

ABSTRACT

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“Analysis of the Judge Consideration In Determining The Element of Good Intention, Payment Defaults or Insolvency, And Negligence In the Case of Peace Agreement Cancelation of Arpeni Pratama Ocean Line . LTD (Case Study : 552 K/Pdt.Sus-Pailit / 2015 & 07/Pdt.Sus/Pembatalan perdamaian / 2015 / PN . Niaga . Jkt . Pst . Jo . Nomor : 23 / PKPU / 2011 / PN . Niaga . Jkt . Pst)”

(ix + 113 pages + 2 attachments)

Peace agreement in bankruptcy is the second chance given by creditors to debtors to pay off debts that were previously not paid. However, a debtor like PT. APOL may experience financial problems that cause their company unable to make payment according to the agreement that he offered before. Generally, According to the Article 170 of the Indonesian Bankruptcy Act, it can lead to the cancelation of the peace agreement and therefore, the debtor can be declared bankrupt. However, The judge can also have his own consideration. Despite the debtor doesn't continue to make payment as agreed in the agreement, a debtor can still be considered to have good intentions and not considered negligence while trying to carry out the agreement to pay so the peace agreement won't be cancelled and the court give the chance to debtor to wait the creditors decision to determine the second peace agreement. This research is using the Normative legal research method by reviewing the judge consideration is according to law or not. This research is using state approach and case approach with verdict number 07 / Pdt.Sus / Pembatalan perdamaian / 2015 / PN. Niaga. Jkt. Pst. Jo. Nomor :23 / PKPU / 2011 / PN.Niaga.Jkt.Pst dan 552 K/Pdt.Sus-Pailit/2015. Through this research, I as the writer conclude that PT. APOL can't be categorized as having no good intentions and negligent because PT. APOL offers a second peace agreement in accordance with the old peace clause and a second peace may be filed even if the first peace is unsuccessful as long as it does not violate the provisions of Article 163 and Article 175.

Keywords :Peace Agreement, Negligence , Good Intentions , Insolvency, and Payment Defaults

Reference :41 (1993 – 2018)