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Legality and Limits of Authority of Notaries Who Also Serve as Class II Auction Officials in the Settlement of Auction Disputes

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This study aims to examine the authority of notaries who also serve as Class II Auctioneers in the implementation of auctions in Indonesia, focusing on two main aspects, namely the auction implementation procedures based on Indonesian positive law and the role and responsibilities of notaries in handling disputes that arise during the auction process.

The method used in this study are normative law with a legislative and conceptual approach sourced from legislation, legal literature, and expert opinions.

The novelty of this research lies in its comprehensive analysis of the application of the dual authority of notaries in the context of auction implementation and the integration of the general principles of good governance (AUPB) as ethical and juridical principles in the auction process.

The results of the study show that the implementation of auctions by Class II Auctioneers must follow strict procedures, including auction announcements, participant registration, explanation of auction objects, price bidding, and determination of winners, all of which must be documented in a transparent and accountable manner. Specific findings of the study reveal that the dual authority of notaries creates a unique complexity of responsibilities. In handling disputes, notaries/auction officials not only act as transaction executors but also as quasi-judicial decision-makers at certain stages. In this case, the application of AUPB plays an important role as a guideline in the use of discretion to remain in line with legal regulations, produce fair decisions, and encourage clean, professional, and trustworthy government administration.

The conclusion of this study is that the integration of AUPB in every stage of the auction is a key strategy to mitigate potential disputes and conflicts of interest inherent in this dual authority. The implication is that separate ethical and procedural guidelines are needed for notaries who also serve as Auction Officials to ensure consistency and fairness.

Keywords: Notary; Auction Dispute; Class II Auction Official; Legal Responsibility; Good Governance.

Abstrak

Penelitian ini bertujuan untuk mengkaji kewenangan notaris yang merangkap sebagai Pejabat Lelang Kelas II dalam pelaksanaan lelang di Indonesia, dengan fokus pada dua aspek utama, yaitu prosedur pelaksanaan lelang berdasarkan hukum positif Indonesia serta peran dan tanggung jawab notaris dalam menangani sengketa yang timbul selama proses lelang.

Metode Penelitian ini menggunakan hukum normatif dengan pendekatan perundang-undangan dan konseptual yang bersumber dari peraturan perundang-undangan, literatur hukum, dan pendapat para ahli.

Kebaruan penelitian ini terletak pada analisis komprehensif mengenai penerapan kewenangan ganda notaris dalam konteks pelaksanaan lelang serta integrasi asas-asas umum pemerintahan yang baik (AUPB) sebagai prinsip etis dan yuridis dalam proses lelang.

Hasil penelitian menunjukkan bahwa pelaksanaan lelang oleh Pejabat Lelang Kelas II harus mengikuti prosedur yang ketat, meliputi pengumuman lelang, pendaftaran peserta, penjelasan objek lelang, penawaran harga, hingga penetapan pemenang yang seluruhnya harus didokumentasikan secara transparan dan akuntabel. Temuan spesifik penelitian mengungkap bahwa kewenangan ganda notaris menciptakan kompleksitas tanggung jawab yang unik. Dalam menangani sengketa, notaris/pejabat lelang tidak hanya bertindak sebagai pelaksana transaksi, tetapi juga sebagai pengambil keputusan quasi-yudisial pada tahap tertentu. Dalam hal ini, penerapan AUPB berperan penting sebagai pedoman dalam penggunaan diskresi agar tetap sejalan dengan peraturan hukum, menghasilkan putusan yang adil, serta mendorong terselenggaranya administrasi pemerintahan yang bersih, profesional, dan dapat dipercaya. Kesimpulan penelitian ini integrasi AUPB dalam setiap tahap lelang merupakan strategi kunci untuk memitigasi potensi sengketa dan konflik kepentingan yang melekat pada kewenangan ganda ini. Implikasinya, diperlukan pedoman etik dan prosedural tersendiri bagi notaris yang merangkap sebagai Pejabat Lelang untuk memastikan konsistensi dan keadilan.

Kata Kunci: Notaris; Sengketa Lelang; Pejabat Lelang Kelas II; Tanggung Jawab Hukum; Tata Kelola Pemerintahan yang Baik.

1. INTRODUCTION

Indonesia is affirmed as a country based on the rule of law¹, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945). As a country based on the rule of law, the government has an obligation to ensure the realization of legal guarantees for all Indonesian citizens.² This legal guarantee includes general rules that provide clarity on permitted and prohibited behavior, as well as protecting the public from potential abuse of authority by state officials. Therefore, the law not only serves as a guide in the management of government, but also as a tool for achieving justice and social order among the community.

Every notary must comply with Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN) and adhere to the Notary Code of Ethics as the main basis for carrying out their professional work. These laws and regulations ensure that all notarial activities are carried out in accordance with applicable legal provisions. When compared to the previous regulation in Staatsblad 1860 Number 3, the definition of a notary in the UUJN indicates a substantial increase in authority. In accordance with Article 15 of the UUJN, notaries are not limited to the preparation of authentic deeds, but also have additional obligations, such as legalizing signatures and determining the date on files, recording and registering private documents, certifying duplicate documents (waarmerken),

¹ Riani Bakri And Murtir Jeddawi, "Analisis Indeks Negara Hukum Indonesia Indonesia Of Law State Index Analysis," *Pallangga Praja* 4, No. 2 (2022): 108.

² Abdul Hajar Anwar Et Al., "Peran Negara Hukum Dan Tanggung Jawabnya Dalam Masyarakat Untuk Menjamin Kesejahteraan Dan Keadilan Di Indonesia," *Journal Of Global Legal Review* 2, No. 2 (2024): 81–88, <https://doi.org/10.59963/Jglegar.V2i2.365>.

providing legal guidance or advice to the public, drafting deeds involving land affairs that are usually the domain of the Land Deed Official (PPAT), and drafting auction reports that are generally part of the duties of the Auction Official at the State Property and Auction Service Office (KPKNL).

