

Perbuatan Melawan Hukum Pada Eksekusi Lelang Dalam Suatu Perjanjian Kredit Terhadap Objek Jaminan (Studi Kasus: Putusan Nomor 823 PK/Pdt/2019) = Unlawful Acts In The Execution Of Auction In a Credit Agreement Against a Collateral Object (Case Study: Decision Number 823 PK/PDT/2019)

Muhammad Bagas Arkaan, author

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Abstrak

Tulisan ini membahas Perbuatan Melawan Hukum pada Eksekusi Lelang dalam Perjanjian Kredit terhadap Objek Jaminan (Studi Kasus: Putusan Nomor 823 PK/PDT/2019), menggunakan metode penelitian doktrinal dengan data primer dan sekunder. Eksekusi lelang sebagai solusi penyelesaian utang-piutang harus dilakukan sesuai prosedur hukum, termasuk penetapan nilai limit dan persetujuan debitur, untuk menghindari kerugian dan perbuatan melawan hukum. Kasus Putusan Nomor 823 PK/PDT/2019 menegaskan pentingnya asas keadilan, itikad baik, dan transparansi dalam proses lelang untuk melindungi hak para pihak. Penelitian mengkaji pengaturan hukum eksekusi lelang dalam Undang-Undang Hak Tanggungan dan Peraturan Menteri keuangan serta analisis pemenuhan unsur perbuatan melawan hukum dalam pelaksanaan lelang yang berlandaskan semua unsur-unsurnya harus terpenuhi secara kumulatif. Jika salah satu unsur tidak terpenuhi, maka tindakan tersebut tidak dapat dianggap sebagai Perbuatan Melawan Hukum. Hasil penelitian menunjukkan bahwa eksekusi lelang harus dilakukan secara adil dan transparan, namun pelanggaran prosedur, seperti penetapan harga limit di bawah Nilai Jual Objek Pajak (NJOP) tanpa penilaian independen, dapat merugikan debitur dan merusak kepercayaan masyarakat. Oleh karena itu, pengawasan ketat dalam penetapan nilai limit dan penerapan asas keadilan serta itikad baik sangat penting. Hakim perlu menjunjung kepastian hukum dan melindungi pembeli beritikad baik dalam sengketa lelang.

.....This paper analyzes the Unlawful Acts in the Auction Execution in a Credit Agreement Against a Collateral Object (Case Study: Decision Number 823 PK/PDT/2019). The type of research in this legal writing is doctrinal legal research methods and the types of data used are primary and secondary data. Auction execution, as a solution for debt settlement, must adhere to legal procedures, including the determination of a reasonable limit value and the debtor's consent, to prevent losses and unlawful acts. The case of Decision Number 823 PK/PDT/2019 underscores the significance of the principles of justice, good faith, and transparency in the auction process to safeguard the rights of all parties. This study also delves into the legal regulations governing auction execution UUHT and the PMK, as well as analyzing the fulfillment of the elements constituting an unlawful act in auction implementation, which requires all elements to be cumulatively met. If any element is missing, the action cannot be considered an Unlawful Act. The research findings indicate that auction executions must be conducted fairly and transparently. However, procedural violations, such as setting a limit price below the Market Value of Taxable Objects (NJOP) without independent assessment, can harm debtors and damage public trust. Therefore, strict supervision in setting the limit value and the application of the principles of justice and good faith are very important. Judges must also uphold legal certainty and protect bona fide purchasers in auction disputes.