

Legal review of the protection of business actors in bankruptcy cases (Decision No. 28 / Rev.Sus-bankruptcy/2017 / PN Jkt.Pst)

Aisyah Aisyah^{1*}, Dedi Yusuf Kristian Gultom², Felim yenson³

Aisyah@unprimdn.ac.id

¹Faculty of Law, Universitas Prima Indonesia, Indonesia

Article Info

Received: 2025-01-20

Revised: 2025-01-25

Accepted: 2025-01-30

Keywords:

Consumer Protection,
Bankruptcy, Commercial
Court

Abstract

This study discusses related to consumer protection when business actors are based on the Commercial Court decision Number No.28 / Rev.Sus-bankruptcy/2017/PN Pn.Jkt.Pst is caused by not being able to meet its debt obligations in accordance with the terms of bankruptcy under Article 2 Paragraph (1) of Law No. 37 of 2004 concerning bankruptcy and postponement of debt repayment obligations. The purpose of this study to determine the legal remedies that consumers can do and the liability of the company manager if the company is declared bankrupt due to errors or omissions. This research method uses the type of Normative research by using the method of statutory approach (statue approach), in which researchers examine further from the side of the applicable legislation. The method of data collection used is a literature study, analyzing the legal material obtained, which is in accordance with the problem and the purpose of the study. The results showed that bankruptcy brings significant consequences for the debtor, especially in terms of loss of control over its assets and the transfer of responsibility to the curator. This shows the importance of the curator's role in maintaining the value of the bankrupt's assets and protecting the interests of all related parties. We are of the opinion that there is a need for increased understanding and socialization of the rights and obligations of debtors and bankruptcy procedures so that business actors can be better prepared to face difficult situations. In addition, the government needs to consider policies that are more supportive of post-bankruptcy business recovery, so that business actors have the opportunity to bounce back and contribute to the national economy.

I. Introduction

The bankruptcy phenomenon in Indonesia has become an increasingly relevant issue, especially in the context of an uncertain economy and the increasing number of business actors who are forced to face bankruptcy situations. In recent years, many companies have struggled to survive amid fierce competition and rapid market changes, which often lead to financial difficulties and eventual bankruptcy. Bankruptcy not only has an impact on the company itself, but also on employees, suppliers and society at large. When a company is declared bankrupt, thousands of workers can lose their jobs, which in turn can worsen social and economic conditions in the community.¹

One of the current issues related to bankruptcy is the lack of understanding among business actors regarding their rights and obligations in a bankruptcy situation. Many businesses do not realize that they have the right to legal protection and how to access it. Previous studies have shown that insufficient information on bankruptcy procedures and legal protection is one of the main causes of dissatisfaction among business people.²

In the realm of law, bankruptcy or bankruptcy is regulated specifically through Law Number 37 of 2004 on bankruptcy and debt repayment obligation postponement (UUK-PKPU). This legal process aims to resolve disputes between debtors who are unable to pay off their debts and creditors who have claims on the debtor's assets.³ However, the implementation of such laws often causes problems, especially with regard to protection for vulnerable business actors in bankruptcy situations. Many businesses lose their entire assets without the opportunity to start a business again. This condition not only affects business actors directly, but also impacts employees, business partners, and the community around the business.

This phenomenon raises important questions about the legal protection that should be given to business actors facing bankruptcy. This problem becomes increasingly significant considering that the legal system in Indonesia tends to favor creditors,⁴ especially separatist creditors, compared to debtors. In fact, business actors who experience bankruptcy are often affected by unstable economic conditions, not

¹ Sonya Liani Ramadayanti, "Position of Tax Debt and Labour Right: Legal Review," *Journal La Sociale* 1, no. 4 (2020): 1–8, <https://doi.org/10.37899/journal-la-sociale.v1i4.131>.

² Andika Wira Kesuma, "Pentingnya Perlindungan Hukum Pelaku Usaha Melalui Yayasan Perlindungan Hukum Pelaku Usaha Indonesia," *Sol Justicia* 5, no. 2 (2023): 166–75, <https://doi.org/10.54816/sj.v5i2.567>.

³ Retno Damayanti et al., "Kajian Yuridis Penerapan Asas Keberlangsungan Usaha Dalam Penundaan Kewajiban Pembayaran Utang Untuk Mencegah Pailit," *Jurnal Restorative Justice* 7, no. 2 (2023): 128–43, <https://doi.org/10.35724/jrj.v7i2.5596>.

