

Utang dan tanggung jawab direksi dalam kepailitan (analisis yuridis terhadap putusan Mahkamah Agung No. 6.PK/N/1999 tanggal 8 Desember 1999 Jo No. 29 K/N/19 tanggal 4 Oktober 1999 JO No. 43/PAILIT/1999/PN. NIAGA/JKT tanggal 3 Agustus 1999)

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Abstrak

*In bankruptcy, the definition of debts has long become of among legal practitiner. Even thought the old bankruptcy Act i.e. Act No.4/1998 does not define the meaning firmly, this does not prevent judges making definition extensively about debts in every case at the Commercial Court. The same with the new Bankruptcy act, Act No.37/2004 it defines debt in an extensive manner that is an obligation declared or may be declared in amounts of Indonesian as well as foreign currencies, directly as incurred in the future or contingently, accruing as the result of an agreement or law and should be paid by Debtor and if not paid, provides the right to Creditor to get the payment from the debtor's assets. This is not anew definition because even from the time the old Bankruptcy commercial Court judges have not been strictly bound by the definition of debt outlined by law.*

This Thesis discusses debts in bankruptcy and further and the responsibility of Management in relation to company debts for the purpose of analyzing the Decision of the Supreme Court No.26 PK/N/1999 dated 4 October 1999 Jo No. 43/Pailit/1999 PN.Niaga/Jkt Pst Dated 3 August 1999. With regard to Management responsibility, the Director may not be sued in Court as having caused a loss to the company as the decision does not occur as the result of his negligence in making a decision.