

DETERMINATION OF WAGE PERCEPTION OF CLASS II AUCTION OFFICERS BY BALAI LELANG IN PEKANBARU CITY

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Abstract: *Perception Wage is a service fee for the implementation of the Auction given by the Seller to the Class II Auction Officer. The main problem in this study is how to determine the perceived wages of Class II Auction Officers by the Auction Center in Pekanbaru, what are the obstacles to determining the perceived wages of Class II Auction Officers by the Auction Hall in Pekanbaru City and how to supervise the determination of the wages of Class II Auction Officers by the Auction Hall. in Pekanbaru City.*

Key Words: *Perception Wage Determination, Class II Auction Officials, Auction Hall*

1. INTRODUCTION:

In Article 1868 of the Criminal Code it is stated that: "An authentic deed is a deed made in the form determined by law by or before public officials who have power for that, at the place where the deed was made".

Based on the article, an authentic deed is a deed whose form is determined by law or formed by or before a public official in power for that purpose. Officials who are entitled to form an authentic deed are not only notaries, but all certain officials who are given the authority and duty to record the deed.

However, in practice in the field at the Auction Hall, especially at the JBA Auction Hall, the IBID Auction Hall and the OTOBID Auction Hall, they conduct auctions every week, namely 1 auction of more than 100 cars per auction in each auction hall by submitting 1 auction application. Whereas for 100 units of cars the owners were different which were obtained from the *leasing* A, B, C then the *leasing* also received it from the debtor, this violates the rules regarding the auction, namely the Regulation of the Minister of Finance of the Republic of Indonesia Number 27/PMK. Auction Implementation Instructions. The provisions are in the Regulation of the Minister of Finance of the Republic of Indonesia Number 27/PMK.06/2016 concerning Auction Implementation Guidelines regarding the owner or person named in the BPKB, then the owner gives power to the *leasing* party, the *leasing* gives power to the Auction Hall and the Auction Hall submits an application to the official Auction II. However, in its implementation, the Auction Center combines all the provisions described above into 1 auction application to the Auction Officer II that the car owner is only 1 person. If in the making of 1 application, it will be clear that 1 minutes of auction will be published. And to change the name will have difficulty because it only has 1 minutes of auction and is very detrimental to the buyer. Therefore, this is not in accordance with PMK Number 189/PMK.06/2017 concerning Class II Auction Officers for 1 auction application of Rp. 2,500,000 (two million five hundred thousand rupiah) in 1 car, this is very detrimental to the public. the rights of Class II Auction Officers, causing problems because they set prices below the limits set by PMK and many legal problems occur at the Auction Hall.

2. THEORITICAL FRAMEWORK:

a. Legal Certainty Theory

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[1]

b. Theory of Authority

Juridically, the notion of authority is the ability given by laws and regulations to cause legal consequences.[2]

3. LITERATURE REVIEW:

Auction or sale in public is a sale of goods carried out in front of the general public where the price of goods offered to buyers is increasing every time.[3]

Article 1 paragraph (1) of the Regulation of the Minister of Finance Number 113/PMK.06/2019 concerning the Auction Center states that the Auction Center is an Indonesian Legal Entity in the form of a Limited Liability Company (PT) specifically established to carry out business activities in the auction sector.

5. METHOD:

The method used in this research is an empirical juridical approach or in other words, a sociological legal research type and also known as field research, namely examining the applicable legal provisions and what is happening in reality in society.[4]

6. DISCUSSION:

In Indonesia, the history of auction institutions has been known for a long time, namely the existence of auction regulations (*Vendu Reglement, Staatsblad 1908 Number 189*) which are still valid even though they were formed by the Dutch East Indies government.

Auctions have a significant role in meeting the needs of the community, based on the principle of openness, the principle of competition, the principle of justice, the principle of legal certainty, the principle of efficiency, and the principle of accountability.[5]

The authority of the Class II Auction Officer must really be exercised, in order to create a sense of justice for the parties. In conducting the auction, all complete documents and requirements must be thoroughly examined. And of course the auction must be preceded by the Auction Announcement. The Auction Officer is obligated to make an announcement regarding each sale through a public auction, regarding the information on the property being offered for sale, the time and place where the auction will be held.

