



Legal Protection for Debtors for Auction of Objects of Dependency Rights Below the Limit Value in Padang City

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Abstract: The implementation of the Dependent Rights auction is a legal instrument used by creditors to obtain repayment of receivables for non-performing loans. In practice, the determination of the auction limit value often causes disputes if it is considered not to reflect a reasonable market value and has the potential to harm the debtor. This study aims to analyze the mechanism and procedure for determining the auction limit value of Dependent Rights at PT Bank Negara Indonesia (Persero) Tbk. Padang Branch as well as the form of legal protection for debtors whose object of Dependent Rights is auctioned below the limit value. This study uses an empirical juridical method with an analytical descriptive nature. The data was obtained through literature studies and field research, then analyzed qualitatively. The results of the study show that the determination of the limit value is carried out through two stages of assessment, namely at the time of granting credit and before the auction, using the services of the Public Appraisal Service Office as an independent appraiser. The mechanism reflects the existence of legal certainty through standardized and accountable procedures. Legal protection for debtors is provided in the form of preventive protection through credit restructuring, auction notifications, and the use of independent appraisers, as well as repressive protection through the right to file a lawsuit if there is an alleged violation of the law in the implementation of the auction. However, the available protections are still more predominantly formal-procedural than substantive.

Keywords: Dependent Rights; Limit Value; Auction; Debtor; Legal Protection

Introduction

Credit implementation is one of the main activities in the banking system that has a strategic role in encouraging national economic growth. Through the credit mechanism, banks distribute funds to the community to meet their consumptive and productive needs, which ultimately contributes to increasing economic activity. The legal relationship born from the provision of credit is basically a *fiduciary relationship* between the bank as a creditor and the customer as a debtor. This trust is manifested in a credit agreement that gives rise to reciprocal rights and obligations for the parties. The creditor is obliged to provide a certain amount of funds in accordance with the agreement, while the debtor is obliged to return the funds along with interest or other rewards within a predetermined period of time.¹

The legal relationship between creditors and debtors does not always work as expected. Economic dynamics, changes in business conditions, and other factors that are beyond the debtor's ability can cause failure in fulfilling credit payment obligations. This situation poses a risk for banks as an intermediary institution that collects public funds and redistributes them in the form of credit. This risk is the background for the need for material guarantees as a protection instrument for creditors.² In the Indonesian legal system, one of the most widely used guarantee institutions in banking practice is

¹ Kasmir, *Dasar-Dasar Perbankan*, PT RajaGrafindo Persada, Jakarta, 2018, hlm. 85

² Salim HS, *Perkembangan Hukum Jaminan di Indonesia*, PT RajaGrafindo Persada, Jakarta, 2017, hlm. 96

the Dependent Rights as stipulated in Law Number 4 of 1996 concerning Dependent Rights on Land and Objects Related to Land.

The Right of Dependency was formed to provide legal certainty to creditors regarding the repayment of their receivables if the debtor breaks the promise. Through this right, creditors obtain a preferential position over other creditors in obtaining repayment from the proceeds of the sale of collateral objects. The existence of the preferential right is a manifestation of the principle of legal certainty which is one of the main goals of the law. Legal certainty provides a guarantee that the rights that have been granted by law can be effectively exercised and protected.³ However, legal certainty in the implementation of the Dependent Rights cannot be understood narrowly only as a guarantee of protection for creditors. The nature of law is not solely oriented to certainty, but must also pay attention to the value of justice and utility as stated by Gustav Radbruch.⁴ Therefore, the implementation of the Dependent Rights must be placed within the framework of legal protection that is balanced between the interests of creditors to obtain repayment of receivables and the interests of debtors to defend their economic rights.

