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Modeling the Contract and Execution Fiduciary on Constitutional Court Decision
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Abstract

Many facts of disputes between creditors and debtors regarding the excesses of fiduciary guarantees and the existence of a decision of the Constitutional Court, which changed the legal provisions regarding the execution of fiduciary securities. This research aims to determine how clauses concerning an agreement over a breach of contract are outlined in a fiduciary agreement and what hinders the execution of fiduciary security. With normative and empirical methods, this research indicates that the clause regarding a breach of contract is outlined in a fiduciary deed by the creditor and debtor concerned. Some hindrances, however, interrupt the execution of the fiduciary security; the client denies any breach of contract, believing that this negligence represents force majeure; and the client refuses to voluntarily hand in the fiduciary object or even attempts to embezzle the fiduciary thing. Following these two hindrances, the creditor offers a persuasive negotiation to encourage the client to admit the breach of contract committed and to release the fiduciary object willingly. © 2023, Lembaga Contrarius Indonesia. All rights reserved.

Author Keywords

Contract; Execution; Fiduciary; Modeling

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