

## Kepailitan terhadap penanggung utang sebagai upaya kreditur memperoleh pelunasan utang debitur yang wanprestasi = Bankruptcy of guarantor as creditor effort to obtain the debt payment from default debtor

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### Abstrak

[Penelitian ini bertujuan untuk mengetahui dan menganalisa apakah penanggung utang dapat dimohonkan pailit oleh kreditur dengan berdasarkan pada utang-utang debitur utama pada saat terjadi wanprestasi serta prosedur pengajuan

permohonan pailit apabila penanggung utang dapat dipailitkan oleh kreditur berdasarkan pada utang debitur utama yang wanprestasi. Penelitian ini menggunakan metode penelitan hukum yuridis normatif, dengan cara menganalisa norma-norma hukum yang berlaku dalam peraturan perundang-undangan dibidang kepailitan. Bahwa penanggung utang dapat diajukan pailit oleh kreditur dengan didasarkan pada sisa utang yang belum dibayarkan oleh debitur utama, dan pengajuan pailit tersebut dilakukan dengan cara terlebih dahulu mempailitkan

debitur utama. sisa utang yang belum terbayarkan setelah dilakukan pemberesan utang debitur utama merupakan utang yang masih harus ditanggung dan menjadi kewajiban bagi penanggung untuk melunasinya. Bahwa setelah dilakukan penelitian lebih lanjut dapat disimpulkan bahwa penanggung utang dapat dipailitkan oleh kreditur dengan didasarkan pada sisa utang debitur utama berdasarkan perjanjian pokok. Hal mana menunjukkan bahwa kewajiban pembayaran sisa utang tersebut berpindah pada penanggung dengan segala akibat hukumnya. Permohonan pailit terhadap penanggung.

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