KnE Social Sciences
4th INCLAR
4th International Conference on Law Reform
Volume 2024

Conference Paper

Legal Protection of Creditors Constitutional Rights as Citizens Due to Debtor Insolvency

Yapiter Marpi[1,2]*, Jamal Wiwoho[3], Pujiyono[3]

[1]Student Program Doctoral of Law Pascasarjana University Sebelas Maret, Solo, Indonesia
[2]Department Faculty of Law University Jakarta, Jakarta Indonesia
[3]Program Doctoral of Law Pascasarjana University Sebelas Maret, Solo, Indonesia

ORCID
Yapiter Marpi: https://orcid.org/0000-0002-3739-8249

Abstract.
Creditor legal protection against debtor bankruptcy is based on bankruptcy law. Circumstances in which the debtor's assets are insufficient to fulfill his payment obligations. Meanwhile, the definition of bankruptcy is universal confiscation of all liquidation assets, the release of which is attempted by a curator. based on Law Number 37 of the Republic of Indonesia, 2004, will split suspension of payment obligations. The debtor defaults only if the total amount owed exceeds the value of the asset. Bankruptcy-free maturity requirements are required as a bankruptcy condition so that the law does not state bankruptcy status as a bankruptcy condition, providing legal protection and legal basis. The study found that efforts to obtain legal protection for creditors include providing preventive legal protection aimed at preventing violations against creditors in the event of a bankrupt debtor, from payment obligations. Legal protection includes the principles of law, equality, Paribas, structured debt, debt collection, the universal principle, and the principle of legal justice, especially in Indonesian bankruptcy.

Keywords: legal protection, creditors, insolvency, bankruptcy

Corresponding Author: Yapiter Marpi; email: yapitermarpi@gmail.com

Published 5 January 2024

Publishing services provided by Knowledge E

Selection and Peer-review under the responsibility of the 4th INCLAR Conference Committee.

1. INTRODUCTION

A business entity is a vehicle for various types of business in the economic sector, including the industrial, commercial, service and financial sectors[1]. Business is any act, act or activity in the economic field, carried out by every businessman with the aim of obtaining profit or profit. In the business world, there are many problems associated with financial management systems where business entities or industries attempt to plan activities related to the storage and control of funds and real estate. Therefore, in order to maintain the smooth running of the activities carried out by business entities or business entities, they need loans from creditors.[2] Creditor or lender to a debtor, and usually in the form of a company or banking institution.

There are weaknesses in the debt payment agreement of the debtor with the creditors, as provided for in Article 51, paragraph (1) of law No. 37 of 2004. Liabilities arise if it has been agreed between the two or more of which the obligor is the obligor. provide loans. to the debtor who received the loan with the amount to be repaid. The issue of payables is included in the provisions of the civil law.[3] Civil law dealing with debt and credit issues can be seen from Book III on Escrow, in general, a person is declared insolvent and credit can be declared bankrupt. Businesses experiencing debts and debt disputes between debtors and creditors may be declared bankrupt if the business is able to meet its debt payment obligations to the monopolies, according to the law.[4],[5] A company in good financial standing can also be declared bankrupt if it pays its obligations and continues to accumulate debts. Insolvency is a financial condition governed by civil law, insolvency also occurs in bankruptcy when an individual or company does not have enough assets to cover its debt or is unable to pay its debts. pay off debt when it should.

The problem of insolvency is the insolvency of bankruptcy. In article 57 paragraph (1) UURI No37 of 2004 that insolvency does not at all explain that insolvency is a condition for the debtor to be declared bankrupt. Although it is explained that the conditions for a debtor to be declared bankrupt are governed by Article 2(1) of UURI No. 37 of 2004. [6]It states that a debtor has two or more creditors and does not at least one recoverable debt declared bankrupt by the court at its request, at its own request or at the request of one or more creditors. Procedure for determining the circumstances of insolvency It is decided from the common law system that the court decision becomes of legal origin, the insolvency is decided by the court from The facts show that the debtor is unable to pay or perform his obligations to the creditors. An insolvency judgment is an obligation because only insolvent debtors can be declared bankrupt by a commercial law court.

Based on the above context, in this article in the form of Doctor of Law courses at Sebelas Maret University Postgraduate course in Constitutional Law and Human Rights are:

1. What is the legal protection of creditors in the event of an insolvent debtor under Article 57, paragraph (1) Legal protection of creditors in the event of an insolvent debtor under bankruptcy law? 2. Legal principles of insolvency Certainty of bankruptcy?