⁴ F Yudhi Priyo Amboro, "Pengaturan Hukum Kepailitan Indonesia: Kajian Perbandingan Hukum Amerika Serikat Dan Inggris," *Lex Prudentium Law Journal* 1, no. 2 (2023): 62–81, <https://doi.org/10.61619/lexprudentium.v1i2.6>.

solely because of errors in business management. This situation creates an inequality in the protection of the law that is contrary to the principle of Justice.

From a social point of view, bankruptcy is not just a matter of law or economics. For business people, bankruptcy often brings a negative stigma from society, which actually worsens their mental and economic condition. In fact, in some cases, the social pressures they face make it difficult for them to rise again. This shows that the impact of bankruptcy is not only felt on finances, but also affects the social and psychological side of the individual and the surrounding community. Several previous studies have discussed bankruptcy in Indonesia. There are those who highlight injustices in legal protection for debtors, and there are also those who discuss how inefficient the bankruptcy process is in resolving disputes between creditors and debtors. Even so, most of these studies focus more on normative legal analysis and rarely raise the social impact or direct experience of business actors who experience bankruptcy. Therefore, more in-depth research on how business actors feel and understand legal protection in this process is needed to fill this void.

In addition, a review of legal systems in other countries shows that some countries, such as the United States and Canada, have implemented the concept of fresh start, which allows businesses in bankruptcy to restart their businesses after the debt settlement process is completed.⁵ The concept has not yet been fully adopted in the Indonesian legal system, although it has great potential to support economic recovery and reduce the social impact of bankruptcy.⁶

This phenomenon shows the importance of studies that integrate social and legal approaches to understanding bankruptcy from the point of view of business actors. Qualitative approach is considered as an appropriate method to explore the experiences, perceptions, and needs of affected business actors. With this approach, the study is expected to provide a more comprehensive picture of the impact of bankruptcy and the effectiveness of current legal protection. This study aims to explore the issue of legal protection in a broader scope, including how the application of the law can be done more fairly and humanely for all parties involved. This study has an important role in answering the urgent need for bankruptcy law reform, which not only prioritizes protection for creditors, but also provides opportunities for business actors to bounce back.

The main purpose of this study is to analyze the legal protection provided to business actors experiencing bankruptcy in Indonesia, as well as explore how they face and

⁵ Stardo R. L. Mait, Wulanmas A.P.G. Frederik, and Dani R. Pinasang, "Urgensi Penormaan Prinsip Commercial Exit From Financial Distress Dalam Undang-Undang Kepailitan Indonesia," *INNOVATIVE: Journal Of Social Science Research* 3, no. 5 (2023): 11284–98.

⁶ Sianipar, M. R. B., Sahputra, R., & Sitompul, A. (2024). Obstacles Faced by The Curator, As Well As The Efforts Made by The Curator In Conducting Actio Pauliana Against Bankruptcy Assets. *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum*, 3(4), 303–313. <https://doi.org/10.55681/seikat.v3i4.1418>

respond to the legal process. This study also aims to evaluate the suitability of existing legal policies with the principles of justice and balance, as well as provide recommendations for the improvement of the bankruptcy law system in the future. The benefit of this study is that it provides new insights into the experiences and needs of business actors in bankruptcy proceedings, which can be the basis for the development of more inclusive legal policies. In terms of academic, this study is expected to enrich the literature on bankruptcy law in Indonesia with a social perspective and a more in-depth analysis. In terms of practice, this research can help policy makers, legal practitioners, and the general public to understand the importance of balanced legal protection in supporting national economic recovery. Thus, the research is expected to make a real contribution in creating a more just, humane, and inclusive legal system for business actors facing difficult situations.

2. Research Method

The research method used is legal research with normative juridical research. Normative juridical is to find the truth of coherence to examine whether the rule of law is in accordance with legal norms and whether norms in the form of orders or prohibitions are in accordance with legal principles, as well as whether someone's actions (acts) are in accordance with legal norms (not just according to legal rules) or legal principles.⁷ The data collection tool used in this study is through the study of documents with a search of the library (library research). Literature study is the sole method used in normative legal research.⁸ The source of data that the authors use in this study is secondary data. Secondary Data that includes abstracts, indexes, bibliographies, government publications, and other reference materials.⁹

⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2011).

⁸ Philips Dillah Suratman, *Metode Penelitian Hukum* (Bandung: Alfabeta, 2015).

