

POLICE POSITION IN THE EXECUTION OF FIDUCIARY GUARANTEES INDONESIAN LAW

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This research examines and reconstructs the position and authority of the Indonesian National Police in safeguarding the execution of fiduciary security within the Indonesian legal system. The study arises from the tension between the need for legal certainty for creditors and the protection of debtors' rights, particularly following Constitutional Court decisions that have limited the practice of *parate execution*. In practice, police involvement in fiduciary execution often generates perceptions of partiality and potential abuse of power due to the unclear boundary between safeguarding functions and civil execution. This study employs normative legal research using statutory, conceptual, and case approaches, complemented by empirical analysis of law in action. The findings reveal that, normatively, the police have no authority to carry out civil execution and are limited to maintaining public order and security. However, empirical observations indicate inconsistencies in procedures, varying levels of legal understanding among officers, and the influence of economic pressures and legal culture. This research proposes an ideal reconstruction model that positions the police as neutral safeguarding officers grounded in legality, due process of law, and human rights protection, supported by procedural standardization, specialized training, and increased public legal literacy. The study contributes a normative-operational framework aimed at balancing legal certainty, justice, and the protection of citizens' rights in the execution of fiduciary security in Indonesia.

Keywords: Police, Position, Execution, Fiduciary Guarantees, Indonesian Law.

INTRODUCTION

Background

The development of guarantee institutions in the Indonesian legal system cannot be separated from the dynamics of financing needs in modern economic activities. The growth of the consumer finance sector, banks, and non-bank financial institutions requires a guarantee instrument that is able to provide legal certainty for creditors without hindering the productivity of debtors. In this context, fiduciary guarantees are present as a material guarantee institution that allows the object to remain in the debtor's possession even though it is juridically burdened with the right of guarantee. The character of *non-possessory security* provides economic flexibility, but at the same time gives birth to legal problems when the debtor defaults. The object of collateral that is still controlled by the debtor often causes resistance when it is about to be executed. This situation shows that the law of guarantees is not only normative, but also sociological. The conflicts that arise in practice show that there is a tension between the rights of creditors and the protection of debtors. It is in this condition that the role of state apparatus, especially the Police, begins to be seen as relevant to maintain order. The presence of the police is important to prevent wider social conflicts during the execution process. Thus, the position of the Police cannot be separated from the legal construction of fiduciary guarantees itself.¹

Juridically, Law Number 42 of 1999 concerning Fiduciary Guarantees provides a strong legal basis for creditors to obtain repayment of their receivables through the execution mechanism. The fiduciary guarantee certificate contains the title "For Justice Based on the One Godhead" which provides executory power equivalent to a court decision. This norm is intended to provide legal certainty and efficiency in the world of financing. However, in practice, the understanding of the executory power is often misinterpreted as the right to make a forced withdrawal. Many finance companies interpret the execution parade as absolute authority. As a result, there are unilateral actions that cause conflicts in society. Vehicle towing on the road, at the debtor's house, and even in public places is a phenomenon that often triggers tension. In such situations, police officers are often asked to be present to secure the process. This shows that the norms of fiduciary law intersect directly with the function of the police in maintaining public order.²

Significant changes in fiduciary execution practices occurred after the Constitutional Court Decision Number 18/PUU-XVII/2019. The Court emphasized that the determination of default cannot be made unilaterally by creditors. In addition, the execution should not be carried out by force without a court agreement or ruling. This decision affirms the principle of *due process of law* in

¹ Salim HS, *The Development of Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2017), pp. 83–85.

² Rachmadi Usman, *Civil Guarantee Law* (Jakarta: Sinar Grafika, 2016), pp. 210–212.

the guarantee law. As a result, the execution parade space became more limited. Creditors no longer have the flexibility to make direct withdrawals. On the other hand, the potential for conflict actually increases because the debtor feels that he has constitutional protection. In this context, requests for security to the police are increasingly frequent. However, police involvement must remain within normative limits. Policies should not be a tool of creditor pressure. Their position should be neutral and law-based.³

The police responded to the dynamics of this practice through the Regulation of the Chief of the National Police of the Republic of Indonesia Number 8 of 2011 concerning the Securing of the Execution of Fiduciary Guarantees. This regulation provides operational guidelines regarding the procedure for applying for security. The police can only act after the documents have been administratively verified. A fiduciary certificate and proof of default are the main requirements. Security is carried out to prevent security and order disturbances. This regulation confirms that the police do not carry out the execution function. They only ensure a conducive situation. These limits are important to maintain institutional neutrality. Without clear boundaries, the police risk being perceived as siding with creditors. Therefore, this regulation is an important instrument in regulating the position of the police.⁴

From the perspective of the theory of the state of law, the involvement of state apparatus must always be based on authority. The principle of legality requires that every action of the apparatus has a clear legal basis. In the context of fiduciary, the authority of the police comes from the function of maintaining public order. Not from the civil guarantee law. This shows a firm separation between the private and public spheres. The police are not authorized to determine whether the execution is legal or not. The assessment of legality remains the authority of the court. The police are present to prevent criminal offenses. This framework places the police as the guardians of order, not the executors of civil rights. This understanding is important so that there is no abuse of authority.⁵

Sociologically, conflicts in the implementation of fiduciary guarantee execution are often triggered by the low level of public legal literacy on the concept of material guarantees. Many debtors still view the financed property as their full property even though it has been juridically burdened with fiduciary guarantees. This ignorance leads to rejection when the object is about to be executed. In practice, it is not uncommon for motor vehicle withdrawals to be blocked by the debtor's family or the surrounding community. This situation has the potential to cause horizontal conflicts and even violence. At this point, the presence of the police is important as a party that has the authority to maintain order. However, a

³ Constitutional Court Decision No. 18/PUU-XVII/2019, pp. 124–126.

⁴ Regulation of the Chief of the Indonesian National Police Number 8 of 2011, pp. 5–7.