Basically, the auction implementation mechanism is divided into three essential phases, namely the preparation phase (pre-auction), the execution phase, and the post-auction phase.³ Each phase involves three key players, namely the seller, the auctioneer, and the buyer. According to Article 1 point 52 of Minister of Finance Regulation Number 213/PMK.06/2020, the auction buyer refers to an individual or legal entity that submits the highest bid and is officially declared the winner by the auctioneer. In general, buyers operate in good faith and aim to obtain the assets offered in the auction. However, both in voluntary and executory auctions, legal disputes often arise involving buyers. In order to provide legal protection and guarantees, a number of regulations such as the *Vendu Reglement*, *Herzien Indonesisch Reglement (HIR)*, and PMK 213/PMK.06/2020 have established provisions governing the rights and protection mechanisms for buyers in the auction process.

As an authentic document, the Auction Minutes Deed guarantees legal certainty and confirms full ownership rights for buyers, and can only be declared invalid if the court successfully proves that its contents are not in accordance with the truth.⁴ In a voluntary non-execution auction process, which is based on a power of attorney for sale and conducted before a Class II Auction Official, this mechanism is essentially required to protect the interests of parties acting in good faith. However, in Supreme Court Decision Number 1937 K/Pdt/2018, the auction buyer encountered difficulties in controlling the acquired assets because the original owner refused to vacate the land and buildings, arguing that he had never agreed to the sale process through auction. The auction process itself was carried out on the basis of a power of attorney for sale given by the owner to the applicant as an effort to settle the debt.⁵

This incident illustrates the legal challenges regarding protection for participants in voluntary non-execution auctions involving power of attorney for sale, while emphasizing the role and obligations of Class II Auction Officials in this context, as well as highlighting the complexity of the legal aspects of auctions conducted by notaries and the urgency of supervision and compliance with regulations to ensure fairness for all parties involved.

There is a normative gap between the Minister of Finance Regulation (PMK) on Auctions and the Notary Position Law (UUJN) regarding the authority of notaries who also serve as Class II Auction Officials, especially when disputes arise in the implementation of voluntary auctions.

³ Ardian Ganef Ramadhan, Ali Abdullah, And Yoelianto, "Mekanisme Pelaksanaan Lelang Eksekusi Dan Lelang Sukarela Terhadap Objek Jaminan Fidusia," *Open Jurnal Systems* 19, No. 03 (2024): 14, <https://Binapatria.Id/Index.Php/Mbi/Article/View/979/767>.

⁴ Muhammad Junaidi Et Al., "Keabsahan Risalah Lelang Atas Objek Lelang Yang Tidak Dapat Dibalik Nama," *Jurnal Usm Law Review* 6, No. 3 (2023): 1321–37, <https://doi.org/10.26623/julr.v6i3.7916>.

⁵ Nur Rizki Siregar, Mohamad Fajri, And Mekka Putra, "Tinjauan Hukum Kekuatan Eksekutorial Terhadap Permohonan Lelang Eksekusi Hak Tanggungan Atas Debitur Wanprestasi Legal Review Of Executorial Powers Against Applications For Execution Of Mortgage Rights On Default Debtors Tentang Hak Tanggungan Atas Tanah" 5, No. 1 (2021): 128–43.

PMK Number 213/PMK.06/2020 places Class II Auction Officials as the executors of voluntary auctions with administrative authority to carry out the auction process from the announcement to the determination of the winner. However, the UUJN does not explicitly regulate the role of notaries in this capacity, as its main focus is on the authority to create authentic deeds. This condition creates legal uncertainty regarding the position of notaries when conducting auctions, especially in terms of legal and ethical responsibilities in the event of disputes between sellers and buyers, or objections from auction participants.

When auction disputes arise, PMK regulations only regulate the administrative mechanism for dispute resolution through reports to the Directorate General of State Assets (DJKN), while the UUJN does not provide a clear legal basis regarding the notary's accountability in the auction function. As a result, there is ambiguity as to whether the dispute resolution falls under civil, administrative, or professional ethics jurisdiction. In this context, the application of the General Principles of Good Governance (AUPB) is an important reference for notaries in exercising their discretion so that the actions taken remain proportional, accountable, and fair. However, without harmonization between the PMK and the UUJN, legal certainty for notaries who also serve as Class II Auction Officials remains weak, requiring regulatory synchronization that can clearly and comprehensively define the limits of authority, responsibilities, and mechanisms for resolving auction disputes.

Based on the identification of problems, this study was motivated by the legal vacuum in regulations governing the authority of notaries who also serve as Class II Auction Officials, particularly in the settlement of auction disputes. A thorough analysis shows that existing laws only regulate the administrative aspects of auctions without providing concrete guidance for notaries in handling disputes, thus creating legal uncertainty for the parties involved. This condition is exacerbated by the lack of harmonization between the Notary Position Law and auction regulations, which has the potential to cause conflicts of interest in the performance of these dual duties. Therefore, this study aims to fill this legal gap by developing a comprehensive auction dispute resolution model based on the application of the General Principles of Good Governance (AUPB) as an ethical and juridical foundation for notaries in exercising their dual authority, while also addressing the need for legal certainty in auction practices in Indonesia.

This study focuses on an in-depth analysis of the role and authority of notaries who also serve as Class II Auction Officials when disputes arise in the implementation of auctions. In the event of a dispute, notaries not only function as administrative officials who record the auction process, but also have a legal responsibility to ensure that the entire process remains in accordance with the provisions of the applicable laws and regulations. Based on the complexity of these issues, this study was formulated to answer four main questions: first, how does the legal framework regulate the authority of notaries who also serve as Class II Auction Officials in Indonesia; second, how legal is the auction conducted by notaries in their dual capacity; third, to what extent do notaries/Class II Auction Officials have the authority to handle and resolve auction disputes; and fourth, how can the application of the General Principles of Good

Governance (AUPB) be implemented in auction practices and dispute resolution. This study examines how regulations governing the authority of notaries as Class II Auction Officials are applied in handling legal issues such as objections from auction participants, default, or discrepancies in auction results, emphasizing the importance of applying GPGO as the basis for every dispute resolution action, particularly the principles of legal certainty, fairness, accountability, and professionalism. Through the application of these principles, notaries are expected to be able to act objectively and proportionally, as well as ensure that dispute resolution is carried out transparently and in accordance with the principle of justice, so as to maintain the integrity of the auction process and increase public trust in auction institutions and the notary profession, while also addressing the normative gap between the Notary Profession Law and auction regulations.

