

Tindakan Kementerian Energi dan Sumber Daya Mineral (ESDM) yang telah mencabut ijin dari perusahaan pailit walaupun telah dinyatakan going concern oleh Pengadilan. = The action of the Ministry of Energy and Mineral Resources (ESDM) which has revoked the permit from a bankrupt company even though it has been declared a going concern by the Court.

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Abstrak

Asas kelangsungan usaha (Going Concern) merupakan salah satu asas yang diatur dalam Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan PKPU. Perusahaan yang telah diputus pailit dengan segala akibat hukumnya tidak selalu berakhir dengan pemberesan, dimana peluang supaya usaha kembali dilanjutkan masih dimungkinkan dan tentu dengan tujuan untuk meningkatkan boedel pailit. Namun menurut peraturan perundang-undangan dalam hukum pertambangan, asas kelangsungan usaha bisa terhenti apabila ijin dicabut oleh Kementerian Energi dan Sumber Daya Mineral (ESDM) apabila suatu perusahaan dijatuhi pailit, meskipun berstatus going concern. Oleh karena itu, dalam tesis ini akan dibahas lebih lanjut berkaitan dengan Tindakan Kementerian Energi dan Sumber Daya Mineral (ESDM) yang mencabut ijin perusahaan pailit walaupun telah dinyatakan going concern oleh pengadilan.

.....The principle of business continuity is one of the principles regulated in Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations. Companies that have been declared bankrupt with all the legal consequences do not always end with settlements, where the opportunity for business to be resumed is still possible and of course with the aim of increasing the bankrupt account. However, according to the laws and regulations in mining law, the principle of business continuity can be stopped if the permit is revoked by the Ministry of Energy and Mineral Resources (ESDM) if a company is declared bankrupt, even though it has a going concern status. Therefore, in this thesis, we will discuss further regarding the action of the Ministry of Energy and Mineral Resources (ESDM) which revoked the bankrupt company's license even though it had been declared a going concern by the court.