



Evaluation Study of the Chancery Court (Balai Harta Peninggalan) as a Bankruptcy Curator

Tata Wijayanta[✉], Sheva Trisanda Adistia, Rado F. Leonardus, dan B.E. Hermawan

Departemen Perdata, Faculty of Law, Universitas Gadjah Mada.

DOI: <http://dx.doi.org/10.15294/pandecta.v18i2.47655>

Article Info

Article History:

Submitted: September 16th 2023

Revised: December 7th 2023

Accepted: December 12th 2023

Keywords:

Heritage Hall (BHP), Curator, Bankruptcy, Bankruptcy Assets.

Abstract

Article 15 of Law Number 34 of 2004 concerning Bankruptcy and Suspension of Obligations for Payment of Debt (UUK PKPU) states that in a bankruptcy declaration decision, a Curator and a Supervisory Judge must be appointed from the Commercial Court judges. The curator has the authority to manage and receive bankruptcy assets. The curators referred to under Article 70 paragraph (1) of the PKPU UUK are the Trustees' Office (BHP) and the Individual Curator (Curator). The results of previous research conducted by Pandu Yudha Pratama (2016) and Sheva Trisanda Adistia and Tata Wijayanta (2023) show that BHP is not widely appointed as administrator and receiver of bankruptcy assets in bankruptcy decisions handed down by commercial courts. This paper seeks to identify and evaluate the duties and powers of BHP as bankruptcy curator. This research is normative legal research, and the type of research is library research. The type of data used is secondary data obtained from literature studies. Methods and tools for collecting research data, namely document studies for secondary data. The data obtained will be analyzed using qualitative methods and presented descriptively. The results of the study show that the appointment of BHP as bankruptcy curator is much less than that of Curator. Optimization that can be done by BHP is to improve the quality of Human Resources and resolve the obstacles experienced in carrying out their duties as bankruptcy curator.

[✉]Address: Jl. Sosio Yustisia Bulaksumur No.1, Yogyakarta

E-mail: wijayanta@mail.ugm.ac.id

ISSN: 1907-8919 (Cetak)
ISSN: 2337-5418 (Online)

A. Introduction

Indonesia is a maritime country that is famous for its trade. This maritime country is supported by its geographical location and its archipelagic state.¹ Indonesia is located between two oceans and two continents, which provide a positive impact for its trade.² Being an archipelagic state is one of the factors that develops Indonesia's trade, as its numerous ports ease trade traffic flow.³ Trade makes Indonesia's name known in many parts of the world, which then results in many

countries being interested in establishing a cooperation with Indonesia.⁴ The Netherlands is among the countries that initially expressed its interest to establish a cooperation with Indonesia. This leads to a transfer of legal regulation in order to fill a legal vacuum or conduct a legal unification.

Dutch legal regulations are implemented in many fields of Indonesian law, such as criminal law, civil law, and especially in the field of trade.⁵ A unified legal regulation in the field of trade is *Wetboek van Koophandel*, or

¹ Singgih Tri Sulistiyono, Paradigma Maritim dalam Membangun Indonesia: Belajar dari Sejarah, *Lembar Sejarah* 12, No. 2 (Oktober 2016): 83, <https://doi.org/10.22146/lembaran-sejarah.33461>.

² Gunawan Santoso, et al, Kajian Ketahanan Nasional melalui Geopolitik dan Geostrategi Indonesia Abad 21, *Jurnal Pendidikan Transformatif (Jupetra)* 02, No.1 (Maret 2023): 189, <https://doi.org/10.9000/jupetra.v2i1.145>. Lihat juga Yunani Hasan, Tinjauan Sejarah Terhadap Penetapan Pulau-Pulau Di Indonesia, *Jurnal Criksetra* 5, No. 10 (Agustus 2016): 125, <https://doi.org/10.36706/jc.v5i2.4809>.

³ M. Najeri Al Syahrin, Kebijakan Poros Maritim Jokowi dan Sinergitas Strategi Ekonomi dan Keamanan Laut Indonesia, *Indonesian Perspective* 3, no. 1 (Juni 2018): 9, <https://doi.org/10.14710/ip.v3i1.20175>.

⁴ Hasanuddin Hasanuddin, Politik Dan Perdagangan Kolonial Belanda di Pontianak, *Patanala (Jurnal Penelitian Sejarah dan Budaya)* 8, No. 2 (Juni 2016): 204, <http://dx.doi.org/10.30959/patanjala.v8i2.73>.

Lihat juga Iim Imadudin, Perdagangan Lada Di Lampung Dalam Tiga Masa (1653-1930), *Patanala (Jurnal Penelitian Sejarah dan Budaya)* 8, No. 3 (September 2016): 350, <http://dx.doi.org/10.30959/patanjala.v8i3.14>.

⁵ Anak Agung Putu Wiwik Sugiantari, Perkembangan Hukum Indonesia dalam Menciptakan Unifikasi dan Kodifikasi Hukum, *Jurnal Advokasi* 5, No. 2 (September 2015): 120. Lihat juga Stevania Bella Kalengkongan, Kajian Hukum Pidana Adat Dalam Sistem Hukum Pidana Indonesia, *Lex Crimen* 6, No. 2 (Mar 2017): 29.

currently known as the Commercial Code of Indonesia (Kitab Undang-undang Hukum Dagang).⁶ The Commercial Code of Indonesia regulates many aspects of trade, such as company, exchange, et cetera. The Commercial Code of Indonesia is intended for traders to conduct their activities. Traders should abide by the Commercial Code of Indonesia so long as there is no deviation from regulation or a regulatory specialization. The Commercial Code of Indonesia also regulates and accommodates instances in the event of a failure to pay by the trader.⁷ The trader's failure to pay is commonly referred to as bankruptcy. This failure to pay is regulated in Book III of the Commercial Code of Indonesia,

titled *van de Voorzieningen in geval van Onvermogen van kooplieden*, or can be translated into: Provisions in the Case of Insolvency of Merchants.⁸

The Commercial Code of Indonesia, which is only a *lex specialis* of *Reglement op de Rechtsvoordering (Rv)*. *Reglement op de Rechtsvoordering* is recorded in the Staatsblad (stb) 1847-52 jo. 1849-63. The procedural law regulated by the *Reglement op de Rechtsvoordering* includes provisions on the failure to pay by legal subjects who are not traders, specifically in a separate section that is not accommodated in the Commercial Code of Indonesia.⁹ The regulation is regulated in Book III Chapter IV, titled *van den Staat van Kennelijk Onvermogen*,

⁶ Camelia Fanny Sitepu, Fitriani, Sejarah Hukum Perdata Dagang Di Indonesia: Pendekatan Kepustakaan, *Niagawan* 7, No. 3 (November 2018):157, <https://doi.org/10.24114/niaga.v7i3.11605>.

