

ABSTRAK

Secara umum pernyataan kepailitan berdampak pada hak-hak dan kewajiban debitor pailit dalam melaksanakan tindakan hukum berkaitan dengan kegiatan yang berhubungan dengan harta kekayaan debitor pailit. Namun dalam perkembangannya banyak permasalahan yang terjadi terutama berupa Tinjauan Yuridis Terhadap Kedudukan Dan Hak Kreditor Dalam Sengketa Kepailitan (Studi Kasus Putusan N0.9/Pdt.Sus/Pailit/2017/Pn.Niaga Smg). Masalah yang di bahas yaitu Kedudukan dan hak kreditor dalam proses kepailitan dan upaya dan kendala kreditor untuk mendapatlam hak-haknya dalam proses kepailitan.

Dari perumusan masalah Tinjauan Yuridis Terhadap Kedudukan Dan Hak Kreditor Dalam Sengketa Kepailitan (Studi Kasus Putusan N0.9/Pdt.Sus/Pailit/2017/Pn.Niaga Smg) yang tersebut dilakukan penelitian dengan metode pendekatan yuridis normatif, yaitu pendekatan yang dilakukan berdasarkan bahan hukum utama dengan cara menelaah teori-teori, konsep- konsep, asas-asas hukum serta peraturan perundang-undangan yang berhubungan dengan penelitian ini. suatu penelitian disamping melihat aspek hukum positif yang diambil dari hasil putusan pengadilan atau ditambah dengan praktek di lapangan berupa wawancara mencari hubungan (korelasi) antara berbagai gejala atau variabel sebagai alat pengumpul datanya terdiri dari studi dokumen, pengamatan, dan wawancara

Setelah dilakukan penelitian Tinjauan Yuridis Terhadap Kedudukan Dan Hak Kreditor Dalam Sengketa Kepailitan (Studi Kasus Putusan N0.9/Pdt.Sus/Pailit/2017/Pn.Niaga Smg) di dapat sebuah kesimpulan yaitu Kedudukan dan hak kreditor dalam proses kepailitan dan upaya Menyatakan rencana perdamaian dan permohonan penundaan kewajiban pembayaran utang tetap Para Termohon PKPU/ Koperasi Simpan Pinjam (KSP) Multidana (Dalam PKPU) ditolak oleh Kreditornya. dan kendala kreditor untuk mendapatlam hak-haknya dalam proses kepailitan yaitu eksekusi hanya dapat dilakukan oleh kurator, meskipun hak yang dimiliki kreditor separatis sebagai kreditor pemegang jaminan tidak berkurang. Perbedaan proses eksekusi tersebut akan berakibat pada perlu tidaknya pembayaran biaya kepailitan dari hasil penjualan benda yang dijaminan.

Kata Kunci : Kedudukan, Hak Kreditor dan Sengketa Kepailitan

ABSTRACT

In general, the bankruptcy statement has an impact on the rights and obligations of the bankrupt debtor in carrying out legal actions related to activities related to the assets of the bankrupt debtor. However, in its development, many problems have occurred, especially in the form of a Juridical Review of the Position and Rights of Creditors in Bankruptcy Disputes (Case Study Decision N0.9 / Pdt.Sus / Pailit / 2017 / Pn.Niaga Smg). The problems discussed are the position and rights of creditors in the bankruptcy process and the efforts and constraints of creditors to obtain their rights in the bankruptcy process.

From the formulation of the problem of the Juridical Review of the Position and Rights of Creditors in Bankruptcy Disputes (Case Study of Decision N0.9 / Pdt.Sus / Pailit / 2017 / Pn. Niaga Smg), the research was carried out using the normative juridical approach, namely an approach based on material main law by examining theories, concepts, legal principles and laws and regulations related to this research. In addition to looking at the positive legal aspects taken from court decisions or coupled with field practice in the form of interviews looking for relationships (correlation) between various symptoms or variables as a means of collecting data, it consists of document studies, observations, and interviews.

After conducting a research on the Judicial Review of the Position and Rights of Creditors in Bankruptcy Disputes (Case Study of Decision N0.9 / Pdt.Sus / Pailit / 2017 / Pn.Niaga Smg), a conclusion is drawn, namely the position and rights of creditors in the bankruptcy process and efforts to declare plans the reconciliation and the request to postpone the obligation to pay the fixed debt of the PKPU / Multidana Savings and Loan Cooperative (KSP) Respondents (In PKPU) were rejected by their creditors. and the constraint of creditors in obtaining their rights in the bankruptcy process, namely that execution can only be carried out by the curator, although the rights held by separatist creditors as creditors holding guarantees are not diminished. The difference in the execution process will result in the need to pay bankruptcy fees from the sale of the pledged object.

Keywords: Position, Creditors Rights and Bankruptcy Disputes