

**KAJIAN YURIDIS TERHADAP PEMBATALAN LELANG EKSEKUSI HAK
TANGGUNGAN OLEH PEJABAT LELANG DALAM PERKARA
PENYELESAIAN PEMBIAYAAN BERMASALAH**

Dewi Suryani¹ dan Sudjito²

INTISARI

Adapun tujuan dari penelitian ini yaitu untuk mengetahui sebab dibatalkannya lelang eksekusi hak tanggungan oleh pejabat lelang, implikasi dibatalkannya pelaksanaan lelang eksekusi hak tanggungan terhadap lelangnya, debitur maupun debitur serta penyelesaian antara debitur dan kreditur setelah dibatalkannya pelaksanaan lelang eksekusi hak tanggungan oleh pejabat lelang.

Jenis penelitian yang digunakan yaitu normatif-empiris dan cara pengumpulan datanya dilakukan dengan studi kepustakaan dan wawancara dengan lokasi penelitian di KPCLN Yogyakarta. Pendekatan normatif untuk menjawab rumusan masalah kedua, adapun rumusan masalah pertama dan ketiga menggunakan pendekatan penelitian empiris.

Berdasarkan hasil penelitian diketahui bahwa sebab dibatalkannya pelaksanaan lelang oleh pejabat lelang ialah karena tidak memenuhi Pasal 42 Peraturan Menteri Keuangan Nomor 93/PMK.06/2010 tentang Petunjuk Pelaksanaan Lelang mengenai pengumuman lelang yang dilakukan tidak sesuai dengan ketentuan yaitu data dipengumuman tidak sinkron dengan yang seharusnya tertera di pengumuman. Adapun implikasi terhadap lelangnya, maka lelang tersebut tidak ada dan tidak ada pemasukan PNBK, bagi kreditur ialah tetap mendapatkan haknya, menjadi kreditur *preferent*, mengganggu stabilitas kesehatan perbankan sedangkan bagi debitur, harus memenuhi janji di dalam akadnya dengan melunasi pembiayaan tersebut serta berstatus debitur macet. Penyelesaian dilakukan dengan cara musyawarah antara debitur dan kreditur dengan menambah waktu perpanjangan untuk melunasinya (*rescheduling*).

Kata Kunci: Pembatalan Lelang, Pejabat Lelang, Pembiayaan Bermasalah, Eksekusi Hak Tanggungan

¹ Jln. P.H Husin I, Pontianak, Kalimantan Barat

² Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta.

JUDICIAL STUDY ABOUT CANCELLATION OF EXECUTION OF MORTGAGE RIGHTS AUCTION BY AUCTION OFFICE IN SOLUTION OF NON PERFORMING FINANCE

Dewi Suryani³ and Sudjito⁴

ABSTRACT

The aim of this research is to determine the reasons for cancellation of auction execution conducted by auction officials and to know the implication of that for debtor and creditor and settlement of this case.

This research is a normative-empirical legal research that using data source obtained from bibliography and interview. The data was collected through library research with document study technique, then the primary data obtained from the interviews with the speakers were analyzed qualitatively. The location of research is in KPKLN Yogyakarta with the respondents are debtor, auction official, informant from syariah banking law academics in Faculty of Law, Gadjah Mada University.

The result of this research are, the cause of cancellation of auction by auction official is because there is not fulfill Article 42 of Regulation of Minister of Finance Number 93 / PMK.06 / 2010 concerning Guidance of Implementation of Auction about announcement of auction which done not in accordance with provision that is data which is not sync with the one given to KPKLN Yogyakarta. The implication of the canceled auction of the execution of the rights to the auction would not exist. For the creditor are still get his rights because it is tied in a contract that has been agreed, a creditor preferent, disrupt the stability of banking health. For the debtor, the consequence must fulfill the promise in the contract by paying off the financing and if not immediately resolved to enter the debtor category stuck (can not ask for credit/ financing in other bank). The settlement is done by deliberation between the debtor and the creditor by increasing the extension time to pay it (reschedulling).

Keywords: Auction Cancellation, Auction Officer, Non Performing Finance, Execution of Mortgage Rights

³ Jl Parit H.Husin 1, Pontianak, West Kalimantan

⁴ Faculty of Law, Gadjah Mada University, Yogyakarta