

The Role of Supervisory Judges in Pkpu and Bankruptcy Cases

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Abstract. *Bankruptcy is a certain legal condition, in which case the condition must be determined first by the commercial court against a debtor who has debts to at least 2 (two) creditors and for the debt the debtor is unable to pay his debts that have matured and can be collected. Bankruptcy is a commercial way out, this is chosen to get out of the debt problem that is crushing a debtor, where the debtor no longer has the ability to pay the debts to his creditors. The author formulated 2 (two) things, namely: 1) The position and authority of the Supervisory Judge in the PKPU and Bankruptcy process according to Law Number 37 of 2004; 2) The form of accountability of the Supervisory Judge in supervising the verification process and settlement of creditors' receivables in PKPU and Bankruptcy cases. The approach method used is Normative Jurisprudence. The writing specification uses descriptive analysis, the sources and types of data used are primary and secondary data. The data collection method is with document study or literature study, and uses qualitative data analysis methods. The problems are analyzed with the theory of responsibility, the theory of authority, and the theory of legal effectiveness. Based on the research results, it was found that the Supervisory Judge has the authority to supervise the implementation of PKPU, assess the peace proposal, resolve disputes, and supervise the debtor's finances.*

Keywords: *Bankruptcy; Judge; Obligations; Postponement; Supervisory.*

1. Introduction

The philosophy behind the birth of the KPI (Indonesian Broadcasting Commission) is rooted in Pancasila and the 1945 Constitution of the Republic of Indonesia. KPI was born as a manifestation of community participation in broadcasting, accommodating aspirations and representing the interests of the community in broadcasting, in accordance with the mandate of Law Number 32

of 2002 concerning Broadcasting. KPI, as an independent state institution, was formed to carry out its functions based on Pancasila and the 1945 Constitution. This means that the values of Pancasila such as justice, freedom, and responsibility, as well as the principles stipulated in the 1945 Constitution, are the basis for KPI activities. KPI was born as a manifestation of community participation in broadcasting. This means that KPI functions to accommodate aspirations and represent the interests of the community regarding broadcasting.

Pancasila and the 1945 Constitution affirm the sovereignty of the people as the basis of the state. KPI plays a role in accommodating the aspirations of the people in broadcasting, so that broadcasting becomes a reflection of the will and interests of the community. The 1945 Constitution also guarantees human rights, including the right to true and accurate information. KPI plays a role in ensuring that broadcasting does not violate these rights, for example by preventing the spread of misleading or detrimental information. The 1945 Constitution also aims to realize general welfare. KPI plays a role in ensuring that broadcasting provides benefits to the community, not only for the interests of certain groups. Thus, KPI was born as an institution based on the values of Pancasila and the 1945 Constitution, and functions as a forum for aspirations and represents the interests of the community in broadcasting.

A state of law is a state that guarantees the security of its citizens and a state that makes law the highest authority. The principle of a state of law applied in Indonesia in practice must be upheld, for the sake of the sustainability of community, nation, and state life. Indonesia is a state of law where all forms of government of this country have been regulated in the 1945 Constitution, the 1945 Constitution is the benchmark for all matters concerning the hopes and goals of the Indonesian nation. In the 4th paragraph of the 1945 Constitution, it states that the national goal of the Indonesian state is to protect all Indonesian people and all of Indonesia's territory and to advance public welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace, and social justice. It can be explained that the Indonesian state wants to realize social justice for all Indonesian people and this must be realized in the life of society. The implementation of national goals in order to realize the ideals of the Indonesian nation towards a just and prosperous society based on Pancasila and the 1945 Constitution.

Article 1 paragraph (3) of the 1945 Constitution which states "The State of Indonesia is a state of law" is the main philosophical and legal basis in the formation and implementation of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (PKPU). The relationship between the two can be explained as follows:

- 1) Enforcement of the Supremacy of Law in Debt Settlement

As a country of law, Indonesia is obliged to ensure that the settlement of debt problems is carried out based on clear and fair legal rules. Law No. 37 of 2004 is here to provide legal certainty, order, and legal protection for debtors and creditors in the bankruptcy and PKPU process, in accordance with the principles of a country of law mandated by the 1945 Constitution.

2) Legal Certainty and Protection

The PKPU Law regulates a structured legal mechanism to resolve debt disputes, including the debtor's right to file a PKPU and the creditor's right to obtain protection for their receivables. This reflects the principles of justice and legal certainty which are part of the implementation of a state based on law.

