

PEMBATALAN PERJANJIAN PERDAMAIAN DALAM PROSES KEPAILITAN

(TINJAUAN YURIDIS PUTUSAN NOMOR 31/PDT.SUS-PEMBATALAN PERDAMAIAN/2023/PN JKT.PUS)

Oleh:

Azzahra Nur Fajrina

E1A021007

ABSTRAK

Perjanjian perdamaian sebagai alat agar debitor dan kreditor dapat melindungi dan mempertahankan hak-haknya. Perjanjian perdamaian dilakukan oleh debitor untuk dapat mempertahankan usahanya dari jerat kepailitan. Perjanjian perdamaian wajib dilaksanakan, jika debitor gagal menjalankan perjanjian perdamaian, kreditor dapat memohon membatalkan perjanjian perdamaian ke Pengadilan. Tujuan penelitian untuk mengetahui bagaimana proses pembatalan perjanjian perdamaian dan akibat hukum dikabulkannya pembatalan perjanjian perdamaian dalam proses kepailitan pada Putusan Nomor 31/Pdt.Sus-Pembatalan Perdamaian/2023/PN Jkt Pus. Metode pendekatan menggunakan metode yuridis normatif dengan metode pengumpulan data berupa studi kepustakaan. Data disajikan dalam bentuk narasi dengan metode analisis data yang digunakan yaitu yuridis normatif. Hasil penelitian dan pembahasan menunjukkan bahwa Pengadilan Niaga Jakarta Pusat dalam Putusan Nomor 31/Pdt.Sus-Pembatalan Perdamaian/2023/PN Jkt Pus, permohonan pembatalan perjanjian perdamaian dikabulkan dengan alasan debitor tidak dapat membuktikan pelaksanaan isi perjanjian perdamaian tersebut. Putusan tersebut memberikan akibat hukum berupa debitor dinyatakan pailit sehingga proses pemberesan harta pailit harus segera dilakukan.

Kata kunci : Pembatalan Perjanjian Perdamaian; Pailit; dan Kelalaian Debitor.

**CANCELLATION OF RECONCILIATION AGREEMENT IN THE
BANKRUPTCY PROCESS**

**(JURIDICAL REVIEW OF DECISION NUMBER 31/PDT.SUS-
CANCELLATION OF ACCORD/2023/PN JKT PUS)**

Written By:

Azzahra Nur Fajrina

E1A021007

ABSTRACT

A reconciliation agreement is a toll for debtors and creditors to protect and defend their rights. A reconciliation agreements are made by debtors to be able to defend their business from bankruptcy. The reconciliation agreement must be implemented. If the debtor is unable to implement the reconciliation agreement, the creditor may request to cancel the reconciliation agreement to the Court. The purpose of the research was to find out how the process of cancelling a reconciliation agreement and the legal consequences of granting the cancellation of a reconciliation agreement in the bankruptcy process in Decision Number 31/Pdt.Sus-Cancellation Of Accord/2023/PN Jkt Pus. The method used was normative juridical, which were collected through literature studies. That were presented in narrative form using normative juridical data analysis method. The research and discussion results indicated that Central Jakarta Commercial Court in Decision Number 31/Pdt.Sus-Cancellation Of Accord/2023/PN Jkt Pus., granted the request to cancel the reconciliation agreement because the debtor could not prove that he had implemented the contents of the reconciliation agreement. The legal consequences of cancelling the reconciliation agreement are that the debtor is declared bankrupt, and the process of disposing of the bankruptcy property must be carried out immediately.

Keywords : *Cancellation of Reconciliation Agreement; Bankruptcy; and Debtor's Negligence.*