RINGKASAN

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Perlindungan Hukum Bagi Kreditor Dalam Eksekusi Jaminan Hak Tanggungan (Studi Penelitian Di Kantor Pelayanan Kekayaan Negara Dan Lelang Lhokseumawe).

(Dr. Marlia Sastro, S.H., M.Hum. dan Arif Rahman, S.H., M.H)

Pemberian kredit oleh bank merupakan bagian penting dalam mendukung kegiatan ekonomi. Agar risiko kerugian dapat diminimalkan ketika debitor tidak memenuhi kewajibannya, bank biasanya meminta agunan berupa hak tanggungan. Ketentuan mengenai hal ini telah diatur dalam Undang-undang Nomor 4 Tahun 1996 tentang Hak Tanggungan, yang memberikan perlindungan serta kedudukan hukum yang kuat bagi kreditor. Meski secara hukum mekanisme eksekusi melalui pelelangan umum sudah diatur dengan jelas, kenyataannya pelaksanaan di lapangan kerap menghadapi hambatan teknis dan administratif yang menyulitkan upaya penegakan hak kreditor.

Penelitian ini bertujuan untuk mengetahui perlindungan hukum bagi kreditor serta hambatan dan upaya yang dihadapi dalam eksekusi jaminan hak tanggungan di Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL) Lhokseumawe.

Metode yang digunakan adalah penelitian kualitatif dengan pendekatan yuridis empiris. Penelitian ini bersifat deskriptif analitis berdasarkan data atau sampel yang telah dikumpulkan.

Berdasarkan hasil penelitian, pelaksanaan eksekusi jaminan hak tanggungan oleh kreditor melalui KPKNL Lhokseumawe memiliki dasar hukum yang kuat, yaitu Undang-Undang Nomor 4 Tahun 1996 dan PMK Nomor 27/PMK.06/2016. Namun, dalam praktiknya terdapat hambatan seperti penolakan debitor terhadap hasil lelang, gugatan hukum, keberatan administratif, serta keterbatasan kewenangan KPKNL dalam pengosongan aset. Hambatan juga muncul dari perlawanan fisik dan penolakan masyarakat sekitar. Untuk mengatasi hal tersebut, kreditor menempuh upaya seperti melengkapi dokumen hukum, mengajukan eksekusi ke pengadilan, berkoordinasi dengan aparat penegak hukum, dan melakukan pendekatan persuasif kepada debitor agar eksekusi berjalan sesuai hukum.

Disarankan kepada kreditor, KPKNL, dan aparat penegak hukum untuk memastikan eksekusi jaminan hak tanggungan dapat berjalan lebih lancar dan minim hambatan. Selain itu, pemerintah sebaiknya mengkaji kembali regulasi yang berkaitan dengan eksekusi jaminan agar lebih responsif terhadap tantangan di lapangan.

Kata Kunci : Perlindungan Hukum, Hak Tanggungan, Kreditor dan Debitor, Jaminan.

SUMMARY

Riska Dara Fauna	**Legal Protection for Creditors in the Execution of Mortgage Guarantee (Research Study at the State Asset and Auction Service Office Lhokseumawe).**
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(Dr. Marlia Sastro, S.H., M.Hum. and Arif Rahman, S.H., M.H)

Credit provision by banks is an important part in supporting economic activities. In order to minimize the risk of loss when the debtor does not fulfill his obligations, the bank usually asks for collateral in the form of a mortgage. Provisions regarding this have been regulated in Law Number 4 of 1996 concerning Mortgage Rights, which provides protection and strong legal standing for creditors. Although legally the mechanism of execution through public auctions has been clearly regulated, in reality the implementation in the field often faces technical and administrative obstacles that complicate efforts to enforce creditors' rights.

This study aims to determine the legal protection for creditors and the obstacles and efforts faced in the execution of collateral rights at the State Asset and Auction Service Office (KPKNL) Lhokseumawe.

The method used is qualitative research with an empirical legal approach. This research is descriptive analytical based on data or samples that have been collected.

Based on the results of the study, the implementation of the execution of collateral rights by creditors through the Lhokseumawe KPKNL has a strong legal basis, namely Law Number 4 of 1996 and PMK Number 27 / PMK.06 / 2016. However, in practice there are obstacles such as debtor rejection of auction results, lawsuits, administrative objections, and limited authority of the KPKNL in emptying assets. Obstacles also arise from physical resistance and rejection by the surrounding community. To overcome this, creditors take efforts such as completing legal documents, submitting execution to the court, coordinating with law enforcement officers, and taking a persuasive approach to debtors so that the execution runs according to law.

It is recommended to creditors, KPKNL, and law enforcement officers to ensure that the execution of collateral rights can run more smoothly and with minimal obstacles. In addition, the government should review regulations related to collateral execution to be more responsive to challenges in the field.

Keywords: Legal Protection, Mortgage Rights, Creditors and Debtors, Collateral.