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Legal Protection for Winning Bidders in Mortgage-Right Execution Auctions

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Abstract

Purpose: This study examines legal protection for good-faith winning bidders in mortgage-right execution auctions when land ownership disputes arise. It focuses on Decision Number 12/Pdt.Bth/2024/PN.Sdn to analyze how legal certainty in auction outcomes is tested when the winning bidder cannot immediately obtain physical possession of the auctioned land.

Research Methodology: This study applies normative legal research using statutory, conceptual, and case approaches. The analysis draws on mortgage-right law, auction regulations, land registration rules, court decisions, legal doctrine, and supporting institutional information related to auction implementation.

Results: The findings show that legal protection depends on three key elements: the validity of the auction procedure, the evidentiary strength of the Auction Minutes, and recognition of the bidder as a good-faith purchaser. In the analyzed case, the court protected the winning bidder because the auction was conducted through an authorized legal mechanism and the opposing party failed to prove a stronger ownership right.

Conclusions: Indonesian auction law provides formal legal certainty for good-faith winning bidders. However, this certainty remains incomplete when the bidder faces resistance in obtaining physical control of the land.

Limitations: This study is limited to one court decision and selected institutional information from the auction process.

Contributions: This study highlights the gap between formal acquisition through auction and the practical realization of ownership through possession.

Keywords: *Auction Minutes, Good-Faith Winning Bidder, Land Ownership Dispute, Mortgage-Right Execution Auction, Post-Auction Possession*

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1. Introduction

In the development of financing activities in Indonesia, land has become the most commonly used collateral object due to its high and stable economic value. To secure debt repayment, Indonesian law recognizes the institution of mortgage rights (*hak tanggungan*), which encumbers rights over land and objects related to it. Mortgage rights are designed to grant creditors priority protection and standing, so that when a debtor defaults, the collateral object may be executed to satisfy the outstanding debt. This framework reflects the role of land collateral in Indonesian security law (Sjahdeini, 2015; Sutedi, 2012). Additional Indonesian scholarship explains the relationship between credit agreements, land security, and mortgage execution from contractual, agrarian, and security-law perspectives (Anton, 2016; Ashibly, 2018; Harsono, 2008; Muljadi, 2016; Salim H.S., 2014; Sjahdeini, 1999; Subekti, 2005).

Law Number 4 of 1996 concerning Mortgage Rights (UUHT) positions the mortgage right as a security interest over land with a preferential character that may be executed through public auction. In practice, one of the most common forms of execution is the mortgage-right execution auction, intended to achieve an open, objective sale of the collateral object at the best possible price, while simultaneously providing a formal basis for the transfer of rights to the winning bidder. This statutory framework is rooted in the constitutional protection of legal rights and the national agrarian regime, while auction implementation functions as the institutional means for converting collateral into repayment (Jufri et al., 2020; Santoso, 2019; Usman, 2016).

Minister of Finance Regulation (PMK) Number 122 of 2023 concerning Auction Implementation Guidelines affirms that the conduct of auctions must guarantee legal certainty, efficiency, transparency, and accountability. Normatively, this regime should place winning bidders in a secure position. In practice, however, winning bidders not infrequently face land ownership disputes either after or during the auction process. Such disputes may take the form of objections raised by parties claiming to be the true owner, lawsuits challenging the auction procedure, or refusal by the debtor or third parties to vacate the object.

This issue points to a gap between the formal certainty of the auction outcome and the material certainty of land ownership. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) reported that throughout 2024, it handled 2,161 land cases, comprising 936 disputes, 32 conflicts, and 1,193 legal cases. This data indicates that land-related issues frequently develop into juridical disputes concerning the status of rights, possession, the validity of documents, and authority over land objects. The same policy concern is reflected in the ATR/BPN 2024 year-end land-case data. The reported figures are documented in the Ministry's official year-end land-case report (Ministry of ATR/BPN, 2024).

In contemporary property and secured transaction systems, the effectiveness of collateral execution is not determined solely by the existence of formal legal procedures but also by the ability of the legal system to guarantee the realization of acquired rights. Mortgage enforcement mechanisms require a balance between creditor protection, debtor safeguards, and certainty for third-party purchasers participating in judicial or administrative auctions. A transparent and predictable enforcement framework increases public confidence because auction participants rely on state-authorized procedures and official documents as the basis for acquiring property rights (Ningsih et al., 2025). Therefore, legal protection for auction winners should not only focus on procedural validity but also on the effectiveness of post-auction rights realization, including registration, possession, and resistance against third-party claims.

Case Number 12/Pdt.Bth/2024/PN.Sdn is a concrete example of this problem. The case was registered on 18 March 2024 before the Sukadana District Court, concerning a house and a plot of land measuring 230 square meters located in Mataram Baru Village, Mataram Baru Sub-district, East Lampung Regency (Certificate of Ownership No. 532). Listia Wati, as plaintiff/objector, filed an objection lawsuit against Suratmiati, Bank Rakyat Indonesia Metro Branch Office, KPKNL Metro City, and Suroto as defendants/respondents. The procedural data and party composition are recorded in the Sukadana District Court Case Tracking Information System.

