

TINJAUAN ASPEK KEPASTIAN HUKUM DAN KEADILAN TERHADAP KEPEMILIKAN ATAS OBJEK SENKETA LELANG (STUDI PUTUSAN MAHKAMAH AGUNG NOMOR 973 PK/PDT/2024)

Putri Kemalasari* dan Hendry Julian Noor**

INTISARI

Penelitian ini bertujuan untuk menganalisis penerapan aspek kepastian hukum dan keadilan terhadap kepemilikan objek sengketa lelang, khususnya dalam Putusan Mahkamah Agung Nomor 973 PK/Pdt/2024. Penelitian menggunakan metode hukum normatif dengan sifat deskripsi dan eksplanatoris, menggabungkan studi kepustakaan, peraturan perundang-undangan, putusan pengadilan, dan wawancara dengan narasumber ahli.

Hasil penelitian menunjukkan bahwa Putusan Mahkamah Agung Nomor 973 PK/Pdt/2024 yang menyatakan sahnya pelaksanaan lelang memberikan legitimasi terhadap risalah lelang sebagai akta autentik yang memiliki kekuatan mengikat bagi para pihak. Putusan ini menekankan aspek kepastian hukum dengan mengembalikan fungsi risalah lelang sebagai bukti peralihan hak yang sah. Putusan tersebut menimbulkan disparitas karena bertentangan dengan Putusan Mahkamah Agung Nomor 139 K/Pdt/2015 yang membatalkan akta jual beli atas dasar perbuatan melawan hukum, serta Putusan Mahkamah Agung Nomor 158 K/TUN/2021 yang membatalkan peralihan hak kepada pemenang lelang.

Kesimpulan penelitian ini adalah Putusan Mahkamah Agung Nomor 973 PK/Pdt/2024 lebih mengedepankan kepastian hukum formal melalui SEMA No. 7/2012, melindungi pemenang lelang beritikad baik, namun mengabaikan keadilan substantif bagi pemilik asal, sehingga mencerminkan ketegangan antara hukum sebagai norma tertulis dan hukum sebagai instrumen keadilan sosial. Putusan belum sepenuhnya seimbang antara kepastian hukum dan keadilan, karena prioritas pada prosedur administratif tanpa harmonisasi dengan putusan terdahulu.

Kata kunci: Kepastian Hukum, Keadilan, Risalah Lelang, Putusan Mahkamah Agung.

* Magister Kenotariatan, Fakultas Hukum, Universitas Gadjah Mada

** Magister Kenotariatan, Fakultas Hukum, Universitas Gadjah Mada

***REVIEW OF LEGAL CERTAINTY AND JUSTICE ASPECTS REGARDING
OWNERSHIP OF DISPUTED AUCTION OBJECTS
(STUDY OF SUPREME COURT DECISION NUMBER 973 PK/PDT/2024)***

Putri Kemalasari* dan Hendry Julian Noor**

ABSTRACT

This study aims to analyze the application of legal certainty and justice in ownership of auction dispute objects, particularly in Supreme Court Decision Number 973 PK/Pdt/2024. The research uses a normative legal method with descriptive and explanatory characteristics, combining literature studies, laws and regulations, court decisions, and interviews with expert sources.

The results of the study is Supreme Court Decision Number 973 PK/Pdt/2024, which declares the auction valid, legitimizes the auction minutes as an authentic deed that is binding on the parties. This decision emphasizes the aspect of legal certainty by restoring the function of the auction minutes as evidence of a valid transfer of rights. The decision has caused disparity because it contradicts Supreme Court Decision Number 139 K/Pdt/2015, which invalidates deeds of sale and purchase on the basis of unlawful acts, and Supreme Court Decision Number 158 K/TUN/2021, which invalidates the transfer of rights to the auction winner.

The conclusion of this study is that Supreme Court Decision Number 973 PK/Pdt/2024 prioritizes formal legal certainty through Supreme Court Circular Letter No. 7/2012, protecting auction winners acting in good faith, but neglects substantive justice for the original owners, thus reflecting the tension between law as a written norm and law as an instrument of social justice. The decision is not yet fully balanced between legal certainty and justice, because it prioritizes administrative procedures without harmonization with previous decisions.

Keywords: Legal Certainty, Justice, Auction Minutes, Supreme Court Decision.

* Master of Notary Law, Faculty of Law, Gadjah Mada University

** Master of Notary Law, Faculty of Law, Gadjah Mada University