

Kewenangan pejabat lelang dalam lelang eksekusi gadai saham (studi kasus atas risalah lelang nomor RL-0XX/2011) = The Authority of auctioneer in conducting auctions of pawned shares (a case study of auction deed number RL-0XX/2011)

Dita Rahmasari, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20403713&lokasi=lokal>

Abstrak

[ABSTRAK

Penjualan lelang eksekusi gadai saham melalui pelelangan umum harus dilakukan oleh Pejabat Lelang Kelas I di Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL). Namun pada prakteknya lelang terdapat lelang eksekusi gadai saham yang dilaksanakan oleh Pejabat Lelang Kelas II dan dilakukan di Balai Lelang Swasta sebagaimana dituangkan dalam risalah lelang nomor RL-0XX/2011. Penelitian ini dilakukan untuk mengetahui bagaimanakah sebenarnya kewenangan pejabat lelang, khususnya Pejabat Lelang Kelas II, dalam melaksanakan lelang gadai atas saham serta bagaimanakah dampak pelanggaran kewenangan pejabat lelang terhadap lelang yang telah dilaksanakan tersebut. Penelitian ini dilakukan dengan metode yuridis normatif, yaitu dengan memperhatikan risalah lelang yang telah diterbitkan oleh Pejabat Lelang dan diperbandingkan terhadap ketentuan peraturan perundang-undangan yang berlaku berkenaan dengan lelang. Hasil penelitian menunjukkan bahwa dalam hal terjadi pelanggaran kewenangan pejabat lelang dalam melaksanakan lelang, maka terhadap pejabat lelang tersebut akan dinyatakan melanggar ketentuan peraturan perundang-undangan di bidang lelang dan izinnnya sebagai Pejabat Lelang dapat dikenakan sanksi berupa pembekastugasan untuk jangka waktu tertentu. Pejabat Lelang tersebut juga berkewajiban untuk mengganti kerugian yang ditimbulkan. Selain itu, terhadap lelang yang dilaksanakan tanpa kewenangan pejabat lelang, maka lelang tersebut dianggap batal demi hukum. Namun prosedur pembatalan lelang yang batal demi hukum belum diatur lebih lanjut dalam ketentuan peraturan perundang-undangan lelang yang ada saat ini.

<hr>

ABSTRACT

Shares pawned with creditors (pledge) should be sold by public auction conducted by the Class I Auctioneers of the State Asset and Auction Services Office (KPKNL). In practice, however, there was an auction of the aforementioned pledge conducted by a Class II Auctioneer at a Private Auction House as set forth in the Auction Deed No. RL-0XX/2011. This research examines auctioneer's authority, particularly the Class II Auctioneer, in conducting auctions of pawned shares and how a violation of the provisions on authority affecting the auction. The research used the normative juridical method, by taking into account the Auction Deed and the prevailing regulations in relation to auctions. The research concluded that if an auctioneer violates the provision on authority in conducting the auction, he shall be guilty of an offense against the Auction Regulations and his license as an auctioneer may be suspended for a certain time period. He may also be obliged to pay the losses incurred. Furthermore, the auction of pawned shares conducted by the Auctioneer without proper authority shall be deemed as null and void. However the revocation procedure for a null and void auction has not been set forth in auction regulations in Indonesia.

;Shares pawned with creditors (pledge) should be sold by public auction conducted by the Class I Auctioneers of the State Asset and Auction Services Office (KPKNL). In practice, however, there was an

auction of the aforementioned pledge conducted by a Class II Auctioneer at a Private Auction House as set forth in the Auction Deed No. RL-0XX/2011. This research examines auctioneer's authority, particularly the Class II Auctioneer, in conducting auctions of pawned shares and how a violation of the provisions on authority affecting the auction. The research used the normative juridical method, by taking into account the Auction Deed and the prevailing regulations in relation to auctions. The research concluded that if an auctioneer violates the provision on authority in conducting the auction, he shall be guilty of an offense against the Auction Regulations and his license as an auctioneer may be suspended for a certain time period. He may also be obliged to pay the losses incurred. Furthermore, the auction of pawned shares conducted by the Auctioneer without proper authority shall be deemed as null and void. However the revocation procedure for a null and void auction has not been set forth in auction regulations in Indonesia.

;Shares pawned with creditors (pledge) should be sold by public auction conducted by the Class I Auctioneers of the State Asset and Auction Services Office (KPKNL). In practice, however, there was an auction of the aforementioned pledge conducted by a Class II Auctioneer at a Private Auction House as set forth in the Auction Deed No. RL-0XX/2011. This research examines auctioneer's authority, particularly the Class II Auctioneer, in conducting auctions of pawned shares and how a violation of the provisions on authority affecting the auction. The research used the normative juridical method, by taking into account the Auction Deed and the prevailing regulations in relation to auctions. The research concluded that if an auctioneer violates the provision on authority in conducting the auction, he shall be guilty of an offense against the Auction Regulations and his license as an auctioneer may be suspended for a certain time period. He may also be obliged to pay the losses incurred. Furthermore, the auction of pawned shares conducted by the Auctioneer without proper authority shall be deemed as null and void. However the revocation procedure for a null and void auction has not been set forth in auction regulations in Indonesia.

, Shares pawned with creditors (pledge) should be sold by public auction conducted by the Class I Auctioneers of the State Asset and Auction Services Office (KPKNL). In practice, however, there was an auction of the aforementioned pledge conducted by a Class II Auctioneer at a Private Auction House as set forth in the Auction Deed No. RL-0XX/2011. This research examines auctioneer's authority, particularly the Class II Auctioneer, in conducting auctions of pawned shares and how a violation of the provisions on authority affecting the auction. The research used the normative juridical method, by taking into account the Auction Deed and the prevailing regulations in relation to auctions. The research concluded that if an auctioneer violates the provision on authority in conducting the auction, he shall be guilty of an offense against the Auction Regulations and his license as an auctioneer may be suspended for a certain time period. He may also be obliged to pay the losses incurred. Furthermore, the auction of pawned shares conducted by the Auctioneer without proper authority shall be deemed as null and void. However the revocation procedure for a null and void auction has not been set forth in auction regulations in Indonesia.

]