

Analisis Yuridis Konsistensi Majelis Hakim dalam Memberikan Putusan Pembatalan Perjanjian di Pengadilan Niaga = Juridical Analysis of the Consistency of the Panel of Judges in Giving Decisions on Cancellation of Agreements in Commercial Courts

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Abstrak

Tesis ini membahas tentang inkonsistensi Majelis Hakim di Pengadilan Niaga dalam menentukan penerapan aturan pada bidang hukum kepailitan dalam konteks pembatalan perjanjian perdamaian pada pelaksanaan proses Penundaan Kewajiban Pembayaran Utang (PKPU). Penelitian ini adalah penelitian dengan metode yuridis normatif dengan melakukan studi kasus terhadap putusan pengadilan dengan nomor putusan No. 41/Pdt.Sus-Pembatalan-Perdamalan/2021/PN.Niaga.JktPst,, Hasil penelitian adalah masih terdapatnya inkonsistensi Majelis Hakim di Pengadilan Niaga di Indonesia dalam memberikan putusan terkait pembatalan perjanjian perdamaian yang disebabkan karena tidak adanya peraturan yang secara jelas mengatur terkait prosedur pembatalan perjanjian perdamaian di Pengadilan Niaga.

.....This thesis discusses the inconsistency of the Panel of Judges at the Commercial Court in determining the application of rules in the field of bankruptcy law in the context of canceling settlement agreements during the implementation of the Postponement of Debt Payment Obligation (PKPU) process. This research is using normative juridical methods by conducting case studies of court decisions No. 41/Pdt.Sus-Pembatalan-Perdamalan/2021/PN.Niaga.JktPst. The results of the research are that there are still inconsistencies in the Panel of Judges at the Commercial Courts in Indonesia in giving decisions regarding the cancellation of settlement agreements due to the absence of regulations that clearly regulate the procedures for canceling settlement agreements in the Commercial Court.