

Legal Protection for Creditors Whose Claims are Rejected in the Postponement of Debt Payment Obligations

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Abstract. *This thesis aims to analyze the legal protection for creditors whose claims are rejected in the Debt Payment Suspension (PKPU) process based on Law Number 37 of 2004 concerning Bankruptcy and Debt Payment Suspension (UUK-PKPU) and identify the weaknesses that arise in this protection. This study uses a normative legal method with a descriptive analytical approach, by analyzing laws and regulations, court decisions, and related legal literature. Based on the study, it is concluded that legal protection for creditors whose claims are rejected in the PKPU process is still very limited. UUK-PKPU does not provide a renvoi mechanism as in bankruptcy, so creditors cannot file a separate lawsuit with the commercial court. In addition, there are several weaknesses in UUK-PKPU and its implementation, including: lack of clarity and detail in the rules for verifying claims; lack of transparency and access to information for creditors; limited time for verifying claims; and limited forums for legal remedies for creditors whose claims are rejected.*

Keywords: Creditors; Legal; Protection; Verification.

1. Introduction

Postponement of Debt Payment Obligations (PKPU) is a legal mechanism that aims to help debtors experiencing financial difficulties in paying off their debts to creditors.¹Through PKPU, debtors are given the opportunity to restructure their debts and restore their businesses so that they can return to normal operations. However, in practice, the PKPU process often faces various challenges and problems, especially related to legal protection for creditors.

One of the crucial issues in PKPU is the protection of creditors whose claims are rejected in the verification process. Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (UUK-PKPU) has not provided adequate protection for creditors in this situation. Previous research by Handayani, A in his article " **Legal Protection for Creditors and Settlement of Debtors' Debts to Creditors Reviewed from the Bankruptcy Law and**

¹ Anugraha, Viqi, and Adlin Budhiawan. "Simple Proof Principle as a Condition for Postponement of Debt Payment Obligations." *Journal of Education Research* Vol.4.No. 2 (2023), pp. 742-751. Available at <https://jer.or.id/index.php/jer/article/view/201> accessed on December 16, 2024.

PKPU "published in the *Varia Hukum Journal* shows that the creditors surveyed felt disadvantaged when their claims were rejected in the PKPU process.²

Creditors whose claims are rejected face legal uncertainty and difficulty in fighting for their rights. UUK-PKPU does not provide a procedural *renvoi* mechanism like in bankruptcy, so creditors cannot file a separate lawsuit with the commercial court to resolve bill disputes.³ This is different from the bankruptcy system in the United States which gives creditors the right to file a proof of claim lawsuit in bankruptcy court.⁴

In addition, Article 280 of the UUK-PKPU which regulates the voting rights of creditors whose claims are disputed also creates ambiguity and uncertainty. This article does not explain in detail the mechanism for determining the "limitation of the number of votes" for these creditors, making it vulnerable to subjectivity and potential abuse, and the position of the supervisory judge in the PKPU only determines the voting rights in conducting voting⁴, while when the Peace Proposal has been ratified by the commercial court (Homologation) this will bind all creditors.

The lack of legal protection for creditors whose claims are rejected can have a negative impact, both for the creditors themselves and for the effectiveness of PKPU as a debt restructuring instrument. Creditors have the potential to experience significant financial losses, while debtors can take advantage of legal loopholes to avoid debt repayment obligations.⁵

Identification of problems in legal protection for creditors whose claims are rejected in PKPU is very important. A comprehensive understanding of these problems will be the basis for efforts to improve and refine regulations, as well as improving law enforcement practices in the field of bankruptcy and PKPU.

Based on the description above, this study aims to analyze the legal protection of creditors whose claims are rejected in the Debt Payment Suspension (PKPU) process based on Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (UUK-PKPU).

2. Research Methods

The research method used in writing this law is normative juridical with a statutory approach and a conceptual approach. The research specification used is analytical descriptive, namely describing legal protection for creditors whose bills are rejected in the PKPU process based on laws and legal doctrines, then analyzing it to identify weaknesses and formulate solutions to these problems.

