

Tinjauan Yuridis Terhadap Putusan Renvoi Prosedur No. 04/Renvoi Prosedur/2015/PN.Niaga.Sby Sebagai Penyelesaian Perselisihan Dalam Kepailitan Pt. Dwipa Indonesia = Juridical Review of the Renvoi Procedure Decision No. 04/Renvoi Prosedur/2015/PN.Niaga.Sby as a Dispute Resolution in the Bankruptcy of PT Dwipa Indonesia

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Abstrak

Pendanaan perusahaan menggunakan utang dapat berujung kepada financial distress apabila debitor tidak mampu membayar utang sehingga mengakibatkan kepailitan. Agar menghindari perebutan harta debitor dalam hal ada beberapa kreditor yang menagih piutangnya secara bersamaan, diatur prosedur kepailitan dalam peraturan perundang-undangan. Perselisihan utang dalam rapat verifikasi utang kepailitan dapat diselesaikan dengan renvoi prosedur. Tulisan ini menganalisis bagaimana pengaturan mengenai proses kepailitan khususnya prosedur penyelesaian perkara perselisihan jumlah piutang dalam tahap pencocokan piutang berdasarkan Undang-Undang No. 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang serta bagaimana pertimbangan hukum Majelis Hakim dalam perkara Renvoi Prosedur no. 04/Renvoi Prosedur/2015/PN.Niaga.Sby. Tulisan ini disusun dengan metode yuridis normatif yang merupakan penelitian dengan cara meneliti bahan kepustakaan serta data sekunder. Dari penelitian ini ditemukan bahwa dalam proses kepailitan, khususnya pencocokan utang, apabila ada pihak yang tidak setuju dengan hasil rapat dapat mengajukan keberatan kepada pengadilan yang kemudian akan diproses melalui renvoi prosedur. Dalam Putusan Renvoi Prosedur No. 04/Renvoi Prosedur/2015/PN.Niaga.Sby ditemukan bahwa majelis hakim renvoi prosedur tidak hanya telah melanggar asas pemeriksaan sederhana kepailitan, namun juga melampaui kewenangan yang dimiliki oleh majelis hakim renvoi prosedur sebagai forum yang menyelesaikan perselisihan dalam kepailitan yang bersifat non-sengketa.

.....Corporate financing using debt can lead to financial distress if the debtor is unable to repay the debt, resulting in bankruptcy. To prevent the scramble for the debtor's assets when multiple creditors are simultaneously claiming their receivables, bankruptcy procedures are regulated in the legislation. Disputes over debt in bankruptcy debt verification meetings can be resolved through the renvoi procedure. This writing analyzes the regulations regarding the bankruptcy process, particularly the procedures for resolving disputes over the amount of debts in the debt reconciliation phase based on Law No. 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations. It also discusses the legal considerations of the Panel of Judges in the case of Renvoi Procedure No. 04/Renvoi Procedure/2015/PN.Niaga.Sby. This paper is composed using a normative juridical method, which involves researching literature and secondary data. From this research, it was found that in the bankruptcy process, especially in debt reconciliation, if there is a party dissatisfied with the meeting's results, they can file an objection with the court, which will then be processed through the renvoi procedure. In Decision Renvoi Procedure No. 04/Renvoi Procedure/2015/PN.Niaga.Sby, it was discovered that the panel of judges in the renvoi procedure not only violated the principle of a simple bankruptcy examination but also exceeded the authority held by the renvoi procedure panel of judges as a forum for resolving non-dispute disputes in bankruptcy.