ABSTRACT

Jenica Susanto (05120120055)

CREDITORS’ LEGAL EFFORT IN EXECUTING ARBITRAGE VERDICT THROUGH BANKRUPTCY (Case Study of the Commercial Court Decision No. 36 / Pdt.Sus.Pailit / 2014 / PN.NIAGA.JKT.PST)

(xiii + 78 pages, 1 attachments)

Dispute resolution through arbitration can be done in terms of disputed debts. The absolute authority of the court in examining the request for a declaration of bankruptcy which contains special provisions regarding the arbitration clause is in Article 303 of Law Number 37 Year 2004 on Bankruptcy and Postponement of Debt Payment Obligation. Formulation of the problem in this research is how is the legal efforts of creditors to execute the arbitration decision and whether the debtor as set in the arbitration decision can be declared bankrupt. This study uses normative legal research through statute approach and case approach. Results of this research proves that, until the bankruptcy lawsuit is filed by Ecom Switzerland, Ecom USA, and Ecom Australia, the Chairman of the Central Jakarta District Court is not able to execute international arbitration decision, thereby causing legal uncertainty for Ecom Switzerland, Ecom USA, and Ecom Australia. Therefore, the judge of Central Jakarta Commercial Court may consider for the sake of justice, legal certainty, and benefit to the law in Indonesia, that the bankruptcy lawsuit conducted by Ecom Switzerland, Ecom USA, and Ecom Australia against Indonesia PT Golden Tatex to be granted.

References: 20 (1999 - 2014)