This study is a continuation of Yudhana Hedra Pratama's paper entitled Legal Implications of Notary Authority in Making Auction Minutes. Based on his research findings, Yudhana asserts that a notary does not directly have the right to serve as a Class II Auction Officer, because not every notary holds the position of Class II Auction Officer, and the same applies in reverse. The authority of Class II Auction Officials derives from the provisions of Article 37 of the Vendu Reglement, which is further detailed in Minister of Finance Regulation No. 213/PMK.06/2020 concerning Guidelines for the Implementation of Auctions, which also includes rules on the form of Auction Minutes. The Auction Minutes Deed itself is a form of authentic deed drawn up by or before an official with authority (door notaris), and is categorized as a relaas deed or official deed (ambtelijke akten), so it has absolute evidentiary value in terms of form, substance, and formal procedure.

This research has substantive significance and novelty, as it identifies a legal vacuum in current auction regulations, where the law only regulates administrative aspects without providing concrete guidance for notaries who also serve as Class II Auction Officials in resolving auction disputes. This research therefore offers a solution by proposing a comprehensive dispute resolution model based on the application of the -General Principles of Good Governance (AUPB) as an ethical and juridical basis for notaries in exercising their dual authority.

2. METHOD

This study applies a normative legal approach, which views law as a set of written norms contained in legislatio.⁶ This concept of a legal approach is defined as a principle or rule that serves as a guideline for human actions that are considered appropriate and proper in social life.⁷ This approach specifically highlights the examination of applicable legal regulations and the legal principles underlying their application.

This research method uses a normative juridical approach through two main approaches. First, the statute approach, which analyzes the harmonization of the Notary Law

⁶ Yati Nurhayati Et Al., "Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum. Jurnal Penegakan Hukum Indonesia, 2(1), 1-20." *Ii*, No. I (2021): 1–20.

⁷ Ketut Bobby Suryawan, "Memahami Fungsi Dan Tujuan Hukum Dalam Pengantar Ilmu Hukum," *Konsensus: Jurnal Ilmu Pertahanan, Hukum Dan Ilmu Komunikasi* 2, No. 3 (2025): 226–36.

(UUJN), Minister of Finance Regulation No. 213/PMK.06/2020 on Auctions, and Law No. 30 of 2014 on Government Administration as the formal legal basis for the-General Principles of Good Governance (AUPB). Second, a conceptual approach that examines the concept of dual authority (notary/Class II Auction Official), legal accountability, and the implementation of AUPB in the settlement of auction disputes with reference to legal doctrine and expert opinions. All legal materials are analyzed qualitatively and descriptively to construct a comprehensive legal framework regarding the mechanism for resolving auction disputes and to produce constructive recommendations for improving auction regulations and practices.

3. DISCUSSION

3.1. Legal Framework for the Authority of Notaries and Class II Auctioneers in Indonesia

A notary is a public official who is authorized to draft and legalize authentic deeds.⁸ as stipulated in Article 1 paragraph (1) of Law Number 30 of 2004 concerning Notary Positions (UUJN). In addition, notaries are required to meet various educational, administrative, and professional requirements, including completing a Master's degree in Notary Studies and obtaining official appointment from the government.⁹ In addition, Class II Auction Officials refer to private auction officials who are authorized to conduct voluntary auctions or voluntary non-execution auctions after being appointed by the Directorate General on behalf of the Minister of Finance. These auction officials are required to strictly comply with legal procedures, maintain order during auction activities, coordinate with local authorities when necessary, and bear full responsibility for the validity of the entire voluntary auction process.

Class II Auction Officials are responsible for verifying the authenticity and completeness of documents related to auction items and are authorized to request corrections if discrepancies are found, in order to ensure the validity of the auction process. During the auction, these officials lead the process by providing explanations to participants and maintaining order, often assisted by an Auction Guide (Afslager). These auction officials are required to act fairly and wisely by upholding legal and procedural integrity. This position is open to individuals who meet the requirements under Indonesian law, including notaries appointed by the Directorate General of State Assets after completing relevant training-particularly in the preparation of Auction Minutes. If the appointment is under the Ministry of Finance, it is usually mandatory to undergo an internship period first. Their authority is limited to conducting voluntary non-execution auctions involving assets such as state property, ship cargo, or private property intended for high-value and quick sales. The historical term for auction officials, *Vendu Meesters*, which originated in the Dutch colonial period, later evolved into Auctioneers, which are now classified as Class I and Class II Auction Officials, where auctions held by the government are conducted by officials at the State Assets and Auction Service Office (KPKNL).

Based on an analysis of the provisions of the law, the limits of the authority of Notaries

⁸ Tahta Fortuna Et Al., "Penerapan Asas Profesionalitas Pada Notaris Dalam Pembuatan Akta Autentik," 9, No. November (2024): 229–55.

⁹ Elita Rahmi Et Al., "'Mekanisme Pengangkatan Notaris & Evaluasi Mutu Lulusan Berdasarkan Tracer Study Magister Kenotariatan Unja,'" *Jurnal Ilmu Sosial* 1, No. 9 (2022): 889–902.

as Class II Auction Officials in the auction stage need to be clearly defined to avoid overlapping functions. In the pre-auction stage, the authority is limited to administrative verification of documents without covering the substantive legal assessment of the auction object. In the auction implementation stage, the authority is limited to facilitating the bidding process and determining the auction winner in accordance with standard procedures, without the authority to resolve ownership disputes or other substantive legal issues. Meanwhile, in the post-auction stage, authority only covers the preparation of auction minutes as authentic evidence without the ability to handle the execution or disputes over the implementation of auction results, which are the domain of the courts. These restrictions are necessary to maintain objectivity and prevent conflicts of interest between the notary's function as a public official and that of an auction official.

Auction officials are functional officials appointed and dismissed by the Minister of Finance, and are required to take an oath of office before carrying out their duties. Based on the *Vendu Reglement*, auctions can only be conducted under the leadership of a legitimate auction official. The duties of auction officials include verifying documents, announcing auction information, leading the auction process, and creating authentic deeds. To maintain neutrality, auction officials are prohibited from becoming bidders or buyers in the auctions they lead, although banks as creditors are allowed to purchase collateral under certain conditions. These provisions aim to ensure transparency and fairness in the auction process.