⁷ Bayu Jati Jatmika, Asas Hukum Sebagai Pengobat Hukum; Implikasi Penerapan Omnibus Law, *Jurnal Audit dan Akuntansi Fakultas Ekonomi dan Bisnis Universitas Tanjungpura* 9, No. 1 (Juni 2020):71, <http://dx.doi.org/10.26418/jaakfe.v9i1.41145>.

⁸ Siti Mardiyati, Reformasi Hukum Perdata Dalam Kaitan Dengan Kemudahan Berusaha Dan Hubungan Transnasional, *UNES Journal of Swara Justisia* 7, No. 1 (April 2023): 278, <https://doi.org/10.31933/ujsj.v7i1.331>.

⁹ R. Besse Kartoningrat, Peter M. Marzuki, M. Hadi Shubhan, Prinsip Independensi dan Pertanggung Jawaban Kurator Dalam Pengurusan dan Pemberesan Harta Pailit, *RechtIdee* 16, No. 1 (Juni 2021): 38, <https://doi.org/10.21107/ri.v16i1.10165>.

which can be translated to: The State of Apparent Inability to Pay.¹⁰ In its practice, the implementation of the two aforementioned regulations lead to several difficultie,¹¹ such as formality or too many stages to go through, requiring a sufficient amount of money, the process of bankruptcy not giving creditors enough room to intervene, and requiring a long period of time in the process of bankruptcy.

Difficulties in the implementation of the two aforementioned regulations lead to an effort to improve regulations on bankruptcy. The effort is realized through the establishment of a specialized Law (undang-undang) that regulates bankruptcy and postponement of debt payment obligations. The specialized Law is *Verordening op de Faillissement en*

Surceance van Betaling voor de Europeanen in Nederlands Indie, recorded in the *Staatsblad* (stb) 1905-217.¹² *Verordening op de Faillissement en Surceance van Betaling voor de Europeanen in Nederlands* Regulation on Bankruptcy and Suspension of Payments for Europeans.¹³ As the naming of the Law is too long, it is usually shortened into *Faillissement Verordening*. Due to the difference in class system during colonialism, *Faillissement Verordening* was only applied to the European group during colonial times. The Eastern group could use *Faillissement Verordening* through an institution that had the authority to apply the law to the Eastern foreigners, which was *toepasselijkverklaring*.¹⁴

¹⁰ Tata Wijayanta, *Undang Undang dan Praktik Kepailitan: Perbandingan Indonesia dan Malaysia*, (Yogyakarta: Gadjah Mada University Press, 2015), 63.

¹¹ Sutan Remy Sjahdeini, *Sejarah, Asas, dan Teori Hukum Kepailitan (Memahami undang-undang No. 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran)*, (Jakarta: Kencana, 2016), 80.

¹² F. Sekar Widiarini dan Teddy Anggoro, The Role of Balai Harta Peninggalan as Curator in The Management and Settlement of Bankrupt Assets, *LEGAL BRIEF* 11, No. 2 (Mei 2022): 977 964-978.

¹³ Tata Wijayanta, Kewenangan Pengadilan Niaga dalam Penyelesaian Perkara Perniagaan Lain Berdasarkan Undang-undang Nomor 37 Tahun 2004, *Mimbar Hukum* 20, No. 2 (Juni 2008): 383, <https://doi.org/10.22146/jmh.16309>.

¹⁴ *Toepasselijkverklaring van de Bepalingen Europeanen* merupakan memberlakukan ketentuan hak orang

If groups of people other than the Europeans and Eastern foreigners, such as the indigenous group and non-Chinese Eastern foreigners, intend to use *Faillissement Verordening*, they need to use it through self-submission.¹⁵

Faillissement Verordening, which was in effect for more than a century, is not applicable anymore due to an amendment into Government Regulation in lieu of Law Number 1 of 1998 on the Amendments to the Bankruptcy Law (hereinafter referred to as Government Regulation in lieu of Law Number 1 of 1998)¹⁶. Government Regulation in lieu of Law Number 1 of 1998 does not revoke

Faillissement Verordening, it only amends or augments the provision of *Faillissement Verordening*. Government Regulation in lieu of Law Number 1 of 1998 was issued by the government due to a coercive circumstance, which was the monetary crisis.¹⁷ This crisis had led to pressure from the IMF¹⁸ to make improvements to bankruptcy regulations, which was deemed insufficient to accommodate this extraordinary circumstance.¹⁹

Government Regulation in lieu of Law Number 1 of 1998 was

Eropa terhadap orang Indonesia dan Timur Asing, (Iwan Wahyu Pujiarto, Syafruddin Kalo, dan Edy Ikhsan, Pelaksanaan Pemberi Bantuan Hukum Dikaitkan Dengan Undang-Undang No. 16 Tahun 2011 Tentang Bantuan Hukum, *Arena Hukum* 8, No. 3 (Maret 2016): 325, <https://doi.org/10.21776/ub.arenahukum.2015.00803.2> .

¹⁵ Sutan Remy, *Op.cit*, 81.

¹⁶ Tata Wijayanta, Kajian Tentang Pengaturan Syarat Kepailitan Menurut Undang-Undang Nomor 37 Tahun 2004, *Mimbar Hukum* 26, No.1, (Februari 2014): 2, <https://doi.org/10.22146/jmh.16063>. Lihat juga E. R Ginting, *Hukum Kepailitan: Teori Kepailitan*, (Jakarta: Sinar Grafika, 2018), 4.

¹⁷ Tata Wijayanta dan Muhammad Bagas A.H, *Cross Border Insolvency Kerja Sama Lintas Batas AntarLembaga Peradilan Perbandingan Indonesia, Malaysia, dan Korea Selatan*, (Yogyakarta: Gadjah Mada University Press, 2021), 28. Lihat juga M. Bagas Amirul Haq dan Tata Wijayanta, Recognition of Foreign Insolvency Proceedings: A Comparative Study between the Laws of Indonesia and South Korea, *International Journal of Innovation, Creativity and Change* 14, Issue 12 (2020): 718.

¹⁸ Lepi T. Tarmidi, Krisis Moneter Indonesia : Sebab, Dampak, Peran IMF Dan Saran, *Buletin Ekonomi Moneter dan Perbankan* 1, No. 4, (Desember 1999): 3 1-25, <https://doi.org/10.21098/bemp.v1i4.183>.

