

## **ABSTRAK**

### **ANALISIS YURIDIS HAK MILIK ATAS TANAH YANG DIPEROLEH MELALUI PROSES LELANG**

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Lelang merupakan salah satu cara untuk memperoleh hak milik atas suatu benda, salah satunya adalah tanah. Diawali dengan kredit macet, maka pihak kreditur mengajukan proses lelang eksekusi hak tanggungan untuk mendapatkan pelunasan hutangnya, sekaligus timbul proses perolehan hak milik atas tanah yang beralih dari debitur kepada pemenang lelang melalui proses lelang. Permasalahan penelitian ini, yaitu: Bagaimana perolehan hak milik atas tanah yang diperoleh melalui proses lelang. Bagaimanakah keabsahan akta risalah lelang terhadap hak milik atas tanah. Apa akibat hukum bagi pemenang lelang yang tidak dapat menguasai obyek lelang.

Jenis penelitian yang digunakan adalah penelitian normatif yang didukung dengan data empiris. Data yang digunakan dalam penelitian ini adalah data primer dan data sekunder. Data primer diperoleh dari hasil wawancara terhadap Informan, serta data sekunder yang terdiri atas bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier, selanjutnya data dianalisis secara kualitatif.

Berdasarkan hasil penelitian dan pembahasan, pelaksanaan lelang dilaksanakan dalam 3 tahap yaitu tahap pra lelang, tahap pelaksanaan lelang, dan tahap pasca lelang, setelah pemenang lelang menyelesaikan kewajibannya maka ia akan mendapat akta/kutipan risalah lelang. Akta risalah lelang merupakan akta otentik yang mempunyai kekuatan pembuktian sempurna sehingga dapat dipersamakan dengan Akta Jual Beli (AJB). Akibat hukum dari pemenang lelang yang tidak dapat menguasai obyek lelang adalah menderita kerugian karena hak-haknya tidak terpenuhi. Maka, pemenang lelang dapat melakukan permohonan eksekusi riil, gugatan ganti rugi dan pengembalian uang lelang untuk mendapatkan hak-haknya sebagai pemenang lelang.

**Kata Kunci: Lelang, Hak Tanggungan, Hak Milik Atas Tanah.**

## **ABSTRACT**

### **LEGAL ANALYSIS ON THE RIGHT OF OWNERSHIP OVER THE LAND OBTAINED BY AUCTION PROCESS**

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Auction is one effort to obtain ownership of an object, one of which is land auction. This auction was started when the debtor of the bank had a bad debt, the creditor then submitted the auction process for the execution of the mortgage to get the repayment of the debt, as well as the process of obtaining the right of ownership over the land that is transferred from the debtor to the winner of the auction. The problems of this research are formulated as follows: How is the acquisition of ownership over the land obtained through the auction process? What is the validity of the auction treatise deed against the rights of land? What are the legal consequences for the auction winner who cannot control the object of the auction?

This research applied normative research supported by empirical data. The data sources consisted of primary and secondary data. The primary data were obtained from interviews with informants, while the secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials, then the data were analyzed qualitatively.

Based on the results and discussion of the research, the auction process was carried out in 3 stages: the pre-auction, the auction, and the post-auction. After the winner of the auction completed his obligations, he would receive the auction treatise deed. The auction treatise deed is an authentic deed which has the strength of proof that is similar to the Sale and Purchase Deed (AJB). The legal consequences of the auction winner who cannot control the object of the auction is to suffer losses because his rights are not fulfilled. Thus, the auction winner can make a request for real execution, claim for compensation and request fore imbursement to get his rights back as the winner of the auction.

**Keywords: Auction, Mortgage Rights, Land Ownership Rights.**