

ABSTRAK

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PERLINDUNGAN HUKUM BAGI PEMENANG LELANG MELALUI PARATE EKSEKUSI TERHADAP GUGATAN PEMILIK JAMINAN (ANALISIS PUTUSAN NOMOR 520/Pdt/2018/PT SMG)

(128 Halaman)

Peralihan hak melalui lelang dapat dibagi menjadi dua bentuk, yaitu peralihan hak dengan beralih dan peralihan hak dengan cara dialihkan. Peralihan hak terhadap benda tak bergerak melalui lembaga lelang dilakukan dengan jual beli secara resmi di hadapan pejabat lelang. Dalam prakteknya perlindungan hukum kepada pemenang lelang pada saat transaksi jual beli lelang terhadap objek hak tanggungan terkadang pemenang lelang tidak dapat menguasai objek yang telah di beli melalui lelang.

Metode penelitian yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif yang didukung dengan yuridis empiris dan Teori hukum yang digunakan dalam penelitian ini adalah teori penyelesaian sengketa dan teori perlindungan hukum.

Merujuk pada kasus yang dianalisis maka dirumuskanlah bagaimana Upaya Pemenang Lelang melalui Parate Eksekusi jika tidak mendapatkan hak nya dan bagaimanakah perlindungan hukum bagi pemenang lelang apabila digugat oleh pemilik jaminan lelang terdahulu. oleh karena itu terhadap situasi tersebut dapat dilakukan upaya hukum dengan sistem litigasi dan Non Litigasi dan Perlindungan hukum bagi pembeli tanah melalui lelang yang tidak dapat menguasai tanahnya sejatinya sudah ada didalam peraturan perundang- undangan di Indonesia yaitu di Peraturan Menteri Keuangan Nomor 27/PMK.06/2016, namun masih banyak kelemahan dalam prakteknya karena belum di atur pasti dalam Undang Undang.

Referensi : 79 (1964-2016)

Kata Kunci : Lelang, Parate Eksekusi

ABSTRACT

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(123 Pages)

The transfer of rights through an auction can be divided into two forms, namely the transfer of rights by transfer and the transfer of rights by way of being transferred. The transfer of rights to immovable property through an auction institution is carried out by buying and selling officially in the presence of an auction official. In practice, legal protection for the auction winner at the time of the auction sale and purchase transaction against the mortgage object sometimes the auction winner cannot control the object that has been purchased through the auction.

The research method used in this study is a normative juridical approach which is supported by empirical juridical and the legal theory used in this research is the theory of dispute resolution and the theory of legal protection.

Referring to the analyzed case, it is formulated how the Auction Winner Efforts through the Execution Parate if they do not get their rights and how is the legal protection for the auction winner if sued by the previous auction guarantee owner. Therefore, to this situation, legal action can be taken with a litigation and non-litigation system and legal protection for land buyers through auctions who cannot control their land actually already exists in the laws and regulations in Indonesia, namely in the Minister of Finance Regulation Number 27/PMK.06 /2016, but there are still many weaknesses in practice because it has not been regulated for sure in the Act.

Reference : 79 (1964-2016)

Keywords : Auction, Parate Executio