This balance becomes even more important when the creditor uses his authority to execute the object of the Dependent Rights through an auction mechanism. Auctions are essentially legal means designed to generate the best selling price through an open, competitive, and transparent bidding process. These characteristics show that the main purpose of auction is not just to transfer rights to an item, but also to ensure that the goods sold get a price that reflects their economic value in a reasonable way. In the context of the execution of the Right of Dependency, the price obtained from the auction results has very significant legal consequences because it not only determines the amount of repayment of creditors' receivables, but also determines the residual value of the proceeds of the sale that the debtor is entitled to.⁵

The strategic position of the price in the implementation of the auction makes the determination of the limit value one of the most decisive aspects of the realization of legal protection for the parties. The limit value is the minimum price set as the lowest limit in the auction implementation. The existence of the limit value is intended to prevent the sale of auction objects at prices that are not feasible or far below their economic value. From the perspective of legal protection, the limit value functions as an instrument that keeps the execution from turning into a means of disproportionately reducing the debtor's property rights. The protection of the economic value of the collateral object is essentially part of the protection of property rights that are constitutionally recognized and protected by law.⁶

The importance of this protection has been accommodated in various laws and regulations. Article 35 paragraph (4) of Bank Indonesia Regulation No. 14/15/PBI/2012 concerning Asset Quality Assessment of Commercial Banks stipulates that the determination of net realizable value for certain assets must be carried out by an independent appraiser. This provision shows that the law requires objectivity in the collateral assessment process which will be the basis for determining the limit value. Article 35 paragraph (5) of the same regulation also provides an opportunity for the debtor to submit an independent assessment if necessary. The arrangement shows that the legal system basically provides space for the debtor to obtain protection against the possibility of a value determination that does not reflect the real condition of the collateral object.

Similar protection is also reflected in the Minister of Finance Regulation Number 122/PMK.06/2023 concerning Auction Implementation Guidelines which requires the determination of

³ *Ibid*, hlm. 82

⁴ Achmad Ali, *Menguak Teori Hukum (Legal Theory) dan Teori Keadilan (Jurisprudence)*, Kencana Prenadamedia Group, Jakarta, 2009, hlm. 292

⁵ Purnama Tioria Sianturi, *Perlindungan Hukum Terhadap Pembeli Barang Jaminan Tidak Bergerak Melalui Lelang*, Mandar Maju, Bandung, 2013, hlm. 147

⁶ Nada Yulia Sekar, *Perlindungan Hukum Bagi Debitur Dalam Pelaksanaan Penyelesaian Kredit Macet Dengan Objek Jaminan Hak Tanggungan*, Tesis, Universitas Islam Sultan Agung, Semarang, 2022, hlm. 10

the limit value based on the results of the assessment or assessment carried out by competent parties. This requirement shows that the law does not give absolute authority to creditors in determining the limit value, but rather limits this authority through an objective and professional assessment mechanism. Normatively, the regulation describes the state's efforts to create a balance between the effectiveness of resolving non-performing loans and the protection of the interests of the debtor.

Empirical reality shows that the legal protections that have been formulated in these various provisions have not been fully implemented effectively. The practice of conducting auctions still often raises objections from debtors, especially related to the fairness of the limit value used as the basis for the auction. The issue is not only related to the technical aspects of the assessment, but also concerns the debtor's access to information, the debtor's involvement in the process of determining the limit value, and the debtor's ability to understand and exercise his legal rights. This condition causes the position of debtors to tend to be in an unbalanced state when dealing with banking institutions that have greater resources, information, and authority in the guarantee execution process.

This phenomenon is reflected in the Padang District Court Decision Number 110/Pdt.G/2023/PN Pdg which began with the implementation of the auction of the object of Dependent Rights by PT Bank Negara Indonesia (Persero) Tbk. The debtor questioned the limit value used in the auction because it was considered that it did not reflect the market value of the collateral object and was not comparable to the previous collateral value. The dispute shows that the issue of limit value is not only related to the fulfillment of administrative procedures, but also concerns the protection of the debtor's economic rights and the guarantee of justice in the implementation of the execution of the Dependent Rights. Although formally the auction procedure can be declared to have been carried out in accordance with the applicable regulations, this condition does not necessarily reflect the fulfillment of substantive legal protection.

Studies on the legal protection of debtors in the implementation of the Dependent Rights auction have actually been carried out by various researchers. Kristina Sibange Bange and Sukirno focused their study on legal protection for debtors in the implementation of auctions with low limit values through a normative juridical approach and analysis of court decisions. Yaharudin Saputro reviewed the legal protection of debtors against the determination of the limit value of the auction of dependent rights by emphasizing the importance of strengthening regulations and supervision in the process of determining the limit value. The contribution of the two studies lies in strengthening normative arguments regarding the legal protection of debtors. The study has not specifically explained how the limit value determination mechanism is applied by banking institutions in practice and how the implementation of the mechanism affects the effectiveness of debtor legal protection.