Auction officials simultaneously serve three main legal interests, namely the government, the seller, and the buyer.¹⁰ For the government, auction officials act as organizers of transparent public sales and as collectors of auction fees, taxes, and other official charges.¹¹ For sellers, auction officials facilitate the presentation and transfer of rights to the highest bidder and ensure the receipt of auction proceeds. For buyers, auction officials guarantee that the process of acquiring auctioned goods is carried out in accordance with legal procedures and that payments are made legally. Sellers or owners of goods who wish to auction their assets through the Auction House or Class II Auction Officials are required to submit a written application and attach all supporting documents in accordance with the type of auction to be held. After all documents have been verified and declared complete, and a power of attorney for the auction has been issued, the Head of the Auction House will coordinate with the State Property and Auction Service Office (KPKNL) or Class II Auction Official to set the auction schedule. If all administrative requirements have been met, the authorized official is not permitted to refuse the auction application.

Notaries who also serve as Class II Auction Officials bear full responsibility for conducting voluntary non-execution auctions.¹² Preparation Stage (Pre-Auction) Based on Minister of

¹⁰ Theoputra Yan Bawuna, "Suatu Tinjauan Terhadap Pentingnya Pembaharuan Hukum Jual Beli Melalui Lelang Dalam Menjamin Kepastian Hukum Hak Pembeli Lelang," *Lex Privatum* 13, No. 02 (2024).

¹¹ Umami Maskanah Et Al., "Peran Dan Tanggung Jawab Pemerintah Dalam Mengawasi Lelang Non Eksekusi Wajib Di Indonesia," *Judge: Jurnal Hukum* 05, No. 02 (2024): 306–14.

¹² Fatihatul Husna Maulida, "Lelang Non Eksekusi Oleh Pejabat Lelang Kelas 2 (Notaris) Dalam Peraturan Menteri Keuangan Republik Indonesia No. 122 Tahun 2023 Tentang Petunjuk Pelaksanaan Lelang," *Eksekusi: Jurnal Ilmu*

Finance Regulation No. 213/PMK.06/2020, the pre-auction process begins with administrative verification by the Auction Officer of all documents submitted by the seller. This verification includes checking the validity of the object ownership documents, the validity of the power of attorney if the seller is represented, and the completeness of other technical requirements. The Auction Official is also required to ensure that the auction object is not currently in legal dispute and that all data complies with the provisions of Article 24 of PMK 213/2020. This stage forms the legal and administrative basis for determining the eligibility of the object for auction and ensures that the subsequent process runs according to the rules.

Announcement and Auction Implementation Stage Once the verification is complete, the Auction Official issues an auction announcement as stipulated in Article 25 of PMK 213/2020. The announcement must contain information about the auction object, participant requirements, implementation schedule, and auction venue or platform. The announcement is disseminated through at least two official media, such as the DJKN website and the auction office bulletin board, for 14 working days to allow sufficient time for prospective participants. During the implementation stage, the Auction Officer leads the open auction session, provides explanations regarding the auction object and requirements, and guides the bidding process. The entire series of activities is recorded in full in the Auction Minutes in accordance with the provisions of Articles 29-30 of PMK 213/2020 as a form of administrative accountability.

Winner Determination and Deed Preparation Stage Based on Article 31 of PMK 213/2020, the Auction Officer determines the winner to be the participant who submits the highest bid and meets all auction requirements. The determination is then recorded in the Auction Deed, which has executive power as referred to in Article 224 HIR and Article 258 RBg. The Auction Deed serves as authentic evidence of the transfer of rights and forms the basis for registering changes in rights with the relevant agencies, such as the National Land Agency (BPN) for land objects, within a maximum period of 30 days from the completion of the auction.

The auction official may only cancel the auction in extraordinary circumstances¹³, such as force majeure or severe technical disruptions. The auction announcement must include the seller's identity, the time and place of the auction, the specifications of the goods, the type of object, the bidding method, payment obligations, and legal requirements in accordance with Article 62. The announcement can be made through newspapers (in the form of a summary with a link to the full announcement on the organizer's website), web pages, or public notice boards. For voluntary non-execution auctions, particularly those involving immovable or combined objects, the announcement must be made at least seven calendar days before the auction, while for movable objects, five days is sufficient.

According to Minister of Finance Regulation No. 180/PMK.06/2017, the term of office for Class II Auction Officials is set at 65 years of age, with a scope of work equivalent to that of a Notary or Land Deed Official (PPAT). As long as the duties are carried out within the

Hukum Dan Administrasi Negara 3, No. 1 (2025): 275–90, <https://doi.org/10.55606/Eksekusi.V3i1.1790>.

¹³ Holidil Iswandi Et Al, "Perlindungan Hukum Pemenang Lelang Atas Objek Lelang Beritikad Baik Yang Di Batalkan Oleh Pengadilan," *Urnal Ilmiah Wahana Pendidikan* 10, No. 21 (2024): 369–78, <https://doi.org/10.5281/Zenodo.14406794>.

jurisdiction and in accordance with the scope of authority that has been regulated, all activities of the Auction Officer are recognized as legal. This scope of authority is detailed in Article 15 paragraph (2) letter (e) of the Notary Position Law, which gives power to Notaries who also serve as Auction Officials to provide legal guidance regarding the deeds they have made. Furthermore, Article 15 paragraph (1) of Law Number 2 of 2014 guarantees that Notaries have the authority to authenticate signatures, register private documents, produce official copies, verify the validity of documents, and draw up deeds related to land and auction matters. Thus, the provision of legal consultation by Notaries regarding auction minutes is included in their legally recognized authority.

3.2. Legality of Auctions Conducted by Notaries who are also Class II Auction Officials

The formal legal basis for the appointment of notaries as Class II Auction Officials is comprehensively regulated in Minister of Finance Regulation No. 213/PMK.06/2020 concerning the Implementation of Auctions, specifically in Articles 6 to 10, which detail the substantive and procedural requirements for the appointment of auction officials. This regulation is the main legal basis that integrates the authority of notaries into the Indonesian auction system. The process of appointing notaries as Class II Auction Officials is then realized through a Decree of the Minister of Finance, which functions as a legal instrument that is valid and binding for notaries to carry out the duties of auction officials, as well as being the basis for legal accountability in the implementation of these dual authorities.

