

Problematika kegagalan pelaksanaan lelang benda berharga asal muatan kapal yang tenggelam (BMKT) : suatu analisis penerapan asas-asas lelang pada pelaksanaan lelang BMKT = The failure of the implementation of valuable objects from sunken ship auction : an analysis of the application of auction principles on valuable objects from sunken ship auction / Riama Luciana Sitohang

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Abstrak

ABSTRAK

Suatu pelaksanaan lelang sudah seharusnya berpedoman pada asas-asas lelang dan memenuhi prosedur umum lelang yang berlaku dalam peraturan lelang. Begitu pula halnya dengan pelaksanaan lelang Benda Berharga Asal Muatan Kapal Yang Tenggelam (BMKT) hasil pengangkatan dari perairan Laut Jawa Utara Cirebon. Lelang BMKT juga seharusnya berpedoman pada asas-asas lelang dan memenuhi prosedur umum lelang yang berlaku dalam peraturan lelang. Lelang dilaksanakan sebanyak 3 (tiga) kali pada tahun 2010 terhadap BMKT yang berstatus selain Barang Milik Negara (BMN). Namun, ternyata pelaksanaan lelang tidak berhasil atau tidak ada penawaran. Oleh karena itu, penulis menganalisis permasalahan bagaimana penerapan asas-asas lelang pada pelaksanaan lelang BMKT dan kesesuaian lelang BMKT tersebut dengan prosedur lelang. Dari penelitian, penulis menemukan bahwa dalam lelang BMKT tidak memenuhi asas-asas lelang khususnya asas kompetisi. Beberapa tahapan dalam prosedur lelang tersebut tidak terlaksana secara optimal, khususnya penentuan mekanisme atau strategi penawaran barang dalam lelang, nilai limit, dan uang jaminan penawaran lelang. Dalam penelitian juga ditemukan bahwa besaran nilai limit dan uang jaminan penawaran lelang yang ditetapkan PANNAS BMKT terlalu tinggi. Keterbatasan waktu pelunasan harga lelang juga memberatkan para peminat lelang. Selain itu, penjualan BMKT dalam 1 (satu) lot kiranya juga membatasi peminat lelang karena hanya peminat lelang yang memiliki kemampuan ekonomi besar saja yang dapat mengikuti lelang. Seharusnya Panitia Nasional Pengangkatan Dan Pemanfaatan BMKT (PANNAS BMKT) selaku penjual memanfaatkan Pasal 38 Peraturan Menteri Keuangan Nomor 93/PMK.06/2010 Tentang Petunjuk Pelaksanaan Lelang, untuk merubah nilai limit dan Pasal 71 ayat (2) Peraturan Menteri Keuangan Nomor 93/PMK.06/2010 Tentang Petunjuk Pelaksanaan Lelang, dalam hal pengecualian jangka waktu pembayaran harga lelang.

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ABSTRACT

Auctions were supposed to be based on auction's principles and procedure.

Likewise, the implementation of Valuable Objects From Sunken Ship auction excavated from the Java Sea about 90 miles North West from the city of Cirebon. The Valuable Objects From Sunken Ship auction was supposed to be based on auction's principle and procedure. The Valuable Objects From Sunken Ship which are not categorized as State-owned Goods auctioned 3 (three) times in the 2010. However, these auctions were unsuccessful because nobody participated in auctions. Therefore the writer is interested to analyze the application of auction's principles and auction's procedure in those auctions. From the research the writer found that the auction principles in Valuable Objects from Sunken Ship Auction did not fulfilled particularly in competition principle. The several stages in the auction procedure were also not implemented optimally, particularly the determination of auction terms. In addition, this research also found that the values of reserve price and bidding deposit determined by National Committee for The Salvage and Utilization of Valuable Objects from Sunken Ships are too high. A time limitation of auction price was incriminated the person who interested in auction. In addition, the selling of Valuable Objects From Sunken Ship may also limit the person who interested in auction because only people who have much money can participate in auction. The National Committee for The Salvage and Utilization of Valuable Objects from Sunken Ships as a vendor was ought to use Article 38 of The Ministry of Finance Regulation No.93 Year 2010, to change reserve price and Article 71 paragraph (2) of The Ministry of Finance Regulation No.93 Year 2010, to provide more time for purchasers to pay the auction price.