In this case, the land had been executed through a mortgage-right auction mechanism by Bank BRI Metro Branch, as the creditor holding the mortgage right, following the debtor's default. After the winning bidder (Suroto) was declared and had obtained the Auction Minutes, he faced obstacles in physically taking possession of the object because the party subject to execution (Listia Wati) did not voluntarily surrender it. Consequently, Listia Wati filed an objection lawsuit seeking postponement or annulment of the execution.

On 24 July 2024, the Sukadana District Court rendered a decision rejecting the objection in its entirety. This decision was subsequently upheld by the Tanjungkarang High Court (Decision Number 90/PDT/2024/PT.TJK dated 11 September 2024) and by the Supreme Court of the Republic of Indonesia (Decision Number 1025K/PDT/2025 dated 18 March 2025). The decision thereby attained final and binding legal force (inkracht), and the real execution (forced eviction) was carried out on 12 November 2025. These procedural milestones form the case basis for the present article. The appellate and cassation records were cross-checked through the Supreme Court Decision Directory.

Previous studies have examined legal protection for auction winners from several perspectives. Azzahra and Badriyah (2023) emphasized the need to protect auction winners when disputes arise after the auction process. Tambunan (2018) discussed the difficulty faced by auction buyers in obtaining physical control of auctioned objects. Marziah et al. (2019) highlighted the evidentiary value of Auction Minutes in mortgage-right execution disputes. Kurniawan et al. (2021) further strengthened the relevance of the good-faith purchaser principle for auction winners who acquire objects through authorized institutions, complete payment, and possess valid auction documents.

International property law literature emphasizes that ownership acquisition through auction requires more than the declaration of a successful bid. The protection of purchasers depends on the reliability of title systems, recognition of good faith, and effective enforcement mechanisms after acquisition. When legal systems separate auction procedures from possession enforcement, uncertainty may remain even though the transaction itself has been legally completed. This condition demonstrates that legal certainty must be understood as both formal validity and practical enforceability of acquired rights (Master et al., 2024). Accordingly, examining auction winner protection requires an integrated analysis connecting auction legality, evidentiary instruments, ownership transfer, and physical possession.

However, those studies generally focus on the normative basis of protection, the evidentiary role of Auction Minutes, or the general status of auction winners as good-faith purchasers. They have not specifically examined how judicial reasoning connects auction validity, good-faith purchaser protection, land ownership claims, and post-auction eviction in one complete litigation process. This leaves an analytical gap concerning how formal legal certainty in an auction can be transformed into enforceable protection when the winning bidder faces resistance in obtaining physical possession of the land.

This study fills that gap by analyzing Decision Number 12/Pdt.Bth/2024/PN.Sdn. The decision offers a new legal perspective because it does not merely confirm the validity of a mortgage-right execution auction. It also shows how the court assessed the objector's ownership claim, the authority of the creditor and KPKNL, the evidentiary strength of the Auction Minutes, and the position of the winning bidder as a good-faith purchaser. The case is also significant because the first-instance decision was upheld on appeal and cassation, followed by real execution. Therefore, it provides a concrete basis for evaluating the gap between formal acquisition through auction and the practical realization of ownership through physical possession.

2. Literature Review

2.1 Legal Protection for Winning Bidders

Legal protection is an essential element within a state governed by law, as every legal subject is entitled to recognition and guarantees of their legal rights. Legal protection into two forms, namely preventive and repressive legal protection. Preventive legal protection is intended to prevent disputes or legal losses from occurring by establishing clear legal regulations, procedural safeguards, and mechanisms that provide legal certainty. Meanwhile, repressive legal protection is provided after a dispute has arisen through legal remedies, including judicial resolution, compensation, and the restoration or affirmation of rights through court decisions. Indonesian legal literature similarly treats legal protection as an institutional obligation, including access to legal assistance and protection for parties who acquire auction objects through official procedures (Hidayat, 2020; Parwoto, 2014; Sena, 2023; Hasan, 2025).

In the context of mortgage-right execution auctions, legal protection is particularly relevant to the position of winning bidders who acquire auction objects through an official auction mechanism conducted by an authorized auction official. A winning bidder who participates in accordance with applicable procedures, fulfills payment obligations, and obtains official auction documents should receive legal certainty regarding the object acquired. However, in practice, the legal position of winning bidders may become uncertain when the auctioned object is later challenged by other parties claiming ownership rights or questioning the validity of the auction process. Therefore, legal protection for winning bidders involves both preventive and repressive mechanisms. Preventive protection is implemented through measures aimed at ensuring the validity of the auction process, including verification of auction documents, transparency of auction announcements, examination of the legal status of the object, and compliance with auction regulations. Repressive protection functions as a remedial mechanism when disputes occur, including judicial recognition of the winning bidder's rights, enforcement of possession through execution procedures, and claims for compensation when losses arise due to unlawful interference.

