



Legal Analysis of the Application of Mediation in Civil Cases Between PT. Primadaya Sakti Against Defendants Related to Property Rights and Auction Process (Regulation No. 1259 / Pdt.G / 2024 / PN Dps)

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ABSTRACT

This article analyzes the decision of the Denpasar District Court related to property rights disputes and the auction process of assets owned by PT. Primadaya Sakti. Through normative juridical approach and Case Studies, a study was conducted on mediation procedures, the enforceability of surety seizures, asset auction processes, and the legal implications of these decisions in the context of property rights protection and Procedural and Substantive justice principles. This study aims to provide a comprehensive overview of the application of criminal and civil procedural law in civil cases involving property assets and auction activities by state institutions.

INTRODUCTION

This case deals with disputes arising from unlawful acts related to the transfer of land rights and the implementation of auctions that are allegedly not in accordance with the procedure, as well as attempts to resolve through mediation proceedings conducted in court. This case involves various parties, including the plaintiff, defendants I to V, as well as related institutions, such as the state property and Auction Service Office (KPKNL) and Bank MNC.

The case stems from a dispute over a land area of about 7,950 m² located in Tuban Regency. The land is in the name of the plaintiff, who is the legal owner and holder of the building rights certificate (SHGB). According to the plaintiff's confession, there was a transfer of rights to the land from the plaintiff to Defendant IV without consent and without going through a legally valid process.

The transfer of such rights is carried out by Defendant V through measurement letters and certificates issued unilaterally, and the recording of the transfer of such rights is taken care of by Defendant V without notice or permission from the plaintiff. This misuse of the certificate and the unilateral transfer of rights entails substantive losses for the plaintiff and gives rise to quite complex legal disputes (Sabela Gayo, 2023).

In addition, it was revealed that Defendant I, as the authorized party in the auction, carried out the auction of the land in a hurry and without following the applicable procedures. The announcement of the auction carried out by mail and mass media indicates non-compliance with official procedures and contains indications that the action was carried out unreasonably and potentially violated the rights of the plaintiff.

As stipulated in Supreme Court Regulation No. 1 of 2016 concerning mediation procedures in court, peace efforts are sought through mediation led by a mediator from the court. In this case, the mediator appointed was Judge Tjokorda Putra Budi Pastima from the Denpasar District Court.

In the mediation process, the mediator reported that the peace effort failed because the plaintiff was not present at the two mediation meetings without a valid written reason, even though the plaintiff had been invited by telephone and email to his electronic address. The absence of the plaintiff indicates that there are obstacles in the process of amicable settlement by deliberation, so that mediation is declared a failure and the judicial process must continue (Sabela Gayo, 2024).

It should be noted that the defendant's actions in transferring rights without the consent of the

plaintiff and conducting an auction in haste, allegedly violate the principles of justice and applicable procedures, and violate the rights of landowners as stipulated in the agrarian law and Indonesian civil law. The action is suspected of fulfilling the elements of an unlawful act as stipulated in Article 1365 of the Civil Code (KUHPerdara) (Ariman Sitompul & Sebal Gayo (2022). This includes any element of intent or negligence on the part of the defendant that causes harm to the plaintiff. In addition, allegations of maladministration and abuse of power in the auction process are one of the grounds for the plaintiff to file a lawsuit so that his rights are protected and justice is established (Sabela Gayo, 2022).

This case contains important value because it concerns the right to land which is the property and source of life of the plaintiff (Octanelsha, 2023). Dispute resolution legally or through mediation is expected to provide balanced Justice, protect the rights of all parties, as well as speed up the process of settlement of cases. However, if the mediation process fails and the parties to the dispute do not reach an agreement, then the court through a fair and balanced decision must decide this matter in accordance with the facts and evidence available. Thus, it is expected that this legal process can provide legal certainty and protection of land rights for the plaintiff.

METHOD

The research method used is juridical normative, since its main focus is to analyze the rule of law and legal documents related to land disputes and settlement processes through mediation and courts (Ariman Sitompul, 2022). In general, normative juridical research focuses on the study of legal rules (legislation and regulations for their implementation), legal documents (agreements, letters, certificates, mediation reports), as well as court decisions to analyze and assess the legal aspects of an event or dispute (Ariman Sitompul, Maswandi, 2024).

RESULTS AND DISCUSSION

In this case, the mediation process is carried out in accordance with Supreme Court Regulation Number 1 of 2016 concerning mediation procedures in court. The panel of judges has given an explanation of the mediation procedure which includes the definition of mediation, the role of the mediator and the parties, the obligation to attend in person, and the legal consequences of the absence and lack of good faith of the parties (Ariman Sitompul, Sabela Gayo, 2023).

The mediation process is signed by the parties after an explanation is given. Furthermore, the panel of judges sought peace through appointing Tjokorda Putra Budi Pastima, S.H., M.H., as mediator of the Denpasar District Court. Based on the mediator's report dated January 21, 2025, the conciliation efforts had been made but failed to reach an agreement because the plaintiffs did not attend the two mediation meetings without a valid written reason. The mediator's report is supported by absenteeism data and mediation calls via email sent to the plaintiff, but the plaintiff was not present.

Based on the description in this document, the procedure for transferring land rights carried out by Defendant V against SHGB certificates number 115/Tuban and number 116/Tuban does not fully comply with applicable legal provisions. The plaintiff strongly objected to the transfer of rights because it was carried out without the consent of the plaintiff, and the transfer process was carried out unilaterally.

