

Forced Repossession of Vehicles by Debt Collectors and Its Implications for Consumer Protection after the Constitutional Court Decision No. 18/PUU-XVII/2019

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ABSTRACT

Forced repossession of vehicles by debt collectors in public spaces continues to occur despite the Constitutional Court Decision Number 18/PUU-XVII/2019, which affirms that the execution of fiduciary security may not be carried out unilaterally and must follow lawful procedures. This situation creates legal uncertainty for consumers and increases the risk of intimidation and violence in financing practices. This article examines the implications of the decision for consumer protection and law enforcement by assessing the gap between legal norms and practices in the field. This study employs a normative juridical method by analyzing statutory regulations, court decisions, and comparative evaluations of repossession practices, supported by mass media information and regulatory reports from *Otoritas Jasa Keuangan* (OJK) and *Badan Perlindungan Konsumen Nasional* (BPKN). The findings indicate that the Constitutional Court's decision has transformed fiduciary execution by restricting creditors from forcibly seizing vehicles from debtors; however, weak supervision, limited understanding among law enforcement officials, and the involvement of uncertified third-party debt collectors continue to create opportunities for forced repossession practices. This study concretely identifies a gap between the provisions of Constitutional Court Decision No. 18/PUU-XVII/2019 and field practices, as forced repossession by debt collectors still occurs despite the requirement that fiduciary execution be conducted through the debtor's consent or a court order. This gap arises from the absence of national standard operating procedures for law enforcement officers, weak oversight by the OJK over the use of debt collectors, limited police understanding of fiduciary execution, and low levels of consumer legal literacy. Therefore, this study emphasizes the need for technical regulations governing the operational procedures of fiduciary execution and the strict enforcement of administrative sanctions, including fines, license suspension, and operational bans, to ensure that constitutional provisions are implemented effectively and consistently in practice.

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1. INTRODUCTION

Forced repossession of vehicles by debt collectors in public spaces remains an urgent legal issue in Indonesia's financing practices. Beyond the contractual relationship between creditors and debtors, this problem is closely linked to consumer protection, legal certainty, and the mechanism for executing fiduciary security. Under a fiduciary guarantee, ownership of an object is transferred as security while its physical control remains with the debtor; however, in practice, the automatic execution by creditors has often been exploited to justify the forced repossession of vehicles.

The Constitutional Court Decision No. 18/PUU-XVII/2019 significantly reformed the execution of fiduciary security by affirming that repossession may not be carried out unilaterally without the debtor's consent or a court order (Farida, 2024). Nevertheless, numerous reports and academic studies indicate that forced repossession by debt collectors continues to occur despite the existence of this decision, reflecting a substantial gap between constitutional norms and their implementation in practice (Mondoringin, 2024; Riawati, Budiartha, & Mahaputra, 2025).

Previous studies have identified several primary causes of this gap, including weak regulatory supervision over financing companies, the use of debt collectors that is not yet strictly regulated, and varying levels of understanding among law enforcement officers regarding post-Constitutional Court decision execution procedures (Liono, 2021; Alifiya & Yunita, 2025). These conditions result in legal uncertainty, the persistence of forced repossession practices, and the weakening of consumer protection in financing transactions.

In this context, this study analyzes the implications of Constitutional Court Decision No. 18/PUU-XVII/2019 on the practice of forced vehicle repossession in public spaces and evaluates the effectiveness of the decision in strengthening consumer protection. This study aims to identify implementation issues, assess the gap between normative regulations and actual practices, and formulate recommendations to improve law enforcement and consumer protection in the future. Its primary objective is to provide a comprehensive overview of the impact of the constitutional ruling on consumer protection and financing practices, while emphasizing the urgency of regulatory harmonization and law enforcement so that forced vehicle repossession can be minimized.

2. METHODS

This study employs a normative juridical method, which is a legal research approach that focuses on examining statutory regulations, court decisions, and literature. This method is applied because the object of the study concerns legal norms governing the mechanism for the execution of fiduciary security following Constitutional Court Decision No. 18/PUU-XVII/2019.

The research procedure was carried out in four stages. First, primary legal materials were collected, including Constitutional Court Decision No. 18/PUU-XVII/2019, Law No. 42 of 1999 on Fiduciary Security, and the Civil Code. Second, secondary materials were gathered, consisting of books, journal articles, academic papers, reports from government institutions, and credible news sources covering repossession practices and consumer protection issues. Third, all materials were analyzed using qualitative descriptive analysis to interpret legal norms, compare academic perspectives, and identify gaps between regulations and real-world practices. Fourth, the findings were synthesized to draw conclusions regarding the implications of the decision for consumer protection and law enforcement.