Data collection was conducted through literature study by reviewing various primary, secondary, and tertiary legal sources. Primary legal sources include Law Number 37 of 2004

² Handayani, A.. Legal Protection for Creditors and Settlement of Debtors' Debts Against Creditors Reviewed from the Bankruptcy Law and PKPU. *Varia Hukum*, Vol. 3, No. 2 , 2021, p. 46-74. Available at <https://journal.uinsgd.ac.id/index.php/varia/article/view/12589/pdf> accessed on December 16, 2024.

³ Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations.

⁴ Douglas G. Baird, *The Elements of Bankruptcy*, 6th ed. (New York: Foundation Press, 2014), p. 154-157.

⁵ Dewi, PET Special characteristics of commercial courts in adjudicating bankruptcy cases. *Saraswati Law Journal (JHS)*, Vol. 5, No. (1), (2023). P. 332-338. Available at <https://e-journal.unmas.ac.id/index.php/JHS/article/view/6409> accessed on December 16, 2024.

concerning Bankruptcy and Suspension of Debt Payment Obligations, as well as related court decisions. Secondary legal sources include books, legal journals, and scientific articles. Tertiary legal sources include legal dictionaries, legal encyclopedias, and official websites of government agencies. The collected data were then analyzed qualitatively using legal interpretation and argumentation methods.

3. Results and Discussion

3.1. Legal Protection for Creditors whose claims are rejected in the PKPU process

Postponement of Debt Payment Obligations (PKPU) is a legal mechanism designed to provide an opportunity for debtors experiencing financial difficulties to restructure their debts with their creditors. The goal is to achieve a mutually beneficial peace, so that debtors can continue their business and creditors obtain debt repayment. However, in practice, the PKPU process often faces various obstacles, especially related to legal protection for creditors. One crucial issue is the fate of creditors whose claims are rejected in the debt verification process, especially in the context of Article 280 of Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations (UUK-PKPU).⁶

Legal protection for creditors in PKPU is a complex and dynamic system. Although the UUK-PKPU has provided a relatively comprehensive legal framework, its implementation still faces various challenges. Therefore, continuous efforts are needed to strengthen creditor protection, increase the effectiveness of the PKPU process, and create a fair debt settlement system.

Verification of creditor bills is an important stage in the PKPU process. This stage aims to ensure the validity and accuracy of the amount of debt registered by the creditor.⁷ The invoice verification process is carried out by an administrator appointed by the commercial court, and the resulting Fixed Receivables List will be the basis for determining creditors' voting rights in creditors' meetings and the distribution of debtor assets in the event of bankruptcy.

The bill verification process begins when the creditor submits his bill to the administrator.⁸ Creditors are required to attach valid and complete evidence to support their claims. The administrator will then check the completeness of the documents and match the data with the information provided by the debtor. The bill verification mechanism includes several steps, including:⁹

- a) Submission of claims by creditors: Creditors submit their claims to the administrator by attaching supporting evidence.

⁶ Dewi, PET Special characteristics of commercial courts in adjudicating bankruptcy cases. *Saraswati Law Journal (JHS)*, Vol 5, No. (1), (2023). p. 332-338. Available at <https://ejournal.unmas.ac.id/index.php/JHS/article/view/6409> accessed on December 16, 2024

⁷ Sihabudin, EA, & Adhitama, E.. Creditor Rights With Rejected Receivables in the Debt Payment Obligation Suspension Process. *Arena Hukum*, (2023), p.16. available at <https://www.arena.hukum.ub.ac.id/index.php/arena/article/view/2089> accessed on December 16, 2024

⁸ Andreina, Erina Tantry. "A Study of the Position of Creditors as Recipients of Fiduciary Guarantees Due to Bankrupt Debtors." *Lex Privatum*, Vol.9,No.12 (2021). p. 3. Available at <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/38445> accessed on December 16, 2024.

⁹Ibid.

- b) Checking the completeness of documents by the administrator: The administrator checks the completeness and validity of the billing documents.
- c) Matching data with information from debtors: The administrator matches the billing data with the information provided by the debtor.
- d) Verification and determination of bill status: The administrator verifies and determines the bill status, namely:
 - a. Acknowledged: Bills that are valid and acknowledged by the management.
 - b. Partially acknowledged: Bills that are partially acknowledged by the administrator because there is a difference in the amount or there are conditions that have not been met.
 - c. Rejected: Bills that are rejected by the administrator because they are invalid or cannot be proven.
- e) Preparation of a list of claims: The administrator prepares a list of claims that are acknowledged and rejected, which will then be submitted to the supervising judge and announced to the creditors.

