

## ABSTRACT

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**JURIDICIAL ANALYSIS OF THE AUTHORITY OF THE CURATOR IN ACTION PAULIANA'S ACTION STUDY (CASE STUDY OF DECISION NUMBER 24/Pdt.Sus.GLL-ActioPauliana /2018/PN.Niaga.Jkt.Pst. Jo. Nomor 101/Pdt.Sus-PKPU/2017/PN.Niaga.Jkt.Pst)**

(ix + 86 pages)

After the debtor experiences bankruptcy, all of his assets will become bankrupt assets. This bankruptcy estate will be managed and liquidate by the curator. The curator in carrying out his duties is obligated to protect the assets of the bankrupt in order to achieve justice in the distribution of the proceeds from the liquidation. One of the curator's actions that can protect the debtor's bankrupt assets is the lawsuit of Actio Pauliana. Actio pauliana is a specifically facility provided by The Indonesian Bankruptcy Law (law No. 37 of 2004 on bankruptcy and suspension of debt payment obligations) to the curator in order to request the commercial court to cancel all legal actions of the debtor which are considered to be detrimental to the bankruptcy estate. Regarding to the case number 24/Pdt.Sus.GLL-Actio Pauliana/2018/PN.Niaga.Jkt.Pst. Jo. number 101/Pdt.Sus-PKPU/2017/PN.Niaga.Jkt.Pst., this actio pauliana was proposed by the curator because of the transfer of the object of the fiduciary guarantee by the debtor to his employees without the knowledge of the creditor. The result of the research is that the act of transferring the object of a fiduciary guarantee without the knowledge of the creditor is an act that violates The Indonesian Fiduciary Guarantee Law (law No. 42 of 1999 on fiduciary guarantee). In addition, a transfer made within 1 year before the debtor is declared bankrupt for the sake of saving the company itself and the transfer of the object of a fiduciary guarantee to a party who also knows that the act can harm the creditor is the act that can be canceled according to the Indonesian Bankruptcy Law. Therefore, the panel of judges decided to partially grant the petition of the plaintiff, namely granting in the cancellation of the bankruptcy debtor's actions and including the object of collateral in the debtor's bankruptcy estate. However, the panel of judges rejected a petitum which was a demand for the decision is granted immediately eventhough there are other legal remedies. This matter should not be submitted again by the curator because according to article 16 of the Indonesian Bankruptcy Law, it has been stated that the curator must immediately carry out management or settlement tasks from the date the bankruptcy decision is pronounced.

References : 23 (1973-2020)

Keyword: Authority, Curator, Actio Pauliana