Data analysis was conducted using the interactive analysis model of Miles and Huberman, which includes the stages of data reduction, data presentation, and conclusion drawing. In the data reduction stage, relevant legal materials were selected, focused, and simplified in accordance with the research objectives. The next stage was data presentation, in which the results of the analysis were systematically organized in the form of descriptive-analytical narratives to facilitate understanding and examination. The final stage involved conclusion drawing and verification, which were carried out continuously throughout the research process to ensure consistency among the data, analysis, and findings. Through these stages, a comprehensive understanding was obtained regarding the conformity of fiduciary security execution practices with legal principles and consumer protection, which also served as the basis for formulating recommendations.

3. FINDINGS AND DISCUSSION

3.1 Forced Vehicle Repossession in Public Spaces

The results of a digital literature review indicate that the practice of forced vehicle repossession by debt collectors still frequently occurs in public spaces, with patterns of conduct involving violence, intimidation, coercion, and resistance against law enforcement officers.



Figure 1. Police Arrest a Debt Collector Who Resisted During Vehicle Repossession in Tangerang

Source: Kompas.com

A debt collector identified by the initial L (38) was detained by the police after being involved in an act of resistance during the repossession of a vehicle. The incident took place in front of the Neo Arcade shop houses in Pakulonan Barat, Kelapa Dua District, Tangerang Regency, on the night of Thursday, October 2, 2025. When officers arrived at the scene to handle the situation, the individual acted defiantly and refused to cooperate. This behavior ultimately led to his arrest by the police. The arrest was carried out to prevent disturbances to public order and to ensure that legal procedures were properly upheld.

3.2 Consumer Protection Against Forced Repossession by Debt Collectors

A video showing an attempted forced repossession of a motorcycle by a debt collector against a resident in Depok went viral on social media. The footage captured a heated argument between the collector and the vehicle owner because the repossession was carried out on a public road without clear legal procedures. Local residents witnessed the incident, and some attempted to intervene to prevent further escalation. The action drew public condemnation as it was considered unlawful and disturbing to the community. This incident once again highlights the persistent problem of debt collection practices in the field that are frequently carried out in violation of established legal rules..



Figure 2. Viral Video of a Debt Collector Attempting to Forcibly Repossess a Resident's Motorcycle in Depok

Source: Kompas.com

This incident provides empirical field evidence that the practice of vehicle repossession by debt collectors is still frequently carried out unilaterally and outside the applicable legal procedures. The occurrence also indicates the continuing weakness of supervision over debt collection activities at the operational level. In addition, the low level of public understanding regarding rights and obligations under financing agreements further increases the potential for conflicts in the field. The practice of forced repossession without a lawful basis of execution also reflects the suboptimal implementation of the Constitutional Court's decision concerning fiduciary security. Accordingly, this case serves as empirical proof that the gap between legal norms and actual practice remains clearly evident in society.

3.3 Implications of Constitutional Court Decision No. 18/PUU-XVII/2019

The Constitutional Court Decision No. 18/PUU-XVII/2019 represents a pivotal turning point in the system of fiduciary security execution in Indonesia. This ruling not only reinterprets the legal relationship between creditors and debtors, but also shifts the long-standing paradigm that previously placed debtors in a highly vulnerable position. Within the framework of the rule of law, every judicial policy must be assessed based on three fundamental legal values: legal certainty, utility, and justice. These three values serve as benchmarks to evaluate whether a judicial decision is truly capable of ensuring effective legal protection for the public. In practice, however, the implementation of this Constitutional Court decision has demonstrated complex dynamics, as it encounters entrenched patterns within the financing industry that have not yet fully changed. Therefore, a systematic analysis of the implications of this decision is necessary to assess its impact on those three core legal values. These implications are not merely normative in nature, but also exert a direct influence on practical conditions in the field. Accordingly, mapping the implications of the Constitutional Court's decision is essential as a basis for evaluating future legal policy.