3) Supervision and Authority of Commercial Courts

This law places the settlement of bankruptcy and PKPU cases under the supervision of the commercial court, which functions to enforce the law objectively and independently. This is in accordance with the principle that state power must be exercised based on law, not on arbitrary power.

4) Realizing a Just and Prosperous Society

In the considerations of Law No. 37 of 2004, it is emphasized that the development of national law aims to create a just and prosperous society based on Pancasila and the 1945 Constitution. Thus, this law is a real implementation of the ideals of a constitutional state that protects the interests of all parties in the economic and legal fields.

However, if it is associated with Article 28 of the 1945 Constitution, especially after the amendment covering Articles 28A to 28J, it contains fundamental human rights (HAM) guarantees, including the right to legal protection, the right to obtain justice, and the right to protection of oneself, honor, dignity, and property (Article 28G). The relationship between Article 28 of the 1945 Constitution and Law No. 37 of 2004 concerning PKPU is as follows:

1) Protection of Human Rights in Bankruptcy and PKPU Processes

Law No. 37 of 2004 regulates the debt settlement mechanism which must guarantee the protection of the rights of debtors and creditors fairly and proportionally. This is in line with Article 28G of the 1945 Constitution which guarantees the right of every person to protection of property and fair treatment before the law.

2) Legal Certainty and Justice

Article 28D paragraph (1) and (3) of the 1945 Constitution affirms the right of every person to receive recognition, guarantees, protection, and fair legal

certainty and equal treatment before the law. The PKPU Law as a legal product must provide such certainty and justice in the settlement of debt payment obligations, including providing an opportunity for debtors to carry out restructuring through PKPU.

3) Restrictions on Rights by Law

Article 28J paragraph (2) of the 1945 Constitution stipulates that the implementation of a person's rights and freedoms may be limited by law for the sake of respecting the rights of others and public order. In the context of the PKPU Law, restrictions such as freezing the execution of assets during the PKPU are a form of restriction on the debtor's rights which are regulated by law to protect the interests of creditors and maintain economic order.

4) Enforcement of the State of Law and Human Rights

The PKPU Law acts as an instrument of the rule of law (Article 1 paragraph 3 of the 1945 Constitution) which guarantees the enforcement of human rights in resolving economic disputes, in accordance with the mandate of Article 28 which places human rights protection as an integral part of state administration.

Article 28 of the 1945 Constitution provides a constitutional basis for Law No. 37 of 2004 concerning PKPU in guaranteeing the protection of human rights, especially the right to legal protection, justice, and legal certainty in the debt settlement process. Thus, the PKPU Law must be implemented with the principle of respect for human rights as regulated in Article 28 of the 1945 Constitution.

Bankruptcy is a certain legal condition, in which case the condition must be determined first by the commercial court against a debtor who has debts to at least 2 (two) creditors and for the debt the debtor is unable to pay his debts that have matured and can be collected. Bankruptcy is a commercial way out, this is chosen to get out of the debt problem that is crushing a debtor, where the debtor no longer has the ability to pay the debts to his creditors.¹ Thus, if the debtor is aware of the inability to pay the obligations that have matured, then the step of filing a bankruptcy status determination against him (voluntary petition for self bankruptcy) becomes a possible step, or the determination of bankruptcy status by the court against the debtor if evidence is later found that the debtor is indeed no longer able to pay his debts (insolvent) that have matured and can be collected (involuntary petition for bankruptcy).²

¹Hudyarto, 2023, Accountability for Limited Liability Company Bankruptcy Decisions, article: Binamulia Law 10, no. 1 (2023): 91– 106, <https://doi.org/10.37893/jbh.v10i1.380>, accessed April 30, 2025.

²M. Hadi Shubhan, 2014, Bankruptcy Law: Principles, Norms, and Practices in Court, Jakarta: Kencana, p. 25.

Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (PKPU Law) was formed in response to the demands of a modern economic legal system and the 1998 monetary crisis which caused high bad debts. With the enactment of Law Number 37 of 2004, it is hoped that creditors and debtors will receive better protection, especially regarding the Suspension of Debt Payment Obligations regulated in Article 222 paragraph 2 of Law Number 37 of 2004 concerning Bankruptcy and PKPU which reads as follows: "Debtors who are unable or estimate that they will not be able to continue paying their debts that are due and collectible, may apply for PKPU with the intention of submitting a peace plan which includes an offer to pay part or all of the debt to the creditor."³With this protection, many debtors prefer to file a PKPU for their debts rather than having to be petitioned for bankruptcy by their creditors because by filing a PKPU, in addition to the debtor being able to pay off their debts, the debtor can also continue to carry out their business activities. The PKPU period is valid for a maximum of 270 days, including a maximum period of 45 days for a temporary suspension of debt payment obligations. This period is absolute so it cannot be extended any further.

