

Tinjauan yuridis terhadap perlindungan debitur perseroan terbatas yang masih solven dalam hukum kepailitan Indonesia = Legal approach regarding protection of a solvent limited liability company in Indonesia insolvency law

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Abstrak

[ABSTRAK]br

Skripsi ini membahas mengenai jenis-jenis perlindungan yang diatur di dalam hukum kepailitan Indonesia untuk debitur yang masih solven, terutamanya bagi debitur yang berupa badan hukum perseroan terbatas. Penelitian secara kualitatif ini dilakukan untuk mencari tahu mengenai upaya apa yang dapat ditempuh oleh seorang debitur yang masih solven apabila ia dipailitkan. Pembahasan mengaitkan kepailitan terhadap perseroan sebagaimana diatur di dalam UU no. 40 Tahun 2007 tentang Perseroan terbatas dengan UU no 37. Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang. Penelitian menunjukkan bahwa upaya yang dimaksud sangatlah terbatas; seharusnya terdapat pengaturan yang berbeda untuk debitur yang masih solven.

;This paper discusses about various types of protections, especially for solvent Limited Liability Company debtors, regulated in Indonesia Insolvency Law. The purpose of this study is to find out about the various measure a solvent debtor could afford to take if it bankrupted. Within, also discussed about the interconnection between effects of bankruptcy as is regulated in Law No. 37 of 2004 and similar regulations in Law No 40 of 2007. Finding shows limited measure could be taken by a debtor when such occasion arises; as such, there needs to be a separate regulation for such debtor.

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