ABSTRACT

In the law of pledges, an issue that often arises is whether or not the pledgor has the right to put a particular object in pledge. This right is held by the owner of the pledged object, based on his/her property rights. However, sometimes the possession of a movable, pledged property is illegally transferred by those who do not hold its title. Consequently, when arises a dispute concerning the ownership of the property, the true owner usually is not entitled to equal protection before the law. This paper will discuss about an owner's right to pledge a property and legal protection for the owner (eigenaar) and creditor as a pledgee, when a property is illegally pledged by an unlawful debitor. Doctrinal legal approach is used to study the principles and system of law based on the prevailing regulations, and then briefly analyzed based on additional data from field observations. To sum up, the pledgee should be more careful as an expression of goodwill, which is an indicator to determine who is entitled to the movable, pledged property, in case of disputes.

Keywords: rights, to pledge, pledged property