

ABSTRACT

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LIABILITIES AND LEGAL CONSEQUENCES OF *PERSONAL GUARANTEE* IN INDONESIA BANKRUPTCY LAW

(xii+ 96 pages : 3 attachments)

There are two parties in an agreement of debts, debtors and creditors. But sometimes in an agreement emerge a third party that called personal guarantee. The presence of a personal guarantee here provide a great benefit from the creditor as owner of the receivable. The duty of personal guarantee is to give an assurance payment for creditors. Personal guarantee has a big obligation and legal consequences because personal guarantee has to pay all debtor's debt if the debtors breach of contract and the Personal Guarantee could also be declared bankrupt if personal guarantee is not capable for paying debtor's debts. But the obligation and the legal consequences of becoming a personal guarantee has not been known yet by people. Based on that problem, the author intends to research about the liabilities and legal consequences of becoming a personal guarantee. This thesis uses normative legal research with 2 (two) approaches, which is statute approach and case approach. For statute approach, author uses Law Number 37 of 2004 on Bankruptcy and Suspension of obligation for payment of debts and Indonesian Civil Code article 1820. For case approach, author use the case of PT Orix Indonesia against Sindhu Dharmali as a personal guarantee of PT Palur Raya.

References: 21 (1976-2014)

Keywords : bankruptcy, *personal guarantee*, debtor, creditor