

Tinjauan yuridis penetapan imbalan jasa kurator dalam proses kepailitan : studi kasus Penetapan Pengadilan Niaga Jakarta Pusat No. 704 K/PDT.SUS/2012 jo. No. 48/Pailit/2012/PN. Niaga.JKT.PST) = Legal review of the stipulation of receiver's fee in the bankruptcy process : case study the stipulation of the Commercial Court of Central Jakarta No. 704 K/PDT.SUS/2012 jo. No. 48/Pailit/2012/PN.Niaga.JKT.PST

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Abstrak

Kurator memegang peranan penting di dalam suatu proses kepailitan. Tugas kurator adalah melakukan pemberesan dan pengurusan atas harta pailit. Kurator bukan bekerja tanpa imbalan. Kurator mempunyai hak untuk mendapatkan penggantian atas biaya yang telah dikeluarkannya dari harta pailit.

Pokok permasalahan dalam penelitian ini adalah bagaimana pengaturan mengenai penetapan imbalan jasa kurator dan bagaimana penetapan imbalan jasa kurator dalam kasus kepailitan PT. Telkomsel. Pokok permasalahan tersebut dianalisa dengan menggunakan pengaturan undang-undang kepailitan beserta peraturan pelaksanaannya. Tujuannya adalah untuk menjelaskan pedoman yang digunakan hakim dalam menetapkan imbalan jasa kurator dan menganalisis penetapan imbalan jasa kurator kepailitan PT.

Telkomsel.

Penetapan imbalan jasa kurator PT. Telkomsel tidak sesuai dengan peraturan yang berlaku karena dihitung berdasarkan persentase aset pailit, bukan berdasarkan rincian yang diajukan kurator dan laporan hakim pengawas. Hakim juga tidak mempertimbangkan pekerjaan yang telah dilakukan, kemampuan, dan tarif kerja dari kurator. Namun hakim telah tepat dengan membebaskan imbalan jasa kurator kepada kedua belah pihak.

.....Receiver takes an important role in the process of bankruptcy. The receiver's duties are proceeding for administration and settlement proceedings of the bankrupt estate. Receiver not working without pays.

Receiver has a right to get reimbursement for every cost they have paid from the bankrupt asset.

The main issues that would be discuss in this writing are about the regulation of receiver's fee stipulation and how the receiver's fee stipulation in case of PT. Telkomsel bankruptcy. The issue would be analyzed with the bankruptcy regulation and also it's implementing regulation. The purposes of this research is to explain about the guidance that used by judges to stipulate the receiver's fee and to analyzed the receiver's fee stipulation in case of PT. Telkomsel bankruptcy.

The receiver's fee stipulation of PT. Telkomsel bankruptcy is not based on the regulations because it is calculated based on the assets percentage, not based on the details that submitted by receiver and based on supervisory judge's report. The judges also not considering the work has been done, competence, and the receiver's rate. However, the judges has made a right decision to charge the receiver's fee to both parties.