

PENYELESAIAN SENGKETA PENUNDAAN PEMBAYARAN UTANG DENGAN ALASAN PANDEMI COVID-19 MELALUI PUTUSAN PERDAMAIAAN PKPU

(Studi Kasus Putusan PKPU Nomor: 46/Pdt.Sus-
PKPU/2021/PN.Niaga.Jkt.Pst)

ABSTRAK

Pandemi Covid-19 telah menyebabkan kerugian di berbagai bidang khususnya ekonomi. Dampak pandemi Covid-19 ini mengakibatkan hanya 58,95% perusahaan mampu beroperasi secara normal, bahkan sebanyak 82,45% perusahaan mengalami penurunan pendapatan. Berdasarkan Keputusan Presiden Nomor 12 Tahun 2020 tentang Penetapan Bencana Non-Alam Penyebaran Corona Virus Disease 2019 (Covid-19) Sebagai Bencana Nasional sebagai dasar hukum *force majeure*. Dengan banyaknya perusahaan yang berdampak ini peningkatan perkara pailit dan PKPU terjadi karena adanya wanprestasi yang dilakukan oleh debitor akibat Covid-19. Misalnya tidak menjalankan kewajiban, seperti membayar utang akibat situasi keuangan perusahaan yang menurun. Seperti pada kasus Putusan Perdamaian PKPU Nomor: 46/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst. Dimana berdasarkan pada kasus tersebut diketahui Debitor tidak dapat memenuhi kewajiban prestasinya dikarenakan salah satu alasannya yaitu terdampak oleh Covid-19. Maka berdasarkan pada permasalahan tersebut penulis memperoleh rumusan masalah yaitu: Apakah kondisi pandemi Covid-19 dapat menjadi alasan untuk menunda pembayaran utang oleh debitor dan bagaimana pelaksanaan putusan perdamaian PKPU Nomor 46/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst dalam kasus permohonan penundaan pembayaran utang. Metode penelitian yang digunakan penulis dalam penelitian ini adalah yuridis normatif dengan mengusung pada teori-teori serta peraturan perundang-undangan. Serta menggunakan pendekatan masalah perundang-undangan dan kasus yang dikasi dengan berdasarkan pada sumber data hukum primer dan sekunder. Dilengkapi dengan teknik analisis kualitatif. Hasil dari penelitian menunjukkan bahwa pandemi Covid-19 tidak serta merta dapat menghilangkan kewajiban debitor untuk memenuhi prestasinya bilamana pandemi Covid-19 dinyatakan oleh pemerintah telah berakhir. Dan dalam putusan PKPU tersebut, syarat keempat tidak terpenuhi karena baik debitor dan kreditor sama-sama mengalami kerugian akibat pandemi Covid-19.

Kata Kunci : Covid-19, Force Majeure, Penundaan Pembayaran Kewajiban Utang

SETTLEMENT OF DEBT PAYMENT DELAY DISPUTE WITH THE REASON OF PANDEMI COVID-19 THROUGH PKPU PEACE DECISION

(Case Study of PKPU Decision Number: 46/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst)

ABSTRACT

The Covid-19 pandemic has caused losses in various fields, especially the economy. The impact of the Covid-19 pandemic resulted in only 58.95% of companies being able to operate normally, in fact as many as 82.45% of companies experienced a decrease in revenue. Based on Presidential Decree Number 12 of 2020 concerning Stipulation of Non-Natural Disasters from the Spread of Corona Virus Disease 2019 (Covid-19) as National Disasters as a legal basis for *force majeure*. With so many companies having an impact, an increase in bankruptcy and PKPU cases has occurred due to defaults committed by debtors due to Covid-19. For example, not carrying out obligations, such as paying debts due to a declining company's financial situation. As in the case of the PKPU Peace Decision Number: 46/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst. Where based on the case it is known that the Debtor cannot fulfill his performance obligations because one of the reasons is being affected by Covid-19. So based on these problems the author obtains the formulation of the problem, namely: Can the condition of the Covid-19 pandemic be a reason for delaying debt payments by debtors and how is the implementation of the PKPU conciliation decision Number 46/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst in the case of a request for postponement of debt payments. The research method used by the author in this study is normative juridical by adhering to theories and laws and regulations. As well as using a statutory problem approach and cases based on primary and secondary legal data sources. Equipped with qualitative analysis techniques. The results of the study show that the Covid-19 pandemic does not automatically eliminate debtors' obligations to fulfill their achievements when the Covid-19 pandemic is declared by the government to have ended. And in the PKPU decision, the fourth condition was not met because both debtors and creditors both suffered losses due to the Covid-19 pandemic.

Keywords : *Covid-19, Force Majeure, Postponement of Obligation Payments Debt*