The limitations of previous research show that there is a need to conduct a more in-depth study of the relationship between the limit value determination procedure and the legal protection of debtors in the practice of auction implementation. This research offers novelty through an empirical juridical approach that integrates normative analysis with empirical facts regarding the mechanism of determining limit values at PT Bank Negara Indonesia (Persero) Tbk. in Padang City. The novelty of the research lies not only in the object of study that focuses on banking practices, but also in the analysis of the effectiveness of debtor legal protection in the process of determining limit values. This focus is important because legal protection is not enough to be measured by the existence of norms alone, but must be assessed by the ability of these norms to provide real protection for the rights of debtors in the practice of conducting the auction of Dependent Rights.

Research Methods

This research uses an empirical juridical law research method with an approach that examines the provisions of laws and regulations as well as practices that occur in the field. This research is descriptive and analytical, with the aim of providing a systematic overview of the procedure for determining the auction limit value of dependent rights and its implications for the legal protection of

debtors. The data used consisted of primary data obtained through interviews with banks as creditors, as well as secondary data sourced from laws and regulations, legal literature, and the results of previous research. The data collection technique was carried out through literature studies and interviews, which were then analyzed qualitatively with a juridical approach to produce conclusions that answered the research problem comprehensively.

Results and Discussion

Mechanism and Procedure for Determining the Limit Value of the Auction of Dependent Rights at Bank Negara Indonesia (BNI) Padang

The Right of Dependency is a material guarantee institution established to provide legal certainty for the repayment of creditors' receivables through a preferred position (*droit de préférence*) on the object of the guarantee encumbered by the Right of Dependent. The existence of this institution is not only related to the protection of creditors' interests, but also functions to create order and certainty in the settlement of legal relationships born from credit agreements. This certainty is important because banking activities essentially contain risks inherent in the possibility of default by the debtor. In this context, the law provides an execution instrument that allows creditors to obtain repayment of their receivables through the sale of collateral objects by auction if the debtor no longer fulfills his obligations as agreed.⁷

The implementation of the auction as an instrument of execution of the Right of Dependency cannot be separated from the legal purpose of creating certainty about the economic value of the collateral object to be sold. Auctions are not just a mechanism for transferring rights to an object, but a legal means designed to obtain an objective price through an open, competitive, and transparent bidding process. These characteristics show that the auction system is basically built to produce prices that reflect market conditions reasonably so that the debt repayment process can take place in a measurable and accountable manner.⁸

The limit value has a central position in the auction because it functions as the minimum price which is the lowest limit for bid acceptance. The limit value is not only an administrative instrument, but a legal instrument that determines the legitimacy of the price in an auction. Determination of the limit value that is carried out objectively will create certainty regarding the economic value of the object to be sold, while the determination that is not based on a clear mechanism has the potential to cause legal uncertainty and disputes in the future. Therefore, the Indonesian legal system places the determination of the limit value as an integral part of the auction implementation mechanism.⁹

The urgency of determining the limit value objectively is reflected in various legal regulations. Article 35 paragraph (4) of Bank Indonesia Regulation Number 14/15/PBI/2012 concerning Asset Quality Assessment of Commercial Banks stipulates that the determination of net realizable value for certain assets must be carried out by an independent appraiser. The provision shows that the law does not give absolute authority to creditors to determine the value of a collateral to be executed. The objectivity of the assessment is placed as the main prerequisite to ensure the existence of a standard that can be accounted for in determining the value of a collateral object. The same arrangement also provides an opportunity for debtors to request an independent assessment if necessary, which shows that the assessment process should essentially be built on the principles of transparency and accountability. The necessity of using an independent appraiser is in line with the provisions of the Minister of Finance Regulation Number 122 of 2023 concerning Auction Implementation Guidelines which stipulates that the limit value must be based on the results of the assessment or appraisal carried

⁷ Salim HS, *Op. Cit.*, hlm. 96

⁸ Wahyu Mahendra, Zaenal Arifin, Muhammad Junaidi dan Soegianto, "Implementasi Nilai Pasar dan Nilai Likuidasi Sebagai Nilai Limit Dalam Lelang Hak Tanggungan", *Jurnal USM Law Review*, Vol. 8, No. 3, 2025, hlm. 2864

