

SKRIPSI

**KEDUDUKAN HUKUM PUTUSAN MORATORIUM ASING TERHADAP
PENOLAKAN PKPU DALAM CROSS-BORDER DEBT RESTRUCTURINGS
(STUDI PUTUSAN NOMOR 245/PDT.SUS-PKPU/2021/PN.NIAGA JKT.PST)**

Diajukan Untuk Memenuhi Persyaratan Gelar Sarjana Hukum Di Fakultas

Hukum Universitas Andalas

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PKPU DALAM CROSS BORDER DEBT RESTRUCTURINGS (STUDI PUTUSAN NOMOR
245/PDT.SUS-PKPU/2021/PN.NIAGA.JKT.PST.)**

**LEGAL POSITION OF FOREIGN MORATORY ON REJECTION OF PKPU IN CROSS
BORDER DEBT RESTRUCTURINGS (STUDY OF COURT DECISION NUMBER
245/PDT.SUS-PKPU/2021/PN.NIAGA.JKT.PST)**

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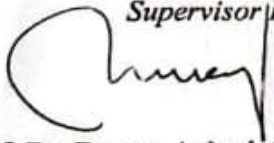
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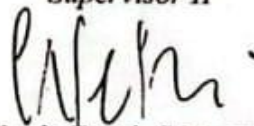
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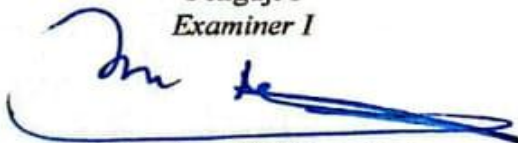
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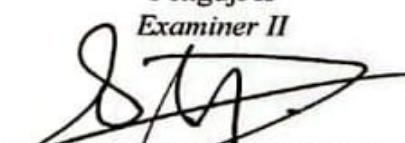
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KEDUDUKAN HUKUM PUTUSAN MORATORIUM ASING TERHADAP PENOLAKAN PKPU DALAM *CROSS-BORDER DEBT RESTRUCTURINGS* (STUDI PUTUSAN NOMOR 245/PDT.SUS-PKPU/2021/PN.NIAGA JKT.PST)

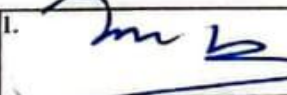
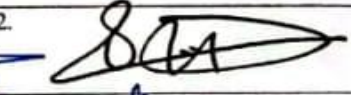
(Thalia Salsadilla, 2110111053, Program Kekhususan Hukum Perdata, Fakultas Hukum Universitas Andalas, 83 halaman, 2025)

ABSTRAK

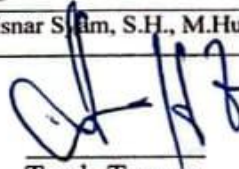
Penundaan Kewajiban Pembayaran Utang (PKPU) dan kepailitan merupakan mekanisme hukum yang banyak ditempuh pelaku usaha dalam menghadapi krisis finansial. Dalam konteks globalisasi, hubungan bisnis tidak lagi terbatas secara nasional, melainkan meluas ke transaksi lintas negara. Kondisi ini menimbulkan tantangan baru, khususnya terkait pengakuan dan pelaksanaan putusan pengadilan asing, termasuk putusan moratorium dari pengadilan negara lain. Penelitian ini mengkaji bagaimana kedudukan hukum putusan moratorium asing dalam perkara PKPU di Indonesia dan kaitannya dengan kewenangan pengadilan niaga melalui studi kasus Putusan Pengadilan Niaga Jakarta Pusat Nomor 245/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst, yang melibatkan konflik yurisdiksi antara putusan moratorium Pengadilan Tinggi Singapura terhadap PT Pan Brothers Tbk dan permohonan PKPU oleh PT Bank Maybank Indonesia di Indonesia. Penelitian menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan studi kasus. Hasil penelitian menunjukkan bahwa adanya putusan moratorium asing tidak mengikat hakim niaga karena Indonesia masih menganut prinsip teritorialitas dan resiprositas, sebagaimana diatur dalam Pasal 436 *Reglement op de Burgerlijke Rechtsvordering* (Rv), sehingga putusan moratorium asing tidak diakui otomatis dan tidak memiliki kekuatan eksekutorial tanpa prosedur pengakuan formal yang hingga kini belum diatur secara spesifik dalam hukum nasional. Kekosongan pengaturan ini berpotensi menimbulkan ketidakpastian hukum dalam penyelesaian sengketa yang melibatkan entitas lintas negara, khususnya restrukturisasi utang. Oleh karena itu, diperlukan reformulasi hukum nasional, baik melalui penyusunan aturan khusus mengenai *cross-border debt restructurings*, maupun dengan mempertimbangkan ratifikasi UNCITRAL *Model Law on Cross-Border Insolvency*. Model hukum ini dapat memberikan kepastian hukum dan membuka jalan bagi prinsip *comity* antarnegara tanpa mengorbankan kedaulatan yurisdiksi Indonesia. Reformasi ini penting untuk memperkuat sistem hukum Indonesia dalam menghadapi dinamika bisnis global yang semakin kompleks.