2. METHODOLOGY/ MATERIALS

This article uses a normative approach through a legislative and legal approach. The judicial system uses secondary data. Legislative approach is carried out by analyzing

Article 57, paragraph (1) UURI No. 37 of 2004. For the purpose of understanding and analyzing the law. Based on the way the problem is set up, the study authors in this review examine the legal protection of creditors in the status of a debtor's invention under Article 57(1) of Law No. his bankruptcy. on Legal Principles under Section 57(1) of RI Act No. 37 of 2004. This study is normative legal research.[7] The information used and processed in legal research is secondary information, that is, information obtained from literary sources. Secondary information includes primary legal interest, secondary legal interest and tertiary legal interest.[8] The main legal literature covered includes an examination of legal theories, concepts and principles as well as an examination of the laws and regulations relevant and relevant to this question. This use of law is intended to explore the legal rationale and ontological basis for the birth of these laws. This is very helpful in grasping and understanding the philosophical content behind the law.[9] Then, secondary legal documents are added in the form of legal opinions, doctrines and also theories drawn from the legal documents.

3. RESULTS AND DISCUSSIONS

3.1. Legal protection for creditors in cases of debtor insolvency in terms of bankruptcy law

Legal protection in Indonesia itself refers to Pancasila, which is the ideology and philosophy of this country. It is clearly stated in "Article 28 D, paragraph 1 of the 1945 Constitution of the Republic of Indonesia, that everyone has the right to equal recognition, security, protection, and legal guarantee as well as to fair and equal treatment before the law".

The existence of law in society is conceived as a means to create peace and order in society, so that the interests of relations between citizens can also be protected. The law also has a role to protect those who are harmed in terms of their interests. Disputes arising within the company must be resolved in accordance with applicable law, which means that justice is served. Philipus M. Hadjon said that the form of legal protection can be divided into 2, which are: 1) Preventive legal protection. "By preventive legal protection means protection that provides the public with the opportunity to voice an objection (inspraak) to its opinion before the government's decision has get the final form"; 2) Repressive legal protection. "This legal protection is intended to resolve disputes. In Indonesia itself, there are various bodies that deal with part of the legal protection of the people grouped into three, namely the court under the

general judiciary, the government body as the administrative appeals body, and the administrative appeals body. agency specially authorized to resolve disputes. The role of law as protector of human interests is what creates an orderly social order, and it is hoped that a balanced life will be achieved. The relationship between the legal subject and the legal object protected by the applicable law gives rise to rights and obligations. The rights and obligations arising from the law can be understood as the assurance or certainty that a feeling of security is formed among fellow countrymen.

The law protects the rights and obligations of all citizens. With the protection of the rules, the common goals of the rules will be achieved, which are order, peace, truth and justice. Rules can be in the form of written rules as well as unwritten rules. Laws include general rules that serve as guidelines for individuals to behave socially, both in their interactions with others and in their relationships with people. These budget rules serve as boundaries for people to behave socially, both in their interactions with others and in interactions with people. Rules act as boundaries for people to behave well.

Legal protection is the right of every citizen, as well as an obligation for that country. The elements of legal protection are as follows:

1. There is protection from the government for its citizens, every country must have legal politics where there is protection from the government for its citizens starting from a strict legal government under its own punishment.
2. The guarantee of legal certainty can make it easier to carry out regulations that have been written and made with the aim of guaranteeing comfort, order and justice to citizens.
3. The existence of citizens' rights, the definition of rights in the rules of a person who has property rights over an object to him is allowed to enjoy the output based on the object he owns.
4. The existence of legal sanctions for those who violate them is the most obvious form of manifestation based on the power of the state in the application of its obligations to enforce compliance with the law.

Then we found the term bankruptcy in Dutch, French, Latin and English.[10] The mention is slightly different from country to country but always has the same meaning as in the Netherlands when a person is blocked or stopped paying is called Faillete, else in France we use the term Failli, while in England it is called Failure and in Latin it is called Fallire. Bankruptcy is a mass execution determined by a judge's decision, immediately applied to lead to the general confiscation of all assets of the debtor

declared bankrupt. According to Indonesian grammar, bankruptcy means anything related to bankruptcy,[11] and in "Law No. 37 of 2004 Concerning Bankruptcy and Suspension of Debt Payment Obligations (Bankruptcy Law)" the meaning of bankruptcy referred to in article 1, paragraph 1, namely "bankruptcy is the general administration of forfeiture of all assets of the bankrupt debtor, which the administrator ensures the management and settlement under the supervision of the insolvency.[12] under the control of a judge-commissioner under the conditions prescribed by this law".