The role of the supervisory judge in the commercial court in the bankruptcy and PKPU process has duties and authorities that need to be chaired a little, namely supervising the work of the curator in carrying out supervision of the curator's actions carried out by the Supervisory Judge. According to the provisions of Article 15 paragraph (1) of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations, the person in charge of the bankruptcy declaration decision must be appointed by the Curator and Supervisory Judge appointed by the Chief Justice. The management and settlement of bankrupt assets carried out by the Curator is supervised by the supervisory judge. The task of the Supervisory Judge is to supervise the management and settlement of bankrupt assets as regulated in Article 65 of the Bankruptcy and PKPU Law. The position of the Supervisory Judge is very important because before deciding something related to the management and settlement of bankrupt assets, the Commercial Court is required to first listen to the opinion/advice of the Supervisory Judge.

As in the case that has currently occurred, namely the attitude of the creditor because in fact the main purpose of PKPU is for the benefit of the debtor to postpone his debt obligations for a fairly ideal period of time in the case between PT. Rigid Maju Bersama as the Respondent or PKPU Debtor against PT. Luxchem Indonesia and PT. Mitsui Indonesia as the Applicants. Applicant I and Applicant II in this case initially acted as Applicant I and Applicant II in filing a PKPU application against the Respondent, which in its decision the Panel of Judges of the Commercial Court granted the Application for Postponement of Fixed Debt

³Munir Fuady, 2010, Bankruptcy Law in Theory and Practice, Bandung: PT. Citra Aditya Bakti, p. 3.

Payment Obligations. Continued at the stage of Verification of Receivables against other creditors who have registered their receivables. However, in the stage of verification of receivables over time, the Supervisory Judge who supervised the process of Verification of evidence from creditors including the applicant's creditors. All evidence shown in the Verification of Receivables, a Supervisory Judge rejected all bills from the Applicant's Creditors, both Applicant I and Applicant II, with the affirmation of the Court's Determination. From the above case, it can be concluded that the PKPU application submitted by the creditor was not carried out effectively and efficiently. In addition, it is seen that Supervisory Judges who are proven to have violated the code of ethics can be subject to severe sanctions, including dismissal from their positions. Judges who commit violations also have the potential to face criminal sanctions, depending on the seriousness of the violation. The question then is, whether the sanctions imposed on judges who violate the code of ethics are only ethical sanctions, criminal sanctions, or even both at once.

2. Research Methods

To conduct a study in this research, the author uses the Normative Juridical method. This normative juridical research uses several approaches, namely the statute approach, the conceptual approach, and the comparative approach. According to Peter Mahmud Marzuki, the statute approach is carried out by examining all laws and regulations related to the important issues being handled. For research for practical activities, this statute approach will open up opportunities for researchers to study the consistency and conformity between one law and another or between a law and the Constitution or between regulations and laws. The results of the study are an argument to solve the issues faced.⁴

3. Results and Discussion

3.1. The position and authority of the Supervisory Judge in the PKPU and Bankruptcy process according to Law Number 37 of 2004

The Bankruptcy and PKPU Laws have emphasized that the principle of business continuity is a legal principle that must be included in the PKPU and Bankruptcy process. This is not explained in detail in the Bankruptcy and PKPU Laws regarding the meaning of the principle of business continuity.⁵Article 104 of the Bankruptcy and PKPU Law explains the principle of business continuity as follows: "Based on the approval of the temporary creditor committee, the

⁴Soerjono Soekanto, Normative Legal Research, A Brief Review, (Jakarta: Rajagrafindo, 1985), p. 133.

⁵Irianto, C., (2015a), Application of the Principle of Business Continuity in Settlement of Bankruptcy Cases and Suspension of Debt Payment Obligations (PKPU), article: Journal of Judicial Law, 4(3), p. 405.

Curator may continue the business of the Debtor who has been declared bankrupt even though an appeal or judicial review has been filed against the bankruptcy declaration decision." Meanwhile, according to Article 104 paragraph (2), "If a creditor committee is not appointed in the bankruptcy, the Curator requires permission from the Supervisory Judge to continue the business as referred to in paragraph (1)."