⁵ Ridwan HR, *State Administrative Law* (Jakarta: RajaGrafindo, 2016), pp. 98–100.

repressive approach can actually muddy the situation. Therefore, a persuasive and communicative approach is key. The police not only act as law enforcement officers, but also as social mediators. This function shows that the position of the police in fiduciary execution has a strong sociological dimension.⁶

From the perspective of consumer protection, debtors as users of financing services have the right to fair and humane treatment. Intimidating executions are contrary to the principle of consumer protection. The Consumer Protection Law emphasizes the balance of rights and obligations of the parties. Therefore, the taking of collateral objects must not violate human dignity. The police have an important role in ensuring that such violations do not occur. The presence of the police in this context also serves as a protector of human rights. This role places the police as an institution that maintains a balance between economic interests and individual protection. Without the control of the authorities, the practice of execution can develop into coercive acts. This has the potential to damage public trust in the legal system.⁷

Conceptually, fiduciary guarantees are part of the law of things that grant preferential rights to creditors. This right gives priority in the repayment of receivables. However, these material rights must still be implemented in the procedural law corridor. Without clear procedures, preferential rights can potentially be abused. Unilateral executions can lead to injustice. In this context, the role of the police helps ensure that procedures are respected. The police are present to prevent unlawful acts. Thus, the presence of the police actually strengthens legal certainty. However, such presence should not be interpreted as the legitimacy of the forced withdrawal. The position of the police remains as a security, not an executor of material rights.⁸

In the practice of the financing industry, fiduciary guarantees are the main instrument in motor vehicle loans. The high volume of financing causes the number of default cases to also increase. Finance companies often submit security applications to the police. This condition demands strict operational standards. Without clear standards, police institutions have the potential to be burdened. In addition, the risk of conflicts of interest also increases. Therefore, administrative arrangements are important. The police must ensure that each application meets the legal requirements. This step is necessary to maintain the professionalism of the institution.⁹

From a criminal law point of view, an act of forcible withdrawal without a legal basis can qualify as forcible confiscation or coercion. Therefore, the police

⁶ Satjipto Rahardjo, *Progressive Law* (Jakarta: Kompas, 2009), pp. 45–47.

⁷ Ahmadi Miru, *Consumer Protection Law* (Jakarta: RajaGrafindo, 2013), pp. 67–69.

⁸ Subekti, *Aneka Perjanjian* (Bandung: Citra Aditya Bakti, 2014), pp. 29–31.

⁹ M. Bahsan, *Indonesian Banking Credit Guarantee and Guarantee Law* (Jakarta: RajaGrafindo, 2010), pp. 72–74.

have an obligation to prevent criminal acts from occurring in the execution process. This function emphasizes that the involvement of the police is not to help creditors, but to enforce criminal law. The police must be neutral. Any indication of violations must be acted upon. This principle is important to maintain the integrity of law enforcement. Without neutrality, public trust will decline. Therefore, the professionalism of the apparatus is the key.¹⁰

The principle of *due process of law* is an important foundation in the state of law that demands that every action that touches the rights of citizens be carried out through fair and legitimate procedures. In the context of the execution of fiduciary guarantees, this principle requires that the taking of the object of the guarantee is not carried out unilaterally without a correct legal mechanism. The police in this case have a strategic position as the guardian of procedures so that the execution does not violate the law. The presence of the police should ensure that the rights of debtors are respected and the rights of creditors are exercised proportionately. Without procedural controls, executions can turn into coercive actions. This situation has the potential to violate the principle of the rule of law. Therefore, the police must understand the limits of their authority precisely. They are not authorized to determine default. The police only keep the process running in an orderly manner. This understanding is important to prevent the criminalization of civil disputes.¹¹

In the framework of state administrative law, every action of government officials must be based on the principles of legality and the principle of prudence. The police as an organ of the state cannot act without a clear basis of authority. The security of fiduciary execution must be based on official applications and document verification. Without such procedures, police actions can be sued as an abuse of authority. This shows that the position of the police is not only limited by criminal law, but also by administrative law. Internal and external supervision is important. The administrative accountability mechanism needs to be strengthened. Thus, police involvement remains within the legal corridor.¹²

Comparison with practices in other countries shows that the repossession of the collateral object is generally strictly regulated. In many jurisdictions, the retrieval of objects must be through a court order. The police are only involved if there is a disturbance of order. This approach emphasizes the rule of law of the event. Indonesia can learn from this practice. Strengthening the judicial mechanism can reduce conflicts on the ground. Police involvement is the last

¹⁰ Moeljatno, *Principles of Criminal Law* (Jakarta: Rineka Cipta, 2008), pp. 132–134.

¹¹ Jimly Asshiddiqie, *Indonesian Constitution and Constitutionalism* (Jakarta: Sinar Grafika, 2010), pp. 201–203.

¹² Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: Bina Ilmu, 1987), pp. 38–40.

option. This approach further guarantees the protection of citizens' rights. In addition, it also strengthens legal legitimacy.¹³

Legal certainty is an important factor in the business and financing world. Without certainty, credit risk increases. Fiduciary guarantees are designed to provide such certainty. But certainty must not come at the expense of justice. The police in this context help create stability. The presence of state apparatus gives a sense of security. Both for creditors and debtors. But stability must be built on law. Not power. Therefore, the limits of the role of the police must be clear.¹⁴

From the point of view of justice, the implementation of execution must not cause inequality. Substantive justice demands proportionate treatment. The police must be neutral. It does not take sides with creditors or debtors. This neutrality is important to maintain the legitimacy of the institution. Without neutrality, the apparatus is easily suspected. Public suspicion can undermine trust in the law. Therefore, the integrity of the apparatus is a key factor. Professional ethics training needs to be strengthened.¹⁵

In empirical practice, it is not uncommon for criticism to arise that the involvement of the police in securing fiduciary execution has the potential to cause a perception of partiality towards financing companies. This criticism arises because in some cases the police are considered to be present to actively accompany the withdrawal of objects. This public perception risks lowering the level of public trust in the police institution. In fact, normatively, the police only carry out security functions. It is this difference between norms and practices that raises problems. Therefore, procedural transparency is very important. The public needs to understand the limits of police authority. Socialization of regulations must be strengthened. Without clarity of roles, conflicts of perception will continue to occur. This condition shows that the issue of fiduciary is also related to the institutional legitimacy of the state apparatus.¹⁶

Subsequent Constitutional Court rulings, including Decision Number 2/PUU-XIX/2021, further emphasized the protection of debtors. The Court reminded that executions should not violate the constitutional rights of citizens. This affirmation shows the tendency to strengthen legal protection for debtors. As a result, the fiduciary execution model must adapt. The police must not get caught up in old practices. Adjustment of procedures is a must. This shows that the dynamics of fiduciary law continue to develop. Therefore, the understanding of the

¹³ Roy Goode, *Commercial Law* (London: Penguin, 2016), pp. 512–514.