⁹ Ali Abdullah, Diana Kesuma dan Novelza Restu Ayu Putri, "Kajian Perbedaan Nilai Limit Dalam Pelaksanaan Lelang Eksekusi Hak Tanggungan", *Jurnal Hukum Sasana*, Vol. 10, No. 2, 2024, hlm. 220

out by a competent party in accordance with the provisions of laws and regulations. The regulation shows that the law requires a measurable mechanism in determining the limit value so that the auction is not based on the seller's subjective considerations. The standardization of the procedure is part of the state's efforts to create legal certainty in the implementation of auctions, especially for the object of Dependent Rights which have significant legal and economic consequences for the parties.¹⁰

The results of the study show that the mechanism for determining the auction limit value of Dependent Rights at PT Bank Negara Indonesia (Persero) Tbk. Padang Branch is carried out through several interrelated stages. The process began with the determination of credit status as non-performing credit after various credit rescue efforts, including restructuring, could no longer be implemented effectively. After the credit is declared problematic and eligible for execution, the bank conducts an inventory of the collateral object and conducts an examination of the juridical and physical aspects of the object to be auctioned. The next stage is the implementation of the assessment of the collateral object through the Public Valuation Service Office (KJPP). Based on the results of interviews conducted in this study, BNI Padang does not set the limit value based on the bank's internal estimates, but uses the assessment report published by KJPP as the main basis for determining the limit value. The assessment is carried out through a series of professional processes that include physical examination of the object, verification of ownership documents, analysis of location, environmental conditions, the use of valuation methods in accordance with the characteristics of the object, and considering market conditions at the time of assessment. The results of the assessment are then outlined in a written report which is the basis for the bank to determine the limit value before submitting it to the Office of State Wealth and Auction Services (KPKNL).¹¹

The findings show that the determination of the limit value at BNI Padang is not carried out unilaterally by creditors. The involvement of KJPP as an independent party shows that there is a separation of functions between parties interested in the auction results and those who conduct assessments of the collateral object. The separation of functions is important because it can minimize the potential for subjectivity in the process of determining limit values. This mechanism also shows that the determination of the limit value is not only based on the interest of repayment of creditors' receivables, but must also go through a process that can be accounted for professionally and legally. Analysis of the research findings shows that the mechanism is closely related to the theory of legal certainty. Sudikno Mertokusumo explained that legal certainty is a guarantee that the law is implemented in accordance with applicable provisions so that the parties obtain clarity about the rights, obligations, and procedures that must be taken in a legal relationship.¹² In the context of this study, legal certainty is reflected in the existence of clear procedures regarding who is authorized to conduct the assessment, how the assessment is carried out, what documents must be met, and how the results of the assessment are used as the basis for determining the limit value. This clarity creates order in the auction implementation process so as to reduce the possibility of arbitrary actions.

Jan Michiel Otto's perspective provides a more comprehensive explanation of the realization of legal certainty in the mechanism. Otto stated that legal certainty can only be realized if there are clear rules, applied consistently by the authorized institutions, and able to provide predictability of the legal consequences that will arise from an action.¹³ Based on this theory, legal certainty in determining the limit value is not enough only measured by the existence of Bank Indonesia Regulations and the Minister of Finance Regulation that regulate the assessment procedure. Legal certainty is only really realized when the provisions are applied consistently in practice. The findings of the study show that BNI Padang has implemented these provisions through the use of KJPP services, the preparation of

¹⁰ Nila Trisna dan M. Fauzan, "Kedudukan Nilai Limit Dalam Pelaksanaan Lelang Eksekusi Hak Tanggungan", *Jurnal Ius Constituendum*, Vol. 8, No. 2, 2023, hlm. 249

¹¹ Hasil wawancara dengan pihak PT Bank Negara Indonesia (Persero) Tbk. Cabang Padang

¹² Sudikno Mertokusumo, *Mengenal Hukum Suatu Pengantar*, Cahaya Atma Pustaka, Yogyakarta, 2010, hlm. 160.

¹³ Jan Michiel Otto, *Kepastian Hukum di Negara Berkembang*, Komisi Hukum Nasional Republik Indonesia, Jakarta, 2010, hlm. 25

assessment reports as the basis for determining the limit value, and the involvement of KPKNL in the administrative verification process before the auction. This condition shows that legal certainty does not stop at the normative level (*law in books*), but has been realized in practice (*law in action*).

