

DAFTAR ISI

| | |
|---------------------------------|-------------|
| HALAMAN JUDUL | i |
| HALAMAN PENGESAHAN | ii |
| KATA PENGANTAR | iii |
| DAFTAR ISI | viii |
| INTISARI | x |

BAB I PENDAHULUAN

| | |
|---|----|
| A. Latar Belakang Masalah Penelitian..... | 1 |
| B. Rumusan Masalah Penelitian | 10 |
| C. Tujuan Penelitian..... | 10 |
| D. Manfaat Penelitian..... | 10 |
| E. Keaslian Penelitian | 11 |

BAB II TINJAUAN PUSTAKA

| | |
|---|----|
| 1. Pengertian Kepailitan..... | 15 |
| 2. Syarat-Syarat Kepailitan | 17 |
| 3. Kepailitan Lintas Batas Negara | 19 |
| 4. UNCITRAL | 21 |
| 5. Yurisdiksi Putusan Pengadilan Asing di Indonesia | 23 |

BAB III METODE PENELITIAN

| | |
|--|----|
| 1. Sifat dan Jenis Penelitian..... | 26 |
| 2. Bahan Penelitian..... | 26 |
| 3. Cara dan Alat Pengumpulan Data Penelitian | 28 |
| 4. Analisis Data Penelitian | 29 |

| | |
|---|----|
| 1. Penerapan UNCITRAL <i>Model Law on Cross-Border Insolvency with Guide to Enactment</i> dalam Sistem Hukum kepailitan Indonesia..... | 31 |
| a. Kepailitan Lintas Batas Negara (Cross Border Insolvency) di Kawasan ASEAN | 31 |
| b. UNCITRAL (United Nations Commission on International Trade Law).43 | |
| 1) Pengakuan Proses Kepailitan Asing | 48 |
| 2) Yurisdiksi | 52 |
| 3) Kerjasama Pengadilan Nasional dengan Pengadilan Asing dan Perwakilan Asing..... | 60 |
| 4) Eksekusi Harta Pailit Asing..... | 63 |
| c. Mekanisme Pemberlakuan UNCITRAL <i>Model Law on Cross-Border Insolvency with Guide to Enactment</i> | 68 |
| 2. Penerapan Putusan Pailit Pengadilan Asing di Indonesia Bila Menggunakan UNCITRAL <i>Model Law on Cross-Border Insolvency with Guide to Enactment</i> | 71 |

BAB V PENUTUP

| | |
|--------------------|----|
| A. Kesimpulan..... | 89 |
| B. Saran..... | 91 |

DAFTAR PUSTAKA