¹⁹ Bambang Kesowo, "Perpu Nomor 1 Tahun 1998, Latar Belakang dan Arahnya" dalam A. Rudy Lontoh *et. al* *Penyelesaian Utang-piutang melalui Pailit atau Penundaan Kewajiban Pembayaran Utang, Edisi Pertama*, (Bandung: Alumni, 2001), 80.

issued to accommodate a coercive circumstance and an urgent time, thus its substance still included weaknesses and its implementation deviated from the purpose of bankruptcy.²⁰ The aforementioned reason became the background in the issuance of Law Number 37 of 2004 on the Bankruptcy and Postponement of Obligations of Debt Payments (hereinafter referred to as Law Number 37 of 2004), which was promulgated on October 18, 2004 in the State Gazette of the Republic of Indonesia of 2004 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 4443.²¹

Law Number 37 of 2004 carries the substance of amendment and augmentation from the Government Regulation in lieu of Law Number 1 of 1998, which is contained in the general

explanation of Law Number 37 of 2004. The substance regulates the definition of debt and deadline, which, in its practice, created divergent opinions and provisos in filing an application of bankruptcy. Regulations regarding the aforementioned matters are intended to accommodate bankruptcy and the postponement of debt payment obligations. Thus, its practice reduces conflicts in definition interpretation and provisos in filing an application.

Law Number 37 of 2004 is the *ius constitutum*²² for a regulation that arranges bankruptcy and the postponement of debt payment obligations. Law Number 37 of 2004 is a legal foundation in settling cases of bankruptcy. Bankruptcy is defined as the act of administering and settling bankruptcy assets

²⁰ M. Hadi Shubhan, *Hukum Kepailitan: Prinsip, Norma, dan Praktik di Pengadilan*, (Jakarta: Kencana, 2019), 12.

²¹ Amanda Raissa, Avira Rizkiana Yuniar, Anita Gladina Ayu Nurhayati, Kelemahan Kurator Dalam Pemberesan Harta Pailit *Jurnal Hukum Magnum Opus* 3, No. 3, (Agustus 2020): 214-222, <https://doi.org/10.30996/jhmo.v3i2.3442>.

²² *Ius Constitutum* adalah suatu peraturan yang sedang berlaku di suatu negara. Lihat Riadi Asra Rahmad, The Government's Legal Politics on Land Acquisition for Development in Terms of Aspects *Ius Constitutum* and *Ius Operatum*, *Pena Law: International Journal of Law* 1, No. (September 2022): 56, <https://doi.org/10.56107/penalaw.v1i2.40>.

following a commercial court decision that declares the legal entity to be in the state of bankruptcy.²³ Bankruptcy assets' administration and settlement are performed by a curator.²⁴ Curators are regulated in Law Number 37 of 2004 in Article 69 section 1, which states that curators are the chancery court (hereinafter referred to as BHP; Balai Harta Peninggalan) and Curators. The appointment of a curator is conducted by a Commercial Court Judge, which is indicated in a bankruptcy case decision.

The appointment of curators, which consists of BHP and Curators, makes it possible to compare the amount of BHP and Curator appointment by

Commercial Court Judge in Indonesia as the administrator and settler of bankruptcy assets. BHP evaluation as a curator of bankruptcy is important considering that BHP, as a Technical Implementation Unit (UPT) under the Ministry of Law and Human Rights and a representation of the state's presence, should become the vanguard in law enforcement.

This research aims to study and evaluate the presence of BHP in Indonesia in its duty as the curator of bankruptcy after Law Number 37 of 2004 was in effect, and how BHP in Indonesia increases its role in its duty as the curator of bankruptcy.

B. Method

This research, based on its characteristics, is normative legal research²⁵ whereas based on its type, it uses literature research.²⁶

²³ Sheva Trisanda Adistia dan Tata Wijayanta, Eksistensi Balai Harta Peninggalan sebagai Pengurus dan Pemberes Harta Pailit, *Privat Law* 10, No. 3, (Desember 2022): 342, <https://doi.org/10.20961/privat.v10i2.77537>.

²⁴ Vita Kusuma Dewi, Yuhelson, Bernard Nainggolan, Akibat Hukum Putusan Kepailitan Dan Penundaan Kewajiban Pembayaran Utang (PKPU) Terhadap Status Sita Dan Eksekusi Jaminanditinjau Dari Undang-Undang Nomor 37 Tahun 2004, *Jurnal Studi Interdisipliner Perspektif* 22, No. 2, (Juli 2023): 130.

²⁵ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: PT. Raja Grafindo Persada, 1995), 12.

²⁶ Soeharsimi Arikunto, *Prosedur Penelitian suatu Pendekatan dan Praktik*, (Jakarta; Rineka Cipta, 2006), 132.

Data collection method and tool are document study for secondary data.²⁷ The obtained data will be analyzed using a qualitative method and presented descriptively.²⁸

C. Results and Discussion

1. The existence of BHP in Indonesia as the bankruptcy curator after Law Number 37 of 2004 was in effect

Bankruptcy regulation in Indonesia can be classified into three, which are; the first bankruptcy regulation consisting of the Commercial Code of Indonesia and *Reglement op de Rechtsvoordering*; the second bankruptcy regulation, *Faillissement Verordening*; and the third bankruptcy regulations, consisting of Government Regulation in lieu of Law Number 1 of 1998 and Law Number 37 of 2004. The regulation that

specifically regulates bankruptcy and postponement of debt payment obligations is *Faillissement Verordening*.²⁹ *Faillissement Verordening* regulates bankruptcy and postponement of debt payment obligations in which the bankruptcy assets will be administered and settled by BHP as the sole curator. The regulation of BHP as the sole curator is regulated in Article 13 section 2 in *Faillissement Verordening*. Article 13 section 2 a quo regulates that the administration and settlement of bankruptcy assets are assigned to BHP. This curator regulation explicitly assigned and mandated the administration and settlement to BHP only.

This regulation changed with the issuance of Government Regulation in lieu of Law Number 1 of 1998, which was promulgated into Law Number 4 of 1998 on the

²⁷ Soerjono Soekanto dan Sri Mamudji, *Op.cit*, 13.

²⁸ Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004), 52.

²⁹ Nina Noviana, Perubahan Pokok Dalam Peraturan Kepailitan Menurut Undang-Undang Nomor 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang, *Jurnal Hukum & Pembangunan* 36, No. 2, (Juni 2006):129, [10.21143/jhp.vol36.no2.301](https://doi.org/10.21143/jhp.vol36.no2.301).

