

ABSTRAK

Implementasi penelitian legalitas formal oleh Pejabat Lelang merupakan aspek penting dalam menjamin sahnya pelaksanaan lelang di KPKNL Surabaya. Namun, hasil penelitian empiris menunjukkan bahwa kewajiban tersebut sebagaimana diatur dalam Pasal 33 ayat (1) Peraturan Menteri Keuangan Nomor 122 Tahun 2023 belum dilaksanakan optimal. Verifikasi yang dilakukan masih bersifat administratif sehingga mengabaikan kajian substantif atas keabsahan dokumen, keaslian tanda tangan, kesesuaian subjek dan objek lelang, serta validitas bukti kepemilikan. Kondisi ini memunculkan berbagai persoalan hukum, seperti pada kasus lelang rumah Edy Santoso yang diduga menggunakan dokumen palsu, kasus Lukman Ibrahim yang menunjukkan minimnya transparansi, serta pembatalan lelang ruko berkode VNPRLU setelah pemenang diumumkan. Temuan tersebut menunjukkan bahwa kewajiban penelitian legalitas formal belum dijalankan secara menyeluruh sehingga menimbulkan ketidakpastian hukum, kerugian bagi debitur, gugatan dari pemenang lelang, dan menurunnya kepercayaan masyarakat terhadap lembaga lelang negara. Penelitian ini merupakan penelitian hukum empiris melalui wawancara, observasi, dan analisis dokumen untuk menilai kesesuaian antara PMK 122/2023 dengan praktik lapangan. Hasil penelitian menunjukkan bahwa lemahnya penelitian legalitas formal berpotensi menyebabkan kesalahan administratif, pembatalan lelang, perbuatan melawan hukum, hingga potensi tanggung jawab pidana apabila pejabat lelang lalai atau membiarkan dokumen bermasalah. Penyelesaian yang ditempuh meliputi pembatalan lelang, pengajuan keberatan, gugatan hukum, serta verifikasi ulang oleh KPKNL. Penelitian ini juga menegaskan perlunya reformasi internal melalui SOP verifikasi yang lebih ketat, peningkatan kompetensi pejabat lelang, penguatan pengawasan, dan digitalisasi proses verifikasi dokumen untuk mencegah kasus serupa terulang.

Kata kunci: Penelitian Legalitas Formal, Pejabat Lelang, KPKNL Surabaya, PMK 122/2023.

ABSTRACT

The implementation of formal legality verification by Auction Officials is a crucial aspect in ensuring the validity of auction procedures at KPKNL Surabaya. However, empirical findings indicate that this obligation, as regulated in Article 33 paragraph (1) of the Ministry of Finance Regulation Number 122 of 2023, has not been carried out optimally. The verification process remains largely administrative, neglecting substantive assessments of document authenticity, signature validity, conformity between auction subjects and objects, and the validity of ownership evidence. This has led to various legal issues, such as the auction of Edy Santoso's property involving alleged forged documents, the case of Lukman Ibrahim which showed minimal transparency, and the cancellation of the VNPRLU-coded shophouse auction after the winner was announced. These findings demonstrate that formal legality verification has not been thoroughly implemented, resulting in legal uncertainty, financial losses for debtors, lawsuits from auction winners, and declining public trust in state auction institutions. This study is an empirical legal research conducted through interviews, observations, and document analysis to assess the alignment between PMK 122/2023 and actual practices in the field. The results show that weak formal legality verification creates opportunities for administrative errors, auction cancellations, unlawful acts, and potential criminal liability when Auction Officials act negligently or allow problematic documents to proceed. Efforts taken to resolve these issues include auction cancellation, filing of objections, legal actions, and re-verification by KPKNL. The study also highlights the need for internal reform through stricter verification SOP, improved competency of Auction Officials, enhanced supervision, and digitalization of document verification processes to prevent similar cases from recurring.

Keywords: *Formal Legality Verification, Auction Official, KPKNL Surabaya, PMK 122/2023.*