⁹ Soerjono Dan Sri Mamudji Soekanto, *Penelitian Hukum Normatif. Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003).

3. Results and Discussion

Bankruptcy in Indonesia is regulated as a whole through Law No. 37 of 2004 on bankruptcy and postponement of debt repayment obligations (bankruptcy law). This regulation provides a firm legal basis related to the requirements, mechanisms, and effects of bankruptcy, while regulating the role of courts and curators in its implementation.¹⁰

The main requirement for filing a bankruptcy application is set out in Article 2 Paragraph (1) of the bankruptcy law, the first requirement is a minimum of two creditors, the debtor must have two or more creditors. The second condition is the debt that is due, there is a debt that has been due and not paid in full by the debtor. These two conditions must be met in order for the court to grant the bankruptcy application. This shows that bankruptcy is not just a financial issue, but also a legal aspect involving various parties. Bankruptcy in Indonesia is based on the principle of balance between the rights of creditors and the protection of debtors. Articles 1131 and 1132 of the Civil Code (Civil Code) affirm that all the debtor's assets are collateral to fulfill his debt obligations. Therefore, in bankruptcy proceedings, the debtor's property will be managed by the curator and distributed to creditors in proportion to the debt.¹¹

Bankruptcy in Indonesia is based on the principle of balance between the rights of creditors and the protection of debtors. Articles 1131 and 1132 of the Civil Code (Civil Code) affirm that all the debtor's assets are collateral to fulfill his debt obligations. Therefore, in bankruptcy proceedings, the debtor's property will be managed by the curator and distributed to creditors in proportion to the debt. In the context of Bankruptcy, Law No. 40 of 2007 on Limited Liability Companies (UU PT) clearly regulates the responsibilities of directors. The articles in this law provide a detailed legal framework regarding the obligations and responsibilities of directors when a company goes into bankruptcy. The board of directors must carry out its duties with full responsibility to protect the interests of the company and creditors. The existence of clear provisions regarding this responsibility is expected to encourage the board of directors to act more carefully in the management of the company, as well as provide legal protection for those who carry out their duties in good faith.

¹⁰ Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang (UU Kepailitan)

¹¹ Hanifah Nur Ramadhanti, "Penyelesaian Sengketa Kepailitan Ditinjau Dari Minimum Utang Terhadap Perusahaan Solven," *Institutional Repository UIN Syarif Hidayatullah Jakarta*, 2023, <https://repository.uinjkt.ac.id/dspace/handle/123456789/73467>.

Law Number 11 of 2020 on job creation (UU Cipta Kerja) is one of the steps of the Indonesian government to create jobs and improve the investment climate. In this context, the job creation law also brings significant changes in regulations related to business protection and bankruptcy, which affect business actors, especially Micro, Small and Medium Enterprises (UMKM).

To be able to file for bankruptcy, there are several conditions that must be met. First, there must be a party that acts as a debtor, which can be an individual, a company or an institution that has debts. In addition, the debtor is obliged to have at least two creditors, since bankruptcy cannot be filed if only one creditor is involved, considering that the bankruptcy system aims to protect the interests of many parties. Another condition is the presence of overdue and unpaid debts. In accordance with Article 2 Paragraph (1) of the bankruptcy law, at least one of these debts must have had enough time and be collectible, indicating that the debtor is unable to pay off the debt due, although there may still be other debts that are smoothly paid.

The debtor who wants to be declared bankrupt must be in insolvent condition, that is, unable to pay off his debt obligations. This condition is one of the main conditions in the bankruptcy process, because bankruptcy is designed as a solution for debtors who are unable to meet their financial obligations. An application for bankruptcy may be submitted by the debtor himself or by one or more of the creditors to the Commercial Court. The Commercial Court has full authority to process and decide such applications. After the application is submitted, the Commercial Court will conduct an examination within a maximum period of 20 days to assess whether the bankruptcy conditions have been met. If all these conditions are met, the court will issue a bankruptcy ruling. This provision is aimed at ensuring that only debtors who are really unable to pay off their debts can be declared bankrupt. With this mechanism, the bankruptcy process is expected to run fairly and transparently, protecting the rights of creditors while providing opportunities for debtors to restructure their debts before reaching bankruptcy status.

