

**ANALISIS PENOLAKAN RENCANA PERDAMAIAN OLEH KREDITOR
KONKUREN DALAM PROSES PENUNDAAN KEWAJIBAN
PEMBAYARAN UTANG**

(Studi Putusan Mahkamah Agung Nomor 830 K/Pdt.Sus-Pailit/2020)

ABSTRAK

Sutrisno *

Kepailitan menjadi salah satu jalan yang ditempuh oleh debitur dalam menyelesaikan persoalan utang piutang saat debitur tidak mampu atau memperkirakan tidak mampu membayar utang kepada para kreditornya yang sudah jatuh tempo dan dapat ditagih. PKPU menjadi suatu upaya hukum yang dapat dilakukan dengan memberikan kesempatan kepada debitur untuk melakukan restrukturisasi utang-utangnya, meliputi pembayaran seluruh atau sebagian utangnya kepada kreditor.

Rumusan masalah dalam tesis ini bagaimana restrukturisasi penundaan kewajiban pembayaran hutang debitur terhadap kreditor di masa pandemi covid-19, bagaimana hambatan yang di hadapi kreditor dan debitur dalam penyelesaian hutang dan solusi dalam penyelesaian permasalahan pembayaran hutang kepailitan di masa pandemi covid-19, bagaimana pertimbangan hukum hakim pada putusan Mahkamah Agung Nomor 830 K/Pdt.Sus-Pailit/2020.

Metode penelitian yang digunakan adalah deskriptif analisis yang mengarah pada penelitian hukum yuridis normatif dengan melakukan analisis terhadap putusan Mahkamah Agung Nomor 830 K/Pdt.Sus-Pailit/2020.

Hasil penelitian menunjukkan restrukturisasi penundaan kewajiban pembayaran hutang debitur terhadap kreditor di masa pandemi Covid-19 diajukan debitur terhadap para krediturnya dilakukan dengan pemohon mengajukan proposal Perdamaian kepada seluruh kreditor dan dalam proposal perdamaian pada intinya mengajukan penawaran penjadwalan ulang pembayaran angsuran hutang disertai dengan agunan atau jaminan dalam bentuk pemberian hak tanggungan untuk menjamin pembayaran agunan tersebut. Hambatan yang di hadapi kreditor dan debitur dalam penyelesaian hutang di masa Pandemi covid-19 adalah pandangan masyarakat yang menganggap restrukturisasi kredit akibat *covid-19* ini adalah penghapusan utang nasabah selama pandemi ini. Pertimbangan hukum hakim pada putusan Mahkamah Agung Nomor 830 K/Pdt.Sus-Pailit/2020 adalah syarat rencana perdamaian tidak diterima atau ditolak adalah quorum, karena 2 (dua) kreditor konkuren secara aklamasi menolak Rencana Perdamaian PT. Yeyeom Design, sehingga debitur PT. Yeyeom Design harus dinyatakan pailit dengan segala akibat hukumnya.

Kata Kunci: Perdamaian, Kreditor Konkuren, PKPU

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ANALYSIS OF REJECTION OF THE PEACE PLAN BY CONCURRENT CREDITORS IN THE PROCESS OF DONATION OF LIABILITY PAYMENT OF DEBT

(Study of Supreme Court Decision Number 830 K/Pdt.Sus-Pailit/2020)

ABSTRACT

Sutrisno*

Bankruptcy is one of the paths taken by debtors in solving debt problems when the debtor is unable or estimates not to be able to pay debts to creditors that are due and can be collected. PKPU is a legal remedy that can be carried out by providing an opportunity for debtors to restructure their debts, including paying all or part of their debts to creditors.

The formulation of the problem in this thesis is how to restructure debtor debt repayment obligations to creditors during the covid-19 pandemic, how are the obstacles faced by creditors and debtors in debt settlement and solutions in solving problems of paying bankruptcy debts during the covid-19 pandemic, how are legal considerations judge on the decision of the Supreme Court Number 830 K/Pdt.Sus-Pailit/2020.

The research method used is descriptive analysis that leads to normative juridical law research by analyzing the Supreme Court's decision Number 830 K/Pdt.Sus-Pailit/2020.

The results showed that the restructuring of the postponement of debt repayment obligations of debtors to creditors during the Covid-19 pandemic was proposed by debtors to creditors with the applicant submitting a reconciliation proposal to all creditors and in the peace proposal essentially submitting an offer to reschedule the payment of debt installments accompanied by collateral or guarantees in the form of granting mortgage rights to guarantee the payment of the collateral. The obstacles faced by creditors and debtors in settling debts during the Covid-19 pandemic are the views of the public who consider credit restructuring due to COVID-19 as the elimination of customer debt during this pandemic. The judge's legal consideration in the Supreme Court's decision Number 830 K/Pdt.Sus-Pailit/2020 is the condition that the peace plan is not accepted or rejected is a quorum, because 2 (two) concurrent creditors unanimously rejected the PT. Yeyeom Design, so that the debtor of PT. Yeyeom Design must be declared bankrupt with all the legal consequences.

Keywords: Peace, Concurrent Creditors, PKPU

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