

Analisis yuridis kedudukan kreditur separatis pemegang jaminan fidusia dalam keadaan debitur pailit (Studi kasus Putusan Mahkamah Agung No. 306 K/PDT.SUS/2010) = Legal analysis of fiduciary secured creditor in case of debtors bankruptcy (Case studies of Putusan Mahkamah Agung No. 306 K/PDT.SUS/2010)

Ian Martin P.L., author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20330956&lokasi=lokal>

Abstrak

Kepailitan mempunyai akibat bagi seluruh kreditur, tidak terkecuali Kreditur Penerima Jaminan Fidusia. Pengembalian uang Debitur kepada Kreditur dalam hal Debitur dinyatakan Pailit akan sangat tergantung pada kedudukan dari kreditur tersebut. Kedudukan Kreditur Penerima Jaminan Fidusia adalah sebagai Kreditur Preferen. Hak ini tidak hapus karena adanya Kepailitan atau likuidasi Debitur Pemberi Jaminan Fidusia. Kreditur Preferen (Secured Creditors) dalam Kepailitan biasanya disebut Kreditur Separatis. Kreditur Penerima Jaminan Fidusia sebagai Kreditur Separatis sangat berkepentingan agar tetap dapat mengeksekusi haknya seolah-oleh tidak terjadi Kepailitan.

.....Bankrupt has effect to all creditors, neither nor creditor can receive guarantee fiducia. The debt returning of debtor to creditor, in the case of debtor are nonis as bankrupt, it's depend on the position of creditor itself. The position of creditors which receives guarantee fiducia is as secure creditor, their rights are not vanished, because there are bankrupting and liquidation of debtor guarantee fiducia receiver. Secure creditors are usually called as separatis creditors. Debtor guarantee fiducia receiving as separatis creditors is responsible in other to can still execute as if as there are not bankrupting.