The principle of business continuity requires that the prospective business activities of the debtor, even though they have entered a period of bankruptcy or PKPU, can still run. The principle of business continuity is an important principle in bankruptcy law that emphasizes the importance of maintaining the continuity of the debtor's business activities, even though the debtor is facing financial difficulties and is trapped in the bankruptcy or PKPU process. In this context, this principle not only serves as a guideline for the court and the parties involved, but also as a mechanism to protect broader interests, including employees, suppliers, and even consumers who depend on the debtor's operations. This shows that business continuity is not only the responsibility of the debtor, but also a common interest involving many parties.

When a debtor enters a period of bankruptcy or PKPU, there is a tendency to focus on paying debts to creditors. However, by prioritizing the principle of business continuity, the parties and the court are required to consider that the debtor has the potential to recover and return to operating well. Creating an environment that allows debtors to continue operating during the PKPU or bankruptcy process not only provides an opportunity for debtors to stabilize their financial condition, but can also reduce the wider negative impacts that bankruptcy can cause, such as job losses, business closures, and losses for creditors that cannot be paid.

The implementation of the going concern principle encourages creditors and courts to consider various options that allow debtors to restructure their debts and continue their operations. In many cases, creditors have an interest in ensuring that debtors can continue to operate and generate income, as this can increase their chances of getting debt payments in the future. By maintaining operations, debtors can generate the cash flow needed to meet their obligations, thus creating a positive cycle for all parties involved.

Courts can also provide more proactive support to debtors who are committed to maintaining their business continuity. For example, the court can set out certain terms in a composition plan designed to allow the debtor to continue its business activities while restructuring the debt. This creates a synergy between debtors and creditors, where both have a common interest in finding a mutually beneficial solution.

The impact of a PKPU decision can vary widely and depends on how the process is managed and how the parties involved respond. For debtors, a PKPU can be a golden opportunity to save a business from a more serious bankruptcy threat, by giving them time to improve their financial condition. However, for creditors, a PKPU decision can be a temporary obstacle in getting the payments they deserve, potentially affecting cash flow and continuity. After the issuance of a Debt Payment Suspension (PKPU) decision, both debtors and creditors are faced with a series of steps that must be taken immediately to ensure the process runs smoothly and fairly for both parties. A PKPU is not the end of a business journey, but the beginning of a restructuring aimed at giving debtors the opportunity to improve their financial condition while at the same time protecting the rights of creditors. The following are important steps that must be taken after a PKPU decision:

1) Appointment of PKPU Management and Supervisory Judge

One of the first things that happens after a PKPU decision is that the court will appoint a PKPU Administrator and a Supervisory Judge. The administrator is usually a licensed curator, whose job is to monitor and help oversee the PKPU process and ensure that all creditors' rights are protected. The administrator acts as an intermediary between the debtor and creditors, facilitating communication, and helping to formulate a settlement plan. The Supervisory Judge's role is to ensure that the entire process is carried out in accordance with the law and ensures fairness for all parties. This judge will oversee the actions of the administrator and decide on any disputes that may arise during the PKPU process.

2) Freezing of Legal Action Against Debtors

Once the PKPU decision is issued, all legal actions against the debtor are temporarily suspended. This includes all forms of debt collection, asset seizure, and other legal efforts taken by creditors. During the PKPU period, debtors receive legal protection so that they can focus on preparing a restructuring plan without direct pressure from creditors demanding payment. For debtors, this is an opportunity to reorganize their finances. However, debtors must still make payments for obligations that are considered important for running a daily business, such as employee salaries and tax obligations that cannot be postponed.

3) Preparation of the Peace Plan

One of the most important stages after the PKPU decision is the preparation of a peace plan (debt payment proposal). This plan is prepared by the debtor with guidance from the PKPU administrator. A peace plan usually includes several main elements: Debt Restructuring, the debtor must formulate a way to pay his debt to the creditor. This can be in the form of reducing the amount of debt

(haircut), extending the payment period (rescheduling), or an installment payment scheme with a certain period. Business Recovery, the debtor must also include business recovery steps, including strategies to increase cash flow, sell unproductive assets, or seek new capital injections to support the company's operations. This is important so that creditors can assess the debtor's eligibility to continue their business. Priority Payments, there are several obligations that are considered priorities, such as employee salary payments or tax obligations. The peace plan must include steps to ensure that these obligations are met.

