

ABSTRACT

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JURIDICIAL ANALYSIS OF IDENTIFICATION THE FICTITIOUS CREDITORS EXISTENCE ON BANKRUPTCY AND SUSPENSION OF PAYMENT PROCEEDING

(xii+89 pages ; 2 attachments)

On the bankruptcy or suspension of payment proceeding, the possible issue which may arise is regarding the fictitious creditor. The fictitious creditor might be identified in 2 (two) circumstances, the first one at the stage of filing petition of bankruptcy or suspension of payment and secondly is at the stage of claim verification. The terminology of “fictitious creditor” in this thesis is a creditor whom the claim evidence against the debtor is not legally verified or the creditor who is intentionally been created as not legally existed on purpose for the sake of the creator. The receiver, administrator and supervisory judge have important role to avoid the fictitious creditor. The existence of fictitious creditor may jeopardize and reduce the right of the lawful creditor in obtaining its right over the bankrupt assets. Despite the issue of the fictitious creditor could not be settled through the Commercial Court as it has not been regulated under Law Number 37 of 2004 concerning Bankruptcy and Suspension of Payment. In this thesis, the writer would like to analyze the bankruptcy case of PT Rokit Aldeway and Harry Suganda, in which there was being suspected to be fictitious creditor namely, Trilium Global Pte. Ltd. The issues that would like to examine in this thesis is how to identify the fictitious creditor in bankruptcy and suspension of payment proceeding as well as how the claim of Trilium Global Pte. Ltd could be acknowledged as the lawful creditor.

Keywords: Fictitious creditor, debt verification, bankruptcy, suspension of payment

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