

Analisis Yuridis Pembatalan Putusan Pailit Studi Kasus Yayasan Sandi Karsa Terkait Kedudukan Debitor Yayasan dalam Pertimbangan Hakim Putusan Nomor 9 PK/Pdt.Sus-Pailit/2023 = Juridical Analysis of the Annulment of Bankruptcy Decision: A Case Study of Sandi Karsa Foundation Regarding the Position of Foundation Debtors in Judge's Consideration Decision Number 9 PK/Pdt.Sus-Pailit/2023

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Abstrak

Yayasan adalah badan hukum yang dapat menjalankan kegiatan usaha untuk memenuhi kebutuhannya. Dalam praktiknya, yayasan melakukan pinjam meminjam dari pihak ketiga untuk menunjang maksud dan tujuannya, namun dalam pelaksanaannya yayasan tidak dapat memenuhi kewajibannya. Ketidakmampuan membayar utang menyebabkan yayasan dimohonkan pailit oleh kreditornya, seperti dalam kasus Yayasan Rumah Sakit Sandi Karsa. Kreditor Yayasan Rumah Sakit Sandi Karsa mengajukan permohonan pailit yang diterima oleh Pengadilan Niaga, tetapi dibatalkan oleh Mahkamah Agung yang menyatakan yayasan tidak pailit. Penelitian ini bertujuan menganalisis kedudukan hukum pengurus yayasan dalam proses kepailitan dan asas hukum pembatalan pailit dalam putusan perkara Nomor 9/PK/Pdt.Sus-Pailit/2023. Penelitian menggunakan metode penelitian doktrinal dengan data sekunder dan analisis kualitatif. Disimpulkan bahwa kedudukan hukum pengurus yayasan tetap mewakili di dalam dan luar pengadilan selama proses pailit, tetapi tidak dapat mengurus harta kekayaan yayasan. Pengurus juga mempunyai kedudukan untuk melakukan pembuktian terbalik terkait penyebab kepailitan. Jika kepailitan disebabkan oleh pengurus dan dinyatakan bersalah maka pengurus secara tanggung renteng harus membayar ganti kerugian tersebut. Asas hukum yang digunakan meliputi asas keseimbangan, kelangsungan usaha, keadilan, kepastian hukum, paritas creditorium, dan paripassu prorata parte.

.....The foundation is one of the legal entities that can engage in business activities to meet its needs. In practice, foundations borrow from third parties to support their purposes and objectives. However, in implementation, the foundation may fail to meet its obligations. The inability to pay debts leads to the foundation being petitioned for bankruptcy by its creditors, as in the case of the Sandi Karsa Hospital Foundation. The creditors of the Sandi Karsa Hospital Foundation filed for bankruptcy, which was accepted by the Commercial Court but annulled by the Supreme Court, declaring the foundation not bankrupt. This research aims to analyze the legal position of the foundation's management in bankruptcy proceedings and the legal principles of bankruptcy annulment in case No. 9/PK/Pdt.Sus-Pailit/2023. The study employs a doctrinal research method with secondary data and qualitative analysis. It concludes that the legal position of the foundation's management remains representative in and out of court during the bankruptcy process but cannot manage the foundation's assets. The management also has the standing to provide counter-evidence regarding the cause of bankruptcy. If the bankruptcy is caused by the management and they are found at fault, they are jointly liable to compensate for the losses. The legal principles involved include the principles of balance, business continuity, fairness, legal certainty, creditor parity, and pari passu prorata parte.