

TINJAUAN YURIDIS TENTANG PELAKSANAAN HAK RETENSI MELALUI PELELANGAN BARANG OLEH PERUM PEGADAIAN APABILA DEBITUR WANPRESTASI

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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 pratek pelaksanaan lelang barang jaminan gadai di Perum Pegadaian, (2) Apakah proses pelaksanaan gadai sudah sesuai dengan peraturan yang berlaku, (3) Apakah kendala yang di hadapi Perum Pegadaian Kanwil IX Senen dalam melakukan lelang barang jaminan gadai. Disamping itu juga dilakukan penelitian terhadap bahan kepustakaan hukum untuk memperoleh data sekunder, alat penulis yang digunakan dalam pengumpulan data di lapangan adalah studi dokumen dan wawancara dengan informan yakni Pejabat Perum Pegadaian. 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 menunda pelaksanaan lelang dengan dua cara, (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 jaminan gadai miliknya, (4) Dalam prakteknya pelaksanaan lelang barang tersebut dimiliki beberapa hambatan.

Kata Kunci : Hak Retensi, Lelang, Wanprestasi, Gadai.

JUDICIAL REVIEW OF THE ECERCISE OF THE RIGHT OF RETENTION THROUGH AUCTIONS BY PAWN HOUSE.

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Abstract

Pawn is given to guarantee a claim. Pawn application we done by institution called pawn house. If the debtor negligent to pay pawn debt after the time limit, pawn house 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 Senen. The research was done in Pawn House Senen 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 cause auction to the Pawn object in Pawn House Senen were : Customer didn't do the agreement at all.; (2) customer did agreement but imperfect Auction application in broken agreement at Pawn agreement consisted of preparation, 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 which would be sold again in the next auction. Inhibition factors The supporting Tractors. The writer here suggested Pawn House Senen City should be more flexible in handling Pawn customer who broke their agreement. influenced the Pawn house did auction based on broken agreement condition.

Keyword : Retention, Auction, Default, Pawn.