

ABSTRAK

Pembatalan akta lelang dapat ditempuh dengan mengajukan gugatan baik dalam Peradilan Tata Usaha Negara maupun Peradilan Umum/Negeri. Adapun pengajuan dalam Peradilan Tata Usaha Negara berkaitan dengan keputusan Pejabat Tata Usaha Negara dalam hal ini Pejabat Lelang yang mengeluarkan risalah lelang. Jadi yang menjadi objek gugatan mengenai pembatalan lelang di Peradilan Tata Usaha Negara adalah Risalah Lelang. Maka perlu ditinjau mengenai pembatalan lelang eksekusi hak tanggungan demi mewujudkan perlindungan hukum, dan Bagaimanakah akibat hukum terhadap objek jaminan hak tanggungan apabila eksekusi hak tanggungan tersebut dibatalkan.

Jenis penelitian ini menggunakan penelitan yuridis normatif, yaitu penelitian yang difokuskan untuk mengkaji penerapan kaidah-kaidah atau norma-norma hukum positif.

Dari hasil penelitian didapatkan Pembatalan lelang eksekusi hak tanggungan demi mewujudkan perlindungan hukum dapat dibatalkan apabila tidak sesuai dengan ketentuan peraturan perundang-undangan, serta Akibat hukum terhadap objek jaminan hak tanggungan dari pembatalan pelaksanaan lelang eksekusi berdampak luas terutama pada akibat hukum yang ditimbulkannya baik itu terhadap objek sengketa lelang yang posisinya kembali kepada keadaan semula sebelum dilaksanakannya pelelangan tersebut, begitupun dengan hak pemenang lelang atas objek jaminan tersebut menjadi berakhir.

Kata Kunci: Pembatalan Lelang, Lelang, Akta Lelang

ABSTRACT

Cancellation of the auction deed can be reached by filing a lawsuit either in the State Administrative Court or the General/State Court. The submission in the State Administrative Court is related to the decision of the State Administrative Officer in this case the Auction Officer who issues the minutes of the auction. So the object of the lawsuit regarding the cancellation of the auction at the State Administrative Court is the Minutes of Auction. So it is necessary to review the cancellation of the mortgage execution auction in order to realize legal protection, and what are the legal consequences for the object of the mortgage guarantee if the execution of the mortgage is canceled.

This type of research uses normative juridical research, namely research that is focused on examining the application of positive legal rules or norms.

From the results of the study, it was found that the cancellation of the mortgage execution auction in order to realize legal protection can be canceled if it is not in accordance with the provisions of the legislation, as well as the legal consequences of the object of the mortgage guarantee from the cancellation of the execution of the execution auction having a broad impact, especially on the legal consequences it causes both to the object auction disputes whose position returns to its original state before the auction, as well as the rights of the auction winner on the object of the guarantee have ended.

Keywords: Cancellation of Auction, Auction, Deed of Auction