Legal certainty in the mechanism of determining limit values can also be understood through the view of Gustav Radbruch who placed legal certainty as one of the fundamental values of law in addition to justice and utility. According to Radbruch, legal certainty is needed to ensure that legal actions are carried out on the same standard so that everyone can estimate the legal consequences of an act.¹⁴ In the context of this study, the use of standardized procedures and the involvement of independent appraisers indicate that there are efforts to establish common standards in the process of determining limit values. The standard provides legitimacy to the results of the assessment used as the basis for the implementation of the auction and at the same time strengthens confidence in the mechanism for the execution of the Dependent Rights.

Based on this description, it can be understood that the mechanism and procedure for determining the auction limit value of Dependent Rights at PT Bank Negara Indonesia (Persero) Tbk. Padang Branch has in principle met the elements of legal certainty both in the normative and institutional dimensions. This legal certainty is reflected in the existence of a clear legal basis, a firm division of authority, the use of professional independent assessors, and the application of consistent procedures in the process of determining limit values. These findings show that procedurally the mechanism for determining the limit value has been implemented in accordance with the applicable legal framework. The problem that then arises does not lie in the unclear mechanism or absence of legal procedures, but in the effectiveness of protecting the interests of the debtor in the implementation of the auction which will be discussed in the next section.

Forms of Legal Protection for Debtors whose Dependents Are Auctioned Below the Limit Value

The execution of the Right of Dependency through the auction mechanism is basically a legal instrument given to creditors to obtain repayment of their receivables when the debtor no longer fulfills obligations as agreed in the credit agreement. This authority was born from the preferential position given by the Dependent Rights Law to the first Dependent Rights holder. However, the granting of executory authority to creditors cannot be interpreted as the elimination of the debtor's rights over the object used as collateral. The object of the Dependent Rights that is executed remains a part of the debtor's assets that have economic value and obtain legal protection. Therefore, the implementation of the auction must not only ensure the implementation of the creditor's right to obtain repayment of receivables, but also must ensure the protection of the debtor's rights as the owner of the collateral object.

Legal protection for debtors in the implementation of the auction of Dependent Rights is important because the execution process basically brings together two legal interests that are equally protected by law. On the one hand, creditors have the right to obtain repayment of receivables that have been given to the debtor. On the other hand, the debtor has the right to the economic value of the collateral object that is still attached to him. These rights are not lost just because the debtor is in default. The proceeds from the sale of collateral objects through auction are not solely used to pay off creditors' receivables, but also determine the amount of remaining sales proceeds that the debtor is entitled to after his obligations are fulfilled. Consequently, the determination of the limit value that does not reflect the fair market value has the potential to cause significant economic losses for the debtor because it reduces the value of the wealth that should still be enjoyed after the debt repayment is made.¹⁵

¹⁴ Achmad Ali, *Op. Cit.*, hlm. 288

¹⁵ Purnama Tioria Sianturi, *Perlindungan Hukum Terhadap Pembeli Barang Jaminan Tidak Bergerak Melalui Lelang*, Mandar Maju, Bandung, 2013, hlm. 145

This perspective shows that legal protection for debtors in the implementation of the Dependent Rights auction cannot be understood only as protection of procedural aspects, but also as protection of the debtor's economic interests. Satjipto Rahardjo explained that the law is essentially present to protect human interests so that the law is not enough to be seen as a collection of rules that must be obeyed, but must also be able to provide real protection to parties who have the potential to suffer losses due to the use of authority by other parties.¹⁶ In the context of the implementation of the auction of Dependent Rights, legal protection is needed to ensure that the executory authority possessed by the creditor does not cause disproportionate losses to the debtor.

