

ABSTRAK

INDRI SYAHFITRI (2210622083). EKSEKUSI PERSONAL GUARANTEE (BORGTOCHT) ATAS JAMINAN KREDIT MODAL KERJA PADA KEPAILITAN (Studi Putusan Mahkamah Agung RI Nomor 141/Pdt.Sus-PKPU/2020/PN.Niaga.Jkt.Pst). Dibimbing oleh IWAN ERAR JOESOEUF sebagai Pembimbing Utama dan MUTHIA SAKTI sebagai Pembimbing Pendamping.

Penelitian ini bertujuan untuk mengevaluasi dampak Putusan Mahkamah Agung Republik Indonesia No. 141/Pdt.Sus-PKPU/2020/PN.Niaga.Jkt.Pst terhadap pelaksanaan jaminan pribadi (borgtocht) pada kredit modal kerja dalam kasus kepailitan. Menggunakan metode hukum normatif, penelitian ini menganalisis dampak putusan tersebut terhadap kreditur dan penjamin serta bagaimana pelaksanaan jaminan pribadi seharusnya dikelola dalam kepailitan. Temuan penelitian menunjukkan bahwa meskipun putusan ini memberikan kejelasan mengenai prosedur pelaksanaan, masih terdapat ketidakpastian hukum yang perlu diatasi. Rekomendasi meliputi perbaikan perlindungan hukum, peningkatan kebijakan yang spesifik, penelitian empiris, sinkronisasi hukum, transparansi kurator, dan pembentukan unit Audit Hukum Independen di bank.

Kata Kunci: Personal Guarantee/borgtocht, kepailitan, eksekusi, kredit modal kerja, putusan Mahkamah Agung.

ABSTRACT

INDRI SYAHFITRI (2210622083). THE EXECUTION OF PERSONAL GUARANTEES (BORGTOCHT) ON WORKING CAPITAL LOANS IN BANKRUPTCY CASES: A STUDY OF INDONESIAN SUPREME COURT DECISION NO. 141/PDT.SUS-PKPU/2020/PN.NIAGA.JKT.PST. Supervised by IWAN ERAR JOESOEUF as Principal Supervisor and MUTHIA SAKTI as Co-Supervisor.

This study analyzes the Supreme Court of the Republic of Indonesia Decision Number 141/Pdt.Sus-PKPU/2020/PN.Niaga.Jkt.Pst concerning the execution of Personal Guarantee (borgtocht) on Working Capital Credit in bankruptcy cases. Using a normative juridical method, this study examines how the Personal Guarantee execution was carried out against creditors and guarantors in the decision, and how such execution should be carried out in the case of the bankruptcy of the principal debtor. The results of the study indicate that there is a need to strengthen legal protection for all parties involved in the bankruptcy process. This study recommends the issuance of more concrete policies, in-depth empirical research, synchronization of relevant laws, increased transparency of the curator, and the establishment of an Independent Legal Audit unit in banks.

Keywords: Personal Guarantee (borgtocht), bankruptcy, execution, working capital credit, Supreme Court decision.