¹⁴ Lawrence M. Friedman, *The Legal System* (New York: Russell Sage, 1975), pp. 15–17.

¹⁵ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), p. 5

¹⁶ National Police Commission, *Annual Report of the National Police Commission* (Jakarta, 2022), pp. 41–43.

apparatus must always be updated. Without updates, practices on the ground risk being contrary to the constitution.¹⁷

Likewise, the Constitutional Court Decision Number 71/PUU-XIX/2021 which again emphasizes the importance of a fair legal mechanism in the execution of guarantees. The court places the protection of citizens' rights as a priority. This decision shows the direction of legal policy that increasingly emphasizes *procedural justice*. In this context, the position of the police has become increasingly sensitive. The police must be careful not to exceed their authority. The involvement of the authorities must be completely based on the law. Thus, the rule of law is maintained. This shows the importance of clear operational guidelines. Without guidelines, interpretations in the field can vary.¹⁸

From the point of view of guarantee law, experts emphasize that the main purpose of guarantee institutions is to create certainty and protection for creditors without necessitating the rights of the debtor. This balance is the essence of modern guarantee law. The policy in this context must not be an instrument of domination by one party. The presence of state apparatus must be interpreted as a keeper of balance. Therefore, the design of regulations must clarify the limits of authority. Without normative affirmation, the room for abuse remains open. This condition shows the need for legal reconstruction. The reconstruction must be based on the principles of justice and legal certainty.¹⁹

Based on the overall description, it can be seen that the position of the police in the execution of fiduciary guarantees is at the meeting point between private law and public law. The police have the function of maintaining order, but are not authorized to carry out civil executions. In practice, these boundaries are often blurred, giving rise to normative and sociological conflicts. This is where *the research gap* that is important to study further, namely how to formulate an ideal model for the position of the police in securing fiduciary execution that is in line with the principles of the rule of law, human rights protection, and legal certainty for the business world. In-depth research is needed to formulate a normative reconstruction that is able to provide clear guidelines for the authorities. Without comprehensive academic studies, potential conflicts will continue to recur. Therefore, research on the position of the police in the execution of fiduciary guarantees has a high scientific and practical urgency in the development of national law.

¹⁷ Constitutional Court Decision Number 2/PUU-XIX/2021, pp. 97–99.

¹⁸ Constitutional Court Decision Number 71/PUU-XIX/2021, pp. 115–117.

¹⁹ Salim HS, *Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2014), pp. 101–103.

Problem Statement and Research Question

The execution of fiduciary guarantees in Indonesian legal practice shows complex dynamics because it is at the intersection of civil law, guarantee law, and public law. Normatively, Law Number 42 of 1999 concerning Fiduciary Guarantees gives executory power to fiduciary certificates, but the development of jurisprudence through the Constitutional Court Decision has limited the implementation of execution and affirmed the importance of *due process of law*. In practice, these restrictions actually increase the potential for conflict in the field because the object of collateral remains in the debtor's control. This condition encourages the involvement of the Police in securing fiduciary execution.

Problems arise when the position of the Police is not always understood uniformly, both by the apparatus itself, creditors, and the public. The police are often perceived as parties that assist in the implementation of executions, even though normatively their role is limited to the function of securing public order. The unclear boundaries of this authority have the potential to cause abuse of authority, conflicts of interest, violations of debtors' rights, and a decrease in public trust in the police institution. On the other hand, the business world needs legal certainty so that fiduciary guarantee institutions remain effective in supporting financing activities.

Until now, there has been no comprehensive and systematic normative construction of the ideal model of the position of the Police in the execution of fiduciary guarantees that is able to balance legal certainty, justice, and human rights protection. This conceptual vacuum raises the need for in-depth research to formulate a more appropriate legal reconstruction of the position and limits of the authority of the Police in securing the execution of fiduciary guarantees in Indonesia.

Research Questions

1. What is the normative construction of the position and authority of the Police in securing the execution of fiduciary guarantees according to laws and regulations in Indonesia?
2. What is the empirical practice of the involvement of the Police in securing the execution of fiduciary guarantees and legal problems that arise in the field?

Objectives of the Study

This study aims to critically examine and reconstruct the legal position and authority of the Indonesian National Police in safeguarding the execution of

fiduciary security within the Indonesian legal framework. Specifically, the objectives of this research are:

1. To analyze the normative legal framework governing the position and authority of the police in safeguarding fiduciary security execution under Indonesian laws and regulations.
2. To examine the empirical practices of police involvement in fiduciary security execution and to identify the legal and practical issues arising in the field.
3. To formulate an ideal legal reconstruction model regarding the police's role in fiduciary security execution that aligns with the principles of legality, due process of law, and human rights protection while ensuring legal certainty for creditors and fairness for debtors.

Conceptual Framework

The conceptual framework of this study is prepared to provide operational constraints on the main concepts used so that the analysis of the position of the Police in the execution of fiduciary guarantees can be carried out in a directed manner. This research is at the intersection of property guarantee law, state administrative law, and civil procedure law. Therefore, the affirmation of the concept is needed so that there is no ambiguity in understanding the limits of the authority of the institutions involved. The conceptual framework also functions as an analytical tool to assess the suitability of practices with positive legal norms. With a clear framework, research can accurately identify areas of normative and practical conflict.²⁰

The first concept is fiduciary guarantee, which is the right to guarantee movable objects, both tangible and intangible, that remain in the control of the fiduciary as collateral for the repayment of certain debts. Fiduciary guarantees are *accessory* to the principal agreement and give preferential rights to creditors. This character distinguishes it from pawns that require the physical surrender of objects. In the conceptual framework of this research, fiduciary is understood as a legal instrument that provides protection for creditors without eliminating the economic function of the property for the debtor. However, the preferential right is still limited by the principles of justice and legal certainty.²¹

The second concept is the execution of fiduciary guarantees, which is interpreted as the exercise of the creditor's right to obtain repayment of receivables through the object of collateral when the debtor defaults. Execution in modern law is not only understood as a coercive act, but rather as a legal process

²⁰ Salim HS, *The Development of Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2017), pp. 12–14.