Previous empirical studies indicate that the effectiveness of legal protection for auction winners is influenced by several interrelated factors, including legal certainty, recognition of good faith, validity of auction procedures, and the evidentiary strength of auction documents. Azzahra and Badriyah (2023) emphasized that auction winners require legal protection because disputes frequently emerge even after the auction process has been completed in accordance with legal procedures. Furthermore, (Marziah, Rahayu, & Jauhari, 2019) highlighted that the Auction Minutes (*Risalah Lelang*) serve as an important evidentiary instrument in protecting winning bidders involved in mortgage-right execution disputes. Related studies also identify the winning bidder's good faith, the validity of auction documentation, and the effectiveness of post-auction possession as central protection criteria (Putra, & Prihatinah, 2022; Rahmadina, & Shallman, 2024; Saputri, 2019; Setyorini, & Kirana, 2021; Siahaan, 2021; Sukmaya, Abubakar, & Handayani, 2020; Winoto, 2025).

2.2 Good Faith Purchaser Principle
The good faith purchaser principle provides a theoretical justification for protecting individuals who acquire property through legitimate procedures without knowledge of ownership defects. In auction transactions, the winning bidder relies on government-supervised procedures and official documents issued by authorized institutions. Therefore, denying protection to such buyers would reduce public confidence in the auction system. Kurniawan et al. (2021) proposed that auction winners should be recognized as good-faith purchasers when they fulfill objective criteria, including participation through official auction institutions, payment of the auction price, and possession of valid auction documents. This approach strengthens the argument that protection for auction winners should be based not only on ownership disputes but also on the legitimacy of the acquisition process.

2.3 Legal Basis for Mortgage-Right Execution Auctions
Before examining the forms of legal protection, it is important to understand the legal basis underlying the implementation of mortgage-right execution auctions in Indonesia, as follows:

2.3.1 Law Number 4 of 1996 concerning Mortgage Rights (UUHT)
Article 6 of the UUHT expressly provides that in the event of debtor default, the first mortgage-right holder is entitled to sell the mortgaged object on its own authority through a public auction and to take repayment of its receivables from the proceeds of that sale. Article 14 of the UUHT provides that a mortgage-right certificate bears the heading "For the Sake of Justice Based on the Belief in One

Almighty God" and possesses executory power equal to that of a court decision that has attained final and binding legal force.

Recent studies published in Goodwood journals also highlight that mortgage protection requires harmonization between security law, land registration mechanisms, and institutional procedures. Legal certainty in mortgage execution depends on the consistency of legal documents, registration systems, and recognition of parties' rights. Tjia et al. (2025) emphasize that fragmented regulatory arrangements may weaken creditor protection and create uncertainty in implementing mortgage security. Similarly, studies concerning land ownership transfer demonstrate that administrative coordination among land institutions remains essential to ensure effective realization of property rights (Jericho et al., 2025). These findings support the argument that auction winner protection cannot be separated from the broader framework of land administration and security law.

2.3.2 Minister of Finance Regulation Number 122 of 2023

PMK Number 122 of 2023 governs the renewal of auction mechanisms to be more efficient, effective, transparent, accountable, and to guarantee legal certainty. This regulation requires that the formal legality of the auction subject and object be satisfied prior to the scheduling of the auction, and assigns significant weight to the Extract of the Auction Minutes, which the buyer may use as a deed of sale and which serves as a basis for the competent authority in the title-transfer process.

2.3.3 Government Regulation Number 24 of 1997 concerning Land Registration

Article 41 of Government Regulation Number 24 of 1997 provides that a transfer of rights through auction may only be registered if evidenced by an extract of the auction minutes issued by an auction official. This provision confirms that the auction minutes serve a dual function: as evidence of the transfer of rights and as the basis for registering rights over land.

2.3.4 Supreme Court Circular Letter (SEMA) Number 4 of 2016

Supreme Court Circular Letter Number 4 of 2016 affirms that good-faith buyers in land sale and purchase transactions, including purchases through public auction conducted with valid procedures and documents, are entitled to legal protection. This circular serves as an important reference for judges in adjudicating disputes concerning ownership of land obtained through auction.

2.4 Theoretical Basis

2.4.1 The Theory of Legal Certainty

According to Radbruch (1946), law embodies three fundamental values: justice, legal certainty, and expediency. In the context of mortgage-right execution auctions, these three values may be analyzed as follows: Manullang (2022) further notes that Radbruch's ideas must be interpreted carefully so that legal certainty, justice, and legal validity are not treated as isolated concepts.

In resolving disputes over mortgage-right execution auctions, judges must balance the principles of justice, legal certainty, and expediency. Justice requires equal consideration of the rights of the claimant, the mortgage-right holder, and the good-faith winning bidder based on valid evidence and applicable legal procedures. Legal certainty ensures that winning bidders who acquire auctioned property through lawful procedures receive adequate protection, thereby safeguarding the credibility of the security-rights system. At the same time, expediency is achieved by maintaining public confidence in the state auction mechanism, which depends on auction results being upheld unless invalidated by a clear and compelling legal basis.

