

Tinjauan Yuridis Mengenai Pembuktian Sederhana Dalam Kepailitan (Studi Kasus : PT. Multi Structure) = Juridical Review of Summary Proof in Bankruptcy (Case Study : PT. Multi Structure)

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Abstrak

Skripsi ini membahas mengenai pembuktian sederhana dalam kepailitan, dengan studi kasus permohonan pernyataan pailit terhadap PT. Multi Structure. Dalam Pasal 8 ayat (4) Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang (UUK-PKPU) telah diatur bahwa permohonan pernyataan pailit harus dikabulkan apabila terdapat fakta atau keadaan yang terbukti secara sederhana bahwa persyaratan untuk dinyatakan pailit sebagaimana dimaksud dalam Pasal 2 ayat (1) telah dipenuhi. Penelitian ini berbentuk penelitian yuridis normatif dengan tipologi penelitian deskriptif.

Berdasarkan hal tersebut, penulis mengajukan pokok permasalahan, yaitu: 1. Apakah putusan Majelis Hakim Pengadilan Niaga Jakarta Pusat yang menolak permohonan pernyataan pailit PT. Multi Structure karena perbedaan jumlah utang telah sesuai dengan Pasal 8 ayat (4) UUK-PKPU?; 2. Bagaimana penerapan prinsip utang dalam putusan Majelis Hakim Pengadilan Niaga Jakarta Pusat yang menolak permohonan pernyataan pailit PT. Multi Structure ditinjau dari pembuktian sederhana? Berdasarkan kasus yang dianalisis, pada akhirnya penulis memperoleh kesimpulan bahwa putusan Majelis Hakim Pengadilan Niaga Jakarta Pusat yang menolak permohonan pernyataan pailit terhadap PT. Multi Structure tidak sesuai dengan UUK-PKPU.

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The focus of this thesis is on the summary proof in bankruptcy, with a case study the petition for a declaration of bankruptcy towards of PT. Multi Structure. In Law Number 37 of 2004 regarding Bankruptcy and Suspension of Obligation for Payment of Debts (UUK-PKPU) in article 8 paragraph 4 has been regulated that the petition for declaration of bankruptcy shall be granted if there are facts or circumstances summarily proving that the conditions for a declaration of bankruptcy as reffered in article 2 paragraph 1 have been met. This research is a normative juridical with a descriptive tipology. Based on the problems, the writer proposed the main issues, which are: 1. Are whether the decision of the Judges of the Central Jakarta Commercial Court who refused the petition for a declaration of bankruptcy towards PT. Multi Structure because differences in the amount of debt in accordance with article 8 paragraph 4 UUK-PKPU?; 2. How the application of debt principle in the decision of the Judges of the Central Jakarta Commercial Court who refused the petition for a declaration of bankruptcy towards PT. Multi Structure in terms of summary proof? Eventually, the writer came to the conclusion that the decision of the Judges of the Central Jakarta Commercial Court who refused the petition for a declaration of