

Analisis terhadap putusan pengadilan niaga atas penolakan permohonan pernyataan pailit yang diajukan oleh PT. Magnus Indonesia terhadap PT. Garuda Indonesia

Eva Yuanita, author

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Abstrak

This article analyzes concerning the decision of Indonesian Commercial Court that has repudiated insolvency applications towards P71 Garuda Indonesia. The court decision is considered two facts those has signed consultation agreement between plaintiff and defendant of insolvency which was executed partially; and the project itself has not fully finished when the contract terminated. The author opinion is the liability that applied by the plaintiff is can not be proven in plain ways but needs truthful reckoning. Under Indonesian Bankruptcy Law the application is not fulfilling the provisions as stipulated and then resulted repudiations toward PT Magnus Indonesia submissions.