

Analisa yuridis atas permohonan penundaan kewajiban pembayaran utang yang berakhir pailit terhadap PT DRI (studi kasus putusan Mahkamah Agung Republik Indonesia No. 141 PK/Pdt. Sus 2010) =
Juridical analysis on suspension of obligation for payment of debt which result to bankruptcy for PT DRI case study supreme court of Indonesian Republic No 141 PK/Pdt. Sus/2010

Ruth Maria Rentyna, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20389332&lokasi=lokal>

Abstrak

[ABSTRAK

Tesis ini membahas mengenai permohonan PKPU atas diri PT. DRI yang diajukan oleh Bank Mandiri selaku Kreditur pemegang hak jaminan pada saat berlangsungnya proses gugatan sengketa nilai tukar dollar untuk pinjaman investasi yang diberikan oleh Bank Mandiri. Proses PKPU kemudian berakhir pada kepailitan kendati PT. DRI dapat membuktikan bahwa dirinya telah melaksanakan kewajibannya kepada kreditur. Prosedural permohonan PKPU dan Kepailitan dari PT. DRI dilakukan sesuai dengan Undang-undang Nomor 37 Tahun 2004 tentang Kepailitan dan PKPU namun terdapat kejanggalankejanggalan dalam proses pelaksanaannya, salah satu kejanggalan tersebut adalah pemblokiran rekening PT DRI oleh Pengurus sehingga PT DRI tidak dapat mengakses rekening untuk kepentingan pembayaran seluruh biaya operasional dan gaji pegawai. Hingga tahun 2013, PT DRI masih melakukan upaya hukum terkait putusan pailit yang dijatuhkan kepada dirinya dan penjaminnya. Penelitian menggunakan metode yuridis normatif yang bersifat deskriptif analitis. Hasil penelitian menyarankan perlu dibentuk suatu lembaga independen yang khusus mengawasi proses PKPU dan kepailitan serta mengawasi kinerja Kurator, mengingat bahwa Hakim Pengawas tidak sepenuhnya bekerja untuk mengawasi proses PKPU dan Kepailitan; Peranan PPATK perlu diperluas sampai dengan taraf dimana kasus-kasus yang terjadi sebelum PPATK didirikan dapat diperiksa; Bank Indonesia perlu membuat sebuah badan internal yang berfungsi menerima dan memeriksa laporan dari masyarakat terkait kerugian yang ditanggung oleh masyarakat karena kelalaian bank; Perlu penambahan syarat keadaan insolvensi dan jumlah minimum hutang untuk dapat mengajukan permohonan PKPU; Perlunya diatur tugas dan wewenang Pengurus dan Kurator yang detail didalam Undang-undang Kepailitan dan PKPU.

<hr>

ABSTRACT

This thesis focus in suspension of obligation for payment of debt petition upon PT DRI filed by Bank Mandiri as Preference Creditor-holder of security rights during lawsuit of dollar exchange rate granted by Mandiri Bank itself. PKPU process

then ends in bankruptcy even though PT DRI carried out its obligations to Creditors. PKPU application procedures and bankruptcy of PT. DRI carried out in accordance with Law No. 37 of 2004 on Bankruptcy and PKPU but there are irregularities in the implementation process, one of these irregularities is blocking accounts by the Administrator so that PT DRI cannot access the account for the benefit of the entire payment of operating costs and salaries. Until the year 2013, PT DRI still take legal actions related to bankruptcy decision handed down to itself and its guarantor. This research is using normative juridical methodology and analytical descriptive. The research result to a suggestion where it is needed to set up an independent body who oversees the process of suspension of obligation for payment and bankruptcy also oversee the Receivers work performance, given that the Supervisory Judge not fully work to oversee the suspension of obligation for payment of debt and Bankruptcy. PPATK role needs to be expanded to the extent to which the cases occurred before PPATK set out. Bank Indonesia needs to make an internal body that serves to receive and investigate reports of the public related losses which borne by society due to the negligence of the bank; Need the addition of a state of insolvency requirement and the minimum amount of debt to be able to apply for suspension of obligation for payment of debt; The necessity of regulated duties and authority of Administrator and Receivers which detailed in the Bankruptcy Act and suspension of obligation for payment of debt.;This thesis focus in suspension of obligation for payment of debt petition upon PT DRI filed by Bank Mandiri as Preference Creditor-holder of security rights during lawsuit of dollar exchange rate granted by Mandiri Bank itself. PKPU process then ends in bankruptcy even though PT DRI carried out its obligations to Creditors. PKPU application procedures and bankruptcy of PT. DRI carried out in accordance with Law No. 37 of 2004 on Bankruptcy and PKPU but there are irregularities in the implementation process, one of these irregularities is blocking accounts by the Administrator so that PT DRI cannot access the account for the benefit of the entire payment of operating costs and salaries. Until the year 2013, PT DRI still take legal actions related to bankruptcy decision handed down to itself and its guarantor. This research is using normative juridical methodology and analytical descriptive. The research result to a suggestion where it is needed to set up an independent body who oversees the process of suspension of obligation for payment and bankruptcy also oversee the Receivers work performance, given that the Supervisory Judge not fully work to oversee the suspension of obligation for payment of debt and Bankruptcy. PPATK role needs to be expanded to the extent to which the cases occurred before PPATK set out. Bank Indonesia needs to make an internal body that serves to receive and investigate reports of the public related losses which borne by society due to the negligence of the bank; Need the addition of a state of insolvency requirement and the minimum amount of debt to be able to apply for suspension of obligation for payment of debt; The necessity of regulated duties and authority of Administrator

and Receivers which detailed in the Bankruptcy Act and suspension of obligation for payment of debt., This thesis focus in suspension of obligation for payment of debt petition upon PT DRI filed by Bank Mandiri as Preference Creditor-holder of security rights during lawsuit of dollar exchange rate granted by Mandiri Bank itself. PKPU process then ends in bankruptcy even though PT DRI carried out its obligations to Creditors. PKPU application procedures and bankruptcy of PT. DRI carried out in accordance with Law No. 37 of 2004 on Bankruptcy and PKPU but there are irregularities in the implementation process, one of these irregularities is blocking accounts by the Administrator so that PT DRI cannot access the account for the benefit of the entire payment of operating costs and salaries. Until the year 2013, PT DRI still take legal actions related to bankruptcy decision handed down to itself and its guarantor. This research is using normative juridical methodology and analytical descriptive. The research result to a suggestion where it is needed to set up an independent body who oversees the process of suspension of obligation for payment and bankruptcy also oversee the Receivers work performance, given that the Supervisory Judge not fully work to oversee the suspension of obligation for payment of debt and Bankruptcy. PPATK role needs to be expanded to the extent to which the cases occurred before PPATK set out. Bank Indonesia needs to make an internal body that serves to receive and investigate reports of the public related losses which borne by society due to the negligence of the bank; Need the addition of a state of insolvency requirement and the minimum amount of debt to be able to apply for suspension of obligation for payment of debt; The necessity of regulated duties and authority of Administrator and Receivers which detailed in the Bankruptcy Act and suspension of obligation for payment of debt.]