

## ABSTRAK

Utang piutang timbul diakibatkan oleh ketidak mampuan salah satu pihak membayar kewajibannya tepat waktu. Hal tersebut tentunya merugikan perusahaan piutang untuk memenuhi kewajiban usahanya. Perkara utang piutang usaha bisa diajukan PKPU ke Pengadilan Niaga. Penundaan Kewajiban Pembayaran Utang ataupun PKPU termasuk suatu cara dalam penyelesaian utang agar terhindar dari kepailitan. Adapun Pasal 235 (1) dan Pasal 293 (1) UU No.37 Tahun 2004 tentang Kepailitan dan PKPU, terhadap putusan PKPU tak bisa diajukan upaya hukum apapun. Namun melalui Putusan MK No.23/PUU-XIX/2021 Pasal tersebut dinyatakan inskonstitusional dan tidak mengikat, maka dari itu terhadap Putusan PKPU bisa diajukan upaya hukum kasasi apabila memenuhi syarat. Dalam Putusan PKPU No.07/Pdt.Sus/PKPU/PN.Niaga.Jkt.PSt terjadi suatu kelalaian pembayaran utang terhadap putusan yang telah di Homologasi. Pasca diputuskannya Putusan PKPU, diketahui debitor hingga saat ini belum membayar ataupun bahkan mencicil tagihan utang sesuai skema pembayaran yang telah disetujui. Maka dari itu, kreditor berupaya untuk mendapatkan haknya yang hingga saat ini belum bisa terpenuhi oleh debitor.

**Kata kunci :** Upaya Hukum;PKPU;Homologasi;Perusahaan.

## **ABSTRACT**

*Debts payable and receivables arise due to the inability of one party to pay its obligations on time. This is certainly detrimental to the receivables company to meet its business obligations. Debts matter can be submitted to the Commercial Court, named Suspension of Payment. Suspension of Payment or PKPU (in Bahasa) is a way of debt settlement to avoid bankruptcy. According to Article 235 paragraph (1) and Article 293 paragraph (1) of Law No.37 Year of 2004 about bankruptcy and suspension of payment, suspension of payment decision can not be filed any legal remedy. However, through the decision of the Constitutional Court No.23/PUU-XIX/2021, it is stated that the article is unconstitutional and non-binding, therefore, Cassation proceedings can be filed if they meet two conditions. In the decision of suspension of payment number No.07/Pdt.Sus-PKPU/2016/PN.Niaga.Jkt.Pst., there is a default on the payment of the debt against the verdict that has been homologated. After the decision of the suspension of payment's decision, it's known that debtors haven't paid or even paid debt bills in accordance with the approved payment scheme. Thus, the creditor seeks to obtain his rights which until now have not been fulfilled by the debtor.*

**Keywords** : *Legal Remedies; Suspension of Payment; Homologation; Company.*