4) Creditors Meeting to Discuss the Peace Plan

After the debtor has prepared a peace plan, the PKPU administrator will facilitate a creditor meeting to discuss and ratify the plan. At this meeting, creditors are divided into two large groups, namely separatist creditors (creditors who have collateral rights, such as banks with collateral) and concurrent creditors (creditors without collateral rights, such as suppliers). The peace plan must be approved by the majority of creditors, both in terms of the amount of debt and the number of creditors present at the meeting. If this plan is approved, the PKPU process can end with a peace agreement, and the debtor will begin to carry out its obligations in accordance with the agreed plan. If the peace plan is not approved, the debtor is at risk of being declared bankrupt, which means that its assets will be liquidated to pay creditors in accordance with bankruptcy provisions.

5) Evaluation of Debtor Performance During PKPU Period

During the PKPU period, the PKPU management and creditors will continue to monitor the development of the debtor's performance, especially in running business operations and implementing the restructuring plan. This is important because the success of the peace plan is highly dependent on the debtor's ability to fulfill its commitments. In some cases, the management can also propose changes to the plan if things are found that affect the continuity of the peace. In addition, the debtor must also routinely provide financial reports to the management and creditors as a form of transparency regarding the company's condition. This report helps ensure that the debtor does not take actions that are detrimental to creditors or violate the provisions agreed upon in the peace process.

6) Monitoring the Implementation of the Peace Plan

Once the settlement plan is approved, the next phase is the implementation of the plan. The debtor must start making payments according to the agreed scheme. At this stage, the PKPU administrator and the court will continue to monitor the payment process, and the creditor has the right to supervise and demand legal enforcement if the debtor does not comply with the agreement. The PKPU administrator is tasked with ensuring that the debtor implements the

settlement plan according to the agreed provisions. If the debtor fails to fulfill his obligations according to the plan, the creditor can ask the court to cancel the settlement and declare the debtor bankrupt.

7) Possibility of Termination of PKPU or Continued Bankruptcy

If during the PKPU period the debtor successfully implements the peace plan and fulfills its obligations to creditors, then the PKPU process can be declared complete, and the debtor can continue its business normally. However, if the debtor fails to reach an agreement with the creditors or is unable to implement the agreed plan, then the court can declare the debtor bankrupt. The bankruptcy declaration is the result of the failure of the PKPU and will be followed by the liquidation of the debtor's assets to pay creditors. This is the last step and is a risk that must be avoided by the debtor, because after being declared bankrupt, the debtor loses control of his company and the next process will be taken over by a curator appointed by the court.

8) Business Recovery and Long-Term Impact

If the PKPU ends successfully, meaning that the peace plan is implemented properly, then the debtor has a great opportunity to restore its business. The trust of creditors and other business partners will return, and the company can return to focus on business operations without the burden of debt that ensnares. On the other hand, creditors will get structured debt repayment and, in the long term, the business relationship between debtors and creditors can be improved.

However, this process is not always easy and requires full commitment from all parties. The debtor must demonstrate good management skills, while the creditor must provide support within reasonable limits for the success of the settlement plan. The role of the Supervisory Judge is very central in ensuring that creditors' rights are protected, while on the other hand, providing an opportunity for debtors to improve their financial condition without having to immediately enter the bankruptcy process. As a neutral figure, the Supervisory Judge functions to supervise every step and decision taken during the PKPU process, ensuring that the management, creditors, and debtors act in accordance with legal provisions and common interests. In this case, the Supervisory Judge not only supervises the technical process of implementing the PKPU, but also plays a role as a balancer, controller, and even as a resolver of conflicts that may arise between the parties concerned.

The Supervisory Judge is a judge appointed by the Commercial Court in a bankruptcy decision or a decision on Suspension of Debt Payment Obligations (PKPU) based on Law Number 37 of 2004 concerning Bankruptcy and PKPU. The position of the Supervisory Judge is collegial with the curator, meaning that they work together in handling bankruptcy or PKPU cases. The Supervisory Judge has a strategic role in supervising the management and settlement of bankrupt

assets carried out by the curator, so that the management of the debtor's assets can run according to legal provisions and in the interests of creditors. In the PKPU case between PT. Rigid Maju Bersama (Debtor) against PT. Luxchem Indonesia and PT. Mitsui Indonesia (Applicant), the position of the Supervisory Judge is very important as a supervisor of the PKPU process carried out by the curator or debtor's asset manager, ensuring that the process is transparent and accountable.

