

Kesalahan pengaturan penundaan kewajiban pembayaran utang yang dapat dimohonkan oleh kreditor = Regulation guilt In suspension of obligation for payment of debt which can be submitted by creditor

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Abstrak

Pengaturan Penundaan Kewajiban Pembayaran Utang (PKPU) yang dapat dimohonkan oleh kreditor mempunyai persoalan yang merugikan debitor. Pengajuan PKPU oleh kreditor dalam Undang-Undang No.37 tahun 2004 dianggap sebagai upaya untuk menghancurkan usaha debitor dan tidak sesuai dengan Chapter 11 dalam Bankruptcy Code. Skripsi ini menggunakan metode penelitian normatif yang didasarkan pada bahan hukum primer, sekunder dan tersier sehingga dalam skripsi ini dibahas mengenai latar belakang dan upaya yang harus dilakukan agar pengaturan PKPU dalam Undang-Undang Kepailitan dapat memberikan kepastian hukum bagi debitor dan kreditor. Dengan demikian, kreditor seharusnya tidak diperbolehkan mengajukan PKPU karena dinegara lain, pengajuan PKPU hanya dilakukan oleh debitor. Jika kreditor tetap mengajukan PKPU perlu adanya aturan tambahan yang memberikan rasa adil bagi debitor agar tercapainya kepastian hukum.

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Regulation in suspension of obligation for payment of debt which can be submitted by creditor has a problem, because it can harm a debtor rights. Request a suspension of obligation for payment of debts by creditor in Bankruptcy Act Number 37 of 2004 be judged as a strategy to destroy debtor business and misunderstanding with the concept of Chapter 11 Bankruptcy Code. This essay use normatif method which is based on primary legal material, secondary, and tertiary so that in this thesis explained about the background of suspension of obligation for payment of debt and the solution to make a good regulation in Bankruptcy And Suspension Of Obligation For Payment Of Debts which can give rule of law for debtor and creditor. Therefore, a creditor may not request a suspension of obligation for payment of debts because on the other country, request a suspension of obligation for payment of debts only be requested by debtor. However if the creditor is allowed to request a suspension of obligation for payment of debts, it needs additional rule or regulation which can give a fairness both of creditor and debtor.