The administrator has broad authority in the bill verification process. UUK-PKPU gives the administrator authority to:¹⁰

- a) Requesting additional information from creditors and debtors: The administrator may request creditors and debtors to provide additional information or documents required in the verification process.
- b) Conducting direct inspections at the debtor's location: Administrators can conduct inspections at the debtor's place of business or residence to obtain more accurate information and data.
- c) Using expert services: Administrators can use independent expert services to assist in the bill verification process, for example public accountants or asset appraisers.
- d) Rejecting invalid invoices: The administrator has the authority to reject invoices that do not meet the requirements or are not supported by valid evidence.

Then, the legal consequences of acknowledged and rejected claims are:¹¹

- a) Claims recognized: Creditors whose claims are recognized will have voting rights at creditors' meetings and are entitled to a share of the debtor's assets in the event of bankruptcy.
- b) Rejected claims: Creditors whose claims are rejected will not have voting rights in the creditors' meeting. In PKPU, there is no *renvoi* mechanism like in bankruptcy, so creditors cannot file a separate lawsuit to the commercial court to dispute the rejection of the claim. However, creditors can file a regular civil lawsuit to the district court.

The creditor's bill verification process is a very important stage in PKPU. Therefore, the management must carry out its duties with full responsibility, independently, and

¹⁰ Faisalsyah, MAA. Legal Remedies for Creditor Rights of Receivables Bills Rejected at the Verification Stage (Doctoral dissertation, Universitas 17 Agustus 1945 Surabaya). (2024), p. 35.

¹¹ Nugroho, MS. Legal Protection for the Management Team of Postponement of Debt Payment Obligations (PKPU) (Study of Decision no. 52/Pdt. SUS-PKPU/2018/PN. Niaga. Jkt. Pst). In National Conference on Law Studies (NCOLS) (Vol. 5, No. 1, 2023, pp. 1011-1027).

professionally. The management's decision in bill verification will have a significant impact on creditor rights and the continuity of the PKPU process.

Article 280 of the UUK-PKPU reads:

"The Supervisory Judge determines which Creditors whose claims are disputed can participate in the voting and determines the limit on the number of votes that can be cast by said Creditors."

The phrase "participate in voting and determine the limit on the number of votes that can be cast by the Creditor" confirms that creditors whose claims are still in dispute only have the right to vote in the vote on the settlement plan. However, there is ambiguity in Article 280 of the UUK-PKPU. This article does not explain in detail how the mechanism for determining the "limit on the number of votes" for creditors whose claims are disputed. This lack of clarity can create legal uncertainty and the potential for new disputes in the PKPU process.

The question that then arises is what parameters does the Supervisory Judge use in determining the limit on the number of votes? Is it based on the value of the disputed claim, the proportion of the claim recognized, or other factors? Lack of clarity can lead to unfairness and subjectivity in the decision-making process. In this case, the Supervisory Judge plays a crucial role in ensuring justice for creditors whose claims are disputed. The Supervisory Judge must act independently and impartially, and consider all relevant evidence and arguments before determining the limit on the number of votes.

Problems will arise if the vote limit is set too low. This can be detrimental to creditors because their votes become insignificant in voting, even though their claims have substantial value. In fact, active participation of creditors in the PKPU process, including in voting on the peace plan according to Article 281 of the PKPU Law, is very important to reach a fair agreement that benefits all parties. Therefore, Article 280 of the PKPU Law needs to be revised to provide clarity and legal certainty. It is necessary to regulate in detail the mechanism for determining the vote limit, and creditors' claims that are still rejected, by considering the principles of justice and proportionality, so that legal protection for creditors whose claims are disputed can be guaranteed. This revision will increase the effectiveness of PKPU as a fair and balanced debt settlement mechanism for debtors and creditors. In the practice and doctrine of bankruptcy law, creditors are divided into three types, namely:¹²

1. Separatist Creditors: Creditors who have collateral rights over the debtor's assets, such as pledges, fiduciaries, mortgages, or security interests.
2. Preferred Creditors: Creditors who have the privilege of being paid before concurrent creditors, such as tax bills or workers' wages.
3. Concurrent Creditors: Creditors who do not have any collateral rights or privileges.

