

ABSTRAK

Eksekusi lelang hak tanggungan merupakan sarana pelunasan piutang kreditur yang memiliki karakteristik khusus karena didasarkan pada titel eksekutorial yang melekat pada Sertipikat Hak Tanggungan. Praktiknya, pelaksanaan lelang sering menimbulkan sengketa yang melibatkan debitur dan kreditur, sehingga memerlukan analisis mendalam mengenai jaminan perlindungan hukum bagi seluruh pihak yang berkepentingan. Penelitian ini bertujuan untuk menganalisis perlindungan hukum bagi para pihak dalam pelaksanaan eksekusi lelang Hak Tanggungan berdasarkan Putusan Pengadilan Nomor 16/PDT/2022/PT SMG, dengan meninjau dari perspektif perlindungan hukum, kepastian hukum, dan keadilan.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus, melalui analisis terhadap peraturan terkait Hak Tanggungan serta pertimbangan hukum dalam putusan pengadilan tersebut. Teori perlindungan hukum digunakan untuk menilai sejauh mana hak-hak para pihak terlindungi secara preventif maupun represif; teori kepastian hukum menelaah konsistensi penerapan norma dan kekuatan eksekutorial Hak Tanggungan; sedangkan teori keadilan mengkaji keseimbangan antara hak kreditur untuk memperoleh pelunasan dan hak debitur atas perlakuan yang proporsional.

Hasil penelitian menunjukkan bahwa putusan tersebut menegaskan pentingnya kepatuhan terhadap prosedur eksekusi lelang guna menjamin kepastian hukum dan mencegah penyalahgunaan kewenangan. Perlindungan hukum bagi para pihak terwujud melalui mekanisme pengujian keabsahan proses lelang di pengadilan. Hal ini menunjukkan bahwa keseimbangan antara kepastian hukum dan keadilan substantif menjadi faktor penting dalam mewujudkan perlindungan hukum yang efektif dalam eksekusi lelang Hak Tanggungan.

Kata Kunci: Perlindungan Hukum; Kepastian Hukum; Eksekusi Lelang; Hak Tanggungan; Putusan Pengadilan.

ABSTRACT

The auction execution of Mortgage Rights constitutes a means of settling a creditor's receivables that possesses a distinctive characteristic, as it is based on the executorial title attached to the Mortgage Certificate. In practice, the implementation of auctions often gives rise to disputes involving debtors and creditors, thereby requiring an in-depth analysis of the guarantees of legal protection for all interested parties. This study aims to analyze the legal protection afforded to the parties in the execution of Mortgage Rights auctions based on Court Decision Number 16/PDT/2022/PT SMG, by examining it from the perspectives of legal protection, legal certainty, and justice.

This research employs a normative juridical method with statutory and case approaches, through analysis of regulations related to Mortgage Rights and the legal considerations contained in the court decision. The theory of legal protection is used to assess the extent to which the rights of the parties are protected both preventively and repressively; the theory of legal certainty examines the consistency of the application of norms and the executorial strength of Mortgage Rights; while the theory of justice evaluates the balance between the creditor's right to obtain repayment and the debtor's right to proportional treatment.

The results of the study indicate that the decision emphasizes the importance of compliance with auction execution procedures to ensure legal certainty and prevent abuse of authority. Legal protection for the parties is realized through judicial review mechanisms concerning the validity of the auction process. Therefore, the balance between legal certainty and substantive justice becomes the key to achieving effective legal protection in the execution of Mortgage Rights.

Keywords: Legal Protection; Legal Certainty; Execution of Auction; Mortgage Right; Court Decision.