The administrative requirements that must be met by notaries include submitting an official application through the local Regional Office of the Directorate General of State Assets, accompanied by a certified copy of the notary's educational certificate, proof of at least 3 (three) years of practical experience as a notary, a certificate of physical and mental health from a doctor, a statement of willingness to carry out duties, and other required supporting documents. Meanwhile, professional competency requirements include a deep understanding of auction law, collateral law, state administration law, and having participated in technical education and training on auctions organized by the Directorate General of State Assets. The appointment mechanism begins with an administrative selection process, followed by a competency test, technical training, and ends with the taking of an oath/pledge in accordance with the provisions of the law. Once all requirements are met, the notary will be appointed through a Decree of the Minister of Finance, which also determines their working area as a Class II Auction Officer, with a specific term of office in accordance with applicable laws and regulations. Reappointment may be carried out by taking into account performance and periodic evaluations.

In the execution of these dual duties, the principle of *lex specialis derogat legi generali* applies, which functions as a collision norm in overcoming possible conflicts between the Notary Law and the Minister of Finance Regulation on Auctions. This legal principle affirms that when a notary performs the function of a Class II Auction Officer, the specific provisions in the Minister of Finance Regulation on Auctions, which apply as *lex specialis*, will override the general provisions in the Notary Profession Law. The limits of authority are clearly stated

in each regulation, whereby notaries can only exercise their authority as auction officials in relation to voluntary non-execution auctions, while execution auctions remain the domain of the State Property and Auction Service Office (KPKNL). This restriction also includes an absolute prohibition on handling auctions that involve a conflict of interest, including those related to personal interests, family relationships, or clients of the notary office, thereby ensuring the preservation of the principles of impartiality and neutrality in the performance of state functions as auction officials.

In accordance with Article 4 of Minister of Finance Regulation Number 27/PMK.06/2016 concerning Auction Implementation Guidelines, the government, through the State Property and Auction Service Office (KPKNL), guarantees legal protection for auction buyers who act in good faith. This guarantee is further strengthened by Supreme Court Decision Number 821K/Sip/1974, which affirms the principle of legal certainty regarding the rights of buyers of auction proceeds. In this situation, a notary is required to carry out their duties professionally, emphasizing the principles of prudence and accuracy with regard to all relevant facts in accordance with applicable legal norms. The application of this principle of prudence is vital in the process of creating authentic deeds, including steps such as checking the identities of the parties, validating the data of the legal subjects and objects, preparing deeds that are thorough and on schedule, complying with valid notarial procedures, and reporting if signs of crimes such as money laundering are detected. However, based on Law Number 30 of 2014 concerning Government Administration, both Class II Auction Officials and notaries as state officials are still limited by the scope of their authority, including the time limit for execution, area of jurisdiction, and scope of authority.

Based on Article 1868 of the Civil Code, the Auction Deed formed by a notary in their capacity as a Class II Auction Official has legal force as an authentic deed that serves as perfect evidence of the legal events contained therein. The evidentiary power inherent in the deed is binding and serves as formal evidence of the transfer of rights through the auction process, in which the notary acts as a public official appointed by the state based on the authority granted by law.

In the Indonesian civil law system, auction results have a strong legal position as a means of acquiring rights according to the law, whereby the transfer of rights through auction is derivative in nature and provides a legal position equivalent to the transfer of rights through agreement. The parties in the auction, both the auctioneer and the auction winner, receive comprehensive legal protection that covers aspects of legal certainty through authentic deeds, protection of good faith in the auction process, and legal guarantees for the auctioned objects in accordance with the principle of objectivity in the Civil Code. As auction officials, notaries are administratively responsible to the Ministry of Finance for the performance of their duties in accordance with Minister of Finance Regulation No. 213/PMK.06/2020, which includes the obligation to prepare auction implementation reports and comply with standard operating procedures. In civil matters, notaries can be held liable under Article 1365 of the Civil Code regarding unlawful acts if the auction causes losses to the parties, while professionally, notaries

remain subject to the notary code of ethics and the supervision of the Notary Supervisory Council. The supervision mechanism is carried out comprehensively through internal supervision by the Ministry of Finance, professional supervision by the Notary Supervisory Board, and public supervision guaranteed through the transparency of auction information in accordance with the principle of openness in laws and regulations.

3.3. Limits of Authority in Handling and Resolving Auction Disputes

Disputes that arise in the auction process are often caused by various factors, such as dissatisfaction among participants with the final auction results, differences in understanding of the provisions governing the auction, or issues surrounding the validity of supporting documents. In such situations, a notary who also serves as a Class II Auction Officer plays a crucial role as a representative of the state to ensure that the resolution of conflicts is in line with applicable legal principles. Essentially, conflicts in the auction area usually arise from acts that violate the law or breach of contract, where one party takes action that harms the other party. Based on Article 1365 of the Civil Code (KUHPPerdata), any violation of the law that causes harm to another person requires the perpetrator to provide compensation. For an act to be categorized as a violation of the law under this article, a number of requirements must be met, namely the existence of the act itself, its non-compliance with legal norms, its commission due to negligence or fault, the occurrence of harm to another party, and a causal relationship between the act and the harm that occurred.

Acts categorized as unlawful can have legal consequences for all parties involved.¹⁴ If proven through legal proceedings, such acts can be grounds for cancellation of the agreement in civil law. Specifically, in sales transactions conducted through auction mechanisms which fall under the category of civil agreements in accordance with the provisions of the Civil Code (KUHPPerdata) similar rules are applied based on Article 1338 of the Civil Code. This article states that every agreement made legally has the same binding force as a law for the parties involved. Therefore, the auction must be based on the concept of freedom of contract, which allows the parties to draft the content and format of the agreement according to their own wishes, as long as it does not violate the provisions of the law, moral norms, or public order rules.

Authority refers to the formal power granted by law or regulation to a government body or official to perform certain functions within a general scope.¹⁵ Meanwhile, competence is a specific part of that authority, namely the legal right or ability to perform certain actions that are explicitly regulated within the limits of authority established by legislation.¹⁶

Authority in administrative law includes the ability to act based on public law, including

¹⁴ Ayup Suran Ningsih And Harum Sari Puspa Wardhani, "Perbuatan Melawan Hukum Dalam Hukum Perikatan: Unsur-Unsur Perbuatan Dan Implikasi Kewajiban Ganti Rugi," *Jurnal Hukum* 02, No. 1 (2024): 30–47, <https://doi.org/10.64843/prolev.v2i1.33>.

¹⁵ Grace Sharon, "Teori Wewenang Dalam Perizinan," *Jurnal Umg* 3, No. 1 (2021): 50–63.