Article 280 of the UUK-PKPU regulates the rights of creditors whose claims are disputed to still be able to vote in decision-making regarding the peace plan. This article does not explain the fate of creditors whose claims are disputed or rejected. However, Article 280 of the UUK-PKPU grants the Supervisory Judge the authority to determine the limit on the number of

¹² Zahirah, I., Gultom, E., & Suryamah, A. (2024). Decision on Rejection of Ratification of Debtor's Peace on the Basis of Unpaid Management Fee. *COMSERVA: Journal of Research and Community Service*, 3(10), pp.3987-3995.

votes that can be cast by the creditor. This raises questions regarding the parameters used by the Supervisory Judge in determining the limit on votes, as well as how to ensure fairness and proportionality in the decision-making process. The right to submit a peace plan is regulated in previous articles, namely Article 222 paragraph (1) and Article 224 paragraph (1) of the UUK-PKPU which grant this right to the debtor, but in general it can be agreed that creditors must meet the following requirements:¹³

1. The claim has been acknowledged: The creditor must have a valid claim and it has been acknowledged by the administrator in the claim verification process.

2. Fulfilling the quorum: There is no explicit regulation that regulates the quorum of creditors that must be fulfilled in order to submit a peace plan. However, referring to Article 281 of the UUK-PKPU regarding the quorum for approval of the peace plan, it can be assumed that creditors submitting the peace plan must represent a certain amount and value of claims.

The creditor's right to submit a peace plan is an important form of legal protection. With this right, creditors can actively participate in the PKPU process and fight for their interests optimally. However, there needs to be clarity and legal certainty regarding which creditors are entitled and the conditions that must be met, to avoid potential conflicts and abuse of authority.¹⁴

3.2. Weaknesses that arise in Legal Protection for Creditors whose claims are rejected in the Debt Payment Suspension process

Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (UUK-PKPU) is present as a legal instrument to balance the interests of debtors and creditors in facing financial difficulties. PKPU aims to provide an opportunity for debtors to restructure their debts, while creditors are expected to obtain certainty over the settlement of their receivables. However, in practice, the implementation of UUK-PKPU, especially in terms of legal protection for creditors whose bills are rejected, still shows various weaknesses.¹⁵

One of the crucial stages in PKPU is the verification of creditor claims. This process determines the validity of a claim and has a significant impact on subsequent creditor rights, including voting rights in the peace plan voting. Unfortunately, the UUK-PKPU contains several weaknesses in the regulation of claim verification that have the potential to harm creditors, especially creditors whose claims are rejected.

Based on the Interview, Invoice verification is an important process in PKPU to determine the validity and amount of debt recognized. However, UUK-PKPU still contains a number of weaknesses in the regulation of invoice verification that have the potential to harm creditors and hinder the PKPU process.¹⁶

¹³ Alfitria, S. Legal Protection for Former Company Directors Whose Bills Were Rejected in Receivables Matching. ARGUMENTUM Magister Hukum Journal, Vol.9, No. (1), (2023), p.165-176.

¹⁴ Mukhid, A., & Hidayatullah, H.. Legal Protection for Members of Savings and Loan Cooperatives Declared Bankrupt by the Commercial Court (Study of Bankruptcy Decision of Giri Muria Group Savings and Loan Cooperatives). JIM: Scientific Journal of History Education Students, Vol.8, No. (4), (2023) P..4455.

¹⁵ Alfitria, S. Legal Protection for Former Company Directors Whose Bills Are Rejected in Receivables Matching. ARGUMENTUM Magister Hukum Journal, Vol.9, No. (1), (2023), p.165-176.

¹⁶Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

1. Article 270 of the UUK-PKPU: This article regulates the procedures for submitting creditor claims to the administrator. However, there are no clear and detailed provisions regarding the requirements and types of evidence that must be attached by the creditor. This creates uncertainty and the potential for different interpretations in practice.
2. Article 271 of the UUK-PKPU: This article regulates the authority of the administrator to verify bills and match them with the debtor's documents, such as financial reports and creditor list documents.
3. Article 280 of the UUK-PKPU: This article regulates the creditor's right to file an objection to the management's decision. However, there are no clear provisions regarding the procedure for filing an objection and the deadline for filing. This makes it difficult for creditors to fight for their rights.

