

ABSTRAK

Perlindungan hukum terhadap pemenang lelang merupakan aspek penting dalam pelaksanaan eksekusi Hak Tanggungan untuk menjamin kepastian hukum bagi pihak yang memperoleh hak melalui mekanisme yang sah. Dalam praktiknya, hasil lelang yang sah sering menghadapi kendala berupa bantahan dari pihak ketiga, yang memicu ketidakpastian hukum pihak pemenang. Kondisi ini tercermin dalam Putusan Nomor 2/Pdt.Bth/2022/PN Liw., dikuatkan oleh Putusan Nomor 99/PDT/2022/PT TJK. Pada perkara tersebut, Sudirman Ali bertindak sebagai penjamin objek Hak Tanggungan mengajukan bantahan atas pelaksanaan lelang eksekusi yang diselenggarakan oleh Kreditur melalui KPKNL Bandar Lampung.

Tujuan dari penelitian ini adalah untuk mengkaji kesesuaian dasar penolakan gugatan bantahan Sudirman Ali selaku penjamin objek Hak Tanggungan pada putusan-putusan tersebut, ditinjau dari perspektif Teori Perlindungan Hukum dan Teori Struktural Fungsional. Selain itu, penelitian ini juga mengevaluasi apakah putusan Hakim telah mencerminkan unsur-unsur keadilan dalam upaya memberikan perlindungan hukum bagi pemenang lelang.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, serta pendekatan konseptual. Sumber data yang digunakan yaitu bahan hukum primer dan sekunder. Seluruh data dianalisis secara kualitatif dengan spesifikasi penelitian evaluatif.

Hasil penelitian menunjukkan bahwa Majelis Hakim menolak gugatan bantahan Sudirman Ali karena tidak ditemukan adanya cacat hukum, baik pada proses pembebanan Hak tanggungan maupun pada pelaksanaan lelang eksekusi. Hakim mempertimbangkan pembebanan hak tanggungan telah sah secara hukum melalui Akta Pemberian Hak Tanggungan (APHT) dan Sertipikat Hak Tanggungan. Debitur terbukti melakukan wanprestasi dan proses lelang sesuai ketentuan Pasal 6 dan Pasal 20 Undang-Undang Nomor 4 Tahun 1996 tentang Hak Tanggungan melalui KPKNL Bandar Lampung. Pemenang lelang telah mendapatkan objek sengketa melalui prosedur resmi, sehingga diberikan perlindungan hukum sebagai pembeli beritikad baik.

Analisis menggunakan Teori Perlindungan Hukum, penolakan Hakim telah mewujudkan perlindungan terhadap pihak yang memperoleh haknya secara sah dan beritikad baik. Teori Struktural Fungsional, memperlihatkan adanya keselarasan fungsi antara lembaga peradilan, Kreditur, dan KPKNL dalam menjaga stabilitas sistem hukum jaminan. Dasar penolakan bantahan pihak ketiga telah sejalan dengan kedua teori tersebut. Putusan ini telah memenuhi unsur keadilan karena mampu menyeimbangkan aspek kepastian hukum, kemanfaatan, dan perlindungan hak para pihak sesuai prinsip hukum perdata serta regulasi Hak Tanggungan di Indonesia.

Kesimpulannya bahwa pemenang lelang yang memperoleh objek melalui tata cara yang sah memiliki hak atas perlindungan hukum. Sarannya adalah bagi pihak yang terlibat dapat meningkatkan kepatuhan terhadap regulasi pelaksanaan Hak Tanggungan dan lelang guna menjamin terciptanya kepastian hukum.

Kata Kunci: *Perlindungan Hukum; Pemenang Lelang; Hak Tanggungan; Bantahan Pihak Ketiga; Eksekusi Lelang.*

ABSTRACT

Legal protection for auction winners is a crucial aspect in the execution of Mortgage Rights to ensure legal certainty for parties who acquire rights through legitimate mechanisms. In practice, legitimate auction results often face obstacles in the form of objections from third parties, which trigger legal uncertainty for the winning party. This condition is reflected in Decision Number 2/Pdt.Bth/2022/PN Liw., confirmed by Decision Number 99/PDT/2022/PT TJK. In this case, Sudirman Ali, acting as guarantor for the Mortgage Right object, filed an objection to the execution auction held by the Creditor through the Bandar Lampung KPKNL.

The purpose of this study is to examine the suitability of the basis for rejecting Sudirman Ali's counterclaim as the guarantor of the Mortgage Right object in these decisions, viewed from the perspective of Legal Protection Theory and Structural Functional Theory. In addition, this study also evaluates whether the Judge's decision has reflected the elements of justice in an effort to provide legal protection for the auction winner.

This study uses a normative legal research method with a statutory approach, a case approach, and a conceptual approach. The data sources used are primary and secondary legal materials. All data were analyzed qualitatively with evaluative research specifications.

The results of the study show that the Panel of Judges rejected Sudirman Ali's counterclaim because no legal defects were found, either in the process of encumbrance of Mortgage Rights or in the implementation of the execution auction. The judge considered that the encumbrance of Mortgage Rights was legally valid through the Deed of Granting Mortgage Rights (APHT) and the Mortgage Rights Certificate. The debtor was proven to have committed a breach of contract and the auction process was in accordance with the provisions of Article 6 and Article 20 of Law Number 4 of 1996 concerning Mortgage Rights through the Bandar Lampung KPKNL. The auction winner had obtained the disputed object through official procedures, so he was given legal protection as a good faith buyer.

Analysis using the Legal Protection Theory, the Judge's rejection has provided protection for parties who obtained their rights legally and in good faith. The Structural Functional Theory, shows the harmony of functions between the judiciary, creditors, and the KPKNL in maintaining the stability of the legal system of collateral. The basis for rejecting the third party's objection is in line with both theories. This decision has fulfilled the element of justice because it is able to balance the aspects of legal certainty, benefit, and protection of the rights of the parties in accordance with the principles of civil law and regulations on Mortgage Rights in Indonesia.

In conclusion, auction winners who acquire objects through legitimate means have the right to legal protection. The recommendation is that involved parties increase compliance with regulations governing mortgage rights and auctions to ensure legal certainty.

Keywords: Legal Protection; Auction Winner; Mortgage Rights; Third Party Objection; Auction Execution.