

Urgensi Penerapan Kebijakan Moratorium PKPU Dan Kepailitan Bagi Sektor Perbankan = The Urgency of Implementation of Moratorium on PKPU and Bankruptcy Policy to Banking Sector

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Abstrak

Dengan adanya tren kenaikan permohonan PKPU dan Kepailitan maka terdapat wacana Pemerintah Indonesia akan melakukan Moratorium PKPU/Kepailitan. Penelitian ini mencoba menjawab permasalahan pertama bagaimana pengaturan PKPU dan Kepailitan di Indonesia bagi sektor perbankan di masa Pandemi Covid - 19, kedua bagaimana pengaturan Moratorium PKPU dan Kepailitan di Singapura dan Inggris, dan ketiga bagaimana kebijakan yang ideal dalam mengatur Moratorium PKPU dan Kepailitan di Indonesia agar dapat mengakomodir kepentingan sektor perbankan. Penelitian ini merupakan bentuk penelitian hukum normatif dengan cara meneliti bahan pustaka dan wawancara sebagai sumber pendukung. Pendekatan penelitian ini ialah pendekatan perbandingan pengaturan moratorium di Inggris dan Singapura. Hasil dari penelitian ini; pertama, pada masa Pandemi Covid-19 tidak ada peraturan mengenai perubahan terkait mekanisme PKPU dan Kepailitan di Indonesia; kedua, Singapura telah mengeluarkan Covid-19 (Temporary Measures) Act 2020 (No.14 of 2020) sedangkan Inggris juga telah mengeluarkan Corporate Insolvency and Governance Act 2020, kedua negara ini mengatur kebijakan temporary measures yang mengubah sementara persyaratan pengajuan kepailitan di masa Pandemi Covid-19; ketiga, penerapan moratorium secara keseluruhan untuk kepailitan dan PKPU untuk mengatasi tingginya angka kepailitan dan PKPU di Indonesia bukan solusi yang tepat, namun dapat dilakukan kebijakan temporary measures dan juga perbaikan pada UU No. 37 tahun 2004 yang sifatnya long term. Penelitian ini menyarankan jika akan dilakukan Moratorium PKPU dan Kepailitan di Indonesia, sebaiknya Pemerintah perlu melakukan kajian terlebih dahulu dari berbagai sektor, pihak yang terlibat, dan para stakeholder khususnya pada industri perbankan, yang merupakan salah satu sektor penting dalam menunjang perekonomian negara, serta perlu adanya pengaturan temporary measures dan perbaikan dalam UU No. 37 tahun 2004.

.....Following the rising trend of suspension of debt payment obligation (PKPU) and bankruptcy's petition thus there's a discourse that Government of Indonesia would apply moratorium on PKPU and bankruptcy. This research tries to answer issues such as: first, how's the regulation regarding PKPU and bankruptcy in Indonesia for banking industry. Second, how's the regulation regarding PKPU and bankruptcy in Singapore and United Kingdom, and thirdly, how's the ideal policy to regulate moratorium for PKPU and bankruptcy in Indonesia so in order to accomodate banking industry's interest. The form of this research is a normative based legal research which conducted by examining library materials or secondary materials and interview as supporting sources. The approach of this research is a comparative approach which compares moratorium regulation in United Kingdom and Singapore. The results of this research are: first, during the Covid - 19 pandemic, there is no a regulation regarding adjustment to PKPU and bankruptcy's mechanism in Indonesia, second, Singapore has passed Covid - 19 (Temporary Measures) Act 2020 (No. 14 of 2020) meanwhile United Kingdom has passed Corporate Insolvency and Governance Act 2020, both of this countries has regulated a policy about temporary measures which temporarily adjusted the conditions to make a petition of PKPU and bankruptcy during Covid - 19 Pandemic; third, the implementation of the overall moratorium for

bankruptcy and PKPU to overcome the high number of bankruptcy and PKPU in Indonesia is not the right solution, but temporary measures can be implemented and also improvements to Law no. 37 of 2004 which is long term. This research suggests that if the PKPU and Bankruptcy Moratorium is to be carried out in Indonesia, the Government should first conduct a study from various sectors, parties and stakeholders must be involved, especially in the banking industry, which is one of the important sectors in supporting the country's economy, and the need for setting temporary measures and improvements in Law no. 37 year 2004.