Bankruptcy in the Indonesian legal system serves as a means of systematically resolving debt-to-debt conflicts through mechanisms regulated in laws and regulations. The purpose of this process is to protect the rights of both creditors and debtors by ensuring fair treatment for both parties. In addition, bankruptcy also plays a role in regulating the distribution of debtor assets to creditors based on the priority scale established by law, so that creditors' rights can be fulfilled proportionally. This process provides legal certainty to all parties involved, relying on binding court decisions. On the other hand, there are mechanisms such as deferred debt repayment obligations (PKPU) that allow debtors to restructure their debts and try to recover their business conditions before bankruptcy is established.

Bankruptcy provides a mechanism to settle debtors' debts in a structured and fair manner. After the court decides on bankruptcy, a curator will be appointed to manage the debtor's property and distribute it to creditors in proportion to their debts. This helps prevent situations where one or more creditors take unilateral action to execute a debt. Before being declared bankrupt, the debtor is given the opportunity to apply for a deferment of debt repayment obligations (PKPU). This mechanism allows debtors to restructure debt and re-manage their financial condition, thus opening up opportunities for companies to recover and avoid bankruptcy status.¹²

After the court establishes bankruptcy status, the debtor no longer has the authority to manage or control his assets. All of the debtor's assets will be transferred to the curator, who will be in charge of selling the assets and distributing the proceeds to the creditors. Bankruptcy proceedings carry significant legal repercussions for both debtors and creditors. One of the main impacts is the loss of the debtor's right to manage and control assets that fall into the category of bankruptcy assets. Since the court issued the bankruptcy ruling, the debtor legally no longer has the authority to carry out any legal action regarding his assets, including selling or pledging them. This provision is contained in Article 21 of Law Number 37 of 2004 concerning bankruptcy and postponement of debt repayment obligations, which states that all the debtor's assets when the bankruptcy decision is pronounced become part of the bankruptcy estate, including property acquired during the bankruptcy process.

In addition, the debtor cannot make the new wealth acquired after the declaration of bankruptcy as collateral for new debts. That is, debts arising after bankruptcy cannot be guaranteed by the debtor's assets, so creditors do not have the right of execution of such property. During the bankruptcy period, debtors are also prohibited from taking certain legal actions without the approval of the commercial court, such as transferring or mortgaging assets, to ensure that the debt settlement process runs according to applicable rules.

A. Legal protection for the rights of business actors and the rights of creditors

One of the important aspects of legal protection is the mechanism of suspension of debt repayment obligations (PKPU). PKPU provides an opportunity for debtors to negotiate with creditors and restructure their debts before being declared bankrupt. Thus, the business can try to improve its financial situation without having to lose all its assets. This process also provides space for debtors to plan strategic steps to avoid

¹² Ani Purwanti Dan Marzellina Hardiyanti, Strategi Penyelesaian Tindak Kekerasan Seksual Terhadap Perempuan Dan Anak Melalui Ruu Kekerasan Seksual, Masalah - Masalah Hukum, Jilid 47 No. 2, April 2018

bankruptcy, so that they can continue their business.¹³

The bankruptcy law also regulates the rights of debtors during the bankruptcy process. The debtor has the right to obtain clear information regarding the bankruptcy process and the management of bankruptcy assets carried out by the curator. The curator is responsible for managing and selling the debtor's assets in a transparent and accountable manner, and must report the progress of the bankruptcy process to the Commercial Court. This provides a guarantee that the debtor's rights will be protected during the process.¹⁴

Legal protection also includes aspects of the responsibility of the company's management. In the event of errors or omissions in the management of the enterprise that led to bankruptcy, the administrator may be held personally liable if he is proven to have committed unlawful acts. The concept of piercing the corporate veil allows creditors to demand personal liability from directors or shareholders if there is evidence that they have committed actions that harm the company intentionally. This provides additional protection for business actors who are in good faith, because they will not be held accountable for illegal actions committed by other parties within the company.¹⁵ Overall, legal protection for business actors in the context of bankruptcy focuses on recovery and providing opportunities to improve financial circumstances. With clear regulations and fair settlement mechanisms, it is hoped that business actors will be able to undergo bankruptcy proceedings better and get proper protection for their rights.

