

**TANGGUNG JAWAB PIHAK KREDITUR PT. PERMODALAN NASIONAL MADANI TERHADAP PROSES PEMBATALAN PELELANGAN (ANALISIS KASUS PUTUSAN PENGADILAN NEGERI KOTAMOBAGU Nomor 99/Pdt.G/2015/PN.Ktg)**

Oleh:  
Pramuditha Rianty Batalipu<sup>1</sup> dan Mailinda Eka Yuniza<sup>2</sup>

**INTISARI**

Penelitian ini bertujuan untuk mengetahui dan mengkaji pertimbangan hukum pembatalan lelang hak tanggungan serta eksekusi terhadap putusan pembatalan lelang dan tanggung jawab kreditur terhadap lelang yang dibatalkan.

Penelitian ini merupakan jenis penelitian normatif yang bersifat deskriptif dengan data sekunder bersumber dari bahan hukum primer, sekunder, dan tersier. Data sekunder diperoleh dari penelitian kepustakaan dengan alat pengumpulan data berupa studi dokumen. Data primer diperoleh langsung dari responden dan narasumber melalui wawancara. Data selanjutnya dianalisis dengan menggunakan metode kualitatif.

Hasil penelitian menunjukkan bahwa Perimbangan hukum yang menyebabkan terjadinya pembatalan lelang eksekusi hak tanggungan pada PT. Permodalan Nasional Madani yaitu karena ketidak wajaran nilai limit lelang. Terjadinya perbedaan nilai objek tanah dan bangunan, yang terjadi jaminan hutang penggugat pada Mei 2013 senilai Rp. 96.495.000 sebelum diterbitkan Akta Pemberian Hak Tanggungan pada tanggal 14 Mei 2013 dan sertifikat Hak Tanggungan pada tanggal 31 Oktober 2013 menjadi senilai Rp. 27.015.000 pada saat akan dilakukan lelang eksekusi kedua yang permohonan lelangnya dilakukan pada tanggal 27 April 2015. Eksekusi putusan tidak dapat dijalankan karena faktor biaya dalam mengajukan permohonan eksekusi putusan. Pembeli lelang yang beritikad baik sudah seharusnya mendapatkan perlindungan dari penjual, sebagaimana diatur dalam Pasal 16 ayat (1), ayat (2) dan (3) Peraturan Menteri Keuangan Nomor 93/PMK.06/2010 Jo. Peraturan Menteri Keuangan Nomor 106/MK.06/2013 Tentang Petunjuk Pelaksanaan Lelang.

**Kata Kunci :** Pertimbangan Hukum, Pembatalan Lelang, Tanggung Jawab Kreditur

---

<sup>1</sup> Mahasiswa Program Pascasarjana Magister Kenotariatan Fakultas Hukum Universitas Gadjah Mada

<sup>2</sup> Dosen Program Pascasarjana Magister Kenotariatan Fakultas Hukum Universitas Gadjah Mada

**CREDITOR'S (PT. PERMODALAN NASIONAL MADANI'S)  
RESPONSIBILITY TO AN AUCTION CANCELLATION  
PROCESS (An Analysis Of Kotamubagu District Court's  
Decision No. 99/Pdt.G/2015/PN.Ktg)**

By:  
Pramuditha Rianty Batalipu<sup>3</sup> dan Mailinda Eka Yuniza<sup>4</sup>

**ABSTRACT**

This research aims to determine and investigate the legal considerations for a mortgage right execution auction cancellation against an auction cancellation decision and creditor's responsibility towards a cancelled auction.

This is a normative research with a descriptive nature, its secondary data are from primary, secondary, and tertiary legal materials. The secondary data were obtained from a literature research using a document study data collection tool. The primary data were obtained directly from respondents and resource persons by means of interviews. The data were then analyzed using a qualitative method.

The research results showed that the legal consideration that caused PT. Permodalan Mandiri's mortgage right execution auction cancellation was an impropriety in the auction limit value. There has been a discrepancy in the land and building value, which became the plaintiff's debt collateral in May 2013 of Rp. 96.495.000 before a Mortgage Right Transfer Deed was issued on May 14<sup>th</sup> 2013 and a Mortgage Right certificate was issued on October 31<sup>st</sup> 2013 becoming Rp. 27.015.000 by the time the second auction was about to be conducted, which the request for auction was submitted for April 27<sup>th</sup> 2015. Verdict execution cannot be conducted due to a cost factor in verdict execution request submission. Good intentioned auction buyer should get proper protection from the seller, as stipulated in Article 16 verse (1), verse (2) and (3) of Minister of Finance's Regulation No. 93/PMK.06/2010, which correlates with Minister of Finance's Regulation No. 106/MK.06/2013 on Auction Execution Guidelines.

**Keywords:** Legal Consideration, Auction Cancellation, Creditor's Responsibility

---

<sup>3</sup> Student of Master of Notary Program, Faculty of Law, Universitas Gadjah Mada

<sup>4</sup> Lecturer at Master of Notary Program, Faculty of Law, Universitas Gadjah Mada