

## Analisis yuridis hubungan hukum antara Balai Lelang dengan pejabat lelang kelas II (dua) = The legal analysis of juridical relationship between auction house and second class auctioneer

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### Abstrak

[Tesis ini membahas mengenai hubungan hukum antara Balai Lelang dan Pejabat Lelang Kelas II baik berdasarkan Peraturan Menteri Keuangan yang terbit Tahun 2005 yaitu Peraturan Menteri Keuangan Nomor 118/PMK.07/2005 tentang Balai Lelang dan Peraturan Menteri Keuangan Nomor 119/PMK.07/2005 tentang Pejabat Lelang Kelas II maupun berdasarkan Peraturan Menteri Keuangan yang terbit Tahun 2010 yaitu Peraturan Menteri Keuangan Nomor 176/PMK.06/2010

tentang Balai lelang dan Peraturan Menteri Keuangan Nomor 175/PMK.06/2010 tentang Pejabat Lelang Kelas II. Penelitian ini adalah penelitian Yuridis Normatif, dengan metode analisis data kualitatif, serta tipologi penelitian eksplanatoris sehingga bentuk hasil penelitian adalah ekplanatoris-analitis. Permasalahan yang diangkat dalam penelitian ini adalah bahwa berdasarkan Peraturan Menteri Keuangan yang terbit Tahun 2005 maka Balai Lelang dalam menyelenggarakan

Jasa Pelaksanaan Lelang wajib mengadakan perikatan perdata dengan Pejabat Lelang Kelas II mengenai pelaksanaan lelang dan honorarium Pejabat Lelang Kelas II. Namun kemudian ketentuan tersebut diubah dengan dikeluarkannya Peraturan Menteri Keuangan yang terbit Tahun 2010 di mana didalamnya diatur Balai Lelang selaku pemohon atau kuasa pemilik barang dapat mengadakan perjanjian perdata dengan Pejabat Lelang Kelas II mengenai pelaksanaan lelang dan imbalan jasa Pejabat Lelang Kelas II. Sejak diterbitkannya Peraturan Menteri

Keuangan Tahun 2010 banyak keluhan yang muncul terutama dari pihak Balai Lelang dikarenakan Balai Lelang tentunya merasa lahan pekerjaannya jadi mengecil jika dibandingkan dengan ketentuan sebelumnya. Hasil penelitian kemudian menyimpulkan belum adanya harmonisasi yang baik antara Balai Lelang dengan Pejabat Lelang Kelas II. Tesis ini juga membahas hubungan hukum yang tepat yang dapat

mengharmonisasikan hubungan Balai Lelang dengan Pejabat Lelang Kelas II.; This thesis discusses the legal relationship between the Auction House and the Second Class Auctioneer under the Minister Of Finance Regulations, published in 2005, namely Minister of Finance Regulation No. 118/PMK.07/2005 on Auction House and Minister of Finance Regulation No. 119/PMK.07/2005 on Second Class Auctioneer and based on the Regulation of the Minister of Finance, published in 2010, namely Minister of Finance Regulations No. 176/PMK.06/2010 on Action House and the Minister of Finance Regulation No.

175/PMK.06/2010 on Second Class Auctioneer. This research is a normative juridical research, with qualitative data analysis methods, as well as the typology of explanatory research that the forms results is a analytical ekplanatory research. Issues raised in this study is that based on the Regulation of the Minister of Finance, published in 2005, the Auctioneer in organizing Implementation Services Auctions shall hold a civil engagement with Second Class Auction Officer regarding the auction and honorarium Second Class Auction Officer. But then

such provision amended by the enactment of the Finance Minister, published in 2010, where in regulated Auctioneer as the applicant or owner of the goods can hold power civil agreement with Second Class

Auction Officer regarding the auction and auction fee of Second Class Auction Officer. Since the enactment of the Finance Minister in 2010 many complaints that arise mainly from the Party of Auction House, it because they certainly find their land of work be smaller when compared to the previous provisions. Results of the research concluded that there is a lack of harmonization between the Auction House and the Second Class Auction Officer. This thesis also discusses the precise legal relationship which can harmonize relations between the Auction House and the Second Class Auction Officer., This thesis discusses the legal relationship between the Auction House and the Second Class Auctioneer under the Minister Of Finance Regulations, published in 2005, namely Minister of Finance Regulation No. 118/PMK.07/2005 on Auction House and Minister of Finance Regulation No. 119/PMK.07/2005 on Second Class Auctioneer and based on the Regulation of the Minister of Finance, published in 2010, namely Minister of Finance Regulations No. 176/PMK.06/2010 on Action House and the Minister of Finance Regulation No. 175/PMK.06/2010 on Second Class Auctioneer. This research is a normative juridical research, with qualitative data analysis methods, as well as the typology of explanatory research that the forms results is a analytical ekplanatory research. Issues raised in this study is that based on the Regulation of the Minister of Finance, published in 2005, the Auctioneer in organizing Implementation Services Auctions shall hold a civil engagement with Second Class Auction Officer regarding the auction and honorarium Second Class Auction Officer. But then such provision amended by the enactment of the Finance Minister, published in 2010, where in regulated Auctioneer as the applicant or owner of the goods can hold power civil agreement with Second Class Auction Officer regarding the auction and auction fee of Second Class Auction Officer. Since the enactment of the Finance Minister in 2010 many complaints that arise mainly from the Party of Auction House, it because they certainly find their land of work be smaller when compared to the previous provisions. Results of the research concluded that there is a lack of harmonization between the Auction House and the Second Class Auction Officer. This thesis also discusses the precise legal relationship which can harmonize relations between the Auction House and the Second Class Auction Officer.]