

ABSTRAK

Keberadaan situs lelang barang Milik Swasta melalui media internet merupakan sesuatu yang sangat diminati masyarakat, terlebih dengan usaha lelang, maka perlu adanya kepastian hukum dalam suatu kontrak elektronik, hal tersebut menyangkut keabsahan Lelang Pengadaan Barang Milik Swasta Dengan Media Internet ditinjau dari Undang-undang Republik Indonesia Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik. Sedangkan keabsahan Lelang Pengadaan Barang Milik Swasta Dengan Media Internet Ditinjau dari Peraturan Lelang, tetap mengacu pada Peraturan Menteri Keuangan Republik Indonesia Nomor 93/PMK 06/2010 Tentang Petunjuk Pelaksanaan Lelang, yaitu lelang internet dilaksanakan sebagaimana lelang konvensional dengan pengecualian antara lain pada cara penawaran dan kehadiran peserta mengingat bahwa pelaksanaan lelang ini lebih menjamin kepastian hukum pelaksanaan lelang barang Milik Swasta, serta mampu meminimalkan terjadinya wanprestasi.

Permasalahan yang dapat terjadi dari pelaksanaan lelang pengadaan barang milik swasta melalui media internet tentu tidak dapat dihindarkan, seperti wanprestasi, konsekuensi dari wanprestasi, dan mekanisme penyelesaiannya. Dalam aspek pertanggung jawaban sengketa ini tidak hanya gugatan perdata saja, tetapi para pihak dapat menyelesaikan sengketa melalui arbitrase, atau lembaga penyelesaian sengketa alternatif lainnya sesuai dengan ketentuan Peraturan Perundang-undangan.

Kata Kunci: Keabsahan Pelelangan, Tanggung Jawab Pengguna Transaksi Elektronik.

ABSTRACT

The existence of the site auction of goods and services through the medium of the internet is something that is very attractive to the public, especially with the auction business, the need for legal certainty in electronic contracting, it concerned the legality of the Procurement of goods and services Auction With Internet Media in terms of the legislation of the Republic of Indonesia number 11 Year 2008 Of the information and electronic transactions. Whereas the validity of the goods and Services Procurement Auctions With Internet Media Review of regulation of the auction, still refers to the regulation of the Minister of Finance of the Republic of Indonesia Number 93/FMD 06/2010 regarding the implementation of the Directive, i.e. internet auction Auction carried out as conventional auctions with the exception of, among others, on how to supply and the presence of participants given that the implementation of this auction more legal certainty ensured implementation of the goods and services auctions as well as being able to minimize the occurrence of tort.

The risk of problems that may occur from the conduct of the auction procurement of goods and services through the medium of the internet certainly can not simply unavoidable, such as wansprestasi, wansprestasi, and the consequences of the settlement mechanism. In the aspect of liability this dispute not only the civil suit alone, but the parties may settle the dispute through arbitration or other alternative dispute resolution institutions in accordance with the provisions of the legislation.

Keywords : *The validity of auction, Responsibility bethe electronic transaction.*