Issuance of Government Regulation in lieu of Law Number 1 of 1998 on the Amendment to the Bankruptcy Law into Law.³⁰ Government Regulation in lieu of Law Number 1 of 1998 amended the provision of curators, from previously one curator (BHP) into two curators, BHP and Individual Curator (hereinafter referred to as Curator). This provision is regulated in Article 67A section 1 Government Regulation in lieu of Law Number 1 of 1998 which conveyed that curators are BHP and Curator. The addition of Curator as the administrator and settler of bankruptcy assets has an implication against BHP. The implication refers to the case being divided into two, as initially, as the sole curator, BHP handled the whole case.

Law Number 37 of 2004, which is the positive law about bankruptcy and the postponement of debt payment obligations, still adopts the provision that curators

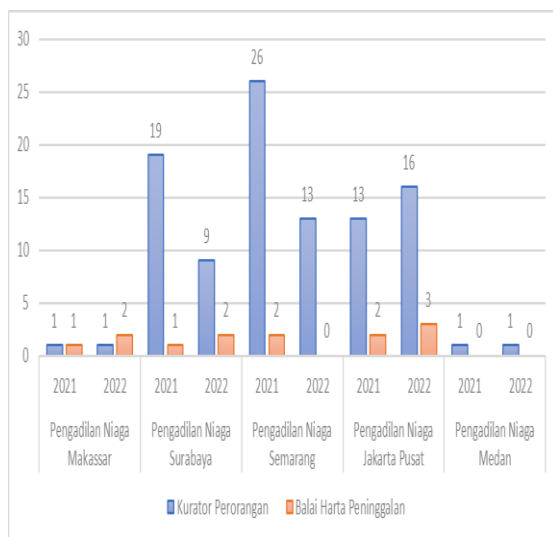
³⁰ Tata Wijayanta, Urgensi Pembentukan Pengadilan Niaga Baru, *Mimbar Hukum* 22, No. 2, (Juni 2010): 333, <https://doi.org/10.22146/jmh.16230>.

are divided into two; BHP and Curator.³¹ Law Number 37 of 2004 regulates that the addition of two kinds of curators by mandating Curators will create a new profession for bachelors of law and bachelors of accounting.³² The two kinds of curators and the division of cases into two between BHP and Curator should be compared, namely regarding the amount of cases handled by either BHP or Curator.

³¹ Ida Nadirah, Studi Komparatif Terhadap Kepailitan Perusahaan Asuransi Syariah Menurut Hukum Islam Dan Undang-Undang No 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang (PKPU), *Iuris Studia Jurnal Kajian Hukum* 2, No. 2, (Juni 2021): 258, <https://doi.org/10.55357/is.v2i2.131>.

³² Sheva Trisanda Adistia, *Balai Harta Peninggalan Semarang sebagai Pengurus dan Pemberes Harta Pailit setelah berlakunya Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang*, (Skripsi, Tidak dipublikasikan, Program Sarjana Ilmu Hukum Fakultas Hukum Universitas Gadjah Mada, 2023), 66.

Diagram 1
Perbandingan Pengangkatan BHP dan Kurator Perorangan



Sumber: Sistem Informasi Penelusuran Perkara Pengadilan Niaga di Indonesia.

The comparison analyzed BHP and Curators during 2021-2022 in five BHPs in Indonesia. This table presents the comparison on the appointment of curators between BHP and Curator. The appointment is based on the Commercial Court verdict, which, in its verdict, grants the applicant's request. The appointment of BHP or Curator is indicated in the verdict of the Commercial Court that has the authority to resolve the case.

Data from the Makassar Commercial Court is divided into two years; 2021 and 2022. Data from the Makassar Commercial Court in 2021 showed that the appointment of BHP Makassar as the bankruptcy curator is 50% out of two court decisions ruled by the Makassar Commercial Court. Data from 2022 recorded an increase of 16.6%, from 50% to 66.6%. In 2021, the number of appointments as curators between BHP Makassar and Curator was quantitatively equal. In 2022, BHP Makassar's appointment into curators was higher by one case, or 33.3% higher than Curator. The total of court decisions ruled by the Makassar Commercial Court also recorded an increase, from two court decisions in 2021 to three court decisions in 2022.

Data from the Surabaya Commercial Court is also divided into two years; 2021 and 2022. Data from 2021 showed that the appointment of BHP Surabaya as the curator was only on one case, or 5% out of 20 court decisions ruled by the Surabaya Commercial

Court. Data from 2022 recorded an increase in the appointment of BHP Surabaya as bankruptcy curator. BHP Surabaya was appointed as bankruptcy curator twice, or 18.11% out of 11 court decisions ruled by the Surabaya Commercial Court. The appointment of BHP Surabaya as the curator recorded an increase from 5% to 18.1%. In both 2021 and 2022, BHP Surabaya recorded fewer appointments as curator compared to Curator. The number of BHP Surabaya's appointment as curator recorded an increase, whereas the number of court decisions ruled by the Surabaya Commercial Court recorded a decrease from 20 court decisions to 11 court decisions.

Data from the Semarang Commercial Court is also divided into two years; 2021 and 2022. In 2021, the appointment of BHP Semarang as bankruptcy curator was in two cases or 7.1% out of 28 court decisions ruled by the Semarang Commercial Court. In 2022, BHP Semarang was not appointed as bankruptcy curator

at all in the 13 cases the court had that year. In both 2021 and 2022, BHP Semarang recorded fewer appointments as curator compared to Curator, even not being appointed as a curator at all in 2022. Both the number of BHP Semarang's appointments and the number of court decisions ruled by the Semarang Commercial Court recorded a decrease in quantity. The number of court decisions were 28 in 2021 and decreased to 13 cases in 2022.

Data for BHP Jakarta appointment as curator covered the years 2021 and 2022. In 2021, the appointment of BHP Jakarta as bankruptcy curator was in two cases, or 13.3% out of 15 court decisions ruled by the Commercial Court of Central Jakarta District Court as a whole. In 2022, the appointment of BHP Jakarta as bankruptcy curator was in three cases, or 15.7% out of 19 court decisions ruled by the Commercial Court of Central Jakarta District Court as a whole. The appointment of BHP Jakarta recorded an increase from 13.3%

to 15.7% or from two cases into three cases. The decision of bankruptcy from the Commercial Court of Central Jakarta District Court also had an increase from 15 to 19 decisions of bankruptcy.