The bankruptcy decision has a very wide impact on the assets of the bankrupt debtor, in which the bankrupt debtor loses all rights to his/her assets in the bankruptcy estate as prescribed in Article 21 of the Law on bankruptcy. Bankruptcy, specifically, is "a bankruptcy that has legal consequences, specifically on the debtor's assets, namely:[13]

1. All of the bankrupt debtor's assets are in a conservative general confiscation;
2. There was a suspension of execution;
3. ases in court are suspended or taken over by the curator;
4. The bankrupt debtor's assets are in the management of the curator for the benefit of all debtors; And
5. Bringing bankruptcy consequences to the agreements that have been made by the curator ".

Achieve peace in social life. A life adorned with a peaceful atmosphere is everyone's hope. Peace will become a reality if everyone feels protected in all areas of life.[14] Insolvency is the final stage of bankruptcy.[15] Principle of insolvency with principle and principle of justice, in article 57, paragraph (1) of law No. 37 of 2004, stipulates that the debtor is in a state of insolvency, in particular if the child is insolvent. a debtor is unable to pay most of his debt or the value of his or her property or assets is less than the liability or also the liability in which case there must be principles and principles that can protect the owner.[16] debt in the event of insolvency, the debtor's inability to pay by applying the principles and principles of justice, the principles and principles of justice are biased in order to satisfy the feeling of justice.[17] equally to interested parties.[18] This fairness is to avoid arbitrary formation of the parties involved.[19] If the debtor becomes aware of his inability to pay his obligations as they come due, the step of seeking bankruptcy for him is an authorized step,[20] or a court determination of bankruptcy for him.[21] with the debtor if it is later found that the debtor is indeed incapable of repaying the due and recoverable debts in court.[22] Bankruptcy is a general forfeiture of the debtor's assets that is the forfeiture of all of the debtor's assets included in the bankruptcy petition.[23]

Total foreclosure is intended to prevent the debtor from committing acts that may harm the interests of the creditor.[24]

The law plays a role in its implementation for citizens by ensuring the protection of citizens with limited interests. If there are conflicts or disputes in the life of citizens, they should be resolved according to current law, avoiding self-defense acts.[25] Protecting the interests of citizens by creating a just and orderly social order to create a balanced life is the main function of the law. A debtor is declared insolvent if he is not financially able to pay any part of his debt or the value of his property.[26] Bankruptcy itself is a failure in the sense that it is an economic failure.[27] Economic failure occurs when industry profits fall below required levels. Failure occurs when the fund and asset management is actually less stable or the decline on the company's side falls within the expected range of fund and asset management in the stable sense.[28]

3.2. Legal principles in bankruptcy certainty insolvency

The principle of law is the "ratio legis" of the legal norm, as Satjipto Raharho said "the rule of law is the heart of the rule of law and it is the most far-reaching basis for the birth of the 'state'. rule of law'. which means that the rules of law will eventually come back to these principles.' [29]The principle of law is the basis whose power will not be exhausted by giving rise to regulations, but will always exist and give rise to new regulations later.[30] Legal principles are what make the law exist, exist and develop.[31] Legal principles are also the soul and heart of the law, which give the law a solid sociological and philosophical foundation.[32] Legal principles or legal principles should be understood as the basis for the formation of legal norms and also the basis for solving legal problems that arise if the applicable legal norms are not Also relevant The principle or principle of law is one of the most important contents for scientific legal research.[33] Sudikno Mertokusumo says that legal principles or principles are not specific regulations, but basic ideas that have a general nature or form the basis of specific rules. poenali" specified in Article 1 of the Penal Code. Unlike positive law which can be applied directly to facts, legal principles are applied indirectly.[34] It is necessary to understand the characteristics and rules contained in specific legal regulations to find legal principles.[35]

Values underpin bankruptcy law standards. Stemming from a long history of bankruptcy law built on principles, legal values, and practices. There are different principles of bankruptcy law:

1. Legal principles universally are needed as a bottom line in making legal provisions as well as being a reference for dismantling legal issues.
2. The principle of equality of creditors has the same rights for all the assets of the debtor who cannot afford to pay his debts so that the debtor's wealth will become his target.
3. The Principle of Structured Creditros This principle classifies and classifies various debtors according to their respective classes.
4. The principle of Debt Collection has the meaning as retribution and creditor against a bankrupt debtor.
5. The Debt Polling Principle is the principle that governs how bankrupt assets must be divided between their creditors.
6. General and Territorial Principles have a bankruptcy verdict from a court of law in a country so that the bankruptcy verdict applies to all debtor assets both located within the country where the bankruptcy verdict was handed down or to the debtor's assets located abroad.
7. The principle of justice is the condition that overcoming bankruptcy can fulfill a sense of justice for interested parties.

