of debt collectors. This role is important but controversial, given the frequent abuse of authority that leads to human rights violations. Based on Minister of Law and Human Rights Regulation No. 27/2018, debt collectors must have an operational license and adhere to a strict code of ethics and operating standards to ensure professional and ethical performance of their duties. In addition, Law No. 42/1999 on Fiduciary Guarantee emphasizes that fiduciary execution must be carried out amicably, with the voluntary surrender of the debtor, and prohibits the use of force or threat of force. The Civil Procedure Code also provides a legal framework that clarifies the limits and procedures of execution, including the protection of debtors' rights. However, in practice, there are still challenges such as human rights violations by debt collectors, lack of legal understanding among debt collectors, and suboptimal supervision and law enforcement (Hardianysah, 2022). Therefore, it is important to improve supervision, law enforcement, and legal education for debt collectors to ensure that the implementation of parate execution is in accordance with the law and respects human rights.

The collection of pledged goods by debt collectors is one of the crucial aspects in the implementation of parate execution of fiduciary guarantees. When the debtor fails to fulfill the payment obligation in accordance with the agreed agreement, the debt collector is assigned to take over the pledged goods as an effort to fulfill the receivables. This process must be carried out based on the provisions stipulated in Law Number 42 of 1999 concerning Fiduciary Guarantees and Minister of Law and Human Rights Regulation Number 27 of 2018. The collection of goods by debt collectors must be carried out in a manner that does not cause violence or intimidation to the debtor. Debt collectors must give advance notice and ensure that the process of withdrawing goods is carried out peacefully and according to legal procedures. It is also important for debt collectors to coordinate with creditors so that every step taken is in accordance with the provisions in the fiduciary agreement and applicable laws. In addition, debt collectors must have the proper documents and permits to perform this task to avoid potential violations of the law and abuse of authority. Strict supervision and effective law enforcement are necessary to ensure that the collection of secured goods is conducted fairly, transparently, and in accordance with human rights principles (Pranoto & Soemartono, 2023).

Coordination with creditors is a crucial aspect in the implementation of parate execution carried out by debt collectors. In this role, debt collectors act as intermediaries between creditors and debtors, ensuring that every step in the execution process is in accordance with the fiduciary agreement and applicable legal provisions. This includes a range of tasks from effective communication with creditors to obtain clear instructions, to monitoring and reporting on the progress of the execution process. Debt collectors must ensure that the actions taken do not violate the debtor's rights and remain within the limits of authority granted by law. Good coordination also helps minimize conflicts and accelerate debt settlement in an amicable and lawful manner. Thus, the role of debt collectors is not only as executors, but also as enforcers of the principles of legality and ethics in fiduciary enforcement, ensuring transparency and accountability at every stage of the execution process (Maryam, t.t.).

Debt collectors have an important responsibility in delivering clear and transparent information to debtors regarding their rights and obligations as well as the execution procedures that will be carried out. This responsibility includes providing a comprehensive explanation of the amount of debt to be paid, payment deadlines, and the consequences of failing to fulfill these obligations. In addition, debt collectors must inform debtors of their

rights in the execution process, including the right to receive written notice and the right to object or pursue legal remedies if necessary. The execution procedure should also be explained in detail, including the steps to be taken, the time of execution, and the parties involved in the process. By providing transparent and accurate information, debt collectors not only help maintain good relations between creditors and debtors, but also ensure that the execution process runs in accordance with applicable legal provisions, reduce potential conflicts, and prevent abuse of authority that can harm both parties (Zuhroh & others, 2024).

Regulatory compliance is a crucial aspect in the operation of debt collectors, as stipulated in the Minister of Law and Human Rights Regulation No. 27/2018. This regulation requires every debt collector to have an official operational license from the authorities, which aims to ensure that only entities that meet certain standards are allowed to operate. In addition, debt collectors are also required to adhere to a set code of ethics and operating standards. This code of conduct covers the principles of professionalism, integrity, and respect for human rights, so that collection activities are conducted in an ethical and legal manner. The established operating standards include transparent and fair collection procedures, as well as the prohibition of the use of violence or intimidation in the collection process. Compliance with these regulations not only protects the rights of debtors, but also safeguards the reputation of the debt collection industry and enhances public confidence in the financial system. With strict supervision and enforcement, it is hoped that debt collection practices in Indonesia can take place more fairly and humanely (Maluw dkk., 2024).

Peaceful execution is a fundamental principle in Law No. 42/1999 on Fiduciary Guarantee. This law emphasizes that fiduciary execution must be carried out without violence or threat of violence, prioritizing voluntary surrender from the debtor. This aims to protect the debtor's rights and maintain public order. Debt collectors tasked with collecting receivables must adhere to this principle by not using intimidative or coercive measures in taking the pledged goods. If the debtor does not surrender the goods voluntarily, the creditor must apply to the court for execution, ensuring that the execution process remains within the corridors of the law. This approach underscores the importance of respecting human rights and ensuring that all parties engage in a fair and civilized process, avoiding potential conflicts and violations of the law that could occur if force is used in the execution of fiduciary duties (Nasokha, 2024).