The data for appointment of BHP Medan is based on the decision of Medan Commercial court from 2021 to 2022 BHP Medan does not get appointed as a curator for bankruptcy at all. In 2021 only one case was granted by Medan Commercial Court and appointed a curator. There is also only one case in 2022 that is granted by Medan Commercial Court that appoints a curator. The total number of times that BHP Medan in 2021 and 2022 is even in the way that they are not appointed as a curator. The total number of decisions made by Medan Commercial Court is also stagnant with one case in 2021 and 2022. Based on the data presented above, from five of the BHP in Indonesia and seen or divided annually, then BHP Makassar in 2021 handles bankruptcy cases as a curator is

still in line with the norm or *das sollen*. The suitability is seen by the number of cases that happened in 2021 as a curator. Doing their job as a curator, BHP Makassar still exists among the community or Makassar Commercial Court Judges.

In 2021 BHP's in Indonesia that still have a difference with the highest or the most curator can be seen from two parameters. The first parameter can be seen from the percentage, the BHP Medan became the lowest percentage (the lower the percentage, the more difference in appointing of the BHP). In 2021 BHP Medan had a percentage of 0% out of the one decision of bankruptcy that was ruled out by Medan Commercial Court. BHP Surabaya is appointed as the curator of bankruptcy in only one out of nineteen cases that a curator is appointed. The second indicator or parameter can be seen through the number of verdict. When in 2021 BHP Semarang had the highest differential which is from the total of 28 cases of bankruptcy which was ruled out by Semarang Commercial Court,

BHP Semarang was only appointed twice. The difference in number between BHP Semarang and a curator is 2 to 26, where BHP Semarang is only appointed twice.

In 2022 BHP in Indonesia which has the highest percentage to be appointed as a curator of bankruptcy is BHP Makassar. BHP Makassar achieved the highest percentage of appointments with a total 66.6% or two out of the three verdicts ruled out by Makassar Commercial Court. BHP Makassar is the only BHP in Indonesia that is appointed to be a curator more times than a third party curator both in 2021 and 2022. In 2021 and 2022 BHP Makassar has become the BHP With the highest number of appointments as curator compared to other BHP in Indonesia.

BHP in Indonesia that has the lowest difference in 2022 also can be seen through two indicators/parameters. The first parameter/indicator is from the percentage score, from that point we can see that there are two BHP

that have the same low percentage of 0% which are BHP Semarang and BHP Medan. Both BHP Semarang and BHP Medan did not get appointed to be the administrator or settler of bankruptcy or the curator of bankruptcy based on the ruling of the respective commercial court. The second indicator/parameter is by looking at the number of verdict, therefore there are 2 BHP that have the same amount of difference, which are BHP Semarang and BHP Jakarta. BHP Semarang has a difference in appointment as the administrator and settler for bankruptcy with a Curator are 13 verdict that is ruled out by Semarang Commercial Court. The verdict that is ruled out by Semarang Commercial Court in 2022 with verdict that is granted, which means all the verdict from the 13 ruling appoints a Curator. BHP Jakarta has a difference in appointment as the administrator and settler for bankruptcy with a Curator is also at 13 verdict that is ruled out by Central Jakarta Commercial Court to the Curator.

Those verdicts are not all of the verdicts that are ruled out by Central Jakarta Commercial Court, there are three more verdicts in 2022 that appoints BHP Jakarta as the administrator and Settler for bankruptcy or curator in 2022.

A comparison is also done with adding up all the verdict that is ruled out by The commercial courts in Indonesia which were granted. The number of verdicts in 2021 that is ruled out by Commercial Court all around Indonesia comes to a total of 66 verdicts. From that total of verdict, only 6 appoint a BHP representative as the administrator and settler for bankruptcy or bankruptcy curator. The remaining 60 verdict appoints a Curator as the administrator and settler for bankruptcy or the bankruptcy curator. BHP in Indonesia in 2021 only get appointed 9.1% out of the total of 66 verdicts that is ruled out by Commercial Courts all around Indonesia, meanwhile the 90.9% appoints a Curator as

the administrator and settler for bankruptcy.

The number of verdicts in 2022 that is decided by Commercial Courts all around Indonesia that are ordered are 47 verdicts. From the 47 verdict, Indonesian BHP is only appointed seven times as the administrator and settler of bankruptcy or bankruptcy curator. The rest of the verdict appoints a Curator as the administrator and settler for bankruptcy. BHP all around Indonesia in 2022 only got appointed 14.9% out of the total of 47 verdict that is ruled out by the Commercial Court all around Indonesia. The remaining 85.1% appoints a Curator as the administrator and settler of bankruptcy.

The result of the research of the total number of verdicts made by the Commercial Courts all around Indonesia can be seen by two indicators which are the percentage and the number of verdict in a number form. The first indicator can be seen from the percentage of the cases handled by BHP from 2021 to 2022 which

increased from 9,1% to 14,9%. The increase that is made by the BHP from 2021 to 2022 is an increase of 5,8%. The second Indicator can be seen from the number of verdicts that appoints BHP as a curator or administrator and settler of bankruptcy from 2021 to 2022 which also had an increase. The increase in the verdict of BHP getting appointed increased from six into seven verdict in 2022. BHP then had an increase of one case from 2021 to 2022.

The result of the research shows that the appointment of BHP as a curator of bankruptcy is still little compared to where a Curator is appointed to be the curator of bankruptcy. The massive amount of difference can be seen and based on diagram 1. The comparison of appointment of BHP and a third party curator from the discussion above. The difference is caused by difficulties that a BHP experiences, such as, the human resource that is considered not up to par with third party curator and the existence of the BHP in society is

still very low, even in a group of commercial judges and law related groups. This ample amount of difference must be settled or taken care of by the BHP as an institution that is given the trust as a curator of bankruptcy by the constitution above a private curator. Even though there is an increase in appointment for BHP to be the curator of bankruptcy, the increase is not significant enough. Hence, BHP as the primary curator which are stated in the constitution as the only curator in the *faillissement verordening* era. BHP as a curator that precurses in administering and settling bankruptcy should have the experience and be able to be a guiding curator which is trusted after the UUK PKPU is published. BHP needs to show a significant increase by ensuring a better service than what they are doing now.

2. Enhancing the Role of of Indonesian BHP in Doing Their Job as a Bankruptcy Curator

The role of BHP as a bankruptcy curator can be seen as diagram 1. Which shows the difference between the appointment of BHP and a private curator. The diagram shows that the role of BHP in Indonesia compared to a private curator still is a massive slope. BHP as a bankruptcy curator in practice is rarely appointed by a Commercial Court Judge.³³ The appointment of a bankruptcy curator by a Commercial Court Judge is based on the recommendation of the involved parties or parties that have authority to propose.³⁴ BHP as a curator of bankruptcy that have the speciality that is stated in article 15 paragraph (2) which states; "If the parties do not propose a curator in their

application, then the judge will make their decision to appoint BHP as a curator".³⁵ The advantages that a BHP have should give a higher chance in doing the task of administering and settling bankruptcy or becoming a curator in the case. Other advantages that a BHP have is stated in article 15 paragraph (3) that a private curator is limited to only being able to handle three cases at a time, meanwhile BHP as an institution does not have a limitation in cases they handle.