Regarding bankruptcy, Indonesia has "Law No. 37 of 2004 relating to bankruptcy and suspension of debt payment obligations (Bankruptcy Law)" which is an update of "Law No. the government instead of law number 1 of 1998 regarding the amendment of the bankruptcy law to become law, initially using "Failissement verordening (Staatsblad 1905: 217 intersection Staatsblad 1906: 348)" is a Dutch legal product that has been practiced in Indonesia since colonial times.[36] When dealing with bankruptcy cases, several principles should be considered, the following are some of the bankruptcy rules.[37]used as a basis, namely: Parity credit. The "Equality of Creditors" principle (equality among creditors) is a principle that states that creditors have equal rights over all of a debtor's assets.[38] And if the creditor can't or won't pay the debt, the property becomes the creditor's target. Assets covered by this principle are all of the debtor's assets in the form of movable or immovable property, and existing assets and assets that will be owned by the debtor in the future are bound by the settle the debtor's obligations.[39] However, if the debtor has only one creditor, the creditor can settle it by taking the debtor to the District Court in accordance with civil procedures.[40] Creditorium's principle of parity has the philosophy that it is unfair for a debtor to still have assets while the

debtor's debts to creditors remain unpaid. However, the principle of Creditor parity is unfair because it equalizes the position of each creditor.[41] Rules for betting Passu Prorata Parte. The "pari pasu prorate parte" principle is a supplement to the "paritas creditorium" principle in that if the creditor parity principle only provides that each creditor has equal rights over the debtor's assets, then The pari passu prorarta parte rule provides that the debtor's assets are co-guarantors, the result of which must be prorated among each debtor.[42] This principle emphasizes a more equitable distribution of the debtor's assets in proportion.[43] This principle stems from the fact that if the assets of a bankrupt debtor are less than his debts, it cannot be said that creditors with large receivables receive the same share as creditors. having a receivable is fair.[44] But if the assets of the bankrupt debtor exceed the total amount owed, then this principle becomes less relevant.[45] Principles of structural creditors. The principle of "structural creditors" is the principle of classifying types of debtors according to their qualifications. In bankruptcy, creditors are divided into three categories, namely:[46]

1) Creditors secede; 2) Preferred creditor; and 3) Concurrent creditors. The division of creditors into three is slightly different from the division of creditors in general civil law. While in general, civil law creditors are only divided into two, i.e. competition creditor and preferred creditor, where preferred creditor here includes secured creditor and preferred creditor. the law.[47] The principle itself stems from the fact that the principle of Credit parity placed adjacent to the pari passu prorrarta parte principle is still believed to be incapable of administering justice.[48]

Principles of debt.[49] The concept of debt in the case of bankruptcy is a very decisive factor. Because without debt, there would be no bankruptcy. In Indonesia, the concept of debt in bankruptcy is derived from the concept of debt in the Dutch bankruptcy law applied in Indonesia according to the matching principle, debt is a form of obligation to fulfill a commitment, so with the According to this concept, if someone forces us to compensate for our actions or does nothing, then we will also be in debt.[50]

Principles of debt collection. The principle of "collection" is the concept of a creditor's retaliation against a bankrupt debtor by recovering their claims against the debtor's property or against the debtor himself. In ancient times, this principle was synonymous with slavery and the mutilation of debtors' bodies. However, in modern bankruptcy law, the principle of "collection" itself is more directed towards the liquidation of the debtor's assets. A petition for bankruptcy or foreclosure is an unusual, perhaps unusual, proceeding because these remedies are designed as a means of pressuring the debtor to act. its obligations. Debt collection is also a principle that emphasizes debtors to repay debts as soon as possible to avoid moral bad debt by hiding all assets as common

security for creditors. Principle of mutual debt. The principle of “pooling debts” is a principle that governs how a debtor’s assets are divided among his creditors in the event of bankruptcy. this will then be done by a trustee that adheres to the “paritas creditorium et pari passu prorarta parte principles as well as structured creditors and other principles”. However, as the principle of debt consolidation has evolved, the concept has been extended when it was originally a matter of division of bankruptcy assets, to now include agreements in the bankruptcy system as well. property, especially in relation to the division of the debtor’s assets among the parties. creditors.[51]

Principles of debt forgiveness. The principle of “foreclosure” implies that bankruptcy is not only like an institution to offend a debtor’s pressure, but can also be used in the other direction, where bankruptcy can also be an institution that can reduce the debtor’s burden and the debtor’s liability due to financial difficulties leading to the debtor’s inability to repay creditors. The implementation of this principle is the deferred payment obligation (PKPU).[52] Indeed, no business is without risk, all businesses have the potential for loss. Universal principle and territorial principle. [53]