¹⁶ Stevania Rasji, "Kompetensi Absolut Pengadilan Tata Usaha Negara Pasca Terbitnya Undang-Undang Nomor 30 Tahun 2014," *Jurnal Juristic* 3, No. 01 (2022): 43, <https://doi.org/10.35973/jrs.v3i01.2984>.

in decision-making and the implementation of government tasks.¹⁷ The division and determination of authority is basically determined by legislation. In general, there are two main sources of competence, namely: (1) personal competence, which comes from individual attributes such as intelligence, leadership, and moral values; and (2) official competence, which is granted by a higher authority through a legal mechanism.

Authority based on the theory of attribution is granted directly by law or the constitution and is inherent to public officials from the moment the position is established, so that it cannot be delegated unless expressly permitted by the 1945 Constitution or legislation. For Class II Auction Officials who also serve as Notaries, the resolution of disputes related to auction objects must follow legal procedures, including ensuring the status of the dispute over the object. As explained by Purwaning Rahayu Sisworini, S.H., M.Kn. in a guest lecture at the Islamic University of Malang (UNISMA), every auction object must be described in detail through *aanwijzing* or through an auction catalog if a direct explanation is not provided to prevent legal disputes. so that the seller must submit a statement that the auctioned goods are free from legal claims and attach supporting documents such as spousal consent, power of attorney from heirs, creditor consent, proof of ownership, or shareholder or institutional consent for assets belonging to legal entities. In line with this, Article 1473 of the Civil Code requires sellers to explain the terms of the sale and purchase agreement explicitly, and if there is any ambiguity, the interpretation must be in favor of the buyer; the delivery of counterfeit goods or false documents is an unlawful act according to Article 1365 of the Civil Code because it violates the principle of good faith and gives rise to an obligation of compensation from the seller.

Class II Auction Officials have limited authority in resolving auction disputes. Administrative disputes in auctions directly concern the authority and actions of Auction Officials in carrying out auction procedures. The authority of Auction Officials in handling this type of dispute has clear limitations. For example, an Auction Official has the authority to cancel the auction results if there is evidence of a procedural violation, such as a fictitious bidder or a violation of auction requirements. However, this authority cannot be used arbitrarily. Auction Officials are bound by the principle of legal certainty and must have objective reasons and a clear legal basis for each cancellation.

They may not cancel an auction based solely on subjective considerations or pressure from certain parties, so their authority is limited by the principle of legality and the General Principles of Good Governance (AAUPB). The second type is civil disputes. Unlike administrative disputes, civil or ownership disputes are essentially outside the substantive authority of the Auction Officer.

The Auction Official does not have the authority to decide or resolve disputes related to ownership status, the validity of guarantees, or objections from third parties regarding the

¹⁷ Laode Aiman. Resmadiktia, Nedia Martha, And Yusuf Utomo, "Pertanggungjawaban Pemerintah Dalam Mewujudkan Good Governance Sesuai Hukum Administrasi Negara", *Jurnal Ilmiah Wahana Pendidikan* 9, No. 11 (2023): 685–97., <https://doi.org/10.5281/zenodo.8097882>.

auctioned object. The limits of their involvement are procedural. For example, if a third party claims that the item to be auctioned is theirs, the Auction Official's authority is limited to postponing the auction to allow for legal resolution. The resolution of ownership disputes must be decided by the competent court. Thus, the Auctioneer must be careful not to exceed his authority by entering into substantive civil law assessments.

Every action and decision in the auction process must have an explicit and valid legal basis. The authority of the Auction Officer is attributive, meaning that it is only granted and limited by laws and regulations, such as the Auction Law and its implementing regulations. The Auction Officer is strictly prohibited from creating new authorities or taking actions that are not regulated in the applicable legal norms. For example, an auction can only be canceled based on reasons that are explicitly stated in the regulations, not solely on the basis of internal policy considerations or pressure from certain parties. This principle ensures that auctions are conducted in a predictable manner and avoids practices that could lead to legal uncertainty.

3.4. Application of the Principles of Good Governance (AUPB) in Auction Practices and Disputes

In their role as administrative officials, Auction Officers are required to manage the auction process in accordance with applicable laws and regulations. If disputes or administrative obstacles arise during the performance of their duties, the resolution must follow the provisions of the Government Administration Law. In this context, the authority of Notaries who also serve as Class II Auction Officials in resolving disputes is strengthened by the implementation of the Principles of Good Governance (AUPB), as outlined in Article 5 of Law Number 30 of 2014 concerning Government Administration.

AUPB includes the principles of legal certainty, benefit, impartiality, accuracy, openness, and good public service, which serve as guidelines in the application of discretion when a situation is not clearly regulated by law. According to Indroharto, AUPB acts as a legal standard in the implementation of administrative actions, a tool for interpreting legal norms, and a judicial benchmark in assessing the validity of administrative actions. In practice, these principles play an important role in filling legal gaps, especially in auction dispute cases that are not yet regulated in detail in the applicable laws and regulations.

Due to these legal loopholes, Auction Officials are limited in their efforts to resolve disputes independently and are required to operate within the framework of discretionary authority as stipulated in Article 22 of the relevant law. In Article 1 paragraph 9 of the Government Administration Law, Discretion is a decision and/or action determined and/or carried out by a Government Official to overcome concrete problems encountered in the administration of government in cases where legislation provides options, is incomplete or unclear, and/or there is government stagnation. This is further reinforced by Supreme Court Decision No. 65 K/TUN/1996 (the "Gunting Sydar" case). This is the most fundamental decision. In its ruling, the Supreme Court stated that every state administrative official has the freedom to act on their own initiative (discretion) as long as it does not conflict with laws and regulations and the general principles of good governance. This ruling confirms that discretion

is an unwritten principle in the AAUPB.

This discretionary power may not be used to change the final auction decision, but may be used to provide technical guidance, support the administrative settlement process, or provide impartial legal explanations to avoid worsening the conflict. As an illustration, in Supreme Court Decision Number 1937 K/Pdt/2018, the lack of an explicit legal basis forced the court to handle the dispute between the Class II Auction Official and the Auction House, even though the auction decision was still recognized as valid. This case underscores the urgency of regulatory reform to fill regulatory gaps and ensure legal stability in auction procedures involving state officials.