²¹ Rachmadi Usman, *Civil Guarantee Law* (Jakarta: Sinar Grafika, 2016), pp. 189–191.

that must follow lawful procedures. This concept places execution within the framework of civil procedure law and the protection of the debtor's rights. Thus, the execution cannot be carried out arbitrarily. An emphasis on procedures becomes important to prevent abuse of rights by creditors.²²

The third concept is the position of the Police, which refers to the position of the National Police as a state tool that has the function of maintaining public security and order, law enforcement, and protection and service to the community. In this study, the position of the Police is not interpreted as the executor of civil execution, but as an apparatus that carries out security functions. This conceptualization is important so that there is no expansion of authority that goes beyond positive law. The police are in the realm of public law, while fiduciary execution is in the private realm. This separation is the basis of the research analysis.²³

The fourth concept is execution security, which is preventive action by police officers to ensure that the execution does not cause security disturbances or social conflicts. Security is administrative and is carried out based on official requests. In this concept, the police do not determine whether the execution is legal or not. Security only ensures a conducive situation. Thus, security must be expressly distinguished from executory actions.²⁴

The fifth concept is due process of law, which is interpreted as the principle that any action that has the potential to limit citizens' rights must be carried out through fair and legitimate legal procedures. This principle demands a balance between creditors' rights and debtor protection. In the context of fiduciary, *due process* limits the practice of unilateral withdrawal. This concept is the main parameter in assessing police involvement.²⁵

The sixth concept is legal certainty, which refers to the clarity of norms and consistency in the application of the law. Legal certainty is important for the business and financing world. Without certainty, credit risk increases. However, legal certainty must go hand in hand with justice. In this study, legal certainty is used as an evaluation parameter for fiduciary arrangements.²⁶

The seventh concept is the protection of human rights, which places the debtor as a legal subject whose dignity must be respected. Executions carried out in an intimidating manner are contrary to human rights principles. The police in

²² Subekti, *Aneka Janji* (Bandung: Citra Aditya Bakti, 2014), pp. 78–80.

²³ Sadjijono, *Police Law in Indonesia* (Yogyakarta: Laksbang, 2008), pp. 23–25.

²⁴ Regulation of the Chief of the National Police of the Republic of Indonesia Number 8 of 2011, pp. 3–4.

²⁵ Jimly Asshiddiqie, *Indonesian Constitution and Constitutionalism* (Jakarta: Sinar Grafika, 2010), pp. 198–200.

²⁶ M. Bahsan, *Indonesian Banking Credit Guarantee and Guarantee Law* (Jakarta: RajaGrafindo, 2010), pp. 15–17.

this framework are positioned as protectors of citizens' rights. The concept of human rights is an ethical and constitutional parameter in execution practices.²⁷

With this conceptual framework, this study views the relationship between fiduciary guarantees, enforcement mechanisms, and police involvement as a single legal system that must be analyzed in an integrated manner. This framework serves as a basis for assessing the suitability of practices with the principles of the rule of law and formulating an ideal legal reconstruction of the position of the Police in the execution of fiduciary guarantees in Indonesia.²⁸

Research Methodology

This research uses a *normative legal research approach*, which is research that places law as a norm written in laws and regulations, court decisions, and the doctrine of legal scholars. This approach was chosen because the main focus of the research is to analyze normative constructions regarding the position of the Police in the execution of fiduciary guarantees. Normative legal research views law as an autonomous system of norms, so the analysis is focused on the synchronization of regulations, legal principles, and relevant legal concepts. With this approach, the research can examine the consistency of fiduciary law regulation and police authority in a systematic manner.²⁹

The research approaches used include the statute *approach*, the conceptual *approach*, and *the case approach*. The legislative approach is used to examine regulations related to fiduciary guarantees and police authority. Conceptual approaches are used to analyze concepts such as *due process of law*, legal certainty, and human rights protection. Meanwhile, the case approach is used to examine the Constitutional Court's decision regarding fiduciary execution. The combination of these three approaches allows for a comprehensive analysis.³⁰

The nature of this research is prescriptive and analytical. Prescriptive means that research not only describes the existing legal situation, but also provides recommendations or legal formulations that should be made. Analytical means that research is carried out by examining in depth the relationship between one legal norm and another. With this nature, the research is expected to be able to formulate an ideal model for the position of the Police in the execution of

²⁷ Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: Bina Ilmu, 1987), pp. 2–4.

²⁸ Salim HS, *Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2014), pp. 101–103.

²⁹ Soerjono Soekanto and Sri Mamudji, *Normative Legal Research* (Jakarta: RajaGrafindo Persada, 2015), pp. 13–15.

³⁰ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2016), pp. 133–135.

fiduciary guarantees. Prescriptive analysis is important in legal research because law aims to regulate behavior.³¹

The type of data used is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations and court decisions. Secondary legal materials include books, journals, and the opinions of legal experts. Tertiary legal materials include legal dictionaries and legal encyclopedias. This grouping aims to facilitate analysis and ensure the validity of the source.³²

The primary legal materials in this study include Law Number 42 of 1999 concerning Fiduciary Guarantees, the Police Law, and the Constitutional Court decision related to fiduciary execution. These legal materials are the main basis for normative analysis. The use of primary legal materials is important because it has binding powers. The analysis was carried out by examining the conformity between norms.³³

The technique of collecting legal materials is carried out through library *research*. This method is carried out by browsing legal literature, regulations, and court decisions. Literature studies allow researchers to obtain legal materials systematically. This method is commonly used in normative law research.³⁴

The technique of analyzing legal materials uses legal *interpretation* and legal *reasoning*. Interpretation is carried out grammatically and systematically, and teleologically. Legal reasoning is used to draw normative conclusions. This method helps to find the exact meaning of the norm.³⁵

All legal materials are analyzed qualitatively with a deductive approach. Deductive analysis is carried out by drawing conclusions from the general norm to the specific case. This approach is in accordance with the character of normative legal research. With this method, the research is expected to produce argumentative and systematic legal formulations.³⁶ The methodology of this research is designed to produce a comprehensive analysis of the position of the Police in the execution of fiduciary guarantees. Through a normative approach, the research is expected to be able to make a conceptual and practical contribution to the development of guarantee law in Indonesia.³⁷

³¹ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2016), pp. 67–69.

³² Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: UI Press, 2014), pp. 52–54.

³³ Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Grafika, 2011), pp. 106–108.