The urgency of legal protection is increasingly seen when it is associated with the position of the parties in the credit relationship. Factually, creditors have a stronger position than debtors because they have greater access to information, economic resources, and legal instruments used in the execution process. Debtors who face non-performing loans are generally in unstable economic conditions and have limitations to affect the process related to determining the limit value and conducting auctions. This imbalance of position indicates that there is an unbalanced power relationship between creditors and debtors. In such conditions, the law is required to present a protection mechanism that is able to maintain the balance of interests of the parties so that the implementation of execution does not turn into a means that increases the debtor's losses.¹⁷

Philipus M. Hadjon explained that legal protection is basically the recognition and protection of human dignity and dignity which is sourced from the concept of the state of law. Legal protection is provided to prevent actions that are detrimental to a person's rights while providing a means of settlement if a violation of these rights has occurred.¹⁸ According to Hadjon, legal protection can be distinguished into preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes from arising before a legal action is taken, while repressive legal protection is provided after the dispute occurs through available legal settlement mechanisms. This approach is relevant to analyze the form of legal protection received by debtors in the implementation of the Dependent Rights auction at PT Bank Negara Indonesia (Persero) Tbk. Padang Branch.

Based on the results of the research, preventive legal protection for debtors is realized through various mechanisms carried out before the auction. Before taking execution efforts, banks first take steps to rescue credit through restructuring, rescheduling, and reconditioning in accordance with the debtor's condition. These efforts show that auctions are placed as the last alternative (*ultimum remedium*) after various persuasive settlement efforts can no longer be carried out. In addition, banks also provide warning letters and notifications regarding credit conditions and the possibility of execution if the debtor does not fulfill his obligations. The existence of this mechanism shows that normatively the debtor has been given the opportunity to maintain the object of the guarantee before the auction is carried out.¹⁹

Preventive legal protection is also realized through the use of the Public Valuation Service Office (KJPP) in determining the value of the collateral object to be auctioned. The involvement of independent appraisers is a form of protection designed to ensure the objectivity of the assessment so that the limit value is not determined unilaterally by the creditor. Normatively, the mechanism provides assurance that the value of the collateral object is determined based on applicable professional standards and takes into account market conditions at the time the valuation is made. The presence of an independent appraiser shows that the law seeks to create a balance between the interest of the

¹⁶ Satjipto Rahardjo, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, 2014, hlm. 53

¹⁷ Muhammad Ilham Arisaputra, "Perlindungan Hukum Terhadap Debitur Dalam Pelaksanaan Eksekusi Hak Tanggungan", *Jurnal RechtsVinding*, Vol. 11, No. 2, 2022, hlm. 219

¹⁸ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*, Gadjah Mada University Press, Yogyakarta, 2011, hlm. 2

¹⁹ Nurul Aulia dan Muhammad Ilham, "Restrukturisasi Kredit Sebagai Bentuk Perlindungan Hukum Preventif Bagi Debitur", *Jurnal RechtsVinding*, Vol. 12, No. 3, 2023, hlm. 421

creditor to obtain the repayment of receivables and the interest of the debtor to obtain a reasonable economic value for the object of the guarantee.²⁰

However, the results of the study show that the available preventive legal protection is not fully able to provide optimal protection for debtors. The debtor does obtain information about the implementation of the auction and is given the opportunity to complete his obligations before the execution is carried out, but the debtor's involvement in the process of determining the limit value is still very limited. The debtor is not directly involved in the assessment process conducted by KJPP and does not have adequate space to influence the determination of the limit value before the auction is held. As a result, when the debtor judges that the limit value used does not reflect the actual market price, the ability to make corrections to the assessment becomes very limited.

This condition shows that the available preventive legal protection is still more oriented towards fulfilling administrative procedures than participatory protection. In Philipus M. Hadjon's perspective, preventive legal protection is not only intended to provide information to potentially harmed parties, but also provides an opportunity to raise objections before a decision has a final legal effect. When associated with the results of the study, it can be seen that the available preventive legal protection still does not fully provide effective participation space for debtors in the process of determining the limit value.²¹ These conditions show the difference between formal legal protection and substantive legal protection. Formally, protection procedures are in place. However, substantively, the protection is not fully able to ensure that the interests of the debtor are optimally accommodated in the process of determining the limit value.

In addition to preventive protection, the legal system also provides repressive legal protection for debtors who feel aggrieved by the implementation of auctions. The repressive protection is realized through the debtor's right to file a lawsuit with the court if there is an alleged violation of the law in the implementation of the auction, including if the limit value used is considered not to reflect a reasonable market value. The existence of this mechanism shows that the law still leaves room for correction for the actions of creditors and other parties involved in the auction process.²²

This form of repressive protection is reflected in the Padang District Court Decision Number 110/Pdt.G/2023/PN PdG which is the focus of this research. The lawsuit filed by the debtor shows that when the debtor feels aggrieved by the determination of the limit value that is considered incompatible with the market value, the law provides a means to fight for his rights through the judicial process. From a legal protection perspective, access to the judiciary is an important element because it allows for independent testing of actions taken by creditors and auction organizers.

