

ABSTRACT

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“ANALISIS PERBANDINGAN UNDANG-UNDANG KEPAILITAN DI INDONESIA DENGAN UNDANG-UNDANG KEPAILITAN NEGARA INGGRIS DAN MALAYSIA SERTA PENERAPAN UJI SOLVABILITAS SEBAGAI SALAH SATU PERSYARATAN KEPAILITAN”

(XI + 109 Pages)

Based on Article 1 paragraph 1 of Indonesian Bankruptcy Code, Bankruptcy is defined as a general seize of a Debtor's assets in which and then the asset would be managed and distributed by the receiver that would be appointed by the court for the benefits of the creditors, but considering how easy a Debtor could be bankrupted based on the condition required for a Bankruptcy Petition made by their Creditor that are regulated on the Indonesia Bankruptcy Code sometimes Bankruptcy is being used by people who operate in bad faith. The writer intention's is to know how the bankruptcy's requirement affects the Debtors in PT.Telekomunikasi Selular case and how urgent is the insolvency test to be applied as the one of the requirements for Bankruptcy. Bankruptcy should be the last option or the *ultimum remedium* for both the debtor and creditor in finding a solution for their debt problem when it is proven that the debtor is proven to have more liabilities compared to their wealth or assets. And this seem like a contradiction remembering the simplicity of condition required for a Bankruptcy petition, therefore the writer tries to compare the Indonesian Bankruptcy code to the Bankruptcy codes that are applied in the United Kingdom and Malaysia because according to the Bankruptcy codes that are applied to those country the debtor has to be proven to be insolvent in order to be Bankrupted.

Keywords: Bankruptcy, Insolvency Test, Malaysia Bankruptcy Act, United Kingdom Insolvency Rules.

References: 25 (1990-2008)