ABSTRAK

KEPASTIAN HUKUM HAK KREDITOR ATAS PENGAJUAN TAGIHAN YANG MELEWATI JANGKA WAKTU DALAM PROSES KEPAILITAN

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Batas waktu pendaftaran tagihan kreditor dalam proses kepailitan dimaksudkan untuk menjamin asas kepastian hukum dan efisiensi pemberesan harta pailit. Namun dalam praktik, penerapannya justru menimbulkan ketidakpastian hukum, khususnya ketika kreditor terlambat mengajukan tagihan dan menghadapi penolakan oleh Kurator. Permasalahan tersebut semakin nyata dengan adanya disparitas putusan antara Putusan Pengadilan Niaga Jakarta Pusat Nomor 29/Pdt.Sus-Gugatan Lain-lain/2023/PN Niaga Jkt Pst dan Putusan Pengadilan Niaga Medan Nomor 18/Pdt.Sus-Renvoi/2023/PN Niaga Mdn. Penelitian ini bertujuan untuk menganalisis penyebab terjadinya disparitas pertimbangan hakim atas pengajuan tagihan kreditor yang melewati batas waktu, serta mengkaji kepastian hukum hak kreditor atas pengajuan tagihan yang terlambat dalam proses kepailitan. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan studi kasus. Hasil penelitian menunjukkan bahwa disparitas putusan disebabkan oleh perbedaan fakta hukum serta penafsiran hakim terhadap ketentuan dalam kepailitan serta sifat batas waktu pendaftaran piutang bagi kreditor terlambat, serta penerapan asas kepastian hukum, keadilan, perlindungan hukum dan tanggung jawab yang menimbulkan kekaburan norma dan ketidakpastian hukum. Lebih lanjut, penelitian ini menemukan bahwa UU Kepailitan dan PKPU pada dasarnya tidak menghapus hak kreditor hanya karena pengajuan tagihannya dilakukan setelah batas waktu, penolakan absolut terhadap tagihan yang terlambat berpotensi menghilangkan hak kreditor secara tidak proporsional dan tidak sepenuhnya sejalan dengan tujuan kepailitan. Kepastian hukum tidak hanya bergantung pada ketentuan normatif, tetapi juga pada konsistensi penerapan hukum oleh hakim. Oleh karena itu, diperlukan penyempurnaan norma UU Kepailitan dan PKPU, pembaruan peraturan Mahkamah Agung serta pengaturan teknis bagi kurator yang lebih tegas dan berkeadilan guna menjamin kepastian hukum serta perlindungan hak kreditor dalam proses kepailitan.

Kata kunci: kepastian hukum, kreditor terlambat, kepailitan.

ABSTRACT

LEGAL CERTAINLY OF CREDITOR'S RIGHTS REGARDING THE REJECTION OF LATE-FILED CLAIMS IN BANKRUPTCY PROCEEDINGS

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The time limit for the submission of creditors' claims in bankruptcy proceedings is intended to uphold the principles of legal certainty and the efficient administration of the bankruptcy estate. However, in practice, its application has generated legal uncertainty, particularly where creditors submit their claims after the prescribed deadline and such claims are rejected by the bankruptcy trustee (Curator). This issue is further illustrated by the inconsistency between the judgments of the Central Jakarta Commercial Court in Decision No. 29/Pdt.Sus-Gugatan Lain-lain/2023/PN Niaga Jkt Pst and the Medan Commercial Court in Decision No. 18/Pdt.Sus-Renvoi/2023/PN Niaga Mdn. This study aims to examine the factors contributing to the disparity in judicial reasoning concerning creditors' claims submitted beyond the statutory deadline and to analyze the legal certainty afforded to creditors with respect to late-filed claims in bankruptcy proceedings. The research employs a normative legal research method using both the statutory approach and the case approach. The findings indicate that the disparity in judicial decisions arises from differences in the underlying legal facts and judicial interpretations of the provisions of Indonesian bankruptcy law, particularly regarding the legal nature of the deadline for filing claims by late creditors. In addition, differing applications of the principles of legal certainty, justice, legal protection, and responsibility have contributed to normative ambiguity and legal uncertainty. Furthermore, this study finds that the Indonesian Bankruptcy and Suspension of Debt Payment Obligations Law (Bankruptcy and PKPU Law) does not, in principle, extinguish a creditor's substantive right solely because the claim is submitted after the prescribed deadline. An absolute rejection of late-filed claims may result in a disproportionate deprivation of creditors' rights and is not entirely consistent with the underlying objectives of bankruptcy proceedings. Legal certainty depends not only on the existence of clear statutory provisions but also on the consistent application of the law by the judiciary. Accordingly, this study recommends amendments to the Bankruptcy and PKPU Law, the refinement of Supreme Court regulations, and the adoption of more comprehensive and equitable technical guidelines for bankruptcy trustees in order to ensure legal certainty and provide effective protection of creditors' rights in bankruptcy proceedings.

Keywords *: Bankruptcy Proceedings; Late-filed Creditor's Claims; Legal Certainty*