In situations where legal regulations do not specifically address auction disputes, Class II Auction Officials (PL II) may exercise discretionary authority in accordance with Law No. 30 of 2014 on Government Administration, provided that its application is in line with the - General Principles of Good Governance (AUPB), which serve as normative guidelines in public management. Based on Indrohartono's perspective, AUPB is not merely an element of positive law, but also an ethical and juridical foundation in the execution of state administrative policies, as well as a benchmark for judicial institutions to evaluate the legitimacy of such actions. The use of this discretion aims to improve the efficiency of government management, overcome regulatory vacuums (*rechtvacuum*), build legal certainty, and prevent bureaucratic gridlock for the benefit of the wider community. However, PL II must still comply with the limits of its authority and is not permitted to modify auction results or decide on conflicts, but may only provide administrative guidance, clarify procedures, and direct the disputing parties to the appropriate resolution channels, such as mediation or court litigation.

Government authority does not solely derive from legislation, but in certain circumstances may be exercised through the use of discretionary powers.¹⁸ However, violations of legal principles can still occur, especially when the government acts on its own initiative without regard to established limits. Therefore, every exercise of discretion must be based on the General Principles of Good Governance (AUPB) as ethical and legal guidelines in administrative decision-making.¹⁹ Substantively, discretion has several main functions, namely: (a) facilitating the running of government, (b) filling legal gaps that have not been explicitly regulated, (c) providing legal certainty for the public, and (d) overcoming bureaucratic stagnation in order to achieve public benefits and interests. In the context of carrying out their duties, Class II Auction Officials (PL II) do not have the authority to settle disputes or change auction results because this exceeds the limits of permissible discretionary legitimacy. Thus, the scope of PL II discretion is limited to: (1) providing technical guidance in the form of procedural explanations when misunderstandings arise in the auction process; (2) facilitating

¹⁸ Eduard Awang Maha Putra Et Al, "Legal Vacuum In Indonesian Administrative Law: Urgency Of Policy Regulation," *Journal Of Law And Economics Review* 18, No. No.01 (2024), <https://doi.org/10.21070/Ijler.V19i1.991>.

¹⁹ Kasmawati, Sarah Adinda Putri, Agus Triono, "Diskresi Pejabat Administrasi Dalam Pelayanan Publik Terhadap Batasan Dan Pengawasan Diskresi," *Lex Stricta Jurnal Ilmu Hukum* 4, No. 1 (2025): 33–42, <https://doi.org/10.46839/Lexstricta.V4i1.1427>.

administrative settlements by directing the disputing parties to the appropriate legal channels, such as mediation or court; and (3) preventing escalation of conflicts by providing objective legal clarifications while awaiting formal resolution from the competent authorities. Therefore, to realize this, it must be done in accordance with the principles stated in Law Number 30 of 2024 concerning Government Administration.

Principle of Legal Certainty Class II Auction Officials (PL II) must ensure that every step taken, including in providing guidance to disputing parties, has a clear legal basis. The principle of legal certainty in a state governed by law emphasizes the importance of every government policy and action being based on legislation, propriety, consistency, and justice. Based on this, the author argues that in the event of a dispute, PL II has the right to provide legal counseling to the disputing parties. However, the authority of PL II is limited to providing explanations or legal counseling regarding applicable procedures and regulations, such as directing the aggrieved party to pursue mediation or settlement through the courts. In the context of mediation, PL II does not have the authority to act as a mediator unless PL II also holds an official position as a mediator that is valid according to applicable legal provisions.

The principle of public interest is one of the main principles in the General Principles of Good Governance (AUPB), which requires that every government action be oriented towards the welfare of the wider community and avoid causing harm to certain parties.²⁰ This principle emphasizes the importance of upholding public benefit through an aspirational, accommodative, selective, and non-discriminatory approach. In the practice of governance, this principle has a strategic position because it requires state officials to act as public servants who prioritize the common interest over the interests of individuals or certain groups. Prioritizing the public interest does not mean negating individual rights, but rather placing them within a framework that is in line with social and national interests, in accordance with the principle of social justice for all Indonesian people as mandated in the constitution.

The principle of openness is one of the fundamental principles in the General Principles of Good Governance (AUPB), which emphasizes the importance of transparency in all government activities.²¹ This principle requires the government to provide relevant information to the public in an honest, accurate, and non-discriminatory manner, as well as to ensure that such information is easily accessible and understandable to interested parties. The main objective of this principle is to ensure that the public has the right to accurate, complete, and reliable information regarding government policies, programs, and results. The application of the principle of openness also requires honesty and responsibility from state officials in conveying information without any special treatment, while still protecting the privacy rights of individuals, the interests of certain groups, and state secrets. Thus, the

²⁰ Zifra Amiranti Siregar Et Al., "Diskresi Pemerintahan Dalam Situasi Darurat Dan Potensinya Terhadap Pelanggaran Asas-Asas Umum Pemerintahan Yang Baik Government Discretion In Emergency Situations And Its Potential For Violation Of General Principles Of Good Governance *Kebebasan Yang Har*" 1, No. 1 (2025).

²¹ Ahmad Rayhan Et Al., "Community Participation In Supervising State Finances In The Context Of Realizing Good Governance," *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* 4, No. 2 (2024): 192, <https://doi.org/10.51825/Sjp.V4i2.27271>.

principle of openness is a tangible manifestation of public accountability and a form of government responsibility to the public.

The principle of benefit is a key element in the General Principles of Good Governance (AUPB), which requires that every government policy provides proportional and equitable benefits to all stakeholders, not limited to parties involved in conflicts, but also for the welfare of society as a whole.²² As explained in the Explanation of Article 10 of the Government Administration Law (Law No. 30 of 2014), this principle requires consideration of the balance between various interests, including between individuals and other individuals, individuals and communities, citizens and the international community, social groups and other social groups, the government and its people, the current generation and future generations, humans and the natural environment, and between men and women. Therefore, the principle of benefit requires that the benefits of a policy be distributed equally, without injustice or domination of one party's interests over another. Particularly in handling auction disputes, Class II Auction Officials (PL II) are responsible for ensuring that every step taken minimizes further losses—whether in terms of time, finances, or image—and produces balanced benefits for all parties without sacrificing one group for the benefit of another. Although PL II has the flexibility to exercise discretion, all decisions made must still be based on the applicable legal framework. The principle of benefit should not be used as an excuse to act outside the law, and PL II must ensure that discretionary authority is not abused for personal or group interests.

