

## **ABSTRACT**

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### **JURIDICAL ANALYSIS OF BANKRUPTCY DECISION YEAR 2019-2020 AT THE CENTRAL JAKARTA COMMERCIAL COURT THAT DOES NOT FULFILL THE SIMPLE PROOF REQUIREMENTS**

(xiii + 122 pages; 1 attachment)

A bankruptcy petition must be granted if the requirements as stipulated in Article 2 section (1) jo. Article 8 section (4) of the UU KPKPU has been fulfilled, namely there are two or more creditors, the debtor does not pay off at least one debt, the debt is due and can be collected, and can be proved simply. However, UU KPKPU does not provide a detailed explanation of how simple proof is carried out. There are no clear definitions and boundaries or indicators that can serve as parameters regarding what is meant by simple proof, neither explanation of the extent to which the Judge can determine the existence of facts or circumstances that can be proven simply or not. The purpose of this research is to find out the fulfillment of the requirements for filing a bankruptcy petition based on the 2019-2020 bankruptcy decision at the Central Jakarta Commercial Court which was rejected because it did not fulfill the simple proof requirements and to find out the simple proof parameters based on 2019-2020 bankruptcy decision at the Central Jakarta Commercial Court which was rejected because it did not fulfill the simple proof requirements. The research method used in this study is normative-empirical. Normative-empirical research uses secondary data consist of primary, secondary, and also tertiary legal substances, and supported by primary data through interviews. The results of this study indicate that from 2019 to 2020, there were 14 (fourteen) decisions of Central Jakarta Commercial Court that were rejected by the Judges based on the consideration of there are facts and circumstances that cannot be simply proven. Which 13 (thirteen) of them were proven did not fulfill the bankruptcy requirements, while 1 (one) of them have fulfilled the bankruptcy requirements. The results of this study also show that the parameters of simple proof are pay attention to the definition of debt based on Article 1 Number 6 of the UU KPKPU, the plaintiff can prove the existence of the defendant's debt to the plaintiff, the evidence on which the debt is based must be clear, there is no dispute or legal flaw, pay attention to the provisions in the agreement on which the debt is based, pay attention to the payment due date (including to include the payment due date in the evidence on which the debt is based), presenting other creditors to the court, and does not require to be proven beforehand.

Keywords: Bankruptcy, Bankruptcy Requirements, Simple Proof

References: 35 (1847-2020)