

Analisis yuridis kedudukan hukum corporate guarantor dalam kepailitan (Studi kasus Putusan Mahkamah Agung no 158 K/Pdt.Sus-Pailit/2014 Tahun 2014) = A juridical analysis regarding corporate guarantor's legal position in bankruptcy (Case study : Bankruptcy Judgment Number 158 K/Pdt.Sus-Pailit/2014 Tahun 2014)

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Abstrak

[Skripsi ini membahas kedudukan hukum corporate guarantor dalam proses kepailitan di Indonesia. Dewasa ini belum terdapat pengaturan yang mengatur secara spesifik terhadap kedudukan hukum guarantor dalam kepailitan, terutama guarantor yang telah melepaskan hak-hak istimewanya sebagai Penanggung. Hal ini menimbulkan ketidakpastian hukum, tercermin dalam perbedaan pendapat ahli hukum serta perbedaan penafsiran Hakim terkait kedudukan hukum guarantor. Pengaturan yang berlaku saat ini juga memungkinkan bagi guarantor untuk dipailitkan tanpa dipailitkannya Terjamin atau Debitur-utama. Sebagai studi kasus, dalam skripsi ini diteliti perkara kepailitan PT. Jaya Lestari yang dinyatakan pailit dalam kedudukan hukumnya sebagai guarantor.

;This thesis discusses the legal position of corporate guarantor in the bankruptcy process in Indonesia. Until now, there is no specific regulation governing the legal position of a guarantor in bankruptcy, especially for guarantor who has waived its privileges. This creates a legal uncertainty, portrayed in the differences of Jurist's opinions and in the interpretation of Law experts in issues relating to it. The current Bankruptcy Law and Civil Law in Indonesia even allows a Guarantor to be declared bankrupt without having to declare bankruptcy on the Main-Debtor. As a case study this thesis highlights the case of PT. Jaya Lestari's bankruptcy in its legal position as a guarantor.

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