

ABSTRACT

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LEGAL ANALYSIS OF THE POSITION OF LABOR ON BANKRUPTCY COMPANY BASED ON BANKRUPTCY AND POSPONEMENT OF DEBT PAYMENT LAW NO. 37 OF 2004

(xiii+85 pages+2 attachment)

The bankruptcy and postponement of debt payment law No. 37 of 2004 only has one article sets and regulates about the labor right and legal position when the company that they work for declared bankrupt by the trade court, which is in the article 39. However, in the bankruptcy and postponement of debt payment law No. 37 of 2004 there is no deep setting on the positions and privileges labors as preferred creditors. It should be organize and explain more in depth about right and legal position of labors , because the bankruptcy and postponement of debt payment law No. 37 of 2004 is the ultimate guide by curators and supervisors in the case of bankruptcy. The legal position and dept wage payment that paid prefentially to companies that declared bankrupt have been set in Labour Law No. 13 of 2003 article 95, therefore labor has a legal protection by only that article. This thing caused problems for labor, and in the Tax Law that tells state as a creditor position of bankruptcy, precedence in payment for debt tax of bankrupt debtor. In this case, it has to do a legal review for creditors previlage problems to the assets of bankrupt debtor. Bankruptcy law has to explain and control specifically about debt of bankrupt debtor's payment term.

Reference: 13 (2014-2012)