

**TINJAUAN ATAS PEMBERESAN HARTA PAILIT OLEH KURATOR  
BERUPA HAK PENGELOLAAN BERDASARKAN PERJANJIAN  
*BUILD OPERATE TRANSFER (BOT)*  
(Studi Kasus PT. Korea World Center Indonesia dalam Pailit)**

**INTISARI**

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Penelitian ini ditulis bertujuan untuk mengetahui dan menganalisis pemberesan harta Pailit PT. Korea World Center Indonesia (dalam Pailit) oleh Kurator berupa hak pengelolaan berdasarkan Perjanjian Kerja Sama BOT. Adapun yang dijadikan studi kasus dalam penelitian ini adalah Putusan Pengadilan Niaga pada Pengadilan Negeri Jakarta Pusat Nomor 113/Pdt.Sus.PKPU/2018/PN.Niaga.Jkt.Pst.

Pada dasarnya penelitian ini menggunakan pendekatan normatif empiris yang merupakan perpaduan antara pendekatan hukum normatif dan pendekatan empiris. Pendekatan penelitian yang dilakukan Penulis adalah dengan cara meneliti bahan pustaka (data sekunder), ditambah dengan melakukan pendekatan penelitian melalui wawancara yang diperoleh langsung dari narasumber (data primer), kemudian data diolah dan dianalisis dengan metode kualitatif.

Hasil penelitian menunjukkan bahwa terdapat kekosongan hukum (*recht vacuum*) terkait peraturan teknis tentang pelaksanaan Lelang Eksekusi atas obyek lelang berupa hak pengelolaan. Hal itu terlihat dari belum dapat dilaksanakannya proses penjualan di muka umum (lelang) atas harta Pailit PT. Korea World Center Indonesia (dalam Pailit) berupa hak pengelolaan berdasarkan Perjanjian Kerja Sama BOT oleh Kurator di Kantor Pelayanan Kekayaan Negara dan Lelang Jakarta I. Atas kondisi tersebut maka selanjutnya sebagaimana dimanatkan UU Kepailitan dan PKPU, Kurator melakukan pemberesan harta Pailit Debitor dengan melakukan penjualan di bawah tangan.

Kata kunci: Pailit, Hak Pengelolaan, Lelang.

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**REVIEW OF SETTLEMENT OF BANKRUPT ASSETS BY THE RECEIVER  
IN THE FORM OF MANAGEMENT RIGHTS BASED ON  
THE AGREEMENT BUILD OPERATE TRANSFER (BOT)  
(Case Study of PT. Korea World Center Indonesia in Bankruptcy)**

**ABSTRACT**

By:  
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*This research was written with the aim of knowing and analyzing the settlement of the bankruptcy estate of PT. Korea World Center Indonesia (in Bankruptcy) by the Receiver in the form of management rights based on the BOT Cooperation Agreement. The case study used in this research is the Decision of the Commercial Court at the Central Jakarta District Court Number 113/Pdt.Sus.PKPU/2018/PN.Niaga.Jkt.Pst.*

*Basically, this research uses an empirical normative approach which is a combination of a normative legal approach and an empirical approach. The research approach carried out by the author is by examining library materials (secondary data), coupled with a research approach through interviews obtained directly from sources (primary data), then the data is processed and analyzed by qualitative methods.*

*The results of the study indicate that there is a legal vacuum (recht vacuum) related to technical regulations regarding the execution of the auction of the object of the auction in the form of management rights. This can be seen from the inability to carry out the process of selling in public (auction) on the Bankruptcy assets of PT. Korea World Center Indonesia (in Bankruptcy) in the form of management rights based on the BOT Cooperation Agreement by the Receiver at the Office of State Assets and Auction Services of Jakarta I. Based on this condition, then as mandated by the Bankruptcy Law and PKPU, the Receiver shall settle the assets of the Bankrupt Debtor by selling it under the hands.*

*Keywords: Bankruptcy, Management Rights, Auction.*

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