³⁴ Amiruddin and Zainal Asikin, *Introduction to Legal Research Methods* (Jakarta: RajaGrafindo Persada, 2012), pp. 68–70.

³⁵ Sudikno Mertokusumo, *Discovery of Law* (Yogyakarta: Liberty, 2009), pp. 48–50.

³⁶ Johnny Ibrahim, *Theory and Methodology of Normative Law Research* (Malang: Bayumedia, 2006), pp. 302–304.

³⁷ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2016), pp. 181–183.

RESEARCH RESULTS AND DISCUSSION

Normative Construction of the Position and Authority of the Police in Securing the Execution of Fiduciary Guarantees According to Laws and Regulations in Indonesia

The normative construction of the position of the Police in securing the execution of fiduciary guarantees must begin from a conceptual understanding of the nature of fiduciary guarantee institutions as a legal institution of material guarantees that are developing to answer the needs of modern financing. In consumer financing and banking practices, fiduciary is the main instrument because it allows collateral to remain in the debtor's possession so that economic activities continue to run. However, the character of *non-possessory security right* gives birth to legal consequences when the debtor defaults, because the object of the guarantee is not in the control of the creditor. This situation often causes resistance when the object is about to be executed, both from the debtor and the social environment. The conflict that arises is no longer private, but has the potential to develop into a disturbance of public order. It is in this context that the state has an interest in maintaining social stability. The police as a state tool is then seen as relevant to be present in security. However, such presence should not be interpreted as the exercise of the creditor's civil rights. The normative construction must place the police within the framework of the public order function. Therefore, understanding the character of fiduciary is an important starting point in formulating the limits of police authority.³⁸

Law Number 42 of 1999 concerning Fiduciary Guarantees provides a fiduciary certificate of executory power through the title "For Justice Based on the One Godhead." This formulation places a fiduciary certificate on par with a court decision that has permanent legal force. Theoretically, the norm allows creditors to parade execution. However, the provision was never intended as a legitimacy of forced withdrawal without legal procedures. The law does not give the police the authority to carry out executions. Execution remains within the domain of civil law. The police are not the implementers of material rights. This separation is a consequence of the legal system that distinguishes the private and public spheres. In a normative construction, the police are only relevant when there is a potential security disturbance. Thus, the legal basis of fiduciary law itself does not place the police as the executor. This affirmation is important so that there is no expansion of the interpretation of authority.³⁹

³⁸ Salim HS, *The Development of Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2017), pp. 83–85.

³⁹ Law Number 42 of 1999 concerning Fiduciary Guarantees

The Constitutional Court Decision Number 18/PUU-XVII/2019 is an important milestone in the interpretation of fiduciary norms. The Court emphasized that default should not be determined unilaterally by creditors. In addition, the collection of collateral objects cannot be carried out by force without the debtor's agreement or a court decision. This ruling strengthens the principle *of due process of law* in the guarantee law. As a result, the practice *of self-help repossession* has become limited. In a normative framework, this means that state apparatus must not support unilateral actions. The police must be careful not to be perceived as a tool of creditor pressure. This Constitutional Court decision clarifies the limits of security and execution. The police only maintain order. They must not facilitate coercion. Thus, the Constitutional Court's decision strengthens the construction of limiting police authority.⁴⁰

The authority of the Police is normatively derived from Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. This law affirms the function of the National Police in maintaining public security and order, enforcing the law, and providing protection and services. These functions are general and not specific to fiduciaries. Therefore, the involvement of the police in securing executions must be derived from the function of maintaining order. The police were present to prevent conflict. Not to exercise civil rights. In the construction of administrative law, authority should not be expanded without a normative basis. This requires the caution of the authorities. Policies must not go beyond their preventive functions. This separation maintains the professionalism of the institution.⁴¹

Police Chief Regulation Number 8 of 2011 is a technical regulation that explicitly regulates the security of fiduciary execution. This regulation requires an official application, a fiduciary certificate, and proof of default before security is granted. The police conducted administrative verification. Security is in place to prevent disturbances. This regulation confirms that the police do not carry out executions. They only ensure a conducive situation. This norm is important to maintain neutrality. Without verification, security is not provided. This administrative approach shows normative prudence. This is also a limitation of the discretion of the authorities.

From the perspective of state administrative law, every action of a public official must have a clear basis of authority so as not to be classified as *a détournement de pouvoir or abuse of authority*. The police as a state organ is subject to the principle of legality which requires that every action be based on laws and regulations. In the context of securing the execution of fiduciary guarantees, police action can only be justified if there is a normative basis and legitimate

⁴⁰ Constitutional Court Decision No. 18/PUU-XVII/2019, pp. 124–126.

⁴¹ Law No. 2 of 2002 concerning the Indonesian Police, pp. 3–4.

administrative procedures. Without this basis, police involvement has the potential to be sued legally, both through the state administrative justice mechanism and internal supervision. Therefore, the police are obliged to ensure that the security application comes from the right party and is supported by complete documents. This prudence is a form of protection for the apparatus itself so as not to be trapped in private disputes. In a normative construction, the position of the police must not go beyond its administrative functions. The police is not a decision maker of default. The police are only the guardians of order. This boundary is an important foundation in formulating the normative position of the police.⁴²

The principle of legality in administrative law requires that the discretion of the authorities be limited by clear legal norms. Discretion may not be used to extend authority beyond that provided by law. In securing fiduciary execution, the police are often in a dilemma when dealing with requests from financing companies. But normatively, discretion cannot be used as a basis to help object withdrawal. Discretion can only be used to maintain public order. If discretion is used to support private interests, then it deviates from the principle of the rule of law. Therefore, normative construction places legality as the main fence. The police are obliged to reject applications that do not meet the legal requirements. This attitude actually strengthens the professionalism of the institution. Thus, legality functions as a barrier as well as a protector of the apparatus.⁴³

In the civil law system, execution is the stage of exercising rights regulated in the civil procedure law. Execution is in principle carried out through a court mechanism or based on a valid executory title. The police are not included in the structure of civil execution. The role of the judiciary is different from that of the police. Therefore, the involvement of the police in the execution of fiduciaries should not be interpreted as the implementation of the decision. The police only keep the process from causing disturbances. This shows a strict separation between civil procedure law and police functions. The separation is a consequence of the modern legal system. Without this separation, there would be an overlap of authority. Therefore, normative constructions must maintain these boundaries.⁴⁴

Conceptually, police law places preventive functions as a top priority. The preventive function means preventing violations of the law before they occur. In the context of securing fiduciary execution, preventive functions are translated as efforts to keep the situation conducive. The police were present to prevent

⁴² Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: Bina Ilmu, 1987), pp. 38–40.