2.4.2 The Theory of Legal Protection

Legal protection for winning bidders in mortgage-right execution auctions encompasses two dimensions as put forward by Hadjon: preventive protection as a legal measure taken before a dispute arises (through document verification, examination of auction applications, and notification to third parties), and repressive protection as a legal measure taken once a dispute has emerged (through an application for compensation before the court or execution pursuant to a court decision). Both forms of legal protection must be integrated so that winning bidders obtain comprehensive legal certainty and security.

2.4.3 The Theory of Commutative Justice

The central focus of commutative justice is maintaining equality in the legal relationship between performance and counter-performance. In Decision Number 12/Pdt.Bth/2024/PN.Sdn, the winning bidder had fully performed his legal obligation (performance) by depositing the guarantee funds and the auction settlement payment through the official state institution (KPKNL). Commutative justice demands a corresponding balance, whereby the winning bidder is entitled to receive ownership of the executed land object free and clear of any third-party claims (counter-performance). The legal protection granted by the panel of judges is an important indicator that the judges applied commutative justice to prevent unilateral loss to a legal subject who acted in good faith.

2.5 International Perspective on Auction Buyer Protection

Auction buyer protection has become an important issue in property enforcement systems because buyers who participate through official mechanisms depend heavily on legal certainty and institutional reliability. In secured transaction frameworks, enforcement procedures must ensure that collateral can be converted into economic value while maintaining protection for parties acting in good faith. The absence of effective post-auction enforcement may reduce confidence in auction mechanisms because successful bidders may obtain formal ownership documents without immediate practical control over the acquired property. In the Indonesian context, this problem appears in mortgage-right execution auctions where the winning bidder may experience difficulties obtaining possession despite completing payment and receiving official auction documents. Recent studies indicate that legal uncertainty frequently emerges from disputes initiated by debtors or third parties, certificate blocking, and differences in interpretation regarding execution procedures (Pratiwi et al., 2023; Rosita et al., 2026). Therefore, legal protection should be designed as an integrated mechanism covering preventive verification before auction, judicial protection after disputes arise, and effective execution of possession rights.

2.6 Analytical Framework and Research Propositions

Recent studies on mortgage-right execution auctions show that the protection of winning bidders must be analyzed through several connected aspects, namely the validity of the auction procedure, the evidentiary strength of the Auction Minutes, the recognition of the winning bidder as a good-faith purchaser, and the effectiveness of post-auction execution. Azzahra and Badriyah (2023) found that auction winners often face legal uncertainty even after the auction has been completed through formal procedures. Marziah, Rahayu, and Jauhari (2019) emphasized that Auction Minutes have important evidentiary value in protecting auction winners in mortgage-right execution disputes. Kurniawan, Nugraha, Noventri, and Maajid (2021) further argued that auction winners may be treated as good-faith buyers when they participate through an authorized auction institution, complete payment, and possess valid auction documents. Pratiwi, Widhiyanti, and Wisnuwardhani (2023) added that administrative obstacles, such as certificate blocking, may weaken the practical realization of rights obtained through auction.

These studies provide an important foundation for understanding the legal position of winning bidders. However, most of them examine each issue separately. They tend to focus on legal protection, Auction Minutes, good-faith purchaser status, or post-auction obstacles as independent topics. They have not fully explained how these elements operate together when a completed mortgage-right execution auction is challenged through a land ownership dispute. This study addresses that gap by analyzing Decision Number 12/Pdt.Bth/2024/PN.Sdn as a complete litigation process that connects auction validity, ownership objection, appellate review, cassation, and real execution.The analytical framework of this study integrates previous findings with three legal theories. First, the theory of legal protection supports the classification of protection into preventive and repressive mechanisms. Preventive protection is used to examine document verification, public auction announcements, formal legality checks, and compliance with auction procedures.

Repressive protection is used to analyze judicial recognition of the winning bidder's rights, the evidentiary use of Auction Minutes, eviction execution, and compensation mechanisms when losses arise. Second, the theory of legal certainty supports the analysis of whether the auction outcome creates predictable and enforceable rights for the winning bidder. In this study, legal certainty is not limited to the issuance of Auction Minutes or the formal completion of auction procedures. It also concerns whether the winning bidder can rely on the auction result when facing objections from debtors, previous owners, or third parties.

This theory is therefore used to assess the validity of the mortgage-right execution auction, the strength of ownership claims, and the finality of judicial protection. Third, commutative justice theory supports the analysis of proportionality between the bidder's legal performance and the rights that must be received in return. A winning bidder who has paid the auction price through an official state mechanism should obtain legal recognition and physical possession of the auctioned object. This theory helps evaluate whether the court's reasoning maintains a fair balance between payment, acquisition, and possession.
Based on this framework, this study develops the following research propositions:

- *RP_1*: A valid mortgage-right execution auction strengthens legal protection for good-faith winning bidders.
- *RP_2*: The Auction Minutes provide authentic evidentiary value in protecting the legal position of winning bidders.
- *RP_3*: Recognition of the winning bidder as a good-faith purchaser strengthens judicial protection in land ownership disputes.
- *RP_4*: Legal certainty in auction outcomes remains incomplete when the winning bidder cannot obtain physical possession of the auctioned object.
- *RP_5*: Effective judicial execution is necessary to transform formal acquisition through auction into actual possession.

