

### ABSTRAK

Di Indonesia, kepailitan diatur dalam Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang (Untuk selanjutnya disebut UU Kepailitan). Berdasarkan Pasal 1 angka 1 UU Kepailitan, menentukan bahwa Kepailitan adalah sita umum atas semua kekayaan debitor pailit yang pengurusan dan pemberesannya dilakukan oleh kurator dibawah pengawasan hakim pengawas sebagaimana diatur dalam undang-undang ini. Kurator dipilih berdasarkan pengajuan dari pihak pemohon pailit. Hasil dari pengajuan tersebut adalah sebuah penetapan dari Hakim. Kurator manakala telah mendapatkan penetapan dari Hakim maka dalam proses tahap awal akan melakukan pengumuman kepailitan debitor pailit dalam Berita Negara Republik Indonesia serta dalam sekurang-kurangnya 2 surat kabar harian yang ditentukan oleh Hakim Pengawas. Dan pihak kreditur dari pihak debitor pailit dapat mendaftarkan dan/atau mengkonfirmasi kepada kurator yang berwenang atas boedel pailit sebagaimana diatur dalam Pasal 113 ayat 1 UU Kepailitan. Pemberesan harta pailit dapat dilakukan dengan 2 (dua) cara yaitu penjualan dengan cara di muka umum atau di bawah tangan. Pada putusan nomor registrasi : 1002 K/Pdt.Sus-Pailit/2016, CV. Zidan membeli asset boedel pailit Endang Srikarti Handayani S.H.,M.Kn sebagai Kurator yang berwenang atas pemberesan asset boedel pailit milik CV. Zentrum DSB berdasarkan putusan gugatan pailit yang dimohonkan PT. Citra Mandiri *Multi Finance*. Adapun asset boedel pailit yang dibeli oleh CV. Zidan adalah 3 unit bus, dari 3 unit bus tersebut telah dilakukan balik nama atas CV. Zidan. Dalam hal ini, Kurator berdasarkan putusan pailit telah melakukan penjualan dibawah tangan kepada CV.Zidan tanpa izin Hakim Pengawas. Berdasarkan kasus tersebut dapat dikaitkan adanya perbuatan melawan hukum sesuai dengan Pasal 185 ayat (1) UU Kepailitan bahwa pemberesan harta pailit harus dilakukan proses penjualan di muka umum terlebih dahulu sebelum dilakukan penjualan dibawah tangan serta membuktikan bahwa peraturan terkait kepailitan masih terdapat celah yang rawan menimbulkan kerugian bagi setiap orang,terutama pada pihak pelawan yaitu CV. Zidan, sebab CV Zidan telah melaksanakan pembelian secara sah menurut hukum terhadap Kurator.

**Kata Kunci : Kepailitan, Kurator, Boedel Pailit, Pembeli Harta Pailit.**

**ABSTRACT**

*In Indonesia , bankruptcy regulated in the law of no 37 year 2004 regarding bankruptcy and suspension of debt payment obligation ( to be called law bankruptcy ). Based on article 1 the limit 1 bankruptcy law , this past year determining that bankruptcy is sita general all that have caused the bankruptcy of debtor who for their management and pembersannya done by curator under control the supervisory judge as regulated in this law. Curator were chosen based on submissions from the bankruptcy of applicant sides .The result of the filing is a the decision from the judge. Curator had got the decision from the judge then the process of the early stages will do the announcement of the bankruptcy debtor went bankrupt in the news the republic of indonesia in 2 daily newspapers are determined by the supervisory judge. And the creditor from the debtor bankruptcy can register and / or confirm to curator in charge of boedel bankruptcy as stipulated in article 113 verse 1. bankruptcy law. The settlement of the problem bankrupt assets of its can be done by 2 ( two ) ways either sales by the manner in conspicuous and secure publicity or under the mighty hand of . The award registration number: 1002 k / pdt.sus-pailit / 2016 , CV .Zidan buy asset boedel of bankruptcy Endang srikarti handayani as curator authority for the settlement to asset boedel of bankruptcy belonging to CV.Zentrum DSB based on the judgment a lawsuit of bankruptcy whose PT. Citra Mandiri multi finance. As for asset boedel bankruptcy has been bought by CV. Zidan is 3 buses has been done back name over. CV. Zidan, In this case, curator based on the judgment went bankrupt has sales under hand to the supervisory judge. CV. Zidan without permission. Based on is that the case has attributable the fact that there are committed an illegal action in accordance with article 185 verse ( 1 ) law connection with such bankruptcy that the settlement to bankrupt assets of should be carried out the selling process of conspicuous and secure publicity beforehand prior to the may reach less than percent the hands of net profit hike were sales and prove that bankruptcy regulations there are still gaps prone to causing harm to everyone, especially to the fighters, CV. Zidan because CV. Zidan has exercised the purchase in legal against curator.*

**Keywords : Bankruptcy, Curator, Boedel Bankruptcy, Buyyers Assets**