The advantages that BHP has in practice cannot help the existence of BHP as a curator of bankruptcy. The affecting factor of BHP's existence as a bankruptcy curator is caused by setbacks or difficulties that the BHP endures as the administrator and settler for bankruptcy cases. As a bankruptcy curator, BHP experienced some difficulties, such

³³ Taufik H. Simatupang, Eksistensi dan Efektivitas Pelaksanaan Tugas Balai Harta Peninggalan di Indonesia, *Penelitian Hukum De Jure* 18, No. 3, (September 2018);, <http://dx.doi.org/10.30641/dejure.2018.V18.397-414>.

³⁴ Pandu Yudha Pratama, Pemilihan Dan Pengangkatan Kurator Dalam Pengurusan Dan Pembersihan Harta Pailit Pada Putusan Pailit Di Pengadilan Niaga Pada Pengadilan Negeri Semarang, (Tesis, Tidak dipublikasikan, Program Magister Fakultas Hukum Universitas Gadjah Mada, 2014): 54.

³⁵ Endi Suhadi, Akibat Kepailitan terhadap Perusahaan Asuransi, *Jurnal Ilmiah Hukum dan Keadilan* 10, No. 1, (Maret 2023): 10, <https://doi.org/10.59635/jihk.v10i1.259>.

as: BHP's passive nature for their status as a civil, the inadequate human resource, the lack of knowledge of the public to BHP as a bankruptcy, the lack of coordination with other institutions, and the limited resource for operational need of BHP.³⁶

The difficulties faced by BHP is not the sole reason that BHP itself did not exist well in society. BHP as an institution is not given the ability to be positioned at Commercial Court for BHP's passive nature, so that a private curator is already appointed beforehand in the case's application. Private curators' jobs as the administrator and settler for bankruptcy tend to be more active, so they can be stationed at the Commercial Court. The case

application that already appoints a private curator as the administrator and settler for bankruptcy makes BHP more unfavoured and less known in society. Another weakness of BHP is that UPT from the Ministry of Law and Human Rights have a limitation in the usage of their budget because the allocation of funds is regulated in a limited manner. The budget usage is divided to operate subtasks of BHP, such as; guardianship, pardon, and certificate of inheritance rights. BHP themselves have eight tasks, which are; guardianship, guardianship, bankruptcy curator, regarding wills, as administrator of inherited assets where there is no administrator, making Certificates of Inheritance Rights, administering third party money, and managing absences (*Afwezigheid*).

Other than the difficulties stated above, the job of BHP in Indonesia can be divided into two groups, which are, the tasks that the public have an alternative for

³⁶ Moh. Kurniawan, Tugas Dan Fungsi Balai Harta Peninggalan Semarang Sebagai Kurator Kepailitan Berdasarkan Undang-Undang Nomor 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang, *Jurnal Daulat Hukum* 1, No. 1, (Maret 2018): 69-76, [10.30659/jdh.1.1.%p](#). Lihat juga Taufik H. Simatupang, *Menakar Popularitas Balai Harta Peninggalan Sebagai Kurator Kepailitan*, (Jakarta Selatan, Balitbangkumham Press, 2021), :96.

and the ones where the public do not have the alternative other than BHP. BHP's tasks that can be done by other legal subjects are like the one in a case of bankruptcy, in which a private curator still can be appointed as the administrator and settler for bankruptcy. Other tasks that can be done by other legal subjects is the Certificate of Inheritance Rights which can be executed by a Notary in accordance with Article 111 paragraph (1) Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 concerning the Third Amendment to the Regulation of the State Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 2021 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.³⁷

37

<https://bhpsemarang.kemenkumham.go.id/layanan-publik/surat-keterangan-hak-waris> diakses pada Pukul 22.13 WIB Tanggal 23 Agustus 2023.

There are also tasks that the public does not have an alternative other than choosing BHP such as Guardianship³⁸ and Conservatorship³⁹. There are no other options for the public other than giving those tasks to BHP. The difference between the availability of substitution for task executors gives the implication that BHP needs a different strategy by BHP in managing those issues. Differences in strategy by BHP in managing these issues is at its utmost important for BHP's existence in public to be upheld.

The diverse tasks of BHP made BHP employees unable to focus on doing their job, in result, the issue of inadequate human resource is still the highlighted point why BHP cannot compete with private curators. This issue is

38

<https://bhpsemarang.kemenkumham.go.id/layanan-publik/perwalian> diakses pada Pukul 22.13 WIB Tanggal 23 Agustus 2023.

39

<https://bhpsemarang.kemenkumham.go.id/layanan-publik/pengampuan> diakses pada Pukul 22.13 WIB Tanggal 23 Agustus 2023.

substantial, because the human resource is the executor of curating bankruptcy. This task is related to services, so the services offered must have competencies that can satisfy those who place their trust in BHP. The human resource at BHP is an issue that needs to be resolved quickly, and the employees at BHP must be able to improve and adjust with current changes in their surroundings. The government tried to take care of the unfocused employees of BHP in doing their tasks that causes the human resources that are not yet maximized in doing their task. The effort made by the Government is done by making the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 41 of 2021 concerning Organization and Work Procedures of the Ministry of Law and Human Rights (hereinafter referred to as Permenkumham No. 41 of 2021)

The Minister of Law and Human Rights Regulation No. 41 of 2021 regulates the separation of duties in the fields of inheritance

and state curatorship. Article 135 explicitly stipulates the differentiation mentioned. Article 135 of the Minister of Law and Human Rights Regulation No. 41 of 2021

"The Directorate of Civil Affairs has the duty to carry out the preparation, formulation, and implementation of policies, provide technical guidance and supervision, as well as carry out monitoring, evaluation, and reporting in the fields of fiduciary guarantees, general civil law, corporate law, inheritance and state curatorship, and notary public in accordance with the technical policies set by the Director General of General Legal Administration."

