

Pelaksanaan lelang barang jaminan gadai pada Perum Pegadaian cabang Depok = Concerning the auction of collateral at Perum Pegadaian cabang Depok

Elvira Suzana Eka Putri, author

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Abstrak

Lembaga pegadaian mempunyai hak untuk mengambil pelunasan piutangnya dengan cara melelang barang jaminan gadai yang di bawah kekuasaannya. Sehubungan dengan hal di atas beberapa permasalahan yang akan di cari jawabnya yaitu (1) Bagaimana Praktek pelaksanaan lelang barang jaminan gadai di Perum Pegadaian, (2) Apakah proses pelaksanaan gadai sudah sesuai dengan peraturan yang berlaku, (3) Apakah kendala yang dihadapi Perum Pegadaian cabang Depok dalam melakukan lelang barang jaminan gadai. Disamping itu juga dilakukan penelitian terhadap bahan kepustakaan hukum untuk memperoleh data sekunder, Alat yang penulis gunakan dalam pengumpulan data di lapangan adalah studi dokumen dan wawancara dengan informan yakni pejabat Perum Pegadaian serta staf dan pihak terkait yang kemudian dianalisis menggunakan metode kualitatif. Dari penelitian yang dilakukan diperoleh kesimpulan sebagai berikut : (1) Pelelangan barang jaminan gadai di Perum Pegadaian terbagi atas beberapa tahap, yaitu : a. Pemberitahuan Lelang; b. Persiapan Lelang; c. Pelaksanaan Lelang; d. Tindakan setelah Lelang, (2) Debitur dapat meminta penundaan pelaksanaan lelang dengan dua cara, yaitu a. Mencicil sebagian utang atau b. Gadai ulang, (3) Debitur wajib melunasi sisa hutangnya apabila barang jaminannya yang dilelang, ternyata tidak mampu menutupi hutangnya dan debitur berhak atas kelebihan uang dari hasil lelang barang jarninan gadai miliknya, (4) Dalam prakteknya pelaksanaan lelang barang tersebut dimiliki beberapa hambatan, yaitu a. Proses pemberitahuan lelang yang tidak sampai pada pihak nasabah atau masyarakat; b. Berubah-ubahnya harga pasar terhadap barang jarninan yang menyulitkan dalam proses penaksiran oleh Perum Pegadaian, c. Kurang memadai dan representatifnya tempat pelelangan di Perum Pegadaian; dan d. Sulitnya pihak Perum Pegadaian dalam menjual Barang Sisa Lelang (BSL) atau barang jaminan gadai yang tidak laku dijual dalam pelelangan.

.....Pawn is given to guarantee a claim. Pawn application wa done by institution called pawn house. If the debtor negligent to pay pawn debt after the time limit, pawn haouse would do auction to the pawn object. Here the writer was interesting to discuss about auction application of pawn object caused by broken agreement in Pawn house Depok. The research was done in Pawn House Depok city using data source consosted of interview, observation and documentation.

For data conclusion, the eriter used qualitative analysis. From the research, there could be found that broken agreement in pawn agreement caused auction to the pawn object in Pawn house- Depok were: customer didn?t do the agreement at all; (2) customer did agreement but imperfect; (3) customer was late in paying pawn, so that the collateral would be sold by auction by the pawn house. Auction application in broken agreement at pawn agreement consisted of preparation, application according to the time limitation, and aucted material according to the number existed in form, and the last phase was calculation and payment. Things which could not be sold in auction would be considered as auction residue (Barang Sisa lelangBSL) which would be sold again in the next auction. Inhibition factors were: (1) the price in market; (2) physical condition; (3) the precious things price like gold, diamond, and jewelry were always changed all time. The

supporting factors were: (1) assumption that the price would be cheaper; (2) the consumer had found the broken agreement risk. The writer here suggested Pawn House Depok City should be more flexible in handling pawn customer who broke their agreement. The customers should pay attention to the factors influenced the pawn house did auction based on broken agreement condition.