

ANALISIS PUTUSAN PEMBATALAN PERDAMAIAN TERHADAP DEBITOR BADAN USAHA MILIK NEGARA (STUDI KASUS PT ISTAKA KARYA (PERSERO) BERDASARAKAN PUTUSAN PENGADILAN NIAGA JAKARTA PUSAT NOMOR 26/PDT.PEMBATALAN PERDAMAIAN/2022/ PN.NIAGA.JKT.PST)

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INTISARI

Penulisan hukum ini bertujuan untuk mengetahui dan menganalisis pertimbangan Hakim Pengadilan Niaga Jakarta Pusat terhadap pembatalan perdamaian PT Istaka Karya (Persero) dikaitkan dengan UUK PKPU dan mengetahui penerapan prinsip-prinsip dalam hukum kepailitan dalam kepailitan PT Istaka Karya (Persero).

Penelitian hukum ini merupakan penelitian normatif yang didukung oleh wawancara dengan narasumber. Jenis data yang digunakan adalah data primer yang didapatkan melalui wawancara dengan narasumber dan data sekunder yang didapatkan melalui studi kepustakaan yang dianalisis secara kualitatif dan disajikan secara deskriptif.

Hasil dari penelitian menunjukkan yakni, pertama, perusahaan BUMN yang tidak bergerak dalam bidang kepentingan publik dapat dilakukan Permohonan PKPU dan Permohonan Pembatalan Perdamaian oleh para kreditornya sehingga merupakan pengecualian dalam Pasal 2 ayat (5) UU Nomor 37 tahun 2004 tentang Kepailitan dan PKPU. Kedua, hakim dalam memutuskan pembatalan perdamaian PT Istaka Karya (Persero) telah memenuhi ketentuan yang diatur dalam UU Nomor 37 tahun 2004 tentang Kepailitan dan PKPU serta telah prinsip-prinsip dalam hukum kepailitan meliputi; Prinsip *Paritas Creditorium*, Prinsip *Pari Passu Pro Rata Parte*, Prinsip *Structured Creditor* dan Prinsip Utang.

Kata kunci: Pertimbangan Hakim, Pembatalan Perdamaian, Kepailitan, BUMN, Prinsip Hukum Kepailitan.

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ANALYSIS OF THE ANNULMENT OF A COMPOSITION AGREEMENT AGAINST A STATE-OWNED ENTERPRISE DEBITOR (CASE STUDY OF PT ISTAKA KARYA (PERSERO) BASED ON THE COMMERCIAL COURT DECISION AT THE CENTRAL JAKARTA DISTRICT COURT NUMBER 26/PDT.PEMBATALAN PERDAMAIAN/ 2022/ PN.NIAGA.JKT.PST)

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ABSTRACT

The purpose of this legal writing is to find out and analyze the consideration of the Central Jakarta Commercial Court Judge on the annulment of the composition of PT Istaka Karya (Persero) associated with the PKPU Law and to find out the application of the principles in bankruptcy law in the bankruptcy of PT Istaka Karya (Persero).

This legal research is normative research supported by interviews with sources. The type of data used is primary data obtained through interviews with sources and secondary data obtained through literature studies that are qualitatively analyzed and presented descriptively.

The results of the study show that, first, state-owned companies that are not engaged in the field of public interest can be made PKPU Applications and Applications for annulment of the composition by their creditors, so that they are exceptions in Article 2 paragraph (5) of Law Number 37 of 2004 concerning Bankruptcy and PKPU. Second, the judge in deciding the cancellation of the peace of PT Istaka Karya (Persero) has fulfilled the provisions stipulated in Law Number 37 of 2004 concerning Bankruptcy and PKPU and has complied with the principles in bankruptcy law including; The Principle of Credit Parity, the Principle of Pari Passu Pro Rata Parte, the Principle of Structured Creditor and the Principle of Debt.

Keywords: Judge's Consideration, Annulment of The Composition, Bankruptcy, State-Owned Enterprise, Bankruptcy Legal Principles.

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