

ABSTRAK

Penulisan ini bertujuan untuk mengetahui dan menganalisis ketentuan hukum yang berlaku di Indonesia terkait tanggung jawab kurator dalam pengelolaan harta pailit, serta menganalisis tanggung jawab kurator tersebut pada kasus tidak dimasukkannya Kementerian Lingkungan Hidup dan Kehutanan sebagai kreditor dalam kepailitan PT Ricky Kurniawan Kertapersada. Adapun rumusan masalah dalam penelitian ini yaitu: 1) Bagaimana pengaturan hukum mengenai tanggung jawab kurator dalam pengelolaan harta pailit? 2) Bagaimana tanggung jawab kurator dalam melakukan pemberesan harta pailit pada kasus kepailitan PT RKK yang tidak memasukkan KLHK sebagai salah satu kreditornya? Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan; Pendekatan perundang-undangan (*statute approach*), pendekatan kasus (*case approach*), dan pendekatan konseptual (*conceptual approach*). Hasil penelitian ini menunjukkan; Pertama, tanggung jawab kurator dalam pengelolaan harta pailit menurut Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang terbatas pada kerugian harta pailit. Tanggung jawab kurator dalam hal ini berkaitan dengan tanggung jawab berdasarkan kesalahan. Kedua, tanggung jawab kurator atas tindakannya yang tidak memasukkan Kementerian Lingkungan Hidup dan Kehutanan sebagai kreditor dalam kepailitan PT Ricky Kurniawan Kertapersada diselesaikan melalui putusan *renvoi*. Dalam putusannya gugatan Kementerian Lingkungan Hidup dan Kehutanan diterima serta menjadi bagian dari kreditor.

Kata kunci: Pailit; pemberesan harta pailit; kurator; tanggung jawab.

ABSTRACT

This paper aims to find out and analyze the applicable legal provisions in Indonesia regarding the responsibility of the curator in the management of bankruptcy assets, as well as analyze the responsibility of the curator in the case of the non-inclusion of the Ministry of Environment and Forestry as a creditor in the bankruptcy of PT Ricky Kurniawan Kertapersada. The formulation of the problem in this study is: 1) How is the legal regulation regarding the responsibility of curators in the management of bankruptcy assets? 2) What is the responsibility of the curator in settling bankruptcy assets in the bankruptcy case of PT RKK which does not include the Ministry of Environment and Forestry as one of its creditors? This study uses a normative juridical research method with an approach; Statute approach, case approach, and conceptual approach. The results of this study show; First, the responsibility of the curator in the management of bankruptcy assets according to Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations is limited to the loss of bankruptcy assets. The responsibility of the curator in this case is related to liability based on error. Second, the responsibility of the curator for his action of not including the Ministry of Environment and Forestry as a creditor in the bankruptcy of PT Ricky Kurniawan Kertapersada is resolved through a renvoi decision. In its decision, the lawsuit of the Ministry of Environment and Forestry was accepted and became part of the creditors.

Keywords: Bankruptc; Bankruptcy settlement; Curator; Responsibility.