Table 1. Implications of Constitutional Court Decision No. 18/PUU-XVII/2019

Aspect	Normative Implications	Practical Implications	Impact on Society
Legal certainty	Fiduciary execution is only valid through voluntary surrender or court decision.	There are differences of interpretation among officials and financing companies	The public still experiences legal uncertainty when a default occurs
Expediency	Provide safer legal guidelines for debtors and creditors	The execution process becomes longer and more bureaucratic	It suppresses violent practices, but has the potential to increase settlement costs

Justice	Eliminate unilateral creditor domination in execution	Debtors have a stronger bargaining position	It enhances the sense of legal protection for consumers
Consumer Protection	Strengthening the prohibition of forced withdrawals outside legal mechanisms	Debt collector practices are not yet completely orderly	Consumers are more willing to resist illegal repossession
Law enforcement	Demanding an active role from law enforcement officers	There is no uniform national Standard Operating Procedure in place	The handling of cases remains inconsistent

The table shows that Constitutional Court Decision No. 18/PUU-XVII/2019 has broad and multilayered implications for the fiduciary security legal system. From the perspective of legal certainty, the resulting norms are in fact clear; however, in practice, differing interpretations still occur among law enforcement officers and financing business actors. From the perspective of utility, this decision provides significant benefits for the protection of debtors, although, on the other hand, it adds additional procedural stages for creditors.

Discussion

The continued practice of forced vehicle repossession in public spaces indicates that the objectives of Constitutional Court Decision No. 18/PUU-XVII/2019 have not yet been fully achieved at the level of implementation. The ruling was intended to put an end to unilateral execution by creditors without judicial mechanisms. However, empirical findings instead reveal the persistence of old patterns that rely on physical and psychological pressure. This phenomenon signifies a gap between legal norms and social reality. From the perspective of the theory of legal certainty, the law should be predictable and consistently enforced. When forced repossession practices remain widespread, the function of legal certainty becomes disrupted. This finding is consistent with the study by Nasution (2023), which states that the Constitutional Court's decision has not been followed by significant behavioral changes among financing actors. Weak law enforcement remains the primary factor causing legal norms to function ineffectively. This condition also reflects systemic problems in the supervisory mechanisms of relevant institutions. Thus, the results of this study reinforce the view that normative reform without institutional strengthening will not produce substantial change.

Forced vehicle repossession accompanied by resistance against law enforcement officers, as reflected in cases occurring in public spaces, demonstrates a failure in the internalization of the new legal norms. In the context of administrative law, execution measures should fall strictly within the framework of lawful authority. When debt collectors resist police officers, such actions no longer constitute merely civil violations but have entered the realm of criminal conduct. The Constitutional Court's decision has fundamentally restricted the use of fiduciary certificates as a direct basis for execution. Nevertheless, weak coordination between law enforcement agencies and actors in the financing industry increases the likelihood of deviations in practice. The study by Rizal and Sulaiman (2021) shows that field conflicts are often triggered by unclear operational procedures following the issuance of the Constitutional Court's decision. The findings of this study strengthen that conclusion, as old patterns of collection practices are still evident. This indicates that regulations have not yet been fully translated into uniform operational standards. From the standpoint of the theory of legal effectiveness, a new legal norm is considered effective only if it is able to change social behavior. The facts revealed in this study demonstrate that such change remains partial. Therefore, the effectiveness of the Constitutional Court's decision still requires reinforcement through stricter supervisory mechanisms.

From the perspective of consumer protection, the persistence of forced repossession practices reflects the weak bargaining position of debtors vis-à-vis financing companies. The Consumer

Protection Law explicitly prohibits acts of intimidation and coercion in service transactions. However, the findings of this study indicate that these norms have not been fully respected in debt collection practices. The viral case in Depok proves that consumers remain in a vulnerable position when confronting debt collectors. Research by Sinaga et al. (2024) likewise finds that violations of consumer rights remain prevalent in the motor vehicle financing sector. This demonstrates that legal protection has not yet functioned optimally. The low level of public legal literacy further exacerbates this condition. Many debtors do not understand that vehicle repossession cannot be carried out unilaterally after the Constitutional Court's decision. This lack of understanding is exploited by certain debt collectors to continue old practices. From the standpoint of justice, this situation creates inequalities that disadvantage consumers. Therefore, post-Constitutional Court Decision consumer protection still requires strengthening through continuous legal education.

