

Pengakuan Putusan Asing dalam Kasus Kepailitan Lintas Negara (Cross-Border Insolvency) dengan Studi Kasus dalam penerapan perjanjian bilateral Singapura-Malaysia tentang Kepailitan Lintas Negara, Pengadopsian UNCITRAL Model Law, Peraturan Regional Uni Eropa, dan Penerapannya di Indonesia = Foreign Recognition and Foreign Proceedings on Cross-Border Insolvency and Case Studies of the Singapore-Malaysia Bilateral Agreement on Transnational Bankruptcy, Adoption of the UNCITRAL Model Law, European Union Regional Regulations, and Application in Indonesia

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Abstrak

Kegiatan ekonomi antar negara membukakan pintu para investor untuk dapat menanamkan investasinya di negara lain. Seiring dengan meningkatnya kegiatan transaksi ekonomi internasional, terbuka besar kemungkinan munculnya masalah kepailitan lintas negara. Maka dari itu, instrumen hukum kepailitan di sebuah negara harus ditingkatkan. Dalam menghadapi masalah kepailitan lintas negara, beberapa negara telah mencari jalan keluar seperti halnya Perserikatan Bangsa-Bangsa yang telah menciptakan UNCITRAL Model Law 1997, dan European Union yang telah menciptakan peraturan regional yang disebut dengan Council Regulation (EC) No. 1356/2000 of 29 May 2000 on insolvency proceedings. Permasalahan kepailitan lintas negara juga dapat diatasi dengan perjanjian bilateral seperti yang dilakukan Singapura dengan Malaysia dalam Mutual Recognition and Mutual Enforcement of Republic of Singapore and Malaysia on Cross-Border Insolvency. Indonesia merupakan salah satu negara yang belum memiliki satupun peraturan yang mengatur mengenai kepailitan lintas negara. Skripsi ini akan membahas mengenai kemungkinan diterapkannya pengaturan mengenai kepailitan lintas negara di Indonesia dengan meninjau pengaturan kepailitan lintas negara yang dilakukan Singapura dengan perjanjian bilateral bersama Malaysia, dan juga langkah Singapura dalam mengadopsi UNCITRAL Model Law melalui studi kasus. Selain itu, Skripsi ini juga membahas mengenai pengaturan regional kepailitan lintas negara yang diciptakan oleh European Union.

Economic activity between countries opens opportunities for investors to be able to invest in other countries. Along with the increase of international economic transactions, there is possibility of the emergence of Cross-Border Insolvency issues. Therefore, bankruptcy instruments in a country must be improved. In dealing with Cross-Border Insolvency, several countries have sought solutions. The United Nations created the UNCITRAL Model Law on 1997, and the European Union created a regional regulation called Council Regulation (EC) No. 1356/2000 of 29 May 2000 on insolvency proceedings. The Cross-Border Insolvency issues can also be settled by bilateral agreements such Mutual Recognition and Mutual Enforcement of the Republic of Singapore and Malaysia on Cross-Border Insolvency which conducted by Singapore and Malaysia. Indonesia does not yet have a single regulation that governs Cross-Border Insolvency. This study will discuss the possibility of applying Cross-Border Insolvency instruments in Indonesia by reviewing the Cross-Border Insolvency Instruments undertaken by Singapore with bilateral agreements with Malaysia, and

also Singapore's steps in adopting the UNCITRAL Model Law through case studies. In addition, this study also discusses regional regulation on Cross-Border Insolvency created by the European Union