⁴³ Ridwan HR, *State Administrative Law* (Jakarta: RajaGrafindo, 2016), pp. 98–100.

⁴⁴ Subekti, *Civil Procedure Law* (Bandung: Binacipta, 2010), pp. 128–130.

physical conflict. They do not take sides with either party. This function demands high neutrality. Without neutrality, the police risk losing legitimacy. Therefore, police legal norms emphasize professionalism and proportionality. In the normative construction, this preventive function is the basis for police involvement in fiduciary.⁴⁵

The Regulation of the National Police Chief Number 8 of 2011 explicitly emphasizes that the security of fiduciary execution is neutral and impartial. The police are prohibited from assisting in the retrieval of objects. Security is only done to prevent disturbances. This norm is important to maintain public trust. If the police are considered to be on the sidelines, the legitimacy of the institution decreases. Therefore, neutrality is the main principle. This regulation also limits the discretion of the apparatus. Thus, normative construction positions neutrality as a central value.⁴⁶

The Constitutional Court's decision after Decision Number 18/PUU-XVII/2019 further emphasizes the direction of restricting the practice of unilateral execution in fiduciary guarantees. In Decision Number 2/PUU-XIX/2021, the Court again emphasized that the protection of debtors' rights is part of the constitutional protection of citizens. The Court rejected practices that have the potential to infringe property rights without a fair legal mechanism. Consequently, state officials should not be involved in actions that have the potential to violate the constitution. The police as a tool of the state are obliged to adjust their security practices to the decision. In a normative construction, the Constitutional Court's decision has general binding power. Therefore, the police should not ignore it. Procedural adjustments become normative imperatives. Without adjustments, the actions of the authorities are potentially unconstitutional. Thus, the Constitutional Court's decision became an important basis for limiting the authority of the police.⁴⁷

The principle of human rights protection places every individual as a subject of law whose dignity must be respected. In the context of fiduciary execution, the debtor still has the right to humane treatment. The state must not allow coercive actions that degrade the dignity of citizens. The police have a constitutional obligation to protect human rights. Therefore, police involvement in security should be directed at protection, not pressure. In normative construction, human rights principles become ethical as well as legal boundaries. The police must not allow intimidation.

⁴⁵ Sadjijono, *Police Law in Indonesia* (Yogyakarta: Laksbang, 2008), pp. 45–47.

⁴⁶ Perkap Polri Number 8 of 2011, pp. 8–9.

⁴⁷ Constitutional Court Decision Number 2/PUU-XIX/2021, pp. 97–99.

The presence of the police must actually prevent violations. Thus, human rights are a parameter for evaluating police actions.⁴⁸

From the perspective of consumer protection, debtors as users of financing services have the right to fair treatment. Execution carried out under pressure is contrary to the principle of consumer protection. The police play a role in ensuring that there is no intimidation. In normative construction, this role is protective. The police maintain a balanced legal relationship. Without protection, fiduciaries can be perceived as exploitative. Therefore, consumer protection norms reinforce the limitation of the role of the police. The police must not be a tool of a financing company.⁴⁹

Legal certainty is the main purpose of fiduciary guarantee arrangements. The business world needs certainty to reduce credit risk. However, legal certainty must not come at the expense of justice. In normative construction, certainty must go hand in hand with the protection of the debtor's rights. The police help create stability. But stability must be built on law. Not power. Therefore, the limits of police authority are important. Without limits, legal certainty turns into dominance.⁵⁰

Standard operating procedures are an important instrument in maintaining uniformity of practice. Without standards, the interpretation of the authorities can be different. This has the potential to cause conflict. Therefore, technical regulations need to be clarified. The police need operational guidelines. In normative construction, SOPs are a tool to limit discretion. SOPs also increase accountability. With clear standards, abuse can be minimized.⁵¹

External oversight of the police is needed to maintain accountability. The supervisory mechanism strengthens the legitimacy of the institution. Without supervision, the potential for deviations increases. In normative construction, accountability is an important principle. The police must be accountable. This is in line with the concept of the state of law.⁵²

Normative reconstruction is needed to clarify the limits of authority. Without reconstruction, conflicts recur. Norms must be adaptive to development. The police need stricter guidelines. In normative construction, reconstruction becomes a solution. The ideal model puts the police as the last line of defense. The

⁴⁸ Jimly Asshiddiqie, *Indonesian Constitution and Constitutionalism* (Jakarta: Sinar Grafika, 2010), pp. 201–203.

⁴⁹ Ahmadi Miru, *Consumer Protection Law* (Jakarta: RajaGrafindo, 2013), pp. 67–69.

⁵⁰ M. Bahsan, *Indonesian Banking Credit Guarantee and Guarantee Law* (Jakarta: RajaGrafindo, 2010), pp. 15–17.

⁵¹ Salim HS, *Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2014), pp. 101–103.

⁵² Kompolnas, *Annual Report* (Jakarta, 2022), pp. 41–43.

main execution is through the courts. This approach strengthens the legitimacy of the law. The police are present only when needed. This maintains balance.

The balance between private and public interests is the key to normative construction. The police guard the boundary. Without balance, the law loses legitimacy.⁵³

Thus, the normative construction of the position and authority of the Police in securing the execution of fiduciary guarantees expressly places the police as the guardians of security and order, not as the executors of civil execution. The police are only authorized to carry out security based on official requests and administrative verification, and are obliged to uphold the principles of legality, neutrality, human rights protection, and legal certainty. The affirmation of these boundaries is important to prevent abuse of authority and maintain the legitimacy of law enforcement in a democratic state of law.