3. Research Methodology

This study uses normative juridical research supported by a limited empirical component. Normative legal research is appropriate because the main object of analysis is legal norms, statutory provisions, legal doctrines, and judicial reasoning. This approach is consistent with recent discussions on normative legal research in Indonesia, which emphasize that doctrinal legal research should examine legal materials systematically through statutory, conceptual, and case-based interpretation (Negara, 2023). The doctrinal character of this study is also supported by Theil (2025), who explains that doctrinal research primarily derives legal conclusions from legal sources, while empirical information may be used only to clarify how legal rules operate in practice. The methodological design also follows established Indonesian legal-research guidance on the systematic use of statutes, doctrine, and judicial decisions (Abdulkadir, 2004 ; Marzuki, 2017).

The limited empirical component in this study is not used to produce statistical or sociological generalization. It is used only to contextualize auction procedures, document verification, institutional practices, and post-auction administrative obstacles. This design follows the view that theoretical and normative frameworks in legal research must directly guide the interpretation of legal materials rather than stand as abstract explanations (Taekema, 2018).

The court decision was selected based on three criteria. First, it directly concerns a mortgage-right execution auction involving a land ownership dispute. Second, it presents a concrete conflict between formal legal certainty arising from an auction and the winning bidder's difficulty in obtaining physical possession of the object. Third, the case provides a complete litigation trajectory because the Sukadana District Court decision was followed by appellate and cassation review, and later by real execution. These criteria make the decision relevant for examining how judicial protection operates from formal auction validity to enforceable possession.

The empirical component is limited to supporting interviews with KPKNL Metro officials. The informants were selected purposively because of their institutional role in mortgage-right execution auctions. They included an auction official and a representative from the Legal and Information Division. These informants were relevant because KPKNL Metro acted as the auction institution in the case and has administrative authority in verifying auction documents, conducting auction procedures, issuing Auction Minutes, and providing auction-related legal information. The empirical data do not function as the primary basis for legal conclusions. They are used only to clarify auction procedures, administrative practices, document requirements, and institutional limitations in post-auction disputes. Therefore, this study does not claim empirical generalization. Its primary conclusions remain doctrinal and are drawn from legal norms, court decisions, and legal doctrine. The interview data serve as contextual support for understanding how the legal framework operates in practice. Data analysis was conducted qualitatively through legal interpretation. The analysis connects statutory provisions, court reasoning, doctrinal concepts, and supporting institutional information to assess the legal protection available to good-faith winning bidders in mortgage-right execution auctions.

4. Results and Discussions

4.1 Forms of Legal Protection for Winning Bidders

Legal protection for winning bidders is granted in stages, beginning before the auction, during the conduct of the auction, after the auction, and through the dispute-resolution stage should any lawsuit arise. From a comparative legal perspective, protection for auction winners requires a comprehensive approach that combines procedural legitimacy, good-faith recognition, and effective enforcement of acquired rights. In secured transaction systems, the primary purpose of enforcement is not only to allow creditors to recover outstanding obligations but also to ensure that third parties who participate in legally authorized auctions obtain reliable protection. A legal framework that recognizes auction validity but fails to guarantee possession and registration of acquired assets may create uncertainty and reduce confidence in auction mechanisms. Therefore, effective auction protection should be evaluated through three interconnected dimensions: the legality of the enforcement process, the legitimacy of the purchaser's acquisition, and the availability of remedies when possession is obstructed (Ningsih et al., 2025; Octavian & Suriaatmadja, 2026).

4.1.1 Preventive Legal Protection

Preventive legal protection is provided before a violation or dispute arises to prevent future legal problems. In mortgage-right execution auctions, this protection is reflected through KPKNL's obligation to verify the formal legality of auction documents, including mortgage certificates, land certificates, and land information issued by the land office as required under PMK No. 122 of 2023. It is further implemented through mandatory public auction announcements that allow interested parties to submit objections before the auction, the prohibition of Article 6 UUHT execution auctions when a third-party ownership dispute has been filed requiring execution instead through a court order (fiat execution) under PMK No. 213/PMK.06/2020 and the determination of a reasonable reserve price to protect the debtor's interests while ensuring the winning bidder acquires the property at a fair market value.

4.1.2 Repressive Legal Protection

Repressive legal protection is provided after a dispute occurs to restore violated rights. In mortgage-right execution auctions, this protection is reflected in the recognition of the Auction Minutes as an authentic deed with full evidentiary value, judicial protection for good-faith winning bidders as affirmed by SEMA No. 4 of 2016, the availability of court-ordered eviction under Article 200 HIR when voluntary possession cannot be obtained, the right to claim compensation for losses caused by unlawful acts, and access to legal remedies through appeal, cassation, and judicial review where court decisions adversely affect the winning bidder.