Based on an interview with Mr. James Purba, it was stated that the legal loopholes that are detrimental to creditors are as follows:¹⁷

1. No renvoi mechanism: Unlike bankruptcy, the UUK-PKPU does not regulate a renvoi mechanism for creditors whose claims are rejected to file a separate lawsuit with the commercial court. This limits creditors' legal remedies and creates legal uncertainty.
2. Time constraints for bill verification: UUK-PKPU does not provide sufficient time for creditors to prepare and submit bills. This makes it difficult for creditors, especially small creditors or creditors located outside the city, to meet the specified deadline.
3. Lack of protection for creditors whose claims are rejected: UUK-PKPU does not provide adequate protection for creditors whose claims are rejected. There is no compensation or redress mechanism for creditors who suffer losses due to the rejection of unlawful claims.

Lack of Control Mechanisms over Management:¹⁸

1. Lack of transparency in the verification process: UUK-PKPU does not regulate in detail the transparency of the bill verification process. This makes it difficult for creditors to monitor and supervise the performance of administrators.
2. Weak supervision of administrators: Supervision of administrators' performance in the bill verification process is still weak.
3. Limited policy of the Supervisory Judge in determining bill disputes in the bill verification process in PKPU.
4. Lack of accountability of administrators: UUK-PKPU does not clearly regulate the accountability of administrators in the bill verification process. This has the potential to cause a conflict of interest and reduce creditor trust in the PKPU process.

The weaknesses of the UUK-PKPU related to the verification of claims create vulnerabilities for creditors and hinder the realization of PKPU objectives. Therefore, comprehensive legal reform is needed to strengthen creditor protection and increase the effectiveness of the PKPU process.

Based on Interviews with Bankruptcy Experts, the verification process of claims in PKPU, although regulated in the UUK-PKPU, still leaves gaps that allow weaknesses to arise and

¹⁷Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

¹⁸Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

potentially harm creditors. Some of these weaknesses include the subjectivity of the management, lack of transparency of information, and limited verification time. Management Subjectivity in Claim Assessment:¹⁹

1. Unclear Assessment Standards: UUK-PKPU does not provide detailed and measurable guidelines regarding the assessment standards for creditor claims. This leaves room for administrators' subjectivity in determining the validity and amount of recognized debt. Different administrators may have different interpretations of the evidence of claims submitted by creditors.
2. Potential Conflict of Interest: The management in PKPU is not always independent and objective. There is a potential conflict of interest between the management and certain debtors or creditors. This can affect the management's assessment of creditor claims and cause injustice.
3. Lack of Specific Expertise: Not all administrators have adequate expertise and experience in verifying claims, especially for complex claims or those involving certain legal aspects. This can result in errors in assessing claims and harm creditors.

Based on Interviews, Lack of Information Transparency for Creditors as follows:²⁰

1. Limited Access to Information: Creditors often have difficulty obtaining complete and transparent information regarding the bill verification process. Administrators do not always provide adequate information to creditors regarding the status of the bill, reasons for rejection, and subsequent creditor rights.
2. Lack of Effective Communication: Communication between the administrator and creditors is often ineffective. Creditors have difficulty getting clarification or explanation from the administrator regarding their claims. This creates uncertainty and anxiety for creditors.
3. Inadequate Documentation: Documentation of the invoice verification process is often incomplete and unstructured. This makes it difficult for creditors to track the status of their invoices and file objections if necessary.
4. The Debtor's lack of cooperation in providing documents such as financial reports and creditor lists to the Management during the PKPU period.

Then also conveyed is the Limited Time for Bill Verification with the following explanation:²¹

1. Short Deadline: UUK-PKPU provides a relatively short deadline for creditors to file claims. This makes it difficult for creditors, especially small creditors or creditors located outside the city, to prepare and submit claims complete with supporting evidence.
2. Delay in Verification Process: The bill verification process is often delayed due to various factors, such as lack of management resources, large number of bills, or complexity of the problem. This delay is detrimental to creditors because it hampers the PKPU process and delays debt repayment.

¹⁹Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

²⁰Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

²¹Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

3. Time Limitation for Objection: UUK-PKPU also provides a short time limit for creditors to file objections to management decisions. This makes it difficult for creditors to prepare arguments and supporting evidence for their objections.