In the PKPU case between PT. Rigid Maju Bersama as the debtor and PT. Luxchem Indonesia and PT. Mitsui Indonesia as the applicant, the Supervisory Judge functions to:

- a) Supervise the process of postponing debt payment obligations submitted by debtors.
- b) Ensure that creditor meetings are held in accordance with the provisions, including determining the schedule and location of the meeting.
- c) Provide opinions and approval in every decision regarding the management of the debtor's assets.
- d) Carry out strict supervision of the curator to prevent abuse of authority in managing the debtor's assets.
- e) Facilitating information transparency and clarity in the PKPU process for the benefit of all parties, especially creditors.

Implications in the Surabaya District Court case Number 69/Pdt.Sus-PKPU/2021/Pn.Niaga Sby that the PKPU case of PT. Rigid Maju Bersama against PT. Luxchem Indonesia and PT. Mitsui Indonesia, the role of the Supervisory Judge is very important to ensure that the PKPU process runs in accordance with the provisions of Law No. 37 of 2004. The Supervisory Judge supervises the management of the debtor's assets, leads creditor meetings, and overcomes obstacles that may arise, such as the debtor's uncooperativeness or creditor bill disputes, so that the debt settlement process can run effectively and fairly for all parties involved.

So the implications of the decision regarding the protection of creditor rights in the PKPU process are:

- a) Strengthening Protection of Creditor Rights in the PKPU Process
- b) Bill Verification and Settlement Mechanism
- c) Balance between Creditor and Debtor Interests
- d) Legal Certainty for Creditors

e) Implications for Creditors with Rejected Claims

In the PKPU decision involving the Supervisory Judge, it provides significant protection for creditors in terms of verification and debt settlement, maintaining a balance between the rights of creditors and debtors, and providing legal certainty in the debt settlement process. However, protection for creditors whose bills are rejected is still a challenge due to the limited legal remedy mechanism in the PKPU Law.

Thus, it is drawn into the analysis of the accountability of the supervisory judge from the perspective of the theory of accountability, namely that the role of the supervisory judge in providing supervision can be accounted for through the modern legal system, in which every form of public power, including judicial power, contains the principle of accountability. This means that the power given must be accompanied by an accountability mechanism so that it is not misused. This concept is important especially in legal processes such as PKPU which are very complex and sensitive to potential abuse, both by debtors, creditors, and law enforcement officers themselves. The Supervisory Judge as a judicial actor in PKPU cases not only carries out formal functions, but also ethical and administrative functions. He is a key actor in ensuring that the process is fair, transparent, and accountable, so it is necessary to see how the form of accountability is realized in practice. Based on the theory of accountability, as developed by figures such as Carl J. Friedrich and Herman Finer, accountability can be analyzed in three main dimensions:

- 1) Legal Accountability
- 2) Ethical and Moral Accountability
- 3) Functional/Administrative Accountability

PKPU and Bankruptcy are actually two different things. PKPU has the goal of peace concerning the restructuring of debtors' debts, while bankruptcy is only limited to peace that is completed with the settlement of bankrupt assets. The requirements for deciding bankruptcy are basically the same as the PKPU process. However, the main difference is that in the bankruptcy process, there must be certainty or at least a strong estimate that the debtor is truly unable to pay his debts, both now and in the future, so that further legal action is needed in the form of a delay in debt payments. The essence of the payment delay or PKPU is to give the debtor time to rearrange his financial obligations and ensure that the debtor is indeed experiencing financial difficulties that hinder debt repayment. In the case of PKPU, this delay provides an opportunity to collectively restructure debt with creditors in order to reach a mutual agreement.

