

Analisis mengenai rehabilitasi terhadap notaris yang dipailitkan ditinjau dari undang-undang nomor 2 tahun 2014 tentang perubahan atas undang-undang nomor 30 tahun 2004 tentang jabatan notaris dan undang-undang nomor 37 tahun 2004 tentang kepailitan dan penundaan kewajiban pembayaran utang = Analysis on rehabilitation of a bankrupted notary seen from law no 2 of 2014 on the amendment of act no 30 of 2004 concerning about notary law and law no 37 of 2004 concerning about bankruptcy and suspension of payment / Theresia Prisillia

Theresia Prisillia, author

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Abstrak

Tesis ini merupakan analisa terhadap pengaturan mengenai rehabilitasi bagi debitur pailit dalam perkara kepailitan. Dalam Undang-Undang Kepailitan dan Penundaan Kewajiban Pembayaran Utang yang berlaku di Indonesia, diatur mengenai rehabilitasi, dimana Rehabilitasi tersebut dapat memulihkan nama baik serta keadaan debitur pailit seperti sebelum terjadinya kepailitan. Namun dalam Undang-Undang Jabatan Notaris yang mengatur mengenai kepailitan notaris, sanksi dari kepailitan yang dialami notaris tersebut adalah pemberhentian secara tidak hormat. Mengenai rehabilitasi terhadap notaris yang telah dijatuhi kepailitan belum diatur lebih lanjut mengenai pengangkatan kembali apabila notaris tersebut telah direhabilitasi atau dipulihkan. Hal tersebut menimbulkan ketidak sesuaian antara Undang-Undang Kepailitan dan Undang-Undang Jabatan Notaris, dimana seharusnya rehabilitasi dapat memulihkan keadaan debitur pailit tetapi tidak mengembalikan keadaan notaris seperti sebelum dipailitkan. Untuk melihat pengaturan mengenai pemulihan keadaan terhadap notaris yang telah dipailitkan, penulis melakukan studi komparatif terhadap Peraturan Notaris di Jepang yang telah melakukan pengaturan lebih lanjut mengenai keadaan notaris yang telah pailit dan dipulihkan keadaannya.

.....This thesis is an analysis of the regulation on rehabilitation of debtors in bankruptcy cases. Indonesia rsquo s Bankruptcy Law regulates the rehabilitation, which can restore the name and the condition of the bankrupt debtor as before the bankruptcy happened. Meanwhile, Indonesia rsquo s Notary Law which regulates a dishonorable dismissal as a sanction to a bankrupt notary, does not regulate more about the rehabilitation of the bankrupted notary. The notary who had been sentenced for bankruptcy can be rehabilitated as regulated by the Bankruptcy Law. However, the Notary Law does not regulate more about the reappointment of the notary who has been rehabilitated or restored. This circumstances causes a misalignment concept of rehabilitation between the Bankruptcy Law and Notary Law, in which rehabilitation that should be able to restore the debtor 39 s condition but does not restore the condition of a bankrupted notary as before the bankruptcy happened. To study more about the situation of a notary who has been bankrupted, the authors conducted a comparative study of the Japanese Notary Regulation who have regulate more about a bankrupted notary who has been restored.