Weaknesses in the bill verification process create vulnerabilities for creditors and hinder the realization of PKPU objectives.²² Therefore, legal reform and improved implementation of the UUK-PKPU are needed to ensure justice and legal certainty for all parties. The UUK-PKPU provides several legal remedies for creditors whose claims are rejected in the verification process. However, these legal remedies still have weaknesses that limit creditors' access to justice and create legal uncertainty.

Absence of Renvoi Mechanism in PKPU:²³

1. Limited Access to Justice: The absence of a renvoi mechanism in the PKPU limits the rights of creditors whose claims are rejected to file a separate lawsuit in the commercial court. Creditors are forced to take the regular civil lawsuit route in the district court, which is a longer and more complex process.

2. Hindering Dispute Resolution: The absence of renvoi hinders the prompt and efficient resolution of billing disputes. Creditors must wait for the PKPU process to complete before they can file a civil lawsuit, thus delaying debt repayment and creating uncertainty.

3. Potential Injustice: The absence of renvoi has the potential to cause injustice to creditors, because the decision of the administrator in verifying the bill becomes final and binding in the PKPU process. Creditors lose the opportunity to fight for their rights fairly in the commercial court.

Limitations of Appeal and Cassation Legal Remedies:²⁴

1. Limited Scope of Appeal: Appeal in PKPU is limited to court decisions regarding PKPU applications and ratification of the peace plan. Creditors cannot appeal against the administrator's decision in verifying the bill.

2. Cassation is Not Always Effective: The scope of cassation to the Supreme Court is limited and the process takes a long time. There is no guarantee that creditors will win the cassation and obtain justice.

Costs and Time Required for Legal Efforts:

1. Expensive Costs: Taking legal action, whether an appeal or cassation, requires a lot of money. This burdens creditors, especially small creditors, who have limited resources.

2. Long Time: The legal process takes a long time, both at the appeal and cassation levels. This is detrimental to creditors because it delays debt repayment and creates uncertainty.

Impact of Weaknesses in Legal Protection on Creditors:²⁵

²² Fasya, AzkiaAnNida, and Andriyanto Adhi Nugroho. "The Attitude of Management Towards Differences in Bill Values in the Debt Payment Obligation Postponement Process." *USM Law Review Journal* Vol.5, No.2 (2022), p 569-583. Available at <https://journals.usm.ac.id/index.php/julr/article/view/5491> accessed on December 16, 2024.

²³ Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

²⁴ Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

²⁵ Based on Bankruptcy Expert Interview James Purba, SH, MH, on October 10, 2024

The weakness of legal protection for creditors whose claims are rejected in PKPU causes various negative impacts, both for the creditors themselves and for the PKPU system as a whole. Financial Losses for Creditors:

1. **Loss of Collection Rights:** Creditors whose claims are rejected lose their right to receive debt repayment from the debtor. This causes significant financial losses, especially for small creditors who are highly dependent on the receivables.
2. **Legal Effort Costs:** If creditors decide to take legal action, they will have to spend a lot of money on lawyers, court administration, etc. These costs further burden creditors who have already suffered losses due to the rejection of the bill.
3. **Lowering Creditor Participation:** Weaknesses in legal protection can lower creditor confidence in the PKPU process. This causes creditors to be reluctant to actively participate in the PKPU process and hinders debt restructuring of debtors.
4. **Increasing Bankruptcy Potential:** If creditors feel disadvantaged and do not receive justice in PKPU, they tend to choose the bankruptcy path which is considered to provide more legal certainty. This can result in the liquidation of the debtor's assets and stop the debtor's business activities.

5. **Reducing Creditor Confidence in PKPU:**

1. **Reluctance to Participate in PKPU:** Weaknesses in legal protection create negative perceptions among creditors regarding the effectiveness and fairness of PKPU. This causes creditors to be reluctant to participate in the PKPU process and prefer to resolve disputes outside the court or even avoid transactions with debtors who have the potential to experience financial difficulties.
2. **Inhibiting Economic Development:** Creditors' distrust of PKPU can inhibit economic growth and investment. Creditors become more cautious in providing loans or credit, thus reducing liquidity in the market and complicating access to financing for business actors.
3. **Harming the Investment Climate:** A negative image of the PKPU system in Indonesia can harm the investment climate. Foreign investors will hesitate to invest in Indonesia if legal protection for creditors is considered weak and does not guarantee legal certainty.