The principle of universality means that a bankruptcy decision issued by a court in one country will apply domestically and will also apply abroad. In most legal systems adopted by many countries, they do not allow their own courts to enforce foreign court decisions, which applies to both civil and common law. This of course makes the universal principles immediately applicable abroad.[54] this makes bankruptcy decisions in one country not automatically enforced in other countries, but also between countries there is a spirit of openness from the “territorial principle”. It is from the enthusiasm of mutual opening between countries that there is a universal principle that bankruptcy decisions are no longer a barrier, because in the Netherlands they themselves have taken the steps to conclude an agreement. mutual recognition of bankruptcy decisions with the State of Belgium. But of course, if there is a conflict between the territorial principle and the universal principle, the territorial principle will always be used.[55]

Principles of trading in financial distress. Bankruptcy is the state of a company that has experienced a decline in its ability to adapt to the environment, even with the impact of low performance over a certain period of time, ultimately causing the company to fail. lost - even its resources and money. Thus, bankruptcy is seen as a business outcome for companies that are having debt-crushing debt problems, where debtors are no longer able to repay creditors due to struggling financial conditions.[56]

The legal principle contained in the insolvency condition for Article 57 paragraph (1) of the Bankruptcy Law can be concluded that there is a more important legal principle than the insolvency principle from an economic point of view. In fact, an insolvency condition

is a situation in which the debtor's obligation exceeds the value of all his treasures. Such a debtor's status as inability to pay off debts or insolvency is practically the heart of bankruptcy by providing specific legal objectives.[57] proposed by Gustav Radbruch called the theory of legal termination merely wants to explain that the law in its object is necessarily directed towards 3 things, namely certainty, chance and justice. [58]

1. Legal certainty which means if certainty is a lawsuit, namely let the law be positive in the sense that it applies with certainty. Mandatory law obeyed, thus the law is really very positive listed The principle of bankruptcy is equality in distributing equal rights there is legal certainty.

2. The intended benefit is a mandatory legal objective intended for something useful or has benefits. The law is essentially aimed at creating pleasure or happiness for the people listed in the principle bankruptcy, namely debt polling, distributing the assets of the obligatory debtor split for the benefit.

3. Justice is a situation where the problem is the same treated equally. There is also justice is very related with conscience. Justice is not about an official definition because he is closely related to everyday human life. Heart This conscience has a very large position because it is related with a very deep feeling and mind that is contained within The principle of bankruptcy is that justice can fulfill a sense of justice for the parties party.

Insolvency principles must contain and become the heart of the soul of the bankruptcy principles contained in the standards, namely in Article 57, paragraph (1) of Law No. 37. In 2004, the principle that emerged was the Fairness principle. The principle of fairness set forth in Article 57, paragraph (1) of the Bankruptcy Act is justice for all parties regarding their interest in the debtor's bankruptcy.[59] This means that justice is directed not only to the creditor, but also to the debtor or to a third party who is also affected or is involved in the debtor's bankruptcy. The principle of fairness is intended to avoid the arbitrariness of creditors who have a direct interest in bankrupt assets. Thus, Law No. 37 of 2004 controls the process of balanced debt settlement attempted through bankruptcy. There is a principle of justice that can directly provide justice to provide legal protection to the creditor in the event of an insolvent debtor under Article 57 paragraph (1) Law 37 of 2004 To prevent this from happening. arbitrary actions of the debtor.[60]

4. CONCLUSION AND RECOMMENDATION

The protection of the law for the community stems from the concept of recognition of dignity, as well as the recognition of human rights belonging to the subjects of the law on the basis of the provisions of the law. Philipus M. Hadjon said that the form of legal protection can be divided into 2, which are: 1) Preventive legal protection. "By preventive legal protection means protection that provides the public with the opportunity to voice an objection (inspraak) to its opinion before the government's decision has get the final form"; 2) Repressive legal protection. "This legal protection is intended to resolve disputes. If the debtor becomes aware of his inability to pay his obligations as they come due, the step of seeking bankruptcy for him is an authorized step, or a court determination of bankruptcy for him. with the debtor if it is later found that the debtor is indeed incapable of repaying the due and recoverable debts in court.

Legal principles are not specific regulations, but basic considerations that are general in nature or form the basis of specific rules. However, in reality, many legal principles are reflected in specific regulations, such as the principle of "nullum delictum nulla poena sine praevia lege poenali" specified in Article 1 of the Penal Code. Unlike positive law which can be applied directly to facts, legal principles are applied indirectly. It is necessary to understand the characteristics and rules contained in specific legal regulations to find legal principles. Bankruptcy is the state of a company that has experienced a decline in its ability to adapt to the environment, even with the impact of low performance over a certain period of time, ultimately causing the company to fail. lost - even its resources and money. Thus, bankruptcy is seen as a business outcome for companies that are having debt-crushing debt problems, where debtors are no longer able to repay creditors due to struggling financial conditions.

