

ABSTRACT

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CONCURSUS CREDITORUM IN BANKRUPTCY LAW

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In Articles 2 (1) of Law No. 37 of 2004 on Bankruptcy and Suspension of Debt Payment Obligations (Bankruptcy Law) there are requirements for filing a bankruptcy petition. One of the requirement is that there must be 2 (two) or more creditors which is referred to as Concursus Creditorum. The requirements is absolute and cumulative, so that the bankruptcy petition will be rejected if one of those requirements is not fulfilled. This thesis uses Case Number: 136K/Pdt.Sus-Pailit/2014 a dispute between 2 (two) companies, which each party prove regarding the existence of the creditors whether it qualify the minimum requirements. Based on the stated issues above, this thesis discuss about the parameter of Concursus Creditorum and the implementation in practice. This research is Normative-Empiric with case approach, namely by conducting an interview and examining law theories, judicial case study, and statutory regulations related to this research. Based on the review conducted, it can be concluded that the parameter of Concursus Creditorum has to be fulfilled from the beginning of filing a bankruptcy petition until the end of bankruptcy case. But The Bankruptcy Law related to the requirements for filing a bankruptcy petition is not yet provided clear boundaries in order to provide legal certainty.

Key Words : Bankruptcy, Concursus Creditorum, Creditors, Debtors, Bankruptcy Petition

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