

## ABSTRAK

Tugas dan tanggung jawab kurator sangat besar dalam melaksanakan pengurusan dan pemberesan harta pailit yang implementasinya masih ditemukan adanya kesalahan atau kelalaian yang dilakukan oleh kurator berakibat pada pertanggung jawaban kurator baik sebagai profesi maupun pribadi, sehingga kajian pertanggungjawaban dan perlindungan kurator sangat dibutuhkan. Metode penelitian yang digunakan dalam mengurai permasalahan yang diteliti adalah yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Berdasarkan hasil penelitian, menunjukkan bahwa pertanggungjawaban terhadap kurator terdiri atas tanggung jawab secara profesi dan pribadi. Tanggung jawab profesi timbul ketika perbuatan yang dilakukan Kurator telah merugikan harta pailit akibat kelalaiannya, sehingga tanggung jawab dibebankan kepada harta pailit. Tanggung jawab kurator secara pribadi melekat pada diri kurator yang melakukan kesalahan dengan kesengajaan dan kelalaiannya telah menyebabkan kerugian terhadap harta pailit sehingga tanggung jawab tidak dibebankan kepada harta pailit melainkan kepada kurator secara pribadi. Perlindungan hukum dalam menjalankan pengurusan dan pemberesan harta pailit tidak diatur dalam UU KPKPU. Secara preventif, perlindungan diberikan oleh organisasi terkhusus kode etik profesi oleh Asosiasi Kurator Dan Pengurus Indonesia (AKPI) serta termaktub dalam pasal 50 KUHP yang berlaku umum, belum ada pengaturan secara *lex specialis*. Perlindungan hukum secara represif hanya terdapat perlindungan dari organisasi yang mengenai lebih lanjutnya didasarkan pada surat keputusan asosiasi.

**Kata kunci:** Pertanggungjawaban, kurator, kesalahan kelalaian.

## **ABSTRACT**

*The duties and responsibilities of the curator are very large in carrying out the management and settlement of bankruptcy assets, the implementation of which is still found to be errors or omissions committed by the curator resulting in the responsibility of the curator both as a profession and as a person, so that a study of the responsibility and protection of the curator is urgently needed. The research method used in analyzing the problems under study is normative juridical with a statutory approach and a case approach. Based on the results of the research, it shows that accountability to curators consists of professional and personal responsibilities. Professional responsibility arises when the actions taken by the Curator have harmed the bankruptcy estate due to their negligence, so that the responsibility is borne by the bankruptcy estate. The curator's personal responsibility is attached to the curator who made a mistake on purpose and negligence caused a loss to the bankruptcy estate so that the responsibility is not borne by the bankrupt estate but on the curator personally. Legal protection in carrying out the management and settlement of bankrupt assets is not regulated in the KPKPU Law. Preventively, protection is provided by an organization specifically a professional code of ethics by the Association of Indonesian Receivers and Administrators (AKPI) and is contained in Article 50 of the Criminal Code which is generally accepted, there is no *lex specialis* regulation. Repressive legal protection is only protection from organizations whose further details are based on association decisions.*

**Keywords:** *responsibility, curator, error or omission*