The use of the phrase "Inheritance and state curator" is a form of cumulative, so between the inheritance and state curator are two separate things. Inheritance and state curators have their own respective subtasks. The separation also should be followed by a separation of the executors in BHP. This differentiation will give room for BHP employees so they can be more focused in doing their task from the perspective of improving

their service and following the development of the task given. Especially, their task as a curator for bankruptcy, a task that is growing vastly in the field of bankruptcy law and in the economic field that is intertwined with the efforts made by the related parties. The manifestation made by Permenkumham No.41 of 2021 is just a change in name which was originally “Probate Court” into “Probate Court and National Curator”. The further changes are hoped to be followed with the separation of the executors of the inheritance division and national curator. Not only limited to the change of nomenclature as of now.

D. Conclusion

BHP are given the task as a bankruptcy curator that has the responsibility to administer and being the settler of bankruptcy cases after being appointed by Commercial court based on the verdict given. BHP being a curator of bankruptcy is no longer the only option after the promulgation of UUK PKPU. UUK PKPU itself

controls curators, where the options are BHP and private curator. In practice, BHP is less likely to be appointed as a bankruptcy curator than the private curator. The difference in number of appointments is also very significant, because the electability of BHP is still low and their nature of being unable to be proactive and the human resources of BHP that is considered to be inadequate compared to private curators. The government tried to overcome the issue through the Ministry of Law and Human Rights by issuing Permenkumham No 41 of 2021 with differentiation of the division to inheritance and state curator. Though, the application is still nomenclature by a change that results in a change of name from “Probate Court” into “Probate Court and National Curator”. This separation is hoped to also be followed by a separation of the executors of the sub division of inheritance and state curator.

E. References

- Adistia, Sheva Trisanda, *Balai Harta Peninggalan Semarang sebagai Pengurus dan Pemberes Harta Pailit setelah berlakunya Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang*, (Skripsi, Tidak dipublikasikan, Program Sarjana Ilmu Hukum Fakultas Hukum Universitas Gadjah Mada, 2023).
- Adistia, Sheva Trisanda, dan Tata Wijayanta, Eksistensi Balai Harta Peninggalan sebagai Pengurus dan Pemberes Harta Pailit, *Privat Law* 10, No. 3, (Desember 2022): 341-353, <https://doi.org/10.20961/privat.v10i2.77537>.
- Al Syahrin, M. Najeri, Kebijakan Poros Maritim Jokowi dan Sinergitas Strategi Ekonomi dan Keamanan Laut Indonesia, *Indonesian Perspective* 3, no. 1 (Juni 2018): 1-17, <https://doi.org/10.14710/ip.v3i1.20175>.
- Arikunto, Soeharsimi, *Prosedur Penelitian suatu Pendekatan dan Praktik*, (Jakarta; Rineka Cipta, 2006).
- Dewi, Vita Kusuma, Yuhelson, Bernard Nainggolan, Akibat Hukum Putusan Kepailitan Dan Penundaan Kewajiban Pembayaran Utang (PKPU) Terhadap Status Sita Dan Eksekusi Jaminanditinjau Dari Undang-Undang Nomor 37 Tahun 2004, *Jurnal Studi Interdisipliner Perspektif* 22, No. 2, (Juli 2023): 128-133.
- Ginting, E. R, *Hukum Kepailitan: Teori Kepailitan*, (Jakarta: Sinar Grafika, 2018).
- Haq, M. Bagas Amirul dan Tata Wijayanta, Recognition of Foreign Insolvency Proceedings: A Comparative Study between the Laws of Indonesia and South Korea, *International Journal of Innovation, Creativity and Change* 14, Issue 12 (2020): 715-729.
- Hasan, Yunani, Tinjauan Sejarah Terhadap Penetapan Pulau-Pulau Di Indonesia, *Jurnal Criksetra* 5, No. 10 (Agustus 2016): 125-129, <https://doi.org/10.36706/jc.v5i2.4809>.
- Hasanuddin, Hasanuddin, Politik Dan Perdagangan Kolonial Belanda di Pontianak, *Patanala (Jurnal Penelitian Sejarah dan Budaya* 8, No. 2 (Juni 2016): 203-218, <http://dx.doi.org/10.30959/patanjala.v8i2.73>.
- Imadudin, Iim, Perdagangan Lada Di Lampung Dalam Tiga Masa (1653-1930), *Patanala (Jurnal Penelitian Sejarah dan Budaya* 8, No. 3 (September 2016): 349-364,

- <http://dx.doi.org/10.30959/patanjala.v8i3.14>.
- Jatmika, Bayu Jati, Asas Hukum Sebagai Pengobat Hukum; Implikasi Penerapan Omnibus Law, *Jurnal Audit dan Akuntansi Fakultas Ekonomi dan Bisnis Universitas Tanjungpura* 9, No. 1 (Juni 2020): 47-83, <http://dx.doi.org/10.26418/jaakfe.v9i1.41145>.
- Jovina, Roswita Sitompul, Kartina Pakpahan, Implementasi Penyelesaian Sengketa Tanah Adat di Mataram (Studi Putusan Nomor:2884 K/Pdt/2022), *Sibatik Journal* 2, No. 8, (Juli 2023): 2547-2558, <https://doi.org/10.54443/sibatik.v2i8.1283>.
- Kalengkongan, Stevania Bella, Kajian Hukum Pidana Adat Dalam Sistem Hukum Pidana Indonesia, *Lex Crimen* 6, No. 2 (Mar 2017): 29-35.
- Kartoningrat, R. Besse, Peter M. Marzuki, M. Hadi Shubhan, Prinsip Independensi dan Pertanggung Jawaban Kurator Dalam Pengurusan dan Pemberesan Harta Pailit, *RechtIdee* 16, No. 1 (Juni 2021): 37-64, <https://doi.org/10.21107/ri.v16i1.10165>.
- Kesowo, Bambang, "Perpu Nomor 1 Tahun 1998, Latar Belakang dan Arahnya" dalam A. Rudy Lontoh et. al *Penyelesaian Utang-piutang melalui Pailit atau Penundaan Kewajiban Pembayaran Utang, Edisi Pertama*, (Bandung: Alumni, 2001).
- Kurniawan, Moh., Tugas Dan Fungsi Balai Harta Peninggalan Semarang Sebagai Kurator Kepailitan Berdasarkan Undang-Undang Nomor 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang, *Jurnal Daulat Hukum* 1, No. 1, (Maret 2018): 65-76, [10.30659/jdh.1.1.10](http://dx.doi.org/10.30659/jdh.1.1.10).
- Mardiyati, Siti, Reformasi Hukum Perdata Dalam Kaitan Dengan Kemudahan Berusaha Dan Hubungan Transnasional, *UNES Journal of Swara Justisia* 7, No. 1 (April 2023): 277-283, <https://doi.org/10.31933/uj sj.v7i1.331>.
- Muhammad, Abdulkadir, *Hukum dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004).
- Nadirah, Ida, Studi Komparatif Terhadap Kepailitan Perusahaan Asuransi Syariah Menurut Hukum Islam Dan Undang-Undang No 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang (PKPU), *Iuris Studia Jurnal Kajian Hukum* 2, No. 2, (Juni 2021): 257-263,