One of the forms of legal protection for creditors is the presence of provisions guaranteeing their rights to demand payment of the debt. Article 56 of the bankruptcy law states that the right of execution of the creditor of the holder of the right of guarantee is suspended for 90 days after the bankruptcy verdict is pronounced. Despite the suspension, creditors still have the right to obtain information regarding bankruptcy proceedings and the management of insolvent property carried out by the curator. This is important so that creditors can monitor developments and ensure that the debtor's assets are properly managed in their interests.¹⁶

¹³ Hak-hak Konsumen Dalam and Pasal Undang-undang Nomor, "Jurnal Hukum Bisnis Bonum Commune Volume I, Nomor 1 Agustus 2018 M. Kholil" I, no. 1 (2018): 53–60.

¹⁴ Kepailitan dan Akibat Kepailitan Terhadap Kewenangan Debitur Pailit Dalam Bidang Hukum Kekayaan 16 Oktober 2020 Rifqani Nur Fauziah Hanif diakses melalui

¹⁵ Aisnaini Yuliana Pratiwi "Perlindungan Hukum Terhadap Konsumen Atas Kasus Developer Pailit," *Nucl. Phys.* 13, no. 1 (2023): h7

¹⁶ Erna Fitriatun, "PERLINDUNGAN HUKUM BAGI KREDITUR Kepailitan Debitur (Studi Kasus Terhadap Putusan Pengadilan Negeri Makassar)," *Journal of Chemical Information and Modeling* 53, no. 9 (2019): 1689–99.

In addition, legal protection for creditors also includes the principle of creditorium parity, which ensures that all creditors have the same rights to bankruptcy property. In this case, the bankruptcy law provides for the proportional division of bankruptcy property based on the amount of claims that each creditor has. Thus, no creditor takes unfair precedence, and all parties have an equal chance of getting back part of their debt.¹⁷

Legal protection also includes preventive measures to prevent possible fraud by the debtor. For example, in Article 41 of the bankruptcy law, there is a provision regarding the *actio pauliana*, which allows creditors to cancel legal acts of debtors that harm their interests. This is important to ensure that the debtor does not perform actions that could reduce the value of the insolvent property before the bankruptcy proceedings take place.¹⁸

Overall, legal protection for creditors in the context of bankruptcy focuses on ensuring that their rights are respected and protected during the debt settlement process. With clear regulations and fair settlement mechanisms, it is hoped that creditors will be able to better undergo bankruptcy proceedings and get proper protection of their rights.

B. Legal protection of assets of business actors during bankruptcy proceedings from the curator in Decision No.28 / Rev.Sus-bankruptcy/2017/PN Pn.Jkt.Pst

A clear legal framework regarding the management of bankruptcy assets by the curator, whose duty is to protect and manage the debtor's assets during the bankruptcy process. According to Article 1 Number 1 of the bankruptcy law, bankruptcy is defined as a general seizure of all property of a bankrupt debtor, the management of which is carried out by the curator under the supervision of a supervisory judge. This confirms that after the bankruptcy verdict is handed down, the debtor loses the right to manage his property, and all these assets are transferred to the curator to be managed in the interests of creditors.¹⁹

The curator has the main responsibility to inventory, secure and manage all the assets of the debtor included in the bankruptcy estate. One of the legal measures taken by the curator to protect the debtor's assets is to stop all transactions and legal

¹⁷ Gelar Sidang Santoso, Yudhia Ismail, and Dwi Budiarti, "Perlindungan Hukum Terhadap Kreditur Atas Keadaan Insolvensi Debitur," *Yurijaya Jurnal Ilmiah Hukum* 4, no. September (2022): 161–73.

¹⁸ Fitriatun, "PERLINDUNGAN HUKUM BAGI KREDITUR Kepailitan Debitur (Studi Kasus Terhadap Putusan Pengadilan Negeri Makasar.)"

¹⁹ Munawir El Azis Mahmud Paweroi, "Skripsi Perlindungan Hukum Bagi Kreditur Atas Aset Debitor Pailit Yang Berada Di Luar Negeri," 2023.

actions that can harm the bankrupt's assets. The bankruptcy law gives the curator the right to cancel the debtor's legal acts that could generate losses for creditors through the *actio pauliana* mechanism. This action is necessary to prevent debtors from transferring assets before they are declared bankrupt, so that the value of bankruptcy assets is maintained.²⁰

During bankruptcy proceedings, the Supervising Judge plays an important role in supervising the actions of the curator. This supervision aims to ensure that all measures taken by the curator are in accordance with the provisions of the law and do not harm the rights of debtors and creditors. In the event of irregularities or adverse actions, the supervisory judge has the authority to take the necessary legal measures to protect all parties, in addition, the curator is also obliged to provide the debtor with clear information regarding the bankruptcy proceedings and the measures taken in the management of bankruptcy property. It is important that the debtor remains involved in the process and understands his rights during the bankruptcy period. Overall, legal efforts to protect the assets of business actors during bankruptcy proceedings rely heavily on the active role of curators and supervision of supervisory judges. With this protection mechanism, it is hoped that business actors can undergo bankruptcy proceedings better and get the opportunity to improve their financial situation without losing all assets unfairly.