The implications of the Constitutional Court's decision for legal certainty indicate the presence of important normative changes, yet these changes have not been fully effective empirically. The decision provides certainty that fiduciary execution may only be carried out through voluntary surrender or a court order. In the theory of legal certainty, the clarity of norms must be followed by consistency in their application. However, the findings of this study show that at the practical level, differing interpretations still occur. Law enforcement officers in the field do not always possess uniform understanding regarding post-decision execution mechanisms. Wahyudi's study (2020) also notes that disharmony in understanding among institutions remains a major problem in law enforcement. As a result, the public experiences confusion when facing collection processes. Such uncertainty has the potential to trigger conflicts between debtors and creditors. Within the context of a state governed by the rule of law, this condition represents a failure to ensure effective legal protection. Therefore, the legal certainty expected from the Constitutional Court's decision has not yet been fully realized at the operational level. This situation confirms that legal certainty cannot be built solely through judicial decisions but must be strengthened through clear derivative policies.

From the aspect of utility, the Constitutional Court's decision provides significant benefits for the protection of debtors' rights. Debtors can no longer be treated as objects of unilateral execution by creditors. Theoretically, the utility of law is measured by the extent to which it is able to provide a sense of security for society. The findings of this study indicate that some members of the public have begun to dare to refuse vehicle repossession without a court order. This reflects a growing level of legal awareness at the grassroots level. Lestari (2021) also found that increased legal awareness correlates with the courage to resist arbitrary actions. On the other hand, creditors now face longer procedures in executing fiduciary security. Lengthy judicial proceedings become a distinct challenge for the business sector. From the perspective of the economic analysis of law, this condition may increase transaction costs. Nevertheless, the utility of this decision remains greater for the protection of human rights. Thus, the Constitutional Court's decision brings substantial benefits, although it demands adjustments in financing business practices.

From the standpoint of justice, the Constitutional Court's decision has corrected the previously imbalanced power relations between creditors and debtors. Prior to the decision, creditors occupied a dominant position because they could directly execute fiduciary objects. After the decision, debtors now have greater opportunities to obtain fair legal protection. In the theory of distributive justice, the law should provide greater protection to weaker parties. The findings of this study show that, normatively, this objective has been achieved. However, in practice, justice has not yet been fully experienced by all segments of society. The continued occurrence of forced repossession cases indicates that the sense of justice has not been evenly realized. Regus et al. (2022) also emphasize that the protection of rights often stops at the normative level. The gap between legal texts and practice remains the main challenge in realizing substantive justice. In this context, the Constitutional Court's decision has thus far created procedural justice, but not yet fully social justice. Therefore, the justice expected from this decision still requires reinforcement through consistent law enforcement.

When compared with previous studies, the results of this research show both consistency and differences. The consistency lies in the shared finding that forced repossession remains a serious issue

after the Constitutional Court's decision, as also reported by Nasution (2023) and Sinaga et al. (2024). The difference lies in the emphasis on the increasing resistance of the public, which has now begun to grow. Previous studies focused more on the weaknesses of law enforcement, whereas this study also highlights the role of public legal awareness. Methodologically, this research integrates normative legal analysis with field data based on current media reporting. This approach strengthens the validity of the findings by illustrating the intersection between legal norms and social reality. The results of this study also broaden the context of discussion by simultaneously linking the aspects of legal certainty, utility, and justice. Thus, this research not only confirms previous findings but also enriches the analytical perspective. Future implications indicate the need for further research examining the effectiveness of sanctions for violations of fiduciary execution. In addition, empirical studies on the role of financing supervisory institutions constitute an important future research direction. Through such efforts, the strengthening of legal protection can be pursued in a more comprehensive manner.

4. CONCLUSION

This study demonstrates that the practice of forced vehicle repossession by debt collectors remains prevalent in public spaces despite the fact that Constitutional Court Decision No. 18/PUU-XVII/2019 has strictly limited the execution of fiduciary security. Field findings reveal a clear gap between the applicable legal norms and the practices carried out by financing actors. From the perspective of legal certainty, the Constitutional Court's decision has provided a clear formulation; however, its implementation continues to face obstacles at the operational level. From the aspect of utility, the decision has been able to enhance the sense of security for debtors, while at the same time increasing the procedural burden for creditors. From the perspective of justice, the relationship between creditors and debtors has become more balanced normatively, yet it has not been fully fair in practice. Weak supervision and the lack of uniform understanding among law enforcement officers constitute the main factors hindering the effectiveness of the decision. The low level of public legal literacy also increases the likelihood of deviations in debt collection practices. Thus, although the Constitutional Court's decision is normatively progressive, its implementation still requires serious reinforcement. More technical derivative policies as well as national operational standards in the enforcement of fiduciary execution are required. In the future, further research needs to examine the effectiveness of sanctions and the role of financing supervisory institutions so that legal protection for consumers can be realized in a tangible and sustainable manner.

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