

ABSTRAK

Analisis Penyelesaian Gugatan Perbuatan Melawan Hukum terhadap Proses Eksekusi Lelang Hak Tanggungan

(Studi Putusan No. 6 Pdt./G/2024/PN.Met jo. No.77/Pdt/2024/PT TJK jo. No. 346/K/Pdt/2025)

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Eksekusi lelang Hak Tanggungan merupakan sarana hukum yang memberikan kewenangan kepada kreditor untuk memperoleh pelunasan piutang melalui mekanisme *parate executie*. Meskipun secara normatif dijamin oleh UUHT, pelaksanaannya sering menimbulkan sengketa berupa gugatan perbuatan melawan hukum (PMH) dari debitor. Penelitian ini bertujuan untuk menganalisis penyelesaian gugatan PMH terhadap proses eksekusi lelang hak tanggungan serta menelaah akibat hukum putusan terhadap kedudukan kreditor dan debitor dalam Putusan No. 6 Pdt.G/2024/PN.Met jo. No. 77/Pdt/2024/PT TJK jo. No. 346/K/Pdt/2025.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan studi kasus. Data bersumber dari bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa literatur hukum relevan. Data dikumpulkan melalui studi kepustakaan dengan dukungan wawancara, lalu dianalisis secara kualitatif guna menghasilkan kesimpulan yang sistematis dan menyeluruh.

Hasil penelitian menunjukkan bahwa majelis hakim dalam seluruh tingkat peradilan menilai pelaksanaan eksekusi lelang Hak Tanggungan telah dilakukan sesuai dengan ketentuan Pasal 6 UUHT serta PMK/122/2023 sehingga tidak memenuhi unsur perbuatan melawan hukum sebagaimana diatur dalam Pasal 1365 KUHP. Putusan ini menegaskan hak kreditor untuk mempertahankan hasil lelang sehingga memperkuat posisinya sebagai pemegang hak preferen dan eksekutorial. Sebaliknya, debitor tidak lagi memiliki dasar hukum untuk membatalkan lelang yang telah sah.

Kata Kunci: Eksekusi Lelang, Hak Tanggungan, Kepastian Hukum, Parate Executie, Perbuatan Melawan Hukum.

ABSTRACT***Analysis of the Settlement of Lawsuits for Unlawful Acts against the Foreclosure Auction Process******(Study of Decision No. 6 Pdt.G/2024/PN.Met jo. No.77/Pdt/2024/PT TJK jo. No. 346/K/Pdt/2025)******By*****CAHAYA PITA NELITA SITOMPUL**

The execution of the auction of Dependent Rights is a legal means that gives the authority to creditors to obtain repayment of receivables through the parate execution mechanism. Although normatively guaranteed by the Law on the Rights of Dependents, its implementation often causes disputes in the form of lawsuits for unlawful acts (PMH) from debtors. This study aims to analyze the settlement of PMH lawsuits against the execution process of the auction of dependent rights and examine the legal consequences of the decision on the position of creditors and debtors in Decision No. 6 Pdt.G/2024/PN. jo. No. 77/Pdt/2024/PT TJK jo. No. 346/K/Pdt/2025.

This study uses a normative juridical method with a case study approach. The data is sourced from primary legal materials in the form of laws and regulations and court decisions, as well as secondary legal materials in the form of relevant legal literature. Data was collected through a literature study with interview support, then analyzed qualitatively to produce systematic and comprehensive conclusions.

The results of the study show that the panel of judges at all levels of the judiciary assessed that the execution of the auction of the Rights of Dependents had been carried out in accordance with the provisions of Article 6 of the Constitution and PMK/122/2023 so that it did not meet the elements of unlawful acts as stipulated in Article 1365 of the Criminal Code. This decision affirms the creditor's right to maintain the auction results thereby strengthening his position as a holder of preferential and executory rights. Instead, the debtor no longer has a legal basis to cancel a legitimate auction.

Keywords: Auction Execution, Unlawful Acts, Mortgage Rights, Legal Certainty, Parate Executie.