

ABSTRAK

Penelitian tentang “Pelaksanaan Eksekusi Hak Tanggungan Melalui Lelang Berdasarkan Penetapan Pengadilan Negeri Pekalongan” bertujuan untuk mengetahui bagaimana pelaksanaan eksekusi Hak Tanggungan melalui lelang berdasarkan penetapan Pengadilan Negeri Pekalongan dan apa kelemahan serta cara mengatasinya.

Penelitian ini merupakan penelitian deskriptif dengan pendekatan yuridis sosiologis. Pengumpulan data dilakukan melalui wawancara, observasi, studi kepustakaan dan studi dokumen.

Pelaksanaan eksekusi Hak Tanggungan melalui lelang berdasarkan penetapan Pengadilan Negeri Pekalongan dilaksanakan berdasarkan permohonan pemenang lelang. Permohonan eksekusi Hak Tanggungan melalui lelang oleh pemenang lelang dilakukan setelah terlelang tidak bersedia mengosongkan objek eksekusi secara sukarela. Kelemahan pelaksanaan eksekusi Hak Tanggungan melalui lelang berdasarkan penetapan Pengadilan Negeri Pekalongan yaitu penundaan eksekusi karena adanya gugatan terhadap permohonan eksekusi setelah diajukannya permohonan eksekusi, tereksesusi dan atau penghuni melakukan perlawanan eksekusi dengan tidak bersedia mengosongkan objek eksekusi/ Cara mengatasinya yaitu menjalankan lebih dahulu permohonan eksekusi yang diajukan oleh pemenang lelang atau pembeli lelang yang beritikad baik dan melakukan pendekatan persuasif berupa pemberian ganti rugi dan pendekatan represif berupa eksekusi pengosongan secara paksa dengan melibatkan penegak hukum

Kata Kunci : Eksekusi, Hak Tanggungan, Lelang

ABSTRACT

Research on "Execution of Underwriting Rights Through Auction Based on the Determination of Pekalongan District Court" aims to find out how the execution of Underwriting Rights through auctions based on the determination of Pekalongan District Court and what weaknesses and how to overcome them

This research is a descriptive study with a sociological juridical approach. Data collection is done through interviews, observation, library studies and document study.

The execution of the Underwriting Right through an auction based on the determination of the Pekalongan District Court is carried out based on the tender winner's request. Application for execution of Underwriting Rights through auction by the auction winner is done after the auction is not willing to vacate the object of execution voluntarily. The weakness of the execution of Underwriting Rights through an auction based on the determination of the Pekalongan District Court namely the delay of execution due to a lawsuit against the request for execution after the application for execution, execution and / or occupation of the execution execution is not willing to vacate the execution object by auction winners or auction buyers who have good intentions and make a persuasive approach in the form of compensation and repressive approaches in the form of forced evacuation execution involving law enforcement

Keywords: Execution, Mortgage Rights, Auction