Article 29 of Law No. 42/1999 on Fiduciary Guarantee stipulates that fiduciary execution must be carried out by voluntary delivery of goods by the debtor. This provision emphasizes that the execution process must not be carried out in an intimidating or violent manner. This voluntary surrender aims to protect the debtor's rights and ensure that the execution process runs in accordance with applicable legal principles. In practice, if the debtor is not willing to voluntarily surrender the fiduciary object, the creditor is not allowed to take the goods by force. Instead, the creditor must file an execution petition with the court. This procedure ensures that there is a judicial oversight mechanism over the execution process, thus minimizing the potential for abuse of power by creditors or debt collectors. The court will then issue a judgment allowing the execution to be carried out with the assistance of law enforcement officials, if necessary (Heriawanto, 2019). Thus, this provision aims to maintain a balance between the creditor's right to recover its rights and the debtor's right to be treated fairly and humanely in the execution process.

Human rights violations in the context of debt collection by debt collectors is a serious issue that often surfaces. Although regulations such as Law No. 42/1999 on Fiduciary Guarantee and Minister of Law and Human Rights Regulation No. 27/2018 have set clear boundaries, there are still many cases where debt collectors use intimidation or even physical violence in collecting debts from debtors. These practices clearly violate human rights, especially the right to be free from threats and inhumane treatment. Intimidation can take the form of verbal threats, forced confiscation of goods, and physical violence that can cause

psychological trauma to debtors and their families. Violations like this are not only detrimental to the individuals concerned, but also tarnish the image of financial institutions that use the services of debt collectors. Therefore, there needs to be tighter supervision and stricter law enforcement against collection practices that violate the law and human rights. Better education for debt collectors on debtor rights and legal collection procedures is also needed to prevent similar violations in the future.

Lack of legal knowledge among debt collectors is often a major source of problems in the execution of their duties. Many debt collectors do not have an in-depth understanding of the regulations governing their duties and authority, which are stipulated in Minister of Law and Human Rights Regulation No. 27/2018 and Law No. 42/1999 on Fiduciary Guarantees. This ignorance leads to unlawful collection practices, such as the use of intimidation or violence in collecting debts, which clearly violates human rights and applicable legal principles. In addition, the lack of understanding of proper legal procedures often results in debt collectors skipping important steps in the fiduciary execution process, such as the voluntary surrender of goods by the debtor or the filing of an execution petition with the court. This is not only detrimental to the debtor, but can also damage the creditor's reputation and lead to legal consequences for debt collectors. Therefore, increased legal education and comprehensive training for debt collectors is essential to ensure that they can carry out their duties properly and in accordance with applicable regulations, as well as protect the rights of all parties involved in the collection process.

Supervision and enforcement of debt collector activities is a crucial aspect that still faces many challenges in Indonesia. Although regulations such as Minister of Law and Human Rights Regulation No. 27/2018 and Law No. 42/1999 on Fiduciary Guarantees have set clear boundaries and procedures, implementation in the field is often less than optimal. Weaknesses in supervision have led to many debt collectors operating without complying with applicable operating standards and codes of conduct. In addition, law enforcement against violations by debt collectors is still often considered not strict enough, with sanctions given not proportional to the violations committed. This has led to illegal practices such as intimidation, violence, and coercion in debt collection being rampant. To address this problem, there needs to be an improvement in the supervisory system as well as more consistent and strict law enforcement. Legal education for debt collectors is also important to ensure they understand and comply with applicable regulations, so that debt collection practices can be carried out in a more humane and lawful manner.

The role of debt collectors in the implementation of parate execution is very important but must be carried out within strict limits in accordance with applicable regulations. Debt collectors function as a liaison between creditors and debtors in securing unpaid receivables, especially in the context of fiduciary guarantees. Nonetheless, their activities must be in accordance with Minister of Law and Human Rights Regulation No. 27/2018 and Law No. 42/1999 on Fiduciary Guarantees, which require execution to be carried out peacefully and without the use of force. Stricter supervision and law enforcement are urgently needed to ensure that debt collectors operate within the correct legal framework and do not violate human rights. In addition, comprehensive legal education for debt collectors is key to ensuring that they understand and carry out their duties in accordance with applicable regulations. Thus, the practice of fiduciary execution can be carried out more fairly and humanely, protecting the rights of all parties involved and increasing public confidence in the law enforcement system.

