

## ABSTRAK

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### **PERLINDUNGAN HUKUM KREDITOR KONKUREN SEKALIGUS KORBAN TERHADAP KEPAILITAN KOPERASI YANG TERBUKTI MELAKUKAN KEJAHATAN KORPORASI**

(viii+74 halaman, 0 gambar, 2 tabel, 0 lampiran)

Koperasi seringkali disalahgunakan sebagai wadah untuk melakukan kejahatan korporasi sehingga menimbulkan kerugian khususnya bagi para anggotanya. Kejahatan korporasi tersebut disamarkan dengan bentuk kegiatan usaha legal yang dapat berujung kepailitan usaha sebagai modus pelarian akan pertanggungjawaban pidana. Tumpang tindih antara penanganan kepailitan dan proses penanganan perkara kejahatan korporasi akan memosisikan anggota yang menjadi korban kejahatan korporasi yang dilakukan koperasi sekaligus juga berposisi sebagai kreditor konkuren dalam proses kepailitan koperasi. Penelitian ini bertujuan untuk mengkaji perlindungan hukum terhadap kreditor konkuren sekaligus korban terhadap kepailitan koperasi yang terbukti melakukan kejahatan koperasi guna mengembalikan kerugian semaksimal mungkin, dengan menggunakan metode yuridis-normatif, serta pendekatan peraturan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*) dan pendekatan kasus (*case approach*). Dari hasil penelitian, maka dapat ditegaskan sesuai ketentuan hukum Indonesia sekalipun telah ada sita karena kepailitan (atau sita karena perdata lainnya), penyitaan dalam perkara pidana atau dalam hal ini kejahatan korporasi tetap dapat dilakukan, sepanjang barang atau aset yang disita memenuhi kualifikasi sebagai barang yang digunakan, berkaitan atau hasil tindak pidana. Perlindungan hukum terhadap kepentingan kreditor konkuren berarti perlindungan terhadap hak-hak kreditor konkuren dalam memperoleh kembali pemulihan hak-hak finansialnya atau pemulihan atas uang-uang yang telah disetorkan kepada Debitor sebagai pelaku kejahatan korporasi termasuk ganti kerugiannya terhadap kreditor. Pemulihan hak finansial yang demikian diatur oleh undang-undang dalam mekanisme pemulihan ganti kerugian yang beragam. Terdapat 4 bentuk perlindungan hukum terhadap kreditor konkuren yang menjadi korban kejahatan korporasi, yakni perlindungan hukum melalui upaya gugatan ganti kerugian sesuai KUH Perdata, perlindungan hukum melalui upaya permintaan penggabungan perkara gugatan ganti kerugian dengan perkara pidana sesuai KUHP, perlindungan hukum melalui upaya permohonan restitusi kepada pengadilan melalui Lembaga Perlindungan Saksi dan Korban (LPSK) dan perlindungan hukum melalui upaya pengajuan tagihan dalam proses kepailitan menurut UUK-PKPU

Kata Kunci: Kreditor konkuren, perlindungan hukum, kejahatan korporasi

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## ABSTRACT

*Cooperatives are often misused as a forum for committing corporate crimes, causing losses, especially for its members. The corporate crime is disguised as a form of legal business activity that can lead to business bankruptcy as an escape mode for criminal liability. The overlap between the handling of bankruptcy and the process of handling corporate crime cases will position members who are victims of corporate crimes committed by cooperatives as well as being concurrent creditors in the cooperative bankruptcy process. This study aims to examine the legal protection of concurrent creditors as well as victims of cooperative bankruptcy who are proven to have committed cooperative crimes in order to recover losses as much as possible, using the juridical-normative method, as well as the statutory approach, conceptual approach, and the case approach. From the results of the research, it can be confirmed that according to the provisions of Indonesian law, even if there has been confiscation due to bankruptcy (or confiscation due to other civil cases), confiscation in a criminal case or in this case a corporate crime can still be carried out, as long as the goods or assets confiscated meet the qualifications as goods that have been confiscated. used, related to or proceeds of a criminal act. Legal protection of the interests of concurrent creditors means protection of the rights of concurrent creditors in obtaining recovery of their financial rights or recovery of money that has been deposited with debtors as perpetrators of corporate crimes including compensation for creditors. Recovery of such financial rights is regulated by law in various compensation recovery mechanisms. There are 4 forms of legal protection for concurrent creditors who are victims of corporate crime, namely legal protection through claims for compensation in accordance with the Civil Code, legal protection through efforts to request a merger of compensation claims with criminal cases according to the Criminal Procedure Code, legal protection through efforts to apply for restitution to the court through the Witness and Victim Protection Agency (LPSK) and legal protection through efforts to submit bills in the bankruptcy process according to UUK-PKPU.*

*Keywords: concurrent creditors, legal protection, corporate crime*