

Perlindungan hukum terhadap pembeli lelang eksekusi PUPN dalam hal objek lelang fiktif: studi kasus Putusan Mahkamah RI Nomor 1159 K/Pdt.06/2011 = Legal protection upon the buyer of PUPN auction execution in case of fictitious auction object: a case study of the decision of the Supreme Court of the Republic of Indonesia Number 1159 K/Pdt/2011

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Abstrak

Penelitian ini membahas tentang pembeli lelang eksekusi PUPN yang mengalami kerugian akibat objek lelang yang dibelinya fiktif, padahal objek lelang merupakan unsur pokok dari lelang. Selain itu objek lelang dalam kasus ini merupakan barang jaminan atas kredit macet dari bank pemerintah (BRI) yang pengurusan piutangnya diserahkan kepada PUPN/KPKNL, idealnya objek lelang tersebut telah dipastikan keberadaannya baik oleh pihak Bank maupun PUPN sebelum dijadikan objek lelang. Penelitian ini adalah penelitian yuridis normatif dengan preskriptif. Dari penelitian ini penulis menyimpulkan bahwa saat ini perlindungan hukum bagi pembeli lelang masih didasarkan pada putusan pengadilan secara kasus per kasus. Penulis menyarankan bagi para calon pembeli lelang untuk berhati-hati saat memeriksa keabsahan dokumen serta kondisi fisik objek lelang yang diminati, berkenaan dengan kasus ini disarankan bagi bank-bank di Indonesia dan PUPN untuk menjalankan tugas pokok dan fungsinya dengan sebaik-baiknya agar tidak terjadi kasus seperti ini di kemudian hari. Diperlukan penyempurnaan peraturan perundangan di bidang lelang khususnya mengenai perlindungan hukum bagi pembeli lelang sebagai pihak yang mempunyai itikad baik.

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This research is discussing the legal protection of a purchaser of an auction held by the State Auction Office (KPKNL) in relation to the execution of a bad debt/state claim managed by a government bank (BRI) and the Committee for State Claims Management (PUPN). In this case, the purchaser could not find the auction object and experienced losses, despite the fact that the auction object is the main factor in the auction sale. Besides, in this case, the auction object is a collateral of a loan from a government bank and its settlement of receivable is managed by PUPN. Ideally, BRI and PUPN should have confirmed the existence of the auction object first before putting it on auction. This research is using normative juridical with prescription method. The conclusion of this research is in this moment legal protection for buyers of auction is still based on court decisions on case per case basis. The writer suggests that buyers of auctions should thoroughly review the validity of relevant documents and ensure physical condition of auction object prior participating in an auction. It is also advised that Banks in Indonesia and PUPN to perform their duties and functions diligently in order to prevent the occurrence of similar cases in the future. In addition, regulations of auction in Indonesia also needs to be revised in particularly to provide more legal protection for auction buyers acting in good faith.