

Independensi dan conflict of interest dalam pengurusan dan pemberesan harta pailit studi kasus PT. Dewata Royal International = Independence and conflict of interest in management and settlement of bankruptcy case study of PT Dewata Royal International

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Abstrak

ABSTRAK

Skripsi ini membahas mengenai prinsip independensi dan non conflict of interest yang wajib ditaati oleh setiap pengurus dan kurator di Indonesia, namun nyatanya pengurus maupun kurator yang melakukan pengurusan harta pailit PT. Dewata Royal Indonesia melanggar prinsip tersebut dalam menjalankan tugasnya. Diketahui bahwa pengurus maupun kurator dalam menjalankan tugasnya tidak sesuai dengan peraturan di bidang kepailitan. Hal ini tentunya menjadi hal yang penting akan harus adanya pencegahan serta sanksi pidana terhadap pengurus maupun kurator yang melanggar ketentuan peraturan di bidang kepailitan maupun kode etik profesi. Oleh karena itu, sangatlah diperlukan pengaturan yang lebih jelas dan rinci perihal prinsip independensi dan non conflict of interest yang memberikan penafsiran yang jelas serta memberikan perlindungan hukum terhadap kreditor maupun debitor. Kata kunci: Independensi, benturan kepentingan, kepailitan dan penundaan kewajiban pembayaran utang, pertanggungjawaban pidana, pengurus, kurator.

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ABSTRACT

The focus of this study discusses the principle of independence and non conflict of interest that must be obeyed by every board and curator in Indonesia, but in fact the board and the curator who handles bankruptcy in PT. Dewata Royal International replaced the principle in performing its duties. It is known that the board and curator in performing their duties are not in accordance with the regulations in the field of bankruptcy. This is an important thing will happen also the existence of criminal practices against administrators and curators who violate the provisions of regulations in the field of bankruptcy of professional code of ethics. Therefore, a clearer and clearer arrangement of the principle of independence and non conflict of interest is required to provide a clear interpretation and provide legal regulation to creditors and debtors. Key words Independence, conflict of interest, bankruptcy and obligations debt payment delay, criminal responsibility, administrator, curator.