

ABSTRACT

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**JURIDICIAL ANALYSIS ON REPEATED SUSPENSION OF PAYMENT
(CASE STUDY OF DECISION NO. 80/PDT.SUS-
PKPU/2020/PN.NIAGA.JKT.PST)**
(x + 113 pages)

This study aims to identify and analyze cases of the repeated suspension of payment from the perspective of the Bankruptcy Law and Suspension of Payment, along with the legal implications for the repeated suspension of payment. It was normative legal study, using primary, secondary, and tertiary legal materials. The data were collected by documentation method using the document study tools and was analyzed qualitatively. The results of the research showed that the petition suspension of payment cases contained in Decisions No. 80/Pdt.Sus-PKPU/2020/PN.Niaga.Jkt.Pst based on the material and formal requirements stipulated in Article 224 paragraph (1), Article 222 paragraph (1), Article 222 paragraph (3), and Article 8 paragraph (4) of the Bankruptcy Law, and based on the consideration of the Panel of Judges which stated that Homologation Decision No. 100 / Pdt.Sus-PKPU / 2017 / PN.Niaga.Jkt.Pst dated December 13, 2017, stated that the process of the Suspension of Payment of the Respondent had ended in peace, and the Petitioner was also not mentioned as a company that has followed the verification process and participated in the accord that was decided on December 13, 2017. However, these legal considerations contradict with Article 286 of the Bankruptcy Law and Suspension of Payment, in which the PKPU Petitioner should be bound to the 100/2017 Peace Agreement because it was an unverified concurrent creditor and the bill was issued before the 100/2017 Peace Agreement. Then, the legal consequence when the Repeated Suspension of Payment was granted was that the previous Peace Agreement remains legitimate and is valid under review based on Article 1858 paragraph (1) of the Civil Code jo. Article 130 paragraph (2) HIR, *uitvoerbaar bij voorraad* jo. Article 287 of the Bankruptcy Law and Suspension of Payment, Article 1320 of the Civil Code jo. Article 1338 of the Civil Code, Article 281 paragraph (1) of the Bankruptcy Law and Suspension of Payment and resulted in a new Peace Agreement. The conclusions obtained are: 1) The judge granted the petition of the Suspension of Payment in this case are only based on the material and formal requirements stipulated in the Bankruptcy Law and Suspension of Payment, and 2) the legal consequences of this Repeated Suspension of Payment case were the creation of a new peace agreement, also the same and binding legal force between the new and old peace agreement.

Keywords: Suspension of Payment, Peace Agreement, Concurrent Creditors.
References: 42 references (1986-2020)