Kata Kunci: Moratorium Asing, PKPU, *Cross Border Debt Restructurings*

Skripsi ini telah dipertahankan di depan Tim Penguji dan dinyatakan lulus pada 30 Juli 2025. Penguji,

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LEGAL POSITION OF FOREIGN MORATORY ON REJECTION OF PKPU IN CROSS BORDER DEBT RESTRUCTURINGS (STUDY OF COURT DECISION NUMBER 245/PDT.SUS-PKPU/2021/PN.NIAGA.JKT.PST.)

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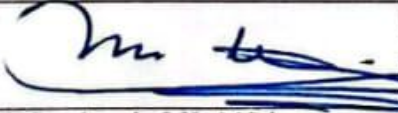
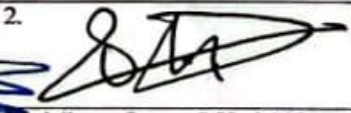
ABSTRACT

Suspension of payment (PKPU) and bankruptcy are legal mechanisms that many business actors pursue in the face of financial crisis. In the context of globalization, business relationships are no longer limited nationally, but extend to cross-border transactions. This condition raises new challenges, especially regarding the recognition and implementation of foreign court decisions, including moratorium decisions from other countries' courts. This research examines how the legal position of foreign moratorium decisions in PKPU cases in Indonesia and its relation to the authority of the commercial court through a case study of the Central Jakarta Commercial Court Decision Number 245/Pdt.Sus-PKPU/2021/PN.Niaga.Jkt.Pst, which involves a jurisdictional conflict between the Singapore High Court's moratorium decision against PT Pan Brothers Tbk and the PKPU application by PT Bank Maybank Indonesia in Indonesia. The research used normative juridical method with statutory approach and case study. The results show that the existence of foreign moratorium decisions is not binding on commercial judges because Indonesia still adheres to the principles of territoriality and reciprocity, as stipulated in Article 436 of the Reglement op de Burgerlijke Rechtsvordering (Rv), so that foreign moratorium decisions are not automatically recognized and do not have executorial force without formal recognition procedures which until now have not been specifically regulated in national law. This regulatory vacuum has the potential to cause legal uncertainty in dispute resolution involving cross-border entities, especially debt restructuring. Therefore, it is necessary to reformulate national law, either through the preparation of special rules regarding cross-border debt restructurings, or by considering the ratification of the UNCITRAL Model Law on Cross-Border Insolvency. This Model Law can provide legal certainty and pave the way for the principle of comity between countries without compromising the sovereignty of Indonesian jurisdiction. This reform is important to strengthen Indonesia's legal system in the face of increasingly complex global business dynamics.

Keywords: Foreign Moratory, PKPU, Cross Border Debt Restructurings

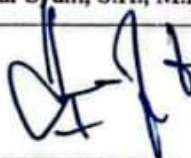
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