4.2 The Auction Minutes as the Principal Instrument of Protection

The Auction Minutes hold a highly significant position, as they constitute the official record of the auction prepared by the auction official as an authentic deed with perfect evidentiary force. The evidentiary function of auction documents reflects a broader principle in property law that legal certainty depends on reliable documentation and institutional recognition. In land transactions, registration systems and authentic instruments serve not only administrative purposes but also provide protection for parties who acquire rights through legitimate procedures. Consequently, the Auction Minutes should be understood not merely as evidence of payment or participation but as a legal instrument that supports the transition from contractual acquisition to recognized property ownership. However, documentation alone may not fully resolve practical disputes when previous occupants or third parties challenge possession. This demonstrates that legal certainty requires both documentary validity and effective institutional enforcement (Widiyono, & Khan, 2023; Jericho, Washliati, & Erniyanti, 2025).

As an authentic deed, the Auction Minutes serve several vital legal functions: Scholarly debate also shows that the legal force of Auction Minutes may be contested when a party alleges substantive defects in the collateral or procedural defects in the auction (Suwarjono, Sinaga, & Sudarto, 2023). The Auction Minutes perform several essential legal functions in mortgage-right execution auctions. They serve as authentic evidence confirming that the winning bidder acquired the property through a lawful state auction, constitute the legal basis for transferring land title under Article 41 of Government Regulation No. 24 of 1997 without requiring a separate deed of sale, establish the winning bidder's status as a good-faith purchaser entitled to legal protection, and provide executory force through the Grosse of the Auction Minutes, which may be used to request court-ordered eviction when necessary.

4.3 Analysis of Decision Number 12/Pdt.Bth/2024/PN.Sdn

Decision Number 12/Pdt.Bth/2024/PN.Sdn is a concrete example of how the legal-protection system for winning bidders operates in judicial practice. The substance of the case concerns an objection lawsuit against the eviction execution of a house and a plot of land measuring 230 square meters in Mataram Baru Village, East Lampung Regency. The land object was the result of a mortgage-right auction that had already been possessed by the execution applicant (the winning bidder), while the party subject to execution (the objector) sought postponement or annulment of the execution.

In deciding the case, the Sukadana District Court comprehensively assessed the objector's legal standing, the legality of the auction process, the executory force of the mortgage-right certificate, and the winning bidder's status as a good-faith purchaser. The court found that the objector failed to prove valid ownership, while the execution auction conducted by Bank BRI through KPKNL Metro complied with applicable legal requirements. Consequently, the objection was rejected in its entirety, confirming the validity of the auction, the winning bidder's entitlement to legal protection, and the continuation of the eviction process. The subsequent appellate and cassation decisions further reinforced legal certainty by consistently upholding the rights of the good-faith winning bidder within Indonesia's mortgage-right execution framework.

4.4 Obstacles in Taking Possession of the Auctioned Object

Even where a winning bidder has satisfied all legal requirements and paid the purchase price in full, physical and juridical possession of the auctioned object frequently encounters complex obstacles. Based on the findings of this study, these obstacles may be classified into four principal categories:

Legal obstacles arise from uncertainty regarding the juridical status of the auctioned object, including: civil lawsuits filed by the debtor or third parties, such as an Eigendomsrecht claim or a tort claim aimed at annulling the auction process; the existence of a conservatory attachment (conservatoir beslag) or execution attachment arising from other ongoing proceedings; the absence of an eviction-execution order from the Chairperson of the District Court as required under Article 200 HIR in conjunction with Article 224 HIR; and ownership disputes involving heirs or third parties that delay the issuance of a new land title certificate in the name of the winning bidder by the National Land Agency. Civil-procedure scholarship emphasizes that forced eviction must proceed through judicial execution rather than unilateral action (Mertokusumo, 2020; Suryadi, 2023).

Physical obstacles arise from real conditions on the ground, including the outright refusal of the debtor or occupants to voluntarily vacate the auctioned object, the leasing of the auctioned object by the debtor to a third party prior to the auction process, and instances where the object is found deliberately damaged or locked, rendering it inaccessible. The winning bidder may not take unilateral coercive action, as such conduct risks being classified as an act of vigilantism (eigenrichting). Administrative obstacles occur at the stage of document processing and inter-institutional coordination following the auction, including delays by KPKNL in issuing the Auction Minutes, the lengthy process of title transfer at the land office, weak coordination among KPKNL, the National Land Agency, and the District Court, and the high cost of post-auction administration, including land and building acquisition duty, title-transfer fees, and the cost of court execution.

Social obstacles stem from the surrounding social and cultural environment of the auctioned object. Eviction executions frequently encounter resistance from local residents who express solidarity with the debtor, accompanied by social pressure and intimidation that impede the winning bidder in exercising his or her rights. In a number of cases, debtors have relied on organized groups to obstruct possession of the object through verbal threats or physical guarding. The limited support provided by law-enforcement officers further weakens the winning bidder's position. These conditions also show that effective protection depends on consistent law enforcement at the execution stage (Hasan, 2025) .