Legal and Ethical Impact of Parate Execution by Debt Collectors

The execution of a fiduciary guarantee is the process of seizing the pledged assets to pay off the debtor's debt when the debtor fails to pay (Bouzen & Ashibly, 2021). In this process, debt collectors are often assigned to assist in the execution process. However, in

practice, it is not uncommon for debt collectors' actions to violate the law and ethics, to the detriment of debtors' rights. Some legal consequences and ethical considerations of debt collectors' actions in the execution of fiduciary guarantees.

The legal consequences include several violations that can be committed by debt collectors in the process of executing fiduciary guarantees (Supriyanto, 2022). Debt collectors who forcibly seize assets without a court order or consent from the debtor can be convicted under Article 368 of the Criminal Code on Confiscation. The act of seizure without a valid legal basis is considered a criminal offense and may be subject to criminal sanctions. Article 368 of the Criminal Code regulates acts of deprivation committed with violence or threats of violence. If a debt collector seizes a debtor's assets without a legal procedure, for example without a court decision or without the debtor's consent, the act is considered an unlawful seizure. Debt collectors who commit this act may be subject to criminal penalties in accordance with the provisions of the article (Aina & Heniarti, 2022).

Debt collectors who threaten debtors with the aim of frightening and forcing them to pay debts can be convicted under Article 335 of the Criminal Code on Threats. This article stipulates that the use of threats, both verbal and physical, with the intention of forcing someone to do something that the perpetrator wants, including paying a debt, is a criminal act (Mailangkay, 2024). Debt collectors who use this method to pressure debtors to pay debts are violating the law and may be subject to criminal penalties in accordance with the provisions in Article 335 of the Criminal Code.

Debt collectors who commit acts that disturb public order, such as committing violence or causing commotion during the execution process, can be convicted under Article 482 of the Criminal Code on Acts Violating Public Order. This article confirms that actions that cause serious disturbance to public peace or disturb public order are violations of the law that can be subject to criminal sanctions. In the context of fiduciary guarantee execution, debt collectors are expected to carry out their duties in an orderly manner and not cause disturbance to the surrounding community. Violations of Article 482 of the Criminal Code may include a variety of actions, such as physical violence or behavior that creates unnecessary commotion, which may disrupt social order and may be sanctioned under applicable law.

Debt collectors who engage in unethical debt collection practices, such as using methods that deceive, coerce, or harass debtors, may be sanctioned by the Trade Supervisory Agency (BKP) under Law No. 8/1999 on Consumer Protection. This law aims to protect the rights of consumers from unfair and harmful business practices (Khariati, 2020). Violations of these laws can result in administrative and criminal sanctions for those who engage in collection practices that violate applicable ethics and legal standards. For example, using false threats, providing misleading information, or using intimidation to obtain debt payments can be considered a violation of the Consumer Protection Law (Yonatan dkk., 2022). Therefore, debt collectors are expected to carry out their duties in compliance with ethical and legal principles in conducting debt collection.

Ethical considerations in debt collector practices include several important aspects. First, respect for human rights is a key principle, where debt collectors are expected to respect the human rights of debtors. This includes the debtor's right to be treated with dignity and without discrimination. Debt collectors should avoid any form of treatment that could dehumanize or potentially discriminate against debtors based on their background or personal characteristics.

The principle of respect for human rights also requires debt collectors to treat each debtor with respect for their diversity and uniqueness as individuals. This includes avoiding attitudes or actions that could lead to unfairness or inequality in the treatment of debtors based on factors such as race, religion, gender, or sexual orientation (Putri & Apriani, 2022). By adhering to this principle, debt collectors can carry out their duties by maintaining moral

integrity and professionalism, as well as ensuring that any interactions with debtors are conducted with due regard to basic human values.

Debt collectors are expected to act in a fair and balanced manner in the process of executing fiduciary guarantees. This means they should not use methods that oppress or disproportionately harm the debtor (Manurung dkk., 2021). In this context, the execution process must be carried out by considering the principle of fairness, namely treating the debtor with respect and considering the debtor's individual conditions and needs.

Steps taken in the execution of fiduciary guarantees must always fall within the framework of the applicable legal provisions. This includes following procedures that are clearly regulated by law, as well as ensuring that every action taken has a legitimate legal basis. Debt collectors must ensure that every step taken is not only lawful but also ethical, taking into account the impact on the debtor and society in general (Ramadhan & Suryono, 2024).

Transparency and accountability are important aspects in debt collection practices carried out by debt collectors. Transparency requires debt collectors to carry out the debt collection process in an open and clear manner. They must provide clear information to debtors regarding their rights, including the right to know the amount of debt to be paid and the procedures that will be carried out during the collection process (Subadi, 2019).