Postponement of Debt Payment Obligations (PKPU) as one of the legal mechanisms regulated in Law Number 37 of 2004 provides an opportunity for

debtors experiencing financial difficulties to prepare a peace plan with creditors, in the hope of avoiding bankruptcy proceedings. One of the very important stages in the PKPU process is the verification of receivables, namely the process of submitting, matching, and assessing the receivables submitted by creditors. This stage is a crucial point that determines who the legitimate creditors are, how much their receivables are, and how voting rights in creditor meetings will be calculated. Verification of receivables is the foundation of the legitimacy of the entire PKPU process. If this process is not carried out accurately, transparently, and fairly, it will result in damage to creditors' trust in the final results of the PKPU process, both in the form of voting and in a peace agreement (homologation). In this context, the role of the Supervisory Judge becomes very important. The Supervisory Judge is a judicial figure appointed by the Panel of Judges to supervise all implementation of the duties of the administrators and curators, including in the process of verifying creditors' receivables. Although formally the administrator is tasked with verifying the bill, the Supervising Judge has the responsibility to ensure that the process is carried out in accordance with laws and regulations, the principle of justice, and does not harm one party unilaterally. Therefore, the form of accountability of the Supervising Judge in supervising this process needs to be studied in depth, both from a legal perspective, professional ethics, and administrative accountability.

By dissecting these forms of accountability, this study attempts to provide a real picture of the role and accountability of the Supervisory Judge in ensuring the integrity of the PKPU process, especially at the stage of verifying creditor claims. This analysis is expected to contribute to improving the commercial court supervision system and become a reflection material in formulating better legal policies in the future.

In this stage, the Supervisory Judge acts as the party responsible for supervising the performance of the Management in matching the bills submitted by the creditors. Based on Article 69 of Law Number 37 of 2004, the Supervisory Judge is appointed by the Panel of Judges to ensure that the PKPU process runs according to legal provisions.

Research on the Decision of the Surabaya Commercial Court Number: 69/Pdt.Sus-PKPU/2021/PN Niaga Sby shows that the invoice verification process is one of the crucial points. In this case, PT. Luxchem Indonesia and PT. Mitsui Indonesia as the PKPU Applicants filed an invoice against the Respondent, PT. Rigid Maju Bersama, which was then verified by the management. Several objections arose from other creditors regarding the validity and classification of the submitted invoices, so the role and responsibility of the Supervisory Judge in responding to the objections became important things to analyze.

Several creditors also considered that the applicants' claims should not have matured when the PKPU application was made, so it was considered premature

to be used as a basis for the application. In addition, there are concerns that the claims are fictitious or dramatized in value in order to obtain a majority vote in the creditor meeting. In discussions like this, the Supervisory Judge has a strategic role to maintain the balance and objectivity of the verification process. He is not tasked with deciding the truth or falsity of the substance of the claims (because that authority lies in the realm of ordinary civil law), but is authorized to supervise so that the Management carries out the verification carefully, transparently, and in accordance with legal provisions. The Supervisory Judge is also responsible for recording any objections from creditors in the minutes of the receivables verification and submitting these objections to the Panel of Judges. Based on Articles 66 and 69 of Law No. 37 of 2004, the Supervisory Judge has the obligation to: a) Ensure that the Management responds to objections submitted by creditors; b) Supervise the receivables classification process and avoid discriminatory treatment of creditors; c) Submit notes or reports to the Panel of Judges regarding the implementation of the verification and the dynamics that occur.

When creditor objections are not adequately followed up, the credibility of the entire PKPU process can be eroded. Therefore, it is important to reassess the extent to which the role of the Supervisory Judge can be improved, not only as a recorder of objections, but also as a balancer of power between the management and the parties, especially in situations full of conflicts of interest. Within this framework, the accountability of the Supervisory Judge should include the following aspects: a) The substance of supervision, not just the procedure; b) Clarification initiatives, not just waiting for reports; c) Firmness in recording and reporting potential violations to the Panel of Judges. Without this, the supervisory function has the potential to become a mere formality and is unable to provide a guarantee of justice in the debt restructuring process through PKPU.

In the mechanism of Suspension of Debt Payment Obligations (PKPU) and Bankruptcy as regulated in Law Number 37 of 2004, the position and role of the Supervisory Judge become very strategic in maintaining the continuity of a fair and orderly legal process, especially in the verification and matching stage of creditor receivables. This stage determines who is recognized as a legitimate creditor, as well as the classification and amount of the bill. When objections arise to a particular bill—either in terms of the amount, validity, or classification status—the role of the Supervisory Judge becomes increasingly crucial in ensuring that the verification process runs according to the principles of justice and openness. In the context of accountability, the Supervisory Judge has obligations not only normatively, but also morally, professionally, and administratively. The form of accountability can be analyzed into three main categories:

1) Legal Responsibility

Legally, the Supervisory Judge has the basis of authority and obligations as stated in Article 69 of Law Number 37 of 2004, which states that the Supervisory Judge is tasked with: a) Supervising the implementation of the duties of the Curator or Manager; b) Providing instructions to the Curator/Management; c) Attending creditor meetings; c) Receiving complaints and objections from creditors; d) Making reports to the Panel of Judges regarding the results of his/her supervision.