The principle of impartiality requires Government Officials, including Class II Auction Officials (PL II), to make decisions fairly, without discrimination, and considering the interests of all parties without bias.²³ In conducting auctions, PL II must remain neutral and professional, and ensure that there are no conflicts of interest or influence from certain parties that could affect the outcome of the auction. Any objections from auction participants must be reviewed objectively and without prejudice. However, the application of this principle must still comply with applicable laws, because in protecting the public interest, decisions sometimes appear to be biased against certain individuals, so PL II needs to balance fairness, public interest, and existing legal regulations.

The principle of prudence requires that every government decision and action be carried out carefully, thoroughly, and based on careful consideration. Class II Auction Officials (PL II) must ensure that every step taken is based on complete and valid data and documents, so that the decisions made have a strong legal and factual basis. In resolving auction disputes, PL II must verify all documents, examine the evidence thoroughly, and avoid hasty decisions so as not to cause losses to any party. However, the application of this principle also has

²² Nunuk Nuswardani, "Rekonseptualisasi Tindakan Pemerintah Yang Dapat Digugat Menurut Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan Dan Sinkronisasi Dengan Hukum Acaranya," *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 2, No. 1 (2024): 209–42, <https://doi.org/10.55292/Bna0fz54>.

²³ Muhammad Zaidan, Nicholas Nugraha, And Moh. Gusthomi, "Analisis Pembentukan Pengadilan Khusus Agraria Untuk Mengimplementasikan Asas-Asas Umum Pemerintahan Yang Baik Dalam Penyelesaian Urusan Tanah," *Journal Customary Law* 2, No. 1 (2024): 11, <https://doi.org/10.47134/Jcl.V2i1.3375>.

limitations, namely that it must not hinder the efficiency of the process. Therefore, PL II needs to balance accuracy and timeliness in decision-making so that the results remain accurate, fair, and in accordance with applicable laws.

The Principle of Not Abusing Authority emphasizes that every government official must use their authority legally, in accordance with the purpose for which the authority was granted, and not for personal gain or the interests of other parties.²⁴ Class II Auction Officials (PL II) must ensure that every decision in the settlement of auction disputes is made in accordance with applicable laws and procedures, without being influenced by personal or group interests. This principle prohibits arbitrary actions (*detournement de pouvoir*) and abuse of power (*exces de pouvoir*), which can harm the public or other parties²⁵. Therefore, even though PL II has certain authorities, their use must remain within the limits set by law, based on valid, rational considerations and free from conflicts of interest so that the decisions taken truly reflect integrity and administrative justice²⁶.

The Principle of Good Service highlights the importance of high-quality, efficient, agile, open, and responsive public service management. This principle involves three key elements, namely the provision of targeted and on-time services with transparent mechanisms and costs, in line with standard service norms, and supported by relevant laws and regulations. Particularly in handling auction conflicts, Class II Auction Officials (PL II) are required to offer responsive services, listen to complaints from relevant parties, and take the necessary steps impartially and clearly without excessive delays, so that the auction process continues to follow the established timeline.^{27,28} In general, the implementation of the General Principles of Good Governance (AUPB) not only ensures compliance with the law, but also builds honest, responsible, competent, and publicly recognized governance, where every policy made can generate added value and prioritize the common good.

4. CONCLUSION

Based on the results of the study, it can be concluded that auctions led by notaries who also serve as Class II Auction Officials must follow strict legal procedures as stipulated in laws and regulations to ensure transparency, fairness, and legal certainty for all parties involved. In practice, notaries have the responsibility to ensure the validity and completeness of all documents and to carry out each stage of the auction in an orderly and accountable manner.

²⁴ Julman Hente, "Kewenangan Pengadilan Tata Usaha Negara Dalam Menguji Unsur Penyalahgunaan Wewenang Pejabat Negara," *Jurnal Tana Mana* 4, No. 3 (2024): 430–40.

²⁵ Dadang Sumarna And Ayyub Kadriah, "Penelitian Kualitatif Terhadap Hukum Empiris," *Jurnal Penelitian Serambi Hukum* 16, No. 02 (2023): 101–13, <https://doi.org/10.59582/Sh.V16i02.730>.

²⁶ Cahayani Dian, "Kewenangan Notaris Dalam Pembuatan Akta Otentik Berdasarkan Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris.," *Jurnal Pendidikan Dasar Dan Sosial Humaniora* 3, No. 10 (2024): 853–60.

²⁷ Sudiarto Sudiarto, Kurniawan Kurniawan, And Hirsanuddin Hirsanuddin, "Kedudukan Akta Risalah Lelang Sebagai Bukti Peralihan Hak Milik Atas Tanah Bagi Warga Negara Asing," *Jatiswara* 36, No. 2 (2021): 149–62, <https://doi.org/10.29303/Jtsw.V36i2.282>.

²⁸ Muhammad Adiguna Bimasakti, "Penjelasan Hukum (Restatement) Konsep Tindakan Administrasi Pemerintahan Menurut Undang- Administrasi Pemerintahan Legal Explanation (Restatement) Of The Concept Of Government Administrative Actions According To Law No . 30 Of 2014 Concerning Governme," *Administrasi Pemerintahan* No. 30 (2022): 64–92.

When auction disputes arise, the application of the General Principles of Good Governance (AUPB) serves as a guideline for notaries in exercising their authority proportionally, objectively, and in accordance with applicable law. The application of the seven principles of AUPB, namely legal certainty, benefit, impartiality, accuracy, non-abuse of authority, openness, and good service, ensures that the dispute resolution process is carried out professionally and fairly. This research makes a significant contribution in filling the legal void regarding the role of Class II Auction Officials by formulating a conceptual framework that allows auction officials to have a new, structured, and accountable perspective, not only emphasizing aspects of formal legal compliance but also integrating the principles of substantive justice, administrative efficiency, and protection of interested parties. Therefore, it is important for the government to synchronize auction regulations and notary provisions so that the authority and responsibilities of Class II Auction Officials have a clearer legal basis and provide protection for the community and officials carrying out their duties, while transforming the role of Auction Officials from mere executors of technical procedures to proactive dispute resolvers based on values of justice, thereby preventing the escalation of disputes to the court level and creating legal certainty in auction practices.

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