- <https://doi.org/10.55357/is.v2i2.131>.
- Noviana, Nina, Perubahan Pokok Dalam Peraturan Kepailitan Menurut Undang-Undang Nomor 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang, *Jurnal Hukum & Pembangunan* 36, No. 2, (Juni 2006): 128-158, [10.21143/jhp.vol36.no2.301](https://doi.org/10.21143/jhp.vol36.no2.301).
- Pratama, Pandu Yudha, Pemilihan Dan Pengangkatan Kurator Dalam Pengurusan Dan Pemberesan Harta Pailit Pada Putusan Pailit Di Pengadilan Niaga Pada Pengadilan Negeri Semarang, (Tesis, Tidak dipublikasikan, Program Magister Fakultas Hukum Universitas Gadjah Mada, 2014).
- Pujiarto, Iwan Wahyu, Syafruddin Kalo, dan Edy Ikhsan, Pelaksanaan Pemberi Bantuan Hukum Dikaitkan Dengan Undang-Undang No. 16 Tahun 2011 Tentang Bantuan Hukum, *Arena Hukum* 8, No. 3 (Maret 2016): 318-341, <https://doi.org/10.21776/ub.arenahukum.2015.00803.2>.
- Rahmad, Riadi Asra, The Government's Legal Politics on Land Acquisition for Development in Terms of Aspects Ius Constitutumand Ius Operatum, *Pena Law: International Journal of Law* 1, No. (September 2022): 55-62, <https://doi.org/10.56107/pe.nalaw.v1i2.40>.
- Raissa, Amanda, Avira Rizkiana Yuniar, Anita Gladina Ayu Nurhayati, Kelemahan Kurator Dalam Pemberesan Harta Pailit *Jurnal Hukum Magnum Opus* 3, No. 3, (Agustus 2020): 214 213-222, <https://doi.org/10.30996/jhmo.v3i2.3442>.
- Santoso, Gunawan, et al, Kajian Ketahanan Nasional melalui Geopolitik dan Geostrategi Indonesia Abad 21, *Jurnal Pendidikan Transformatif (Jupetra)* 02, No.1 (Maret 2023): 184-196, <https://doi.org/10.9000/jupetra.v2i1.145>.
- Shubhan, M. Hadi, *Hukum Kepailitan: Prinsip, Norma, dan Praktik di Pengadilan*, (Jakarta: Kencana, 2019).
- Simatupang, Taufik H., Eksistensi dan Efektivitas Pelaksanaan Tugas Balai Harta Peninggalan di Indonesia, *Penelitian Hukum De Jure* 18, No. 3, (September 2018): 397-414, <http://dx.doi.org/10.30641/dejure.2018.V18.397-414>.
- Simatupang, Taufik H., *Menakar Popularitas Balai Harta Peninggalan Sebagai Kurator Kepailitan*, (Jakarta Selatan, Balitbangkumham Press, 2021).

- Sitepu, Camelia Fanny, Fitriani, Sejarah Hukum Perdata Dagang Di Indonesia: Pendekatan Kepustakaan, *Niagawan* 7, No. 3 (November 2018):153-162, <https://doi.org/10.24114/niaga.v7i3.11605>.
- Sjahdeini, Sutan Remy, *Sejarah, Asas, dan Teori Hukum Kepailitan (Memahami undang-undang No. 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran)*, (Jakarta: Kencana, 2016).
- Soekanto, Soerjono dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: PT. Raja Grafindo Persada, 1995).
- Sugiantari, Anak Agung Putu Wiwik, Perkembangan Hukum Indonesia dalam Menciptakan Unifikasi dan Kodifikasi Hukum, *Jurnal Advokasi* 5, No. 2 (September 2015): 109-122.
- Suhadi, Endi, Akibat Kepailitan terhadap Perusahaan Asuransi, *Jurnal Ilmiah Hukum dan Keadilan* 10, No. 1, (Maret 2023): 1-16, <https://doi.org/10.59635/jih.k.v10i1.259>.
- Sulistiyono, Singgih Tri, Paradigma Maritim dalam Membangun Indonesia: Belajar dari Sejarah, *Lembar Sejarah* 12, No. 2 (Oktober 2016): 81-108, <https://doi.org/10.22146/lembaran-sejarah.33461>.
- Tarmidi, Lepi T., Krisis Moneter Indonesia : Sebab, Dampak, Peran IMF Dan Saran, *Buletin Ekonomi Moneter dan Perbankan* 1, No. 4, (Desember 1999): 1-25, <https://doi.org/10.21098/bemp.v1i4.183>.
- Widiarini, F. Sekar dan Teddy Anggoro, The Role of Balai Harta Peninggalan as Curator in The Management and Settlement of Bankrupt Assets, *LEGAL BRIEF* 11, No. 2 (Mei 2022): 964-978.
- Wijayanta, Tata dan Muhammad Bagas A.H, *Cross Border Insolvency Kerja Sama Lintas Batas AntarLembaga Peradilan Perbandingan Indonesia, Malaysia, dan Korea Selatan*, (Yogyakarta: Gadjah Mada University Press, 2021).
- Wijayanta, Tata, Kajian Tentang Pengaturan Syarat Kepailitan Menurut Undang-Undang Nomor 37 Tahun 2004, *Mimbar Hukum* 26, No.1, (Februari 2014): 1-13, <https://doi.org/10.22146/jmh.16063>.
- Wijayanta, Tata, Kewenangan Pengadilan Niaga dalam Penyelesaian Perkara Perniagaan Lain Berdasarkan Undang-undang Nomor 37 Tahun 2004, *Mimbar Hukum* 20, No. 2 (Juni 2008): 383-

392,

<https://doi.org/10.22146/jmh.16309>.

Wijayanta, Tata, *Undang Undang dan Praktik Kepailitan: Perbandingan Indonesia dan Malaysia*, (Yogyakarta: Gadjah Mada University Press, 2015).

Wijayanta, Tata, Urgensi Pembentukan Pengadilan Niaga Baru, *Mimbar Hukum* 22, No. 2, (Juni 2010): 330-346,
<https://doi.org/10.22146/jmh.16230>.