However, the effectiveness of repressive legal protections cannot be measured solely by the availability or lack of access to the courts. Legal protection can only be said to be effective if the mechanism can be accessed in real terms by parties who need protection. In practice, not all debtors have the economic ability, legal knowledge, or access to adequate legal aid to file a lawsuit. The judicial process also takes a relatively long time, while the object being auctioned has often changed hands to a third party. This condition causes repressive legal protection to function more as an instrument for resolving disputes after losses occur than as an instrument that is able to prevent losses from occurring in the first place.²³

Analysis based on the theory of legal protection by Philipus M. Hadjon shows that legal protection for debtors in the implementation of the auction of Dependent Rights at PT Bank Negara Indonesia (Persero) Tbk. Padang Branch is basically available in the form of preventive and repressive

²⁰ Rika Ratna Permata dan Niken Prasetyawati, "Urgensi Penilaian Independen Dalam Penetapan Nilai Limit Lelang Hak Tanggungan", *Jurnal RechtsVinding*, Vol. 13, No. 1, 2024, hlm. 95

²¹ Philipus M. Hadjon, *Op. Cit.*, hlm. 4

²² Yaharudin Saputro, "Perlindungan Hukum Debitur Terhadap Penentuan Nilai Limit Dalam Lelang Hak Tanggungan", *Jurnal Notarius*, Vol. 17, No. 1, 2024, hlm. 312

²³ Kristina Sibange Bange dan Sukirno, "Perlindungan Hukum Debitur Dalam Pelaksanaan Lelang Hak Tanggungan Dengan Nilai Limit Rendah", *Diponegoro Law Journal*, Vol. 13, No. 2, 2024, hlm. 115

protection. Preventive protection is realized through credit restructuring, the provision of warnings, notifications of auction implementations, and the use of independent appraisers in determining the value of collateral objects. Repressive protection is realized through the debtor's right to file a lawsuit with the court if he feels aggrieved by the auction.

However, the results of the study show that the legal protection available is still more dominant in the formal dimension than in the substantive dimension. Formal legal protection is reflected in the availability of various procedures and mechanisms that have been regulated in laws and regulations. On the other hand, substantive legal protection is related to the ability of the mechanism to ensure the protection of the debtor's economic interests in real terms. The limited participation of the debtor in the process of determining the limit value and the dependence on the lawsuit mechanism after the dispute occurs indicates that the available legal protection has not been fully able to compensate for the dominant position of the creditor in the implementation of the execution of the Right of Dependency. Philipus M. Hadjon's perspective emphasizes that ideal legal protection not only provides a means of resolving disputes after losses have occurred, but must also be able to prevent losses from occurring from the early stages of decision-making. Based on this perspective, legal protection for debtors in the implementation of the Dependent Rights auction still needs to be strengthened, especially through increasing transparency and debtor participation in the process of determining the limit value, so that the protection provided not only meets the legal-formal aspects, but is also able to realize substantive justice.

Conclusion

The mechanism and procedure for determining the auction limit value of Dependent Rights at PT Bank Negara Indonesia (Persero) Tbk. Padang Branch is carried out based on the provisions of laws and regulations through a reassessment of the collateral object by the Public Appraiser Service Office (KJPP) as an independent appraiser before the auction is held. The procedure shows legal certainty because it is based on clear rules, a firm division of authority, and the application of an objective and accountable assessment mechanism.

Legal protection for debtors whose object of Dependent Rights is auctioned is manifested in the form of preventive and repressive protection. Preventive protection is provided through credit rescue efforts, pre-auction notifications, and the use of independent appraisers in determining the limit value, while repressive protection is provided through the debtor's right to file a lawsuit if there is a violation of the law in the implementation of the auction. However, the protection still tends to be formal-procedural so it needs to be strengthened through increased transparency and debtor participation in the process of determining the limit value in order to realize more substantive and fair legal protection.

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