To get a more comprehensive picture of the weaknesses of the PKPU system in Indonesia, especially in terms of bill verification, a comparative study with other countries is needed. This comparative analysis will help identify the weaknesses and strengths of the system in Indonesia, as well as formulate recommendations for improvement by benchmarking international best practices.

1. **United States (Chapter 11 US Bankruptcy Code):** In the United States, the process of verifying claims is known as the "claims process". Creditors are given sufficient time to file claims, usually around 90 days from the determination of the PKPU. There is a trustee who acts like an administrator in the PKPU in Indonesia, but with stricter supervision from the court and creditors. Creditors whose claims are rejected can file objections and have the right of renvoi to file a separate lawsuit.²⁶

²⁶ Fatahillah, F., & Winanti, A. (2023). Comparison of the concepts of American Bankruptcy Law (Chapter 11) and Indonesian Bankruptcy Law. *Usm Law Review Journal*, 6(3), 1262-1278.

2. UK (Insolvency Act 1986): In the UK, the claim verification process is carried out by an insolvency practitioner acting as an administrator or liquidator. There are clear and detailed guidelines regarding the procedure for submitting and verifying claims. Creditors who are dissatisfied with the administrator's decision can file an objection with the court. The UK system emphasizes transparency and accountability of the administrator.²⁷

3. Singapore (Companies Act and Insolvency, Restructuring and Dissolution Act 2018): Singapore has a relatively modern and efficient PKPU system. The verification process of claims is carried out by a judicial manager appointed by the court. There is an online platform that makes it easy for creditors to submit and track the status of claims. Singapore also implements an electronic voting system that increases creditor participation.²⁸

Based on the comparative study, several international best practices that can be adopted by Indonesia include:

1. Improving clarity and detail of bill verification rules: Formulate more detailed guidelines on billing evidence requirements and types, bill assessment standards, and verification mechanisms.
2. Increasing transparency of information for creditors: Building an online platform that makes it easier for creditors to submit and track the status of bills, and providing easy and transparent access to information regarding the PKPU process.
3. Strengthening supervision and accountability of management: Establishing stricter supervision mechanisms for management performance, increasing transparency and accountability of management, and imposing strict sanctions for violations committed by management.
4. Implementing a renvoi mechanism for creditors whose claims are rejected: Giving creditors whose claims are rejected the right to file a separate lawsuit with the commercial court in order to obtain legal certainty and justice.

Extending the bill verification period: Provide sufficient time for creditors to prepare and submit bills, so that creditors have a fair opportunity to participate in the PKPU process.

4. Conclusion

Based on the analysis of the legal protection of creditors whose claims are rejected in the PKPU process, especially related to Article 280 of the UUK-PKPU, it can be concluded that there are several weaknesses in the regulation and its implementation. The absence of a renvoi mechanism limits the legal remedies of creditors whose claims are rejected and hinders their access to justice. The claim verification process is still vulnerable to Debtor data that is less transparent, thus potentially harming creditors. The weaknesses in the legal protection of creditors whose claims are rejected in the PKPU process indicate that there are several significant shortcomings in the UUK-PKPU and its implementation. First, the UUK-PKPU contains ambiguity in the articles related to claim verification, the lack of control mechanisms for Debtor transparency, and legal loopholes that are detrimental to creditors,

²⁷ Amboro, YP Indonesian Bankruptcy Law Regulation: A Comparative Study of United States and English Law-article. *Lex Prudentium Law Journal*.

²⁸ Amalia, J. (2019). The Urgency of Implementing the UNCITRAL Model Law on Cross-Border Insolvency in Indonesia: A Comparative Study of Cross-Border Bankruptcy Laws in Indonesia and Singapore. *Bonum Commune Business Law Journal*, 2(2), 457105.

such as the absence of a renvoi mechanism. Second, the claim verification process is often marred by Debtors who are less than transparent about documents, lack of information transparency, and time constraints that make it difficult for creditors. Third, legal remedies for creditors whose claims are rejected are still very limited, both in terms of mechanism, scope, and effectiveness. Fourth, the Debtor's lack of cooperation in providing documents such as financial reports and creditor lists to the Management during the PKPU period.

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