The bankruptcy application was filed against the respondent, PETROSELAT, LTD, on the grounds that the respondent was unable to meet its debt obligations under the terms of bankruptcy under Article 2 Paragraph (1) of Law No. 37 of 2004 concerning bankruptcy and postponement of debt repayment obligations. On July 5, 2017, the Central Jakarta Commercial Court decided the case with *verstek's* decision, in which the Respondent, namely PETROSELAT, LTD, a legal entity established under the laws of the British Virgin Island country, was declared bankrupt with all legal consequences. The application submitted by the applicant is fully granted. In *amar* verdict, the court appointed Marulak Purba, SH., MH., Commercial judge at the Central Jakarta District/Commercial Court, as a supervisory judge to oversee the course of the bankruptcy process. In addition, Jun Cai, SH., MHum., a curator registered with the Ministry of Law and human rights based on proof of Registration No. AHU.AH.04.03-103 dated August 19, 2015, appointed as curator to manage and clean up the bankruptcy assets. The court also determined that the remuneration for the services of the curator will be determined after the completion of his duties. The respondent is required to pay a case fee of Rp3, 916, 000.00 (three million nine

²⁰ Sutrisno Sutrisno, "Perlindungan Hukum Terhadap Konsumen Atas Sertifikat Tanah Kavling Dalam Hal Pengembangan Telah Dinyatakan Pailit," *Jurnal Rechts* 8, no. 1 (2019): 107–20, <https://doi.org/10.36835/rechts.v8i1.491>.

hundred sixteen thousand rupiah).

The bankruptcy petitioners apply to the court so that the bankruptcy declaration application submitted by them is accepted and granted in full. In their application, they asked the court to declare the respondent Bankrupt In a state of bankruptcy and all legal consequences. In addition, the bankruptcy petitioners requested that the court appoint a supervisory judge appointed from the Commercial Court judge at the Central Jakarta District Court to oversee the bankruptcy process or the postponement of debt payment obligations (PKPU) of the bankruptcy respondent. They also asked the court to appoint Jun Cai's brother, S.H., M.Hum., as a curator in the bankruptcy of the bankrupt respondent or as a manager when the PKPU application is granted first. Finally, the bankruptcy petitioners apply for the bankruptcy respondent to be sentenced to pay all costs arising from this case.

4. Conclusion

Based on the results of the analysis and examination of the bankruptcy application filed by the bankruptcy applicant against the respondent, PETROSELAT, LTD, it can be concluded that the respondent meets the requirements to be declared bankrupt in accordance with the provisions stipulated in Article 2 Paragraph (1) of Law No. 37 of 2004 concerning bankruptcy and postponement of debt repayment obligations. The respondent proved unable to meet his overdue debt obligations, which became the main basis for the bankruptcy application. The Central Jakarta Commercial Court, after examining and considering the available evidence, decided to grant the bankruptcy applicant's application in its entirety. The decree also includes the appointment of Marulak Purba, SH., MH., as a supervisory judge to oversee the course of bankruptcy proceedings and Jun Cai, SH., MHum., as a curator who will be responsible for the management and settlement of bankruptcy assets. In addition, the court also determined that the respondent is obliged to pay the costs of the case arising from this process. Based on these considerations, the court ensures that the decisions taken are in accordance with applicable legal provisions and provide legal certainty in the settlement of debts between the bankruptcy applicant and the respondent. This decision is expected to be a reference in the bankruptcy process in the future, as well as provide protection to creditors and debtors in undergoing legal proceedings related to debt obligations.

