

## **URGENSI PEMBUATAN PERJANJIAN MULTILATERAL ANTARA INDONESIA, SINGAPURA, DAN MALAYSIA TERKAIT PENGURUSAN DAN PEMBERESAN HARTA PAILIT LINTAS NEGARA**

Oleh:

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### **INTISARI**

Penelitian ini bertujuan untuk mengetahui dan menganalisis tantangan pengurusan dan pemberesan harta pailit lintas negara antara Indonesia, Singapura, dan Malaysia, dan rancangan pelaksanaan perjanjian multilateral terkait pengaturan pengurusan dan pemberesan harta pailit lintas negara antara Indonesia, Singapura, dan Malaysia sebagai upaya penyelesaian kepailitan yang lebih efisien dan efektif. Penelitian ini adalah penelitian hukum normatif yang didukung wawancara narasumber. Hasil penelitian menunjukkan bahwa kedekatan geografis, historis, dan budaya antara Indonesia, Singapura, dan Malaysia mempengaruhi banyaknya bisnis yang beroperasi di ketiga yurisdiksi tersebut. Debitor Pailit yang meninggalkan harta di berbagai yurisdiksi tentu menyulitkan Kurator dalam pengurusan dan/atau pemberesan harta pailit. Perjanjian multilateral antara Indonesia, Singapura, dan Malaysia dibutuhkan untuk mengatur pengurusan dan pemberesan harta pailit lintas negara, guna memberi kepastian hukum bagi aktivitas perdagangan dan investasi di kawasan tersebut. Penelitian ini menyimpulkan: (1) Tantangan pengurusan dan pemberesan harta pailit lintas negara antara Indonesia, Singapura, dan Malaysia: (a) Tiga negara tersebut memiliki kedekatan historis, geografis, dan budaya sehingga mempengaruhi banyaknya bisnis dan sektor yang beroperasi di ketiga yurisdiksi tersebut. Hukum yang berlaku sangat menentukan kelancaran aktivitas bisnis tersebut. (b) Perbedaan sistem hukum dan prinsip kedaulatan antara tiga negara tersebut menyebabkan hambatan dalam pengurusan dan pemberesan harta pailit lintas negara. (2) Rancangan pelaksanaan perjanjian multilateral terkait pengurusan dan pemberesan harta pailit antara Indonesia, Singapura dan Malaysia: (a) menggunakan berbagai instrumen hukum seperti, salah satunya perjanjian multilateral untuk menanggulangi perkara kepailitan lintas negara. (b) Perjanjian multilateral antara Indonesia, Singapura, dan Malaysia terkait pengurusan dan pemberesan harta pailit diperlukan sebagai solusi sementara untuk memberikan kepastian hukum bagi aktivitas perdagangan di Indonesia, Singapura, dan Malaysia.

**Kata Kunci:** Perjanjian Multilateral, Kepailitan Lintas Negara, Pengurusan dan Pemberesan Harta Pailit

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## THE URGENCY OF ESTABLISHING A MULTILATERAL AGREEMENT BETWEEN INDONESIA, SINGAPORE, AND MALAYSIA REGARDING THE MANAGEMENT AND RESOLUTION OF CROSS-BORDER INSOLVENCY ASSETS

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### ABSTRACT

This study aims to identify the challenges of managing and settling cross-border insolvency assets between Indonesia, Singapore, and Malaysia, and to understand the framework for the implementation of a multilateral agreement regarding the regulation of cross-border insolvency asset management and settlement between these countries. This is to achieve a more efficient and effective bankruptcy resolution, ensuring legal certainty, justice, and benefit. This study employs normative legal research methods, supported by interviews with experts. The findings indicate that the geographical, historical, and cultural proximity between Indonesia, Singapore, and Malaysia influences the significant number of businesses operating within these three jurisdictions. Bankrupt debtors leaving assets across various jurisdictions pose difficulties for curators (trustees) in managing and/or settling bankruptcy assets. A multilateral agreement between Indonesia, Singapore, and Malaysia is necessary to regulate the management and settlement of cross-border insolvency assets to provide legal certainty for trade and investment activities in the region. This study concludes that the historical, geographical, and cultural closeness of the three countries affects the number of businesses and sectors operating within these jurisdictions, and the applicable laws significantly determine the smoothness of these business activities. However, the differences in legal systems and principles of sovereignty among the three countries create obstacles in the management and settlement of cross-border insolvency assets. Therefore, utilizing various legal instruments, including a multilateral agreement, is essential to address cross-border bankruptcy cases. A multilateral agreement between Indonesia, Singapore, and Malaysia regarding the administration and settlement of bankruptcy assets is necessary as an interim solution to provide legal certainty for trade activities in Indonesia, Singapore, and Malaysia.

**Keywords:** Multilateral Agreement, Cross-Border Bankruptcy, Management and Settlement of Bankruptcy Assets.

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