References

[1] Anggraeny I, Tongat T, Rahmadanti WD. Tongat, and W. D. Rahmadanti, "Urgensi Pelaksanaan Tahapan Persiapan Penyusunan Kontrak Oleh Pelaku Bisnis Dalam Mengkontruksi Hubungan Bisnis". Yurispruden J. Fak. Huk. Univ. Islam Malang. 2020 Jan;3(1):1–11.

[2] Priscilla KCC. "Kajian Yuridis Pengadilan Niaga Sebagai Lembaga Penyelesaian Perkara Kepailitan." Lex Priv. 2020;8(1).

[3] Nugroho B. Peranan Alat Bukti Dalam Perkara Pidana Dalam Putusan Hakim Menurut KUHAP. Yuridika. 2017;32(1):17–36.

[4] Lestari IGA, Kurniawan PPI. “Perluasan Pengaturan Pengurusan Perseroan Terbatas Dalam Pembaharuan Hukum Perseroan Terbatas.” Kertha Semaya J Ilmu Huk. 2020;8(19).

[5] Amalia R, Agustin E, Dian Pawestri W, Shokhikhul Islam M, Setyo Mukti A, Umar Effendi I. Penyuluhan Hukum tentang Aspek Legalitas Investasi Online. J. Dedik. Huk. 2022 Nov;2(2):221–30.

[6] Hari Sutra Disemadi DG. Perlindungan Hukum Kreditur Konkuren Dalam Perspektif Hukum Kepailitan Di Indonesia. J. Pendidik. Kewarganegaraan Undiksha. 2021;9(1).

[7] Sudiono L. The vulnerability of women in dealing with Covid-19 Pandemic: Feminist Legal Theory Approach. Hasanuddin Law Rev. 2021;7(3):241–59.

[8] Butarbutar EN. Metode Penelitian Hukum Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu Hukum. Bandung: Refika Aditama; 2018.

[9] Yusro MA. “Shareholders lawsuit: Fraud on minority law enforcement to invent corrective justice during the Covid-19.” Law Res Rev Q. 2022;8(1). https://doi.org/10.15294/lrrq.v8i1.54473.

[10] Girsang D, Sudirman J, Jaya L, Halim F. “Pertanggungjawaban Hukum Perusahaan Asuransi Terhadap Penolakan Klaim Atas Kehilangan Kendaraan Bermotor,” Justitia J. Ilmu Huk. dan Hum., vol. 7, no. 4, pp. 819–829, 2020.

[11] Triantini IGND, Laksana NND. “Tanggung Jawab Dewan Komisaris Terkait Kepailitan Perseroan Terbatas,” Kertha Semaya J. Ilmu Hukum, vol. 8, no. 6, 2020.

[12] Gelar Sidang Santoso DB. Yudhia Ismai, “Perlindungan Hukum Terhadap Kreditur Atas Keadaan Insolvensi Debitur,” YURIJAYA. J. Ilm. Huk. 2022;2(1).

[13] Ginting ER. Hukum Kepailitan Teori Kepailitan. Jakarta: Sinar Grafika; 2018.

[14] Disemadi P, Prananingtyas PHS. “Kebijakan Corporate Social Responsibility (CSR) sebagai Strategi Hukum dalam Pemberdayaan Masyarakat di Indonesia”. J. Wawasan Yuridika. 2020;4(1):1–16.

[15] Prayogo S. Penerapan Batas-Batas Wanprestasi dan Perbuatan Melawan Hukum dalam Perjanjian. J. Pembaharuan Huk. 2016;3(2):280.

[16] Cohen AI. Corrective vs. distributive justice: The case of apologies. Ethical Theory Moral Pract. 2016;19(3):663–77.

[17] Natalia TS. “Akibat Hukum Kepailitan Terhadap Kreditor Pemegang Hak Tanggungan dalam Eksekusi Hak Tanggungan,” J. Manaj. dan Bisnis Sriwij., vol. 16, no. 3, 2018.

[18] Hermita Ambar Sari IG. Perjanjian Pengikatan Jual Beli Hak Atas Tanah Yang Dibuat Di Hadapan Notaris Dalam Jual Beli Tanah Untuk Mewujudkan Kepastian Hukum Di Kabupaten Sragen. J. Repert. 2018;5(1).

[19] Idris MF. Access to Justice for Disability in the Perspective of John Rawls Theory (Case of Demak Regecy Indonesia). J. Law Leg. Reform. 2021;2(3):391–400.

