

Penerapan Mekanisme Persetujuan Rencana Perdamaian dalam PKPU terhadap Pengesahan Perjanjian Perdamaian (Homologasi) PT Asiapac Pancamakmur Abadi = Implementation of the Peace Plan Approval Mechanism in PKPU to the Ratification of the Peace Agreement (Homologation) of PT Asiapac Pancamakmur Abadi

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Abstrak

Homologasi merupakan pengesahan yang dilakukan Pengadilan terhadap rencana perdamaian yang ditawarkan debitur tentang skema pembayaran selama jangka waktu tertentu. Pengadilan harus memperhatikan bahwa tidak terdapat alasan-alasan untuk menolak pengesahan perdamaian. PT Griya Prima Pratama telah mengajukan permohonan PKPU atas dasar PT Asiapac Pancamakmur Abadi telah tidak membayar setidaknya satu utang yang telah jatuh waktu dan dapat ditagih. Dalam masa PKPU, rencana perdamaian memerlukan persetujuan dari kreditur konkuren dan kreditur separatis. Pemungutan suara dalam Putusan Nomor 268/Pdt.Sus/PKPU/2019/PN.Niaga.Jkt.Pst. tidak memenuhi ketentuan Pasal 281 ayat (1) UUK-PKPU yang mengatur persyaratan minimum kreditur dan minimum tagihan diterimanya suatu rencana perdamaian secara kumulatif. Hasil pemungutan suara tidak memenuhi jumlah kepala kreditur meskipun dari segi tagihan telah terpenuhi. Pengadilan Niaga menyadari ketentuan tersebut tidak terpenuhi dan tetap melakukan pengesahan perdamaian. Mayoritas kreditur konkuren yang keberatan atas pengesahan rencana perdamaian telah mengajukan kasasi beserta memori kasasinya ke Mahkamah Agung. Mahkamah Agung menilai putusan *Judex Facti* telah salah dalam menerapkan hukum dan telah memutus Debitur Pailit dengan segala akibat hukumnya.

.....Homologation is the endorsement that the Court makes of the peace plan that the debtor offers about the payment scheme over a certain period of time. The court should note that there are no grounds for rejecting the ratification of the peace. PT Griya Prima Pratama has applied for PKPU on the basis that PT Asiapac Pancamakmur Abadi has not paid at least one debt that has fallen due and can be collected. During the PKPU period, the peace plan required the approval of concurrent creditors and separatist creditors. Voting in Verdict No. 268/Pdt.Sus/PKPU/2019/PN. Niaga.Jkt.Pst. does not comply with the provisions of Article 281 paragraph (1) of UUK-PKPU which regulates the minimum requirements of creditors and the minimum bill for cumulative receipt of a peace plan. The result of the vote did not meet the number of chief creditors even though in terms of bills it had been met. The Commercial Court realized that the provision was not met and continued to ratify the peace. The majority of concurrent creditors who objected to the ratification of the peace plan have filed appeals along with their appeals to the Supreme Court. The Supreme Court held that *Judex Facti*'s judgment had been wrong in applying the law and had severed the Insolvent Debtor with all its legal consequences.