These various obstacles reflect a gap between das sollen (the law as it ought to be) and das sein (the law as it actually operates) in the implementation of mortgage-right execution auctions. This condition reflects a regulatory gap (leemten in het recht) regarding the mechanism for vacating auctioned objects outside of judicial channels, necessitating regulatory improvement, enhanced inter-institutional coordination, and a genuine strengthening of legal protection for winning bidders. The existence of post-auction possession problems indicates that auction mechanisms cannot be evaluated only from the perspective of sale completion. International discussions on property enforcement emphasize that ownership certainty requires an effective transition between legal entitlement and physical control. When institutional responsibilities are fragmented between auction authorities, land registration offices, and courts, purchasers may experience delays despite having complied with all legal requirements. Similar concerns appear in mortgage enforcement systems where the effectiveness of security rights depends on predictable procedures, efficient dispute resolution, and the ability to implement possession after enforcement (Masturi et al., 2026). Therefore, strengthening auction winner protection requires institutional coordination beyond the auction stage.

4.5 Critical Evaluation of Normative Protection and Practical Implementation

The analysis of Decision Number 12/Pdt.Bth/2024/PN.Sdn shows that legal protection for winning bidders in mortgage-right execution auctions is normatively strong but practically conditional. Indonesian auction law provides formal certainty through mortgage-right execution, public auction procedures, Auction Minutes, good-faith purchaser protection, and court-based eviction. However, this formal protection does not automatically guarantee physical possession. This problem is also found in previous studies, which show that auction winners may still face obstacles in controlling the auctioned object even after the auction has been legally completed (Azzahra & Badriyah, 2023; Marziah et al., 2019).

This condition reveals an inconsistency between legal norms and practical implementation. Normatively, the Auction Minutes function as authentic evidence and a basis for transfer of rights.

Practically, the document does not directly deliver physical control over land. The winning bidder must still rely on a separate execution mechanism through the District Court. Marziah et al. (2019) show that the Auction Minutes may prove procedural validity, yet the auction winner can still fail to control the object when the debtor refuses to vacate it. This means that legal certainty created by auction documents remains incomplete when it is not followed by effective execution.

This inconsistency reflects a broader challenge in secured property enforcement, where formal legal recognition does not always guarantee immediate economic or physical realization of rights. The principle of good faith requires that purchasers who rely on official state mechanisms should not bear disproportionate risks caused by disputes beyond their control. In this context, judicial protection becomes essential because courts function as institutions that reconcile competing claims between previous owners, creditors, and purchasers. Recent studies indicate that good-faith purchasers in mortgage execution auctions require protection because denying such protection may weaken trust in public auction systems and reduce the effectiveness of collateral enforcement mechanisms (Jamaluddin et al., 2025; Fauziah et al., 2026).

Another inconsistency appears in the institutional role of KPKNL. KPKNL verifies the formal legality of auction documents, conducts the auction, and issues the Auction Minutes. However, KPKNL does not have authority to examine substantive ownership disputes or enforce physical eviction. This limitation creates a protection gap. The winning bidder relies on the state auction mechanism, but the same mechanism cannot ensure immediate delivery of the auctioned object. This confirms the finding of Azzahra and Badriyah (2023), who argue that the main obstacle for auction winners is not always the absence of legal basis, but the difficulty of realizing the rights obtained through auction.

The protection gap becomes clearer when post-auction resistance occurs through certificate blocking, ownership objection, or refusal to vacate the object. Pratiwi et al. (2023) show that certificate blocking may create legal uncertainty for auction winners because it can obstruct the transfer of rights and control over the auctioned object. This situation proves that administrative land mechanisms and auction mechanisms do not always work in an integrated manner. As a result, the buyer's formal legal status may exist before practical ownership can be enjoyed.

From the perspective of good-faith purchaser protection, the position of the winning bidder should receive strong judicial recognition when the bidder purchases the object through an authorized auction institution, pays the auction price, and obtains valid auction documents. Kurniawan et al. (2021) argue that auction buyers may qualify as good-faith purchasers when they comply with statutory auction procedures and act without knowledge of legal defects. This principle is important in Decision Number 12/Pdt.Bth/2024/PN.Sdn because the court did not merely assess the existence of an objection. It evaluated whether the objector had stronger ownership evidence than the auction buyer. From the perspective of legal certainty, the central issue is not whether auction regulations exist, but whether those regulations can produce enforceable rights within a reasonable time. Suharto (2019) explains that mortgage-right execution may be conducted through parate execution or fiat execution, while physical eviction may still require assistance from the District Court when the debtor refuses to vacate the object. This shows that legal certainty in auction law remains fragmented. The auction process may be efficient at the sale stage, but less effective at the possession stage.