In addition, the transfer of such rights is carried out without following the proper procedures, such as obtaining permission, consent from the original owner and following the appropriate administrative process. The plaintiff also highlighted that the transfer was carried out by Defendant V without following the legal provisions related to the transfer of land rights, including the manufacture of valid measurement letters and certificates in accordance with land law regulations.

Thus, the transfer of these rights is considered not to comply with the applicable legal provisions because it is carried out without consent, without a complete legal process and without following the procedures established in the legislation.

Based on existing documents, the auction process and auction announcement conducted by Defendant I and defendant II are considered not fully complying with the legal standards of asset auction procedures, both state and private assets.

The plaintiff considered that the auction was hasty and did not follow the correct procedure. The plaintiff considers that the letter from Defendant I dated November 12, 2019 and the announcement of the auction made through the leaflet dated November 11, 2019 and through the print media (Bali Tribune dated November 26, 2019) are classified as hasty and not in accordance with the procedures for conducting the auction that should include sufficient notice in advance, transparent procedures, and enforcement of the rights of debtors and related parties in accordance with the provisions of the auction procedure law (Rizaldi, 2023).

In addition, there is a legal basis stating that the auction process must be carried out in accordance

with applicable regulations, for example, Supreme Court Regulation No. 1 of 2016 on mediation procedures and provisions related to fixed asset auctions in accordance with laws and regulations in the field of credit and auctions (Prajna, 2021). The implementation of the auction in a hurry and without proper procedures can have implications for the validity of the auction process and results (Arwana, 2019).

The plaintiff also asserted that the auction process did not meet the elements of legality and transparency, which are the minimum standards in the implementation of asset auctions, both state and private assets, in accordance with the provisions of the auction procedure law (Kalila, 2025).

The legal implications of the judgment regarding the implementation of the plaintiff's rights to his assets are very significant (Ningsih, 2025). If the court decides that the auction process is invalid or procedural, then the plaintiff's rights to his assets may be recognized and restored (Sabela Gayo, 2016). As stated in the judgment, the plaintiff requested that the entire lawsuit be granted and that his rights to his assets be legally recognized. Specifically, a judgment in favor of the exercise of the plaintiff's rights may have the following implications:

- a) Recognition that the plaintiff's assets, including certificates and rights to land and related buildings, remain valid and are not lost or diminished as a result of an auction that is judged to be not in accordance with the procedure.
- b) Return or cancellation of the auction and disposal of assets from the party conducting the auction, if the process is proven to be unlawful.
- c) Strengthening the legal position of the plaintiff to claim compensation if it is proved that there was a loss as a result of the auction, including the return of assets and costs that have been incurred.
- d) If the auction process is proven to violate the procedure, then all deeds and auction documents resulting from the process can be considered unenforceable, so that the plaintiff's rights to his assets remain valid and protected.

Overall, the ruling stating that the auction process is invalid will strengthen the claimant's rights to his assets and prevent other parties from acquiring rights to the assets through a process that is not in accordance with the procedure (Wijaya, 2024).

Furthermore, the effectiveness of law enforcement on the rights of the plaintiff in the

context of this dispute largely depends on the court decision and the implementation of its execution. Based on the document, the court has taken measures to protect the rights of the plaintiff, such as deciding that the auction process is invalid and ordering the defendants to comply with the ruling, as well as charging the defendant the cost of the case, however, its effectiveness will largely depend on the following factors:

- a) Defendant compliance: if defendants, especially defendants I and IV, comply with the judgment and return assets and stop actions that harm the plaintiff, then enforcement can be said to be effective.
- b) Implementation of the execution of the decision: if the court is able to ensure the real execution of the decision, including the return of assets and the cancellation of the auction, then the rights of the plaintiff will be legally protected.
- c) Availability of enforcement mechanisms: the ability of law enforcement officials, such as courts and related institutions, to enforce decisions in a real and assertive manner, including taking action against parties who hinder the implementation of decisions.
- d) Inhibition risk: potential obstacles or continued litigation efforts of the defendant that may delay or impede the execution of the judgment, thereby reducing the effectiveness of the protection of the plaintiff's rights.

In general, if all legal measures are followed and the execution of the decision proceeds according to the procedure and without obstacles (Safitri, 2025), then the effectiveness of the enforcement of the plaintiff's rights can be said to be quite good. However, real challenges often arise in practice, especially if the defendant seeks to ignore or delay the execution of the judgment, so it is important that there is commitment and cooperation from all relevant parties to ensure optimal protection of the plaintiff's rights (Wulandari, 2024).

CONCLUSION

In this context, mediation as stipulated in Supreme Court Regulation No. 1 of 2016 is one of the efforts to resolve disputes outside the trial aimed at achieving peace and agreement between the parties. Although mediation efforts have been made and the mediator has reported that peace has not been achieved due to the plaintiff's absence without a valid written reason, mediation still has an important role as an alternative to resolving disputes peacefully and

efficiently before proceeding to court proceedings. The involvement of mediation in this process demonstrates the efforts of judges and mediators to resolve disputes in a deliberative manner, in order to reduce the burden of litigation in court, as well as provide opportunities for the parties to resolve their issues voluntarily and mutually. However, if mediation fails, as in this case, the legal process of the court remains the next path to enforce the rights of the plaintiff definitively according to the court decision that has been issued.

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