

## ABSTRACT

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### JUDICIAL REVIEW OF ACTIO PAULIANA'S ARRANGEMENT ATTRIBUTED TO THE TRANSFER METHOD OF THE BANKRUPT DEBTOR ASSET IN ACTIO PAULIANA AWARD IN INDONESIA

(x+130 pages; 3 Appendices)

*Actio pauliana* in the case of bankruptcy is a legal instrument stipulated in the law No. 37 of 2004 on bankruptcy and suspension of obligation for payment of debts to assist creditors in cancelling the legal action made by debtor that could harm the interests of creditors. The submission of *actio pauliana* as stipulated in article 47 law No. 37 of 2004 is carried out by the curator as a party to manage and liquidate the assets of bankrupt debtor. Revocation of legal action by debtor is not as easy as it could be cancelled, where the curator should be able to prove the element of legal action debtor adverse creditors. This research aims to discuss the bankruptcy arrangement regarding *actio pauliana* in Indonesia as well as describe methods performed by bankrupt debtor in transferring its property, attributed to the verdict in Indonesia. The type of research used in this study is normative law, with secondary data types consist of primary, secondary, and also tertiary legal substances. The type of approach used is by conceptual approaches, case approaches, and statutory approaches, which will then be analyzed Qualitatively. The way of obtaining the data used in the study is by a literature study. The results showed that the terms and legal basis regarding *actio pauliana* in Indonesia are governed by article 41 to article 50 law No. 37 of 2004. Each article that regulates *actio pauliana* in law No. 37 of 2004 also provides the legal base that curators can use in their lawsuit. There are several forms of transfer of the bankrupt property which is done by debtor by means of buying and selling, funds transfer, and grants. Referring to the verdict of the court No.01/Pdt.Sus/Actio Pauliana/2014/PN.Niaga.Jkt.Pst; No.07/ Pdt-Sus-ActioPauliana / 2015 / PN.Niaga.Mdn; No.05/Pdt.Sus-Actio Pauliana/2017/PN.Niaga.Jkt.Pst, the act of law tends to be done debtor by involving the affiliated parties in article 42, such as the mother or relatives up to the third degree. As for the transfer of assets of bankrupt debtor carried out more than a year before the verdict of the bankruptcy statement, it is also considered a judge as something that can be ruled out in some cases. It can be concluded that the arrangement concerning *actio paulina* in Indonesia in terms of a period of 1 year before the verdict of the bankruptcy statement is still in a disputed stage and can also be concluded that the curator needs to anticipate and pays more attention due to the acts of buying and selling, funds transfers, and grants.

Reference: 3 (1973-2019)

Keyword: *Actio pauliana*, transfer of assets, debtor, creditor, curator