From the perspective of legal protection theory, preventive protection remains limited because document verification focuses mainly on formal legality. It does not fully prevent occupation, resistance, or ownership objections after the auction. Repressive protection through court execution can restore the bidder's rights, but it works only after a dispute has occurred. This makes the current protection model reactive rather than fully preventive. From the perspective of commutative justice, the imbalance is clear. The winning bidder has fulfilled his legal obligation by paying the auction price through an official mechanism. In return, he should receive legal recognition and physical possession of the object. When possession is delayed, the balance between performance and counter-performance is disturbed. The bidder has performed his obligation, but the legal system has not immediately secured the corresponding right.

Therefore, the central legal problem is not the absence of protection, but the fragmentation of protection. Auction law, land registration, and court execution operate through different institutions and procedures. This fragmentation creates a gap between formal acquisition and actual possession. Decision Number 12/Pdt.Bth/2024/PN.Sdn is important because it shows that courts can close this gap through firm judicial reasoning. However, reliance on litigation alone is not sufficient. Stronger coordination among KPKNL, the land office, creditors, and the District Court is needed to ensure that valid auction outcomes can be implemented effectively.

4.6 Avenues for Dispute Resolution

To resolve disputes arising from mortgage-right execution auctions, the law provides both non-litigation and litigation mechanisms. Non-litigation settlement through negotiation or mediation is encouraged as the initial approach because it is more efficient in terms of time and cost. Where these efforts fail, the winning bidder may file a civil lawsuit by demonstrating good faith through valid auction documents, apply for a court-ordered eviction under Article 200 HIR when physical possession cannot be obtained, utilize the *Grosse* of the Auction Minutes as the basis for enforcement, and, where the debtor's conduct constitutes a criminal offense, submit a criminal report through the formal criminal justice system. These mechanisms collectively provide legal avenues to secure the winning bidder's ownership and possession rights (Hasan, 2025).

4.7 The Position of KPKNL Metro

The findings indicate that KPKNL Metro performs an administrative function in mortgage-right execution auctions by verifying the completeness of auction documents, scheduling and conducting auctions through authorized auction officials, and issuing the Auction Minutes as official evidence of the auction outcome. However, KPKNL has no authority to determine substantive ownership disputes, as such matters fall exclusively within the jurisdiction of the courts. This institutional separation ensures that KPKNL is responsible only for the procedural legality of the auction, while disputes over ownership are resolved through judicial proceedings (Meyzar & Maskanah, 2025).

The study further found that a mortgage-right execution auction may proceed only after the applicant has fulfilled all formal documentary requirements, including proof of ownership, the mortgage-right certificate, the deed granting the mortgage right, the credit agreement, evidence of debtor default, and a valuation report. Compliance with these requirements is intended to ensure the formal validity of the auction process and reduce the risk of subsequent legal disputes.

In addition, the Auction Minutes constitute the principal legal instrument supporting legal certainty for the winning bidder. As an authentic deed issued by the authorized auction official, they confirm the validity of the auction process, establish the bidder's legal status as the lawful purchaser, and serve as the legal basis for processing the transfer of ownership before the National Land Agency. These findings demonstrate that legal certainty in mortgage-right execution auctions depends not only on compliance with statutory procedures but also on the legal recognition of the Auction Minutes as the foundation for ownership transfer and subsequent enforcement

5. Conclusions

5.1 Conclusion

This study concludes that legal protection for good-faith winning bidders in mortgage-right execution auctions depends on the validity of the auction process, evidentiary certainty, and effective judicial enforcement. Decision Number 12/Pdt.Bth/2024/PN.Sdn confirms that bidders who lawfully acquire auctioned property and fulfill all payment obligations are entitled to legal protection when no stronger ownership claim exists. The findings also demonstrate that legal protection is achieved through the integration of preventive and repressive measures, supported by legal certainty and commutative justice. However, legal, physical, administrative, and social obstacles continue to hinder post-auction possession, highlighting the need for stronger coordination among KPKNL, the National Land Agency, creditors, and the courts to ensure that formal ownership is effectively translated into actual possession.

5.2 Research Limitations

This study is limited to a normative analysis of one principal execution-objection case and its appellate and cassation outcomes. The empirical element is also limited to supporting interviews with KPKNL Metro officials, so the findings should not be generalized to all mortgage-right execution auctions in Indonesia without further comparative research.

5.3 Suggestions and Directions for Future Research

Based on the findings, this study recommends strengthening regulations on post-auction legal protection, particularly regarding mechanisms for vacating auctioned properties after valid mortgage-right execution auctions. Greater coordination among courts, KPKNL, creditors, and the National Land Agency is also needed to ensure that legal certainty extends from the issuance of the Auction Minutes to title transfer and physical possession. Prospective bidders should carefully assess the legal status and risks of auctioned properties before participating, while future research should compare multiple court decisions to identify consistent judicial standards for protecting good-faith winning bidders.

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Author Contributions

ZH contributed to conceptualization, supervision, legal analysis, manuscript review, and final approval. KDS contributed to data collection, case analysis, statutory review, manuscript drafting, revision, and reference preparation. Both authors approved the final manuscript and are accountable for the integrity of the article.

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