

ABSTRACT

TUTUT ROKHAYATUN. Curator authority Determining the Status and Rights of Creditors Concurrent In Bankrupt Settlement Assets (PT. Sarwo Indah Case Study)
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PT. Sarwo Indah bankrupted by the decision of the Commercial Court at the Semarang District Court No. 02 / Pailit / 2012 / PN.Niaga.Smg., This decision resulted residential consumers do not get their rights as owners of land and building homes that have been purchased from the Borrower under the Agreement Contract of Sale and Purchase of Land and Houses. Therefore, the maintenance of a debtor company is terminated, then the provisions of article Article 185 of Law No. 37 of 2004 on Bankruptcy and Suspension of Payment, curator must carry out settlement by selling all of the bankruptcy estate. This study discusses how the authority Curator determine the status and rights of unsecured creditors in the bankruptcy estate of the debtor settlement and its implications for separatist creditors.

This study discusses about how the authority of the Curator determines the position and rights of the concurrent creditor in ordering the bankrupt property with the formulation of the problem, one way how the position and rights of the concurrent creditor in ordering of bankruptcy property. The second is how the curators authority in determining the position and right of the concurrent creditor to become the creditor of the material right. Third, what are the implications for separatist creditors as holders of material rights.

In this study, for the first problem formulation using the method of normative legal research is descriptive that describes the symptoms in the community against a case studied with a qualitative approach to generate descriptive data. The formulation of the second and third problems using the method of empirical normative legal research with judicial case study approach, which is about the implementation of the provisions of bankruptcy law in its application in the case of bankruptcy PT. Sarwo Indah.

The results of research indicate that the provision of Article 185 paragraph (1) of Law no. 37 Year 2004 as the implementation implementation of the provisions of Article 1131 and Article 1132 of the Criminal Code in case of bankruptcy of PT. Sarwo Indah can not be applied properly, because the impropriety of bankruptcy can not be done with the sale, so this has implications for the separatist creditor.