Empirical Practice of Police Involvement in Securing the Execution of Fiduciary Guarantees and Legal Problems Arising in the Field

The empirical practice of the involvement of the Police in securing the execution of fiduciary guarantees shows that the implementation of legal norms in the field often does not run linear as formulated in laws and regulations. In various cases of motor vehicle financing, the withdrawal of the collateral object is carried out when the debtor is in arrears of installments. The object of collateral that is still in the debtor's possession triggers potential conflicts because the debtor often feels that he still has the right to the object. In such a situation, finance companies tend to ask for the presence of the Police to secure the withdrawal process. The presence of the police is seen as giving the state legitimacy to these actions. However, empirically, not all security requests are accompanied by adequate administrative verification. This gap between normative procedures and field practice is the source of the problem. The police are faced with a dilemma between maintaining order and avoiding interfering in private disputes. This condition shows that fiduciary practice is not only a matter of civil law, but also a social phenomenon. Therefore, police involvement must be analyzed in the context of *law in action*.⁵⁴

In field practice, finance companies often use the services of *debt collectors* to collect and withdraw collateral objects. The presence of this third party raises its

⁵³ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), pp. 54–56.

⁵⁴ Soerjono Soekanto, *Factors Influencing Law Enforcement* (Jakarta: RajaGrafindo, 2014), pp. 8–10.

own legal problems because the methods used are often intimidating. Empirically, many conflicts between debtors and *debt collectors* lead to criminal reports. The police were then involved as the party asked to secure the situation. However, the position of the police becomes dilemmatic when the actions of *debt collectors* are in the gray area of the law. It is not uncommon for the police to be considered to support withdrawal even though normatively this is not the case. This public perception raises criticism of the neutrality of the apparatus. In some cases, the presence of the police actually increases the psychological pressure on the debtor. These conditions show that safeguarding practices do not always reflect balanced legal protection. Therefore, stricter regulation regarding the role of third parties is an important need.⁵⁵

Another empirical problem arises from the difference in the level of understanding of the authorities in the field regarding fiduciary guarantee law. Not all members of the Police have special training on the civil aspects of fiduciary. As a result, interpretations of the limits of security authority have become diverse. In some cases, the authorities were involved so far that they were considered to facilitate the execution. This condition gives rise to a perception of partisanship. This perception has the potential to reduce the legitimacy of the police institution. In fact, normatively, the police are only tasked with maintaining order. Lack of understanding of the substance of fiduciary law is an important factor. Therefore, capacity building and specialized training are empirical needs. Without adequate understanding, the authorities risk getting caught up in private disputes. This situation shows the importance of harmonization between norms and practices.⁵⁶

From the debtor's point of view, the presence of the Police in the withdrawal of the collateral object is often perceived as a form of state pressure. Many debtors feel that they do not have the space to negotiate when the authorities are present. Psychologically, the presence of the police causes fear. Even though legally, the debtor has the right to obtain protection. In practice, not all debtors understand their rights. This ignorance magnifies the inequality of bargaining positions. The police are supposed to be present as protectors, not suppressors. But public perceptions sometimes differ. This condition shows the importance of a humanist approach to security. The police need to prioritize persuasive communication. Without such an approach, conflict can easily escalate. Therefore, the sociological dimension becomes important in empirical analysis.⁵⁷

Empirical problems can also be seen from the non-uniform procedures for applying for security in various regions. In some areas, security applications are

⁵⁵ Salim HS, *The Development of Guarantee Law in Indonesia* (Jakarta: Rajawali Pers, 2017), pp. 112–114.

⁵⁶ Sadjijono, *Police Law in Indonesia* (Yogyakarta: Laksbang, 2008), pp. 67–69.

⁵⁷ Ahmadi Miru, *Consumer Protection Law* (Jakarta: RajaGrafindo, 2013), pp. 72–74.

strictly vetted with complete document verification. But in other regions, the procedure is carried out more loosely. This difference creates legal uncertainty. Uncertainty opens up room for deviation. Creditors can search for areas with easier procedures. This situation gives rise to the practice of *forum shopping*. Empirically, this condition is detrimental to the debtor. Therefore, national standardization is an urgent need. Without uniform standards, the implementation of norms becomes inconsistent. This shows the importance of policy harmonization.⁵⁸

The development of the practice of executing fiduciary guarantees after the Constitutional Court Decision Number 18/PUU-XVII/2019 shows that empirical dynamics are not simple. The decision normatively limits unilateral withdrawals and requires an agreement or court decision. However, in the field, not all financing actors adjust their practices quickly. There are still vehicle withdrawals without a court decision, citing efficiency and the risk of bad credit. In situations like this, the Police are sometimes still asked to be present to secure the process. The presence of the apparatus in the midst of a practice that is not fully in line with the Constitutional Court's decision raises its own legal problems. The police are among the demands of maintaining order and the obligation to respect constitutional rulings. Empirically, this condition creates an ambiguity of roles. It is not uncommon for public reports to appear regarding alleged partiality of the authorities. This situation shows that the internalization of the Constitutional Court's decision in field practice still requires time and wider socialization.⁵⁹

The legal *culture factor* of the community also greatly influences the practice of securing fiduciary execution. Many debtors still view the financed vehicle as their full property even though it is legally burdened by fiduciary. On the other hand, creditors view fiduciary certificates as an absolute right to attract objects. This difference in perception causes conflict. In these conflicts, the police often play the role of social mediators. The police not only maintain security, but also bridge communication. However, this mediation function is not always easy because both parties have strong interests. Empirically, the success of mediation is highly dependent on the approach of the apparatus. If the authorities are persuasive, the conflict can subside. Instead, repressive approaches tend to escalate conflicts. This shows that the legal culture of the community is an important variable in fiduciary practice.⁶⁰

The high number of bad loans in the motor vehicle financing sector also affects the intensity of security requests to the Police. Finance companies are facing

⁵⁸ Perkap Polri Number 8 of 2011, pp. 6–8.

⁵⁹ Constitutional Court Decision Number 18/PUU-XVII/2019, pp. 125–126.

