

Tinjauan yuridis terhadap adanya cession piutang dalam hukum kepailitan = A perspective on the existence of debt assignment cession in bankruptcy law

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Abstrak

Skripsi ini membahas mengenai adanya cession piutang dalam hukum kepailitan, khususnya pada suatu permohonan pernyataan pailit. Terdapat berbagai persoalan seperti dilakukannya cession atas sebagian piutang oleh kreditor untuk menciptakan kreditor baru sehingga terpenuhi salah satu syarat mengajukan permohonan pailit, yaitu adanya dua atau lebih kreditor.

Berdasarkan hal tersebut, Peneliti mengajukan pokok permasalahan, yaitu: 1. Apakah cessionaris termasuk dalam kreditor yang didefinisikan dalam Pasal 2 ayat (1) Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang (UUK-PKPU) 2. Bagaimana mekanisme pembuktian sederhana terhadap adanya cession piutang dalam suatu permohonan pernyataan kepailitan atas debitor?

Pada akhirnya, peneliti memperoleh kesimpulan bahwa cessionaris termasuk dalam kreditor yang didefinisikan dalam Pasal 2 ayat (1) UUK-PKPU sepanjang cession piutang yang dilakukan tersebut tidak bertentangan dengan syarat sahnya cession. Peneliti juga memperoleh kesimpulan bahwa terdapat perbedaan mekanisme pembuktian sederhana dalam hal adanya cession piutang pada suatu permohonan pernyataan pailit. Bentuk penelitian ini bersifat yuridis normatif dengan tipologi penelitian deskriptif.

.....The focus of this thesis is on the existence of debt assignment in bankruptcy law, particularly in relation to a petition for declaration of bankruptcy. There are various issues regarding debt assignment, such as partial debt assignment by a creditor to create a new creditor (cessionaris) so that the requirement for there to be two or more creditors, in order to submit a bankruptcy petition, is fulfilled.

Based on the preceding, the Writer formulated and discussed the following problems: 1) Are cessionaris classified as creditors defined in Article 2 paragraph (1) of Law No. 37 of 2004 on Bankruptcy and Suspension of Obligation For Payment of Debts (UUK-PKPU) 2. How is the ordinary evidentiary mechanism implemented towards debt assignment in a petition for declaration of bankruptcy exist.

At the end, the Writer arrived at the conclusion that cessionaris are classified as creditors defined in Article 2 paragraph (1) UUK-PKPU to the extent that the debt assignment is not contrary to the requirements for a debt assignment to be valid. The Writer also came to the conclusion that there is a different ordinary evidentiary mechanism in the case of a debt assignment in a petition for declaration of bankruptcy. This research is in the form of a normative juridical with a descriptive typology.