References

Aisnaini Yuliana Pratiwi" Perlindungan Hukum Terhadap Konsumen Atas Kasus Developer Pailit," *Nucl. Phys.* 13, no. 1 (2023): h7

- Andika Wira Kesuma, “Pentingnya Perlindungan Hukum Pelaku Usaha Melalui Yayasan Perlindungan Hukum Pelaku Usaha Indonesia,” *Sol Justicia* 5, no. 2 (2023): 166–75, <https://doi.org/10.54816/sj.v5i2.567>.
- Ani Purwanti Dan Marzellina Hardiyanti, Strategi Penyelesaian Tindak Kekerasan Seksual Terhadap Perempuan Dan Anak Melalui Ruu Kekerasan Seksual, Masalah - Masalah Hukum, Jilid 47 No. 2, April 2018
- Erna Fitriatun, “PERLINDUNGAN HUKUM BAGI KREDITUR Kepailitan Debitur (Studi Kasus Terhadap Putusan Pengadilan Negeri Makasar,” *Journal of Chemical Information and Modeling* 53, no. 9 (2019): 1689–99.
- F Yudhi Priyo Amboro, “Pengaturan Hukum Kepailitan Indonesia: Kajian Perbandingan Hukum Amerika Serikat Dan Inggris,” *Lex Prudentium Law Journal* 1, no. 2 (2023): 62–81, <https://doi.org/10.61619/lexprudentium.v1i2.6>.
- Fitriatun, “PERLINDUNGAN HUKUM BAGI KREDITUR Kepailitan Debitur (Studi Kasus Terhadap Putusan Pengadilan Negeri Makasar.”
- Gelar Sidang Santoso, Yudhia Ismail, and Dwi Budiarti, “Perlindungan Hukum Terhadap Kreditur Atas Keadaan Insolvensi Debitur,” *Yurijaya Jurnal Ilmiah Hukum* 4, no. September (2022): 161–73.
- Hak-hak Konsumen Dalam and Pasal Undang-undang Nomor, “Jurnal Hukum Bisnis Bonum Commune Volume I, Nomor 1 Agustus 2018 M. Kholil” I, no. 1 (2018): 53–60.
- Hanifah Nur Ramadhanti, “Penyelesaian Sengketa Kepailitan Ditinjau Dari Minimum Utang Terhadap Perusahaan Solven,” *Institutional Repository UIN Syarif Hidayatullah Jakarta*, 2023, <https://repository.uinjkt.ac.id/dspace/handle/123456789/73467>.
- Kepailitan dan Akibat Kepailitan Terhadap Kewenangan Debitur Pailit Dalam Bidang Hukum Kekayaan 16 Oktober 2020 Rifqani Nur Fauziah Hanif diakses melalui
- Munawir El Azis Mahmud Paweroi, “Skripsi Perlindungan Hukum Bagi Kreditor Atas Aset Debitor Pailit Yang Berada Di Luar Negeri,” 2023.
- Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2011).
- Philips Dillah Suratman, *Metode Penelitian Hukum* (Bandung: Alfabeta, 2015).
- Retno Damayanti et al., “Kajian Yuridis Penerapan Asas Keberlangsungan Usaha Dalam Penundaan Kewajiban Pembayaran Utang Untuk Mencegah Pailit,” *Jurnal Restorative Justice* 7, no. 2 (2023): 128–43, <https://doi.org/10.35724/jrj.v7i2.5596>.
- Sianipar, M. R. B., Sahputra, R., & Sitompul, A. (2024). Obstacles Faced by The Curator, As Well As The Efforts Made by The Curator In Conducting Actio Pauliana Against Bankruptcy Assets. *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum*, 3(4), 303–313. <https://doi.org/10.55681/seikat.v3i4.1418>
- Soerjono Dan Sri Mamudji Soekanto, *Penelitian Hukum Normatif. Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003).
- Sonya Liani Ramadayanti, “Position of Tax Debt and Labour Right: Legal Review,” *Journal La Sociale* 1, no. 4 (2020): 1–8, <https://doi.org/10.37899/journal-la-sociale.v1i4.131>.

- Stardo R. L. Mait, Wulanmas A.P.G. Frederik, and Dani R. Pinasang, “Urgensi Penormaan Prinsip Commercial Exit From Financial Distress Dalam Undang-Undang Kepailitan Indonesia,” *INNOVATIVE: Journal Of Social Science Research* 3, no. 5 (2023): 11284–98.
- Sutrisno Sutrisno, “Perlindungan Hukum Terhadap Konsumen Atas Sertifikat Tanah Kavling Dalam Hal Pengembang Telah Dinyatakan Pailit,” *Jurnal Rechtsens* 8, no. 1 (2019): 107–20, <https://doi.org/10.36835/rechtsens.v8i1.491>.
- Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang (UU Kepailitan)