7. ANALYSIS:

A. Determination of the Perceived Wages of Class II Auction Officers by the Auction Hall in Pekanbaru City

The perceived wages of Auction Officers at the Auction Hall in Pekanbaru do not meet the standards regulated by the Regulation of the Minister of Finance of the Republic of Indonesia Number 189/PMK.06/2017 concerning Class II Auction Officers because of the standard which should be at least Rp. 2,500,000 (two million five hundred thousand rupiah) and a maximum of 1% (one percent) of the Auction price. Not paid in accordance with the provisions of the PMK because they are only paid on a global basis and not based on the auction value. It should be % (percent) but globally per 1 (one) Minutes of Auction with prices varying from Rp. 2,500,000 (two million five hundred thousand rupiah), IDR 3,000,000 (three million rupiah) up to you IDR 3,500,000 (three million five hundred thousand rupiah) regardless of the proceeds sold, 10 billion remains the standard that is given by the Auction Hall only based on the nominal price that has been determined and this shows that there is arbitrariness. Notaries have a weakness, namely they cannot position themselves as Auction Officers because it is the notary who should get a greater profit from the issuance of the minutes of the auction.

B. Constraints in Determining the Perceived Wages of Class II Auction Officials by the Auction Center in Pekanbaru City

The obstacles to determining the perceived wages of Class II Auction Officers by the Auction Center in Pekanbaru City are that there is no policy from the Central Auction Center Office, because the head office has set the perception wage standard for Auction Officers and between regions where the average price has been determined. Auction Halls in Indonesia in general, especially in Pekanbaru, all follow the policies of the head office and there is no cohesiveness from the Auction Officials, especially the Class II Auction Officials Association (IPL21) in terms of fighting for their rights regarding perceived wages.

C. Supervision of the Determination of Wages for Class II Auction Officials by the Auction Center in Pekanbaru City

Class II Auction Officer by the Auction Hall in Pekanbaru City, namely regarding legal consequences that are not in accordance with the perception of wage determination in the event that the file is incomplete. The sanctions given by the DJKN Regional Office (Superintendent) for the supervision of the Auction Hall, namely in the case of the heaviest sanction of freezing its business license, this is in accordance with the provisions of

Article 44 in the Regulation of the Minister of Finance of the Republic of Indonesia Number 113/PMK.06/2019 concerning the Auction Hall.

8. CONCLUSION :

From the discussion as explained earlier, several conclusions can be drawn, including:

- The determination of the perceived wages of Class II Auction Officers by the Auction Center in Pekanbaru does not meet the standards, the average price varies from Rp. 2,500,000 (two million five hundred thousand rupiah) to Rp. Rp.3,500,000 (three million five hundred thousand rupiah) this does not meet the provisions of Article 47 paragraph (3) in the Regulation of the Minister of Finance of the Republic of Indonesia Number 189/PMK.06/2017 concerning Class II Auction Officers because the standard is at least Rp.2,500 .000 (two million five hundred thousand rupiah) and a maximum of 1% (one percent) of the Auction price.
- The obstacles to determining the perceived wages of Class II Auction Officers by the Auction Center in Pekanbaru City are that there is no policy from the Central Auction Center Office, because the head office has set the perception wage standard for Auction Officers and between regions where the average price has been determined. Auction Halls in Indonesia in general, especially in Pekanbaru, all follow the policies of the head office and there is no cohesiveness from the Auction Officials, especially the Class II Auction Officials Association (IPL21) in terms of fighting for their rights regarding perceived wages.
- Supervision of the determination of the wages of Class II Auction Officers by the Auction Center in Pekanbaru City, namely regarding legal consequences that are not in accordance with the perception of wages in the case of incomplete files. The sanctions given by the DJKN Regional Office (Superintendent) for the supervision of the Auction Hall, namely in the case of the heaviest sanction of freezing its business license, this is in accordance with the provisions of Article 44 in the Regulation of the Minister of Finance of the Republic of Indonesia Number 113/PMK.06/2019 concerning the Auction Hall. With supervision, sanctions must also be applied in this case to the Auction Hall in carrying out its duties which make mistakes in carrying out their duties.

REFERENCES:

1. Sudikno Mertokusumo, 2007, *Mengenal Hukum Suatu Pengantar*, Liberty, Yogyakarta, page 160.
2. Indroharto, 1994, *Asas-Asas Umum Pemerintahan Yang Baik*, Citra Aditya Bakti, Bandung, page 65.
3. Salim HS, 2011, *Perkembangan Hukum Jaminan di Indonesia*, Rajawali Pers, Jakarta, page 239.
4. Bambang Waluyo, 2002, *Penelitian Hukum Dalam Praktek*, Sinar Grafika, Jakarta, page 15.
5. Rachmadi Usman, 2016, *Hukum Lelang*, Sinar Grafika, Jakarta, page 28.