ABSTRACT

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**Legal Protection For the Creditor as The Receiver of The Debtor Bankrupt Fiduciary**

(ix + 75 pages + 2 appendix)

Bankruptcy is related to the operations or involvement of debtors and creditors, in which there exists three different types of the creditors. There are: preferred creditors, unsecured creditors, and separatist creditor. Fiduciary creditor, as the receiver, can be classified as a separatist creditor. This thesis will aim to analyze and explain the role of creditor as the lender receiving fiduciary when PT Fit-U Garment as debtor decided to bankrupt itself. The above creditor was not satisfied with the amount of sales of goods, particularly fiduciary sales. As a result, the creditor, decided to file bankruptcy towards PT Fit-U Garment Industry’s personal guarantor. Consequently, several questions may arise, namely: how is the bankruptcy process going on PT Fit-U Garment Industry’s side, how is the bankruptcy process going on Danny Lukita’s side, and finally how the legal protection for creditors receiving fiduciary of the bankruptcy estate at was settled at the time of Danny Lukita’s bankruptcy. By utilizing a legal case study and approach the issue qualitatively, it is in fact safe to claim that under article 27 UU No. 42/2009 the fiduciary creditor, as the receiver or separatist creditor, has the preferred position of other creditors. However, that in a case of posted bankruptcy to a personal guarantor, the lender may not occupy the position of separatist creditor again. This is where problem tend to arise and dictate the legal protection required thus causing a ripple of complication.

Reference: 16 (1999 – 2012)