[20] Dewi PE. Legal consequences of bankruptcy on joint assets after divorce. J Huk Prasad. 2023;10(1):43–8.

[21] Libassi M. Gold conflict and contested conduct: Large- and small-scale mining subjectivities in Indonesia. Geoforum. 2022;10(1):103648.

[22] F. C. & M. M. Tampi. Perlindungan Hukum Terhadap Investor Pemegang Saham Pada Emiten Ditinjau Dari Hukum Kepailitan Dan Hukum Perseroan Terbatas (STUDI KASUS NO.4/PDT.SUS.PEMBATALAN PERDAMAIAN/2019/PN.NIAGA.JKT.PST JUNCTO NO.1/PK/PDT.SUS-PAILIT/2020). J. Huk. Adigama. 2021;4(1).

[23] Yanto N, Darusman OY, Utami YM, Nurdiyana IS. "The light judgment decision in the case of corruption: The implications for the sense of public justice." J. IUS Kaji. Huk. dan Keadilan, vol. 8, no. 1, pp. 1–16, 2020.

[24] Hage PK, Ningrum PK. M. Y., & Ningrum, "Corrective justice and its significance on the private law". J Indones Leg Stud. 2022;7(1):1–30.

[25] Retnaningsih S. "Perlindungan Hukum Terhadap Debitor Pailit Individu Dalam Penyelesaian Perkara Kepailitan Di Indonesia," ADHAPER J. Huk. Acara Perdata, vol. 3, no. 1, 2017.

[26] Azmi M, Kharisma DB. Peran BEI Dalam Melindungi Investor Pasar Modal Terhadap Kepailitan Perusahaan Terbuka. J. J. Priv. Law. 2019;7(2):235.

[27] Walidani HL, Adjie. "Perlindungan Hukum Kreditur Terhadap Pelaksanaan Eksekusi Hak Tanggungan (Analisis Putusan Mahkamah Agung Republik Indonesia Nomor 2859K/PDT/2011)," Humani (Hukum dan Masy. Madani), vol. 8, no. 2, pp. 117–130, 2018.

[28] Slamet SR. Perlindungan Hukum Dan Kedudukan Kreditor Separatis Dalam Hal Terjadi Kepailitan Terhadap Debitor. J. Forum Ilm. 2016;13(1):52–9.

[29] Hajani AA, Rahman S. Kedudukan Hukum Barang Bukti yang Merupakan Harta Pailit Dalam Sita Pidana. J. Lex Gen. 2023;4(2).

[30] Loth MA. Corrective and distributive justice in Tort Law. Maastrich J Eur Comp Law. 2015;22(6):788–811.

[31] Sjawie HF. Tanggung Jawab Direksi Perseroan Terbatas Atas Tindakan Ultra Vires. J. Huk. Prioris. 2017;6(1). https://doi.org/10.25105/prio.v6i1.1886.

[32] Dewi PE. Karakteristik khusus pengadilan niaga Dalam mengadili perkara kepailitan. J. Huk. Sar. 2023;5(1):2720–9555.

[33] Erina P, Yanis AM; and A. M. Y. Erina. Pane, "Reconstruction of Mining Policies on Justice in Lampung Province,". BESTUUR. 2020;8(2):139–51.

[34] Al Mufti MZ. Tanggung Jawab Kurator Dalam Penjualan Harta Pailit di Bawah Harga Pasar. J Lex Renaiss Pascasarj Fak Huk Univ Islam Indones. 2016;1(1). https://doi.org/10.20885/JLR.vol1.iss1.art6.

[35] Laras Almanda Dewi RA. "Perlindungan Hukum Terhadap Investor Saham Akibat Kepailitan Perusahaan Go-Public Di Pasar Modal." JUSTITIA J Ilmu Huk dan Hum. 2022; 9(5):2293–2302.

[36] Juniarta ID, Sukihana AD. "Kewenangan Pengadilan Niaga Indonesia Dalam Eksekusi Aset Debitor Pailit Yang Berada Di Luar Negeri". Semaya J Ilmu Huk. 2019;7(8):1–13.

[37] Hartono DT. Perlindungan Hukum Kreditur Berdasarkan Undang-Undang Kepailitan. J Ilmu Huk Leg Opin. 2016;1(4).

[38] Purba SIG, Suwito. "Pelaksanaan Penyitaan Barang Bukti Oleh Jaksa Terhadap Harta Kekayaan Tersangka Dalam Perkara Korupsi Yang Ditinjau Dari Undang-Undang No. 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi,". J. Normatif. 2021;1(1):56–63.

[39] Darmawan MC. Perlindungan Hukum bagi Pemegang Saham Minoritas yang Dirugikan Akibat Direksi Melakukan Kesalahan atau Kelalaian. J. Univ. Airlangga. 2019;2(3):985.

