

Perlindungan hukum dan upaya hukum debitor setelah pembatalan putusan pailit atas harta pailit yang telah dieksekusi oleh kurator menurut undang-undang no 37 tahun 2004 = The legal protection and legal remedy for debtor after the annulment of bankruptcy verdict over the bankruptcy assets which have been executed by the curator according to law of republic of Indonesia number 37 year 2004

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Abstrak

[Pada skripsi ini, penulis melakukan analisis mengenai perlindungan hukum dan upaya hukum debitor setelah pembatalan pernyataan pailit debitor atas harta pailit yang telah dieksekusi oleh Kurator. Hasil penulisan menyimpulkan bahwa setelah pembatalan putusan pailit, debitor tidak mendapatkan perlindungan hukum atas harta pailit yang telah dieksekusi oleh Kurator, kecuali terhadap harta pailit yang merupakan harta utama yang digunakan untuk meneruskan kegiatan usaha debitor. Debitor juga tidak dapat melakukan upaya hukum maupun mengajukan gugatan untuk mendapatkan kembali harta pailit yang telah dieksekusi oleh Kurator, sepanjang kurator melakukan pemberesan sesuai batas kewenangan yang diberikan oleh Undang-Undang No. 37 Tahun 2004. Karena pemberesan harta pailit yang telah dilakukan oleh kurator sebelum atau pada tanggal kurator menerima pemberitahuan tentang putusan pembatalan adalah tetap sah dan mengikat debitor. Metode penelitian yang digunakan adalah studi kepustakaan dengan pendekatan yuridis normatif; In this study, writer analyze legal protection and legal remedy for debtor after the Annulment of bankruptcy verdict of bankrupt debtor over the bankruptcy assets which have been executed by the curator. The result concluded that after the annulment of Bankruptcy verdict, debtor don't get the legal protection over the assets which have been executed by the curator, except to the bankruptcy asset which is the main property that is used to continue debtor's business. Debtor also can't do legal remedy or file lawsuit to get back the bankruptcy assets which have been executed by the curator, as long as the curator do the settlement of bankruptcy assets within the scope of its authority which is given by the Law of Republic of Indonesia Number 37 Year 2004. Because the settlement of the bankruptcy assets that has been taken by the curator before or on the date on which the curator receives notice of the annulment shall remain valid and binding upon the debtor. The research methods is library research based on normative juridical approach., In this study, writer analyze legal protection and legal remedy for debtor after the Annulment of bankruptcy verdict of bankrupt debtor over the bankruptcy assets which have been executed by the curator. The result concluded that after the annulment of Bankruptcy verdict, debtor don't get the legal protection over the assets which have been executed by the curator, except to the bankruptcy asset which is the main property that is used to continue debtor's business. Debtor also can't do legal remedy or file lawsuit to get back the bankruptcy assets which have been executed by the curator, as long as the curator do the settlement of bankruptcy assets within the scope of its authority which is given by the Law of Republic of Indonesia Number 37 Year 2004. Because the settlement of the bankruptcy assets that has been taken by the curator before or on the date on which the curator receives notice of the annulment shall remain valid and binding upon the debtor. The research methods is library research based on normative juridical approach.]