

SKRIPSI

PENERAPAN PRINSIP PEMBUKTIAN SEDERHANA PADA PERKARA

PENUNDAAN KEWAJIBAN PEMBAYARAN UTANG (PKPU) STUDI

PUTUSAN PERKARA NOMOR 74/PDTSUS-PKPU/2021/PN NIAGA SBY

Diajukan Untuk Memenuhi Persyaratanguna Memperoleh Gelar Sarjana Hukum

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PENERAPAN PRINSIP PEMBUKTIAN SEDERHANA PADA PERKARA PENUNDAAN KEWAJIBAN PEMBAYARAN UTANG (PKPU) STUDI PUTUSAN PERKARA NOMOR 74/PDTSUS-PKPU/2021/PN NIAGA SBY

(Dira salsabela, 2110111056. Fakultas Hukum Universitas Andalas, Program Kekhususan Hukum Perdata Bisnis (PK-2), 117 halaman, Tahun 2025) Pembimbing:
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ABSTRAK

PKPU memberi ruang debitor restrukturisasi utang guna menghindari pailit. Syarat kuncinya ialah pembuktian sederhana yakni utang jatuh tempo dan dua kreditor. Namun praktik peradilan sering menafsirkan prinsip ini berbeda-beda. Putusan 74/2021 PN Niaga Surabaya menolak PKPU sukarela debitor meski syarat formil terpenuhi. Hal ini membuka ruang diskusi akademik mengenai batasan objektivitas standar sederhana dan sejauh mana hakim berhak memperluas tafsirnya. Pemisahan kedua aspek ini penting agar standar sederhana tetap konsisten di seluruh perkara PKPU. Jika tidak dipisahkan, akan timbul ketidakpastian hukum karena parameter sederhana menjadi kabur dan bergantung pada interpretasi moral hakim terhadap pemohon. Berdasarkan latar belakang diatas, maka peneliti mengidentifikasi permasalahannya sebagai berikut: (1) Bagaimana Prinsip Pembuktian Sederhana berdasarkan UUK-PKPU? (2) Bagaimana Pertimbangan Hakim dalam Penerapan Prinsip Pembuktian Sederhana pada Putusan Nomor 74/Pdt.Sus-PKPU/2021/PN Niaga Sby? (3) Bagaimana Hak Yuridis Para Pihak dalam Pertimbangan Hakim pada Putusan Nomor 74/Pdt.Sus-PKPU/2021/PN Niaga Sby. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Bahan hukum primer meliputi Undang-Undang Kepailitan dan PKPU serta putusan pengadilan terkait, sedangkan bahan hukum sekunder berasal dari literatur dan doktrin kepailitan. Analisis dilakukan secara kualitatif untuk menilai konsistensi penerapan norma dengan tujuan hukum PKPU. Berdasarkan hasil penelitian, diperoleh hasil: (1) Konsep pembuktian sederhana dalam PKPU menjadi filter awal bukti *prima facie* utang dan kreditor cukup untuk proses restrukturisasi tanpa sengketa panjang. (2) Pertimbangan hakim terkait pembuktian sederhana menunjukkan pergeseran tafsir dari parameter objektif pembuktian sederhana menuju penilaian substantif terkait integritas pemohon, sehingga menimbulkan batas baru antara evaluasi formil dan penilaian itikad baik dalam praktik PKPU sukarela. (3) Hak debitor mengajukan PKPU sukarela dijamin Pasal 222 UUK-PKPU, namun hakim menolak dengan alasan seharusnya diajukan kreditor dan mempertimbangkan kreditor luar daftar, sehingga tafsir pembuktian sederhana melebar dan berisiko mengaburkan perlindungan hak para pihak.

Kata Kunci: PKPU Sukarela; Pembuktian Sederhana; Kepastian Hukum, Praktik Peradilan

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APPLICATION OF THE PRINCIPLE OF SIMPLE EVIDENCE IN DEBT PAYMENT SUSPENSION (PKPU) PROCEEDINGS (Case Study of Decision No. 74/Pdt.Sus-PKPU/2021/PN.Niaga.Sby)
(Dira Salsabela, 2110111056. Faculty of Law, Universitas Andalas, Specialization in Business Civil Law (PK-2), 117 pages, Year 2025.)

ABSTRACT

The Debt Payment Suspension (PKPU) mechanism provides debtors with the opportunity to restructure their debts as a means to avert bankruptcy. The central requirement for granting PKPU lies in the principle of simple evidence, which is fulfilled by demonstrating the existence of due and payable debts and the presence of at least two creditors. In practice, however, courts have often interpreted this principle inconsistently. Decision No. 74/2021 of the Surabaya Commercial Court rejected a debtor's voluntary PKPU petition despite the formal requirements having been satisfied. This phenomenon invites scholarly discussion regarding the boundaries of objectivity within the simple evidence standard and the extent of judicial discretion in broadening its interpretation. The distinction between these aspects is crucial to maintain consistency of the simple evidence standard across PKPU cases. Failure to delineate them risks generating legal uncertainty, as the standard may become blurred and contingent upon the moral assessment of the petitioner by the adjudicating judges. Against this background, the research addresses the following problems: (1) How is the principle of simple evidence formulated under the Bankruptcy and PKPU Law? (2) How is this principle applied by the court in Decision No. 74/Pdt.Sus-PKPU/2021/PN.Niaga.Sby? (3) How are the juridical rights of the parties accommodated within the judicial reasoning in that decision? This study adopts normative legal research employing statutory, conceptual, and case approaches. Primary legal materials consist of the Bankruptcy and PKPU Law and relevant court decisions, while secondary legal materials are drawn from scholarly literature and bankruptcy law doctrines. The analysis is qualitative, focusing on assessing the coherence of normative application with the objectives underlying the PKPU framework. The study finds that: (1) The principle of simple evidence in PKPU serves as a preliminary filter providing prima facie proof of the existence of debt and creditors sufficient to initiate the restructuring process without extended litigation. (2) Judicial reasoning concerning simple evidence indicates a shift from objective criteria toward substantive evaluation of the debtor's good faith, creating a new boundary between formal requirements and moral considerations in voluntary PKPU proceedings. (3) Although the debtor's right to file a voluntary PKPU petition is explicitly guaranteed by Article 222 of the Bankruptcy and PKPU Law, the court rejected the petition on grounds that it should have been initiated by creditors and considered creditors beyond the list provided, thereby expanding the interpretation of simple evidence and potentially undermining the protection of the parties' rights.

Keywords: Voluntary PKPU; Simple Evidence; Legal Certainty; Judicial Practice

This minor thesis has defended in front of the examiner team at August 27th, 2025.

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