[40] Turner VK. The environmental consequences of residential land tenure in single family neighborhoods. Land Use Policy. 2022;114(10):105959.

[41] Sinaga DB. Akibat Hukum Kepailitan Perseroan Terbatas Sebagai Badan Hukum Atas Merek Dagang Dalam Boedel Pailit. J. Law Pro Justitia. 2020;5(2).

[42] Andja RS, Simamora P, Bangun. "Konsep Keuangan Negara dan Hukum Kepailitan di Indonesia. Malang: Penerbit Setara Press; 2017. p. 140.

[43] Yuliawati I. Comparison of Rechterlijk Pardon Concept on 2019 Criminal Code Draft and Article 70 Law Number 11 of 2012 Concerning Juvenile Criminal Justice System. J Law Leg Reform. 2021;2(4):603–22.

[44] Susanto S. E-Court as the prevention efforts against the Indonesia Judicial Corruption. Yust J Huk. 2020;9(1):116–38.

[45] R. dan A. S. S. Aji. "Akibat Hukum Putusan Pernyataan Pailit Pengadilan Niaga Nomor 03/Pdt/Sus- Pailit/2015/PN.Niaga.SMG". J Priv Law. 2019;7(1).

[46] Hasibuan JB. Kedudukan Barang Bukti Dalam Perkara Pidana Ditinjau Berdasarkan Kitab Undang-Undang Hukum Acara Pidana [Jurnal Ilmu Hukum]. J. Law. 2021;6(1):66–85.

[47] Karsudin IC. "Government policy on child crime through the concept of diversion as a solution amid the spread of Covid-19". Lex Sci Law Rev. 2021;5(1):1–18.

[48] Larasati PD. “Merek Sebagai Harta Pailit Terkait Dengan Perseroan Terbatas Yang Dinyatakan Pailit.” J Huk dan Kenotariatan Fak Huk Univ Airlangga. 2018;2(2).

[49] Mantili PE, Trisna Dewi R. “Penundaan Kewajiban Pembayaran Utang (PKPU) Terkait Penyelesaian Utang Piutang Dalam Kepailitan”. J Aktual Justice. 2021;6(1):1–19.

[50] Bachtiar T, Sumarna B. “Pembebanan tanggung jawab perdata kepada kepala daerah akibat wanprestasi oleh kepala dinas.” J Yudisial. 2018;11(2):09–225.

[51] Adi E. Penal mediation as the concept of restorative justice in the draft criminal procedure code. Lex Sci Law Rev. 2021;5(1):139–64.

[52] Liem TD. Problematika Hukum Proses Permohonan Penundaan Kewajiban Pembayaran Utang Tetap Oleh Kreditor. Maleo Law J. 2022;6(1):95–104.

[53] Puspitasari K, Septiandani D, Ratna Sediati DS, Sukarna LN. “Problematika Eksekusi Harta Pailit Dalam Cross Border Insolvency”. J USM Law Rev. 2021;4(2):743–55.

[54] AW, WP Ananta. Hukum Acara Pengadilan Niaga: Practical guide to the commercial court. Jakarta: Sinar Grafika; 2018.

[55] Bagus Sujatmiko NS. Perlindungan Hukum Bagi Investor Pada Perusahaan Terbuka Yang Pailit Ditinjau Dari Hukum Kepailitan. J. Bina Mulia Huk. 2017;2(1).

[56] Risa Y. Perlindungan Hukum Terhadap Kreditur Atas Wanprestasi Debitur Pada Perjanjian Kredit Dengan Jaminan Hak Tanggungan. Norm. J. Ilm. Huk. 2017;5(2):8–93.

[57] Kale AG. Dharmakusuma I. “Syarat Kepailitan Sebagai Bentuk Perlindungan Hukum Debitor Dalam Undang-Undang Nomor 37 Tahun 2004”. Kertha Semaya J Ilmu Huk. 2015;4(1):1–12.

[58] Handayani IG, Karjoko L, Jaelani AK, Barkhuizen J. J. B. I Gusti Ayu Ketut. “The politics settlement of land tenure conflicts during Jokowi’s Presidency,”. J. Indones. Leg. Stud. 2022;7(2):487–524.

[59] David Tan J. “Kajian Hukum Kepailitan Di Indonesia: Studi Putusan Nomor 36/Pdt.SusPailit. PN Niaga Jkt.Pst. Maleo Law J. 2020;6(1):2022.

[60] Sugiri HH. Bambang, Nurini Aprilianda. “The position of convict as justice collaborator in revealing organized crime.” Padjadjaran J Ilmu Huk. 2021;8(2):255–274.