Accountability requires debt collectors to take responsibility for their actions. They must be prepared to face the consequences for actions that violate the law or ethics in debt collection. This includes ensuring that every step taken during the debt collection process not only complies with applicable legal provisions, but also follows high ethical standards (Denisanjaya & Mangesti, 2022). Debt collectors must maintain their integrity as professionals in the debt collection industry, by avoiding practices that could harm debtors or tarnish their own reputation and that of the company they work for (Wulandari & others, 2023). By applying transparency and accountability in every aspect of their work, debt collectors can build better relationships with debtors, strengthen public trust in the industry, and ensure better protection of consumer rights in the debt collection process.

By adhering to these ethical principles, debt collectors can perform their duties professionally by ensuring that every step taken during the debt collection process is done with high ethical values in mind. This includes maintaining integrity in their interactions with debtors, treating each individual with respect, and complying with all applicable legal provisions related to debt collection.

Adhering to ethical principles also helps debt collectors to maintain public trust in their profession and the debt collection industry as a whole. By providing transparent, fair and responsible services, they can build a good reputation and reduce potential conflicts with debtors or the general public. Adhering to these ethical principles also means protecting the rights of debtors in accordance with applicable legal provisions (Beladiena dkk., 2021). Debt collectors must ensure that any actions taken are not only lawful but also respect the rights of consumers, including the right to be treated with dignity, without discrimination, and with proper protection of their personal information (SM dkk., 2024). Thus, by consistently adhering to these ethical principles, debt collectors not only perform their duties well professionally but also make a positive contribution in maintaining public trust as well as the protection of debtors' rights within the scope regulated by law.

The effects on debtors' rights of unlawful and unethical debt collector actions can be devastating. Debtors can face serious consequences such as forcibly losing their assets without going through a legitimate legal process (Pou dkk., 2024). This means that confiscation or execution actions carried out without the debtor's consent or without a court decision may result in the debtor unjustly losing their property.

Unreasonable debt collection can cause debtors to suffer significant financial losses. For example, if debt collectors use threats or unlawful pressure to coerce debt payments,

debtors may be forced to pay amounts that are not within their means or in an unfair manner. The psychological effects can also be severe for debtors who experience unethical debt collection. They can experience severe stress, anxiety, and even depression due to the pressure exerted by debt collectors. This situation can affect the debtor's mental health as well as their overall quality of life.

Actions that violate human rights principles may also occur. Debtors have the right to be treated with dignity and without discrimination. Debt collectors who do not adhere to this principle may violate the debtor's human rights by means of unfair or discriminatory treatment, such as treatment that does not respect human dignity or based on the debtor's personal characteristics (Rahmatullah, 2024). As such, unlawful and ethical actions in debt collection not only impact the financial aspects of debtors but can also affect their mental health and quality of life. Protecting the rights of debtors in this context is crucial to ensure that any debt collection process is conducted fairly, transparently, and in accordance with applicable legal principles and human rights.

Debt collectors have an important legal responsibility to ensure that they act in accordance with the law and ethics in all fiduciary security execution processes (Juhana dkk., 2024). They must comply with any applicable laws and regulations related to debt collection, including Law No. 8 Year 1999 on Consumer Protection and Financial Services Authority Regulation (POJK) No. 6/POJK/2019 on the Implementation of Business Activities of Accounts Receivable Collection Companies.

Debt collectors are also expected to fully respect the rights of debtors. They must act professionally and ethically, treat debtors with respect, and not use collection methods that violate human dignity or are unethical. This includes maintaining strict confidentiality of debtors' data and not disseminating debtors' personal information to other parties without the debtors' prior consent.

If debtors feel aggrieved by the actions of debt collectors, they have the right to take legal steps. One step that can be taken is to report the matter to the Financial Services Authority (OJK) if it involves violations of financial regulations or consumer protection (Ansa, 2023). In addition, if the debt collector's actions reach a criminal level, such as threats or violence, the debtor can report it to the police for further handling (Syaputra dkk., 2023). By adhering to all legal rules, ethical principles, as well as respecting the rights of debtors, debt collectors can perform their duties properly and ensure that the debt collection process runs according to the standards necessary to protect the interests of all parties involved.

CONCLUSION

The implementation of parate execution in fiduciary security often involves debt collectors who have an important but controversial role, often leading to abuse of authority and human rights violations. Based on Minister of Law and Human Rights Regulation No. 27/2018, debt collectors must have an operational license and adhere to a strict code of conduct and operating standards to ensure their duties are carried out professionally and ethically. Law No. 42/1999 on Fiduciary Guarantees requires that executions be carried out peacefully and prohibits the use of force. Despite these regulations, challenges remain such as human rights violations, lack of legal understanding among debt collectors, and suboptimal supervision and law enforcement. Therefore, increased supervision, law enforcement, and legal education for debt collectors are essential to ensure that the implementation of parate execution is in accordance with the law and respects human rights.

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