

## CHAPTER V

### CLOSING

#### A. Conclusions

1. The concept of default is intricately tied to the fulfillment of default criteria as outlined in Decision Number 2/Pdt.G/2023/PN Bbs, based on both Civil Code Articles and the insights of civil law scholars. These criteria encompass the presence of a binding, the debtor's failure to fulfill it, and the debtor's element of fault. In the legal relationship established, Abdul Wahid and Nurwakhiyati, acting as defendants, are mandated to repay a business capital sum of Rp 60,000,000.00 to Amah Nurahmah and Mahmud Tungke, the plaintiffs, by the agreed-upon deadline of September 22, 2018. However, the defendants failed to fulfill their obligation by not repaying the business capital by the specified date, thereby demonstrating non-performance. The debtor's fault is evident from the defendant's failure to return the business capital within the stipulated timeframe, aligning with the essence of Article 1238 of the Civil Code concerning the debtor's negligent conduct, as well as Mariam Badruzaman's theory on error, which posits that default occurs when the debtor, due to their fault, fails to meet the terms of the agreement. The nature of default in this instance lies in the debtor's tardiness in fulfilling their obligation, which conforms to J. Satrio's theory, as the Rp. 60,000,000.00 business capital, being the object of the agreement, is still beneficial to the creditor.

2. The legal repercussions faced by Abd. Wahid and Nurwakhiyati as debtors in Decision Number 2/Pdt.G/2023/PN Bbs, as per the judge's ruling, entail restitution in the form of reimbursing the business capital amounting to IDR 60,000,000.00. This obligation arises because money, serving as the performance object in this scenario, retains its utility for the creditors, aligning with J. Satrio's fundamental tenet of default theory. Additionally, Abd. Wahid and Nurwakhiyati are mandated to cover court expenses totaling Rp 1,180,000.00, as the judge deems both parties culpable of defaults, which resonates with Subekti's theory regarding the consequences of default, including the obligation to bear court costs.

#### **B. Recommendation**

1. As a legal entity, the community must vigilantly oversee the execution of obligations outlined in agreements with others to secure the rights rightfully due from such agreements and to prevent occurrences of default.
2. This research aims to enhance public understanding of the law, particularly regarding the repercussions of their actions. By raising awareness of legal matters, the community can effectively utilize their legal capacity for constructive purposes, thus minimizing the occurrence of undesired outcomes like those detailed in Decision Number 2/Pdt.G/2023/PN Bbs.