⁶⁰ Lawrence M. Friedman, *The Legal System* (New York: Russell Sage Foundation, 1975), pp. 223–225.

economic pressure to maintain the quality of their credit portfolios. In these conditions, the withdrawal of collateral objects is seen as a risk mitigation measure. Empirically, the increase in bad loans is directly proportional to the increase in security applications. The police face an additional administrative burden. It is not uncommon for one police station to receive many requests at the same time. This condition demands high professionalism. Without good management, the apparatus risks making procedural errors. This shows that economic factors also affect legal practice. Thus, empirical analysis cannot be separated from the macroeconomic context of financing.⁶¹

Internal supervision of the implementation of fiduciary execution security within the Police is empirically still facing challenges. Monitoring mechanisms are available, but their effectiveness depends on the integrity and transparency of implementation. In several monitoring reports, public complaints were found regarding inconsistent security procedures. Although not always proven to be a violation, the complaint shows a gap in public perception. In the context of the rule of law, public perception is just as important as normative compliance. If the public views the apparatus as not neutral, the legitimacy of the institution can be eroded. Therefore, external supervision is also important. The involvement of independent oversight agencies can strengthen accountability. Empirically, accountability is a key factor in maintaining public trust.⁶²

In some cases, fiduciary execution conflicts develop into criminal issues when physical resistance, threats, or deprivation occur. The police then play a role not only as a security, but as a criminal law enforcer. This situation shows a shift from civil disputes to criminal realms. Empirically, conflict escalation is often triggered by a lack of initial communication. Debtors who feel depressed tend to react defensively. If not managed properly, the situation can worsen. The police are required to be able to reduce conflicts. The repressive approach has the potential to muddy the situation. Therefore, conflict management skills are important. This shows that fiduciary practice in the field is not only a legal issue, but also the social skills of the apparatus.⁶³

The persuasive approach in securing the execution of fiduciary guarantees has been empirically proven to be more effective in defusing conflicts than the coercive approach. In many practices in the field, officials who prioritize dialogue and negotiation are able to reduce the tension of conflict between creditors and debtors. Debtors who are given an explanation of the legal basis and position of

⁶¹ M. Bahsan, *Indonesian Banking Credit Guarantee and Guarantee Law* (Jakarta: RajaGrafindo, 2010), pp. 91–93.

⁶² National Police Commission, *Annual Report of the National Police Commission* (Jakarta, 2022), pp. 44–46.

⁶³ Moeljatno, *Principles of Criminal Law* (Jakarta: Rineka Cipta, 2008), pp. 145–147.

their rights tend to be more cooperative. This approach is in line with *the community policing* paradigm that places the police as community partners. Empirically, a persuasive approach also strengthens the positive image of the police. The public sees the apparatus as a protector, not a suppressor. However, this approach requires good communication skills. Not all apparatus have this capacity. Therefore, conflict communication training is important. This practice shows that the sociological dimension strongly determines the success of security.⁶⁴

Transparency of security procedures is an important factor in preventing misunderstandings in the field. Empirically, conflicts often arise because the debtor does not know the legal basis for withdrawal. When the authorities explain the procedure openly, the level of resistance decreases. Transparency also prevents accusations of partisanship. The police who explain the limits of their authority help create a sense of fairness. In practice, information disclosure strengthens the legitimacy of the actions of the authorities. Without transparency, it is easy to suspect collusion between creditors and officials. Therefore, documentation and open communication are an important part of security. This shows that legal practice is not only about norms, but also communication governance.⁶⁵

From the creditor's point of view, security certainty from the Police is considered important to ensure the success of the execution. Finance companies view the presence of the apparatus as a factor in reducing the risk of conflict. Empirically, security does reduce the potential for physical resistance. However, this certainty should not be interpreted as support for unilateral withdrawal. Creditors must still comply with legal procedures. Otherwise, security loses legitimacy. In practice, procedurally compliant creditors tend to encounter conflicts less frequently. This shows that legal compliance also benefits business actors. Thus, empirical practice shows the relationship between normative compliance and field stability.⁶⁶

These empirical findings show that the problem of securing fiduciary execution does not only come from legal norms, but also from implementation factors. Differences in the understanding of the apparatus, economic pressure, community legal culture, and communication capacity are important variables. If one of the variables doesn't go well, conflicts can easily arise. Therefore, reform is not enough to be carried out at the regulatory level. Improvements must also touch institutional and human resource aspects. Empirically, an effective state of law

⁶⁴ Satjipto Rahardjo, *Progressive Law* (Jakarta: Kompas, 2009), pp. 89–91.

⁶⁵ Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: Bina Ilmu, 1987), pp. 52–54.

⁶⁶ Rachmadi Usman, *Civil Guarantee Law* (Jakarta: Sinar Grafika, 2016), pp. 233–235.

requires professional officials. Without professionalism, legal norms are difficult to realize in practice. This underscores the importance of a holistic approach.⁶⁷

The empirical practice of police involvement in securing the execution of fiduciary guarantees ultimately reveals a complex situation, in which law, economic interests, and social dynamics interact with each other. The police are in a strategic position but are also vulnerable to misinterpretations of roles. On the one hand, the police are needed to maintain order and prevent conflicts. On the other hand, engagement that is not properly managed can lead to a perception of injustice. Therefore, fiduciary safeguarding practices demand a balance between legal rigor and a humanist approach. Strengthening training, standardizing procedures, and improving community legal literacy are important steps forward. The effectiveness of fiduciary law is highly dependent on the quality of implementation in the field.

CONCLUSION

This study demonstrates that the position and authority of the Indonesian National Police in the execution of fiduciary security must be clearly understood within the framework of a rule-of-law state that distinguishes between private civil rights and public law functions. Normatively, fiduciary security law grants executorial power to fiduciary certificates, yet it does not confer authority upon the police to carry out civil execution. The police institution is legally positioned only to safeguard public order and security during the execution process. Constitutional Court decisions have further strengthened the requirement of due process and limited unilateral repossession practices, thereby reinforcing the need for lawful procedures and judicial oversight in fiduciary execution.

Empirical findings reveal that, in practice, police involvement often extends beyond purely safeguarding functions due to economic pressures, high non-performing loans, the involvement of debt collectors, and varying levels of legal understanding among officers. These conditions frequently create blurred boundaries between safeguarding and execution, generating public perceptions of partiality and potential abuse of power. Inconsistencies in procedural implementation, lack of standardized operational guidelines, and limited legal literacy among both officers and the public contribute to recurring conflicts in the field. Consequently, the gap between law in the books and law in action remains a significant challenge.

This research concludes that a clear normative and operational reconstruction is necessary to ensure that police involvement remains neutral, lawful, and proportionate. An ideal model requires strict adherence to legality, due process of law, and human rights principles, supported by standardized procedures,

⁶⁷ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2016), pp. 71–73.

specialized training for police officers, stronger internal and external oversight mechanisms, and broader public legal education. By reinforcing these elements, fiduciary security execution can better balance legal certainty for creditors with the protection of debtors' rights, while maintaining public trust in law enforcement institutions and upholding the integrity of the legal system.

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