

Inkonsistensi penerapan syarat sah pailit terhadap permohonan kepailitan BUMN Persero menurut UU No. 37 tahun 2004 tentang Kepailitan dan PKPU = Inconsistency in the application of legal bankruptcy requirements to Bankruptcy Applications for State-Owned Enterprises (BUMN) according to Law no. 37 of 2004 on Bankruptcy and Suspension of Payment Litigation

Pakpahan, Calvin Nathanael, author

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Abstrak

Tulisan ini membahas tentang kepailitan BUMN menurut UU No. 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang. Untuk memahami cara mengajukan pailit pada BUMN di Indonesia, syarat permohonan pailit, jenis-jenis BUMN, karakteristik BUMN dan pihak-pihak yang dapat mengajukan pailit berdasarkan UU KPKPU juga dibahas. Tulisan ini ditulis dengan menggunakan metode penulisan hukum normatif untuk menghasilkan data deskriptif analitis. Selanjutnya, temuan penelitian ini menyimpulkan bahwa, kreditor selain Menteri Keuangan berdasarkan Pasal 2 ayat (5) UU BUMN, jika BUMN berbentuk perseroan terbatas, dapat langsung mengajukan kepailitan. Penelitian ini diharapkan mampu memberi jawaban mengenai kepailitan pada BUMN berdasarkan UU KPKPU.

.....This thesis discusses the bankruptcy of BUMN according to Law no. 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations. To understand how to file for bankruptcy with BUMN in Indonesia, the requirements for bankruptcy applications, types of SOEs, characteristics of BUMN and parties who can file for bankruptcy under the KPKPU Law are also discussed. This paper was written using the normative legal writing method to produce analytical descriptive data. Furthermore, the findings of this study conclude that creditors other than the Minister of Finance based on Article 2 paragraph (5) of the BUMN Law, if the BUMN is in the form of a limited liability company, can immediately file for bankruptcy. This research is expected to be able to provide answers regarding the bankruptcy of BUMN based on the KPKPU Law.