However, this legal responsibility has limitations, because Law No. 37 of 2004 does not give the Supervisory Judge the authority to decide whether the creditor's objection is right or wrong. He is only tasked with ensuring that the process runs according to procedure and does not violate the principle of due process of law.

2) Ethical and Professional Accountability

In addition to legal obligations, Supervisory Judges are also subject to the principles of judicial ethics as stated in the Code of Ethics and Guidelines for Judges' Conduct (KEPPH). These ethics include values such as: a) Integrity: maintaining honesty and impartiality; b) Independence: free from pressure or intervention from certain parties, whether from the Management, Debtors, or Creditors; c) Transparency: carrying out duties openly and responsibly; d) Moral accountability: acting within the framework of responsibility to the community and the world of justice.

In the *a quo* case, the existence of several claims that are considered inappropriate or disproportionate by other creditors, raises doubts about the potential for conflicts of interest or manipulation of the classification of claims. In this context, the Supervisory Judge is required to act firmly and objectively, both in recording objections, asking for clarification from the management, and submitting accurate and transparent reports to the Panel of Judges. If in this process the Supervisory Judge shows negligence or a passive attitude, then ethically he can be said to have failed to carry out his professional duties. Therefore, this ethical accountability is important not only to maintain the legitimacy of the judicial institution, but also to guarantee public trust in the PKPU and Bankruptcy processes.

3) Administrative and Documentary Accountability

The next accountability relates to the administrative aspect, namely the obligation to record all actions, meetings, and objections that arise during the verification process in the form of minutes and official reports. This includes: a) Recording objections from creditors to other bills; b) Documentation of

clarification or responses from the Management; c) Recommendations or notes from the Supervisory Judge that are non-binding to the Panel of Judges.

Settlement of creditors' receivables in the bankruptcy process and suspension of debt payment obligations (PKPU) is an important aspect regulated in Law Number 37 of 2004. Settlement of creditors' receivables is an important stage in the PKPU and Bankruptcy process, which starts from the process of submitting the claim, verification by the Manager/Curator, to matching and determining the status and amount of the claim by the Manager/Curator and agreed or decided in a creditor meeting. In this case, the mechanism for settling the claim becomes complicated due to the emergence of various objections from creditors regarding the validity and classification of the submitted claim. In the PKPU stage, creditors are given the opportunity to submit their receivables in writing to the Manager within a specified period. The Manager then verifies and classifies the claim in accordance with the provisions of Article 113 and Article 114 of Law Number 37 of 2004. Verified claims are classified into separatist, preferential, concurrent, or subordinate claims, which directly affect voting rights in creditor meetings. However, in case No. 69/Pdt.Sus-PKPU/2021/PN Niaga Sby, a conflict arose when a number of creditors questioned the classification and validity of the claims submitted by the applicant. They considered that several claims were not yet due or did not have strong legal evidence. This situation requires the Management to be active in reviewing and preparing a report to the Supervisory Judge, and demands the Supervisory Judge to ensure that the clarification and matching process runs fairly. If no common ground is found on the objection, then this problem can be brought to the Panel of Judges to request a determination. In the bankruptcy process, if the debtor is declared bankrupt, the settlement of the claims is continued through the bankruptcy estate auction process by the Curator, and the proceeds are used to pay creditors according to the order of preference stipulated in Articles 1131 and 1132 of the Civil Code and the Bankruptcy Law. Thus, the settlement of creditors' receivables is not only administrative in nature, but greatly determines the final outcome of the PKPU or bankruptcy. Accuracy and fairness in this process are key to the success of restructuring or liquidation, and therefore require active and responsible supervision from the Supervising Judge.

In analyzing the effectiveness of the form of accountability of the Supervisory Judge in this case, as the supervisory judge plays a large role in resolving bankruptcy and PKPU cases, it can be used as an analytical tool through the theory of legal effectiveness according to Soerjono Soekanto, which states that legal effectiveness is influenced by five factors, namely:

- a. The law itself (legal substance);
- b. Law enforcement apparatus;

- c. Supporting facilities or means;
- d. Public legal awareness (legal awareness);
- e. Community legal culture (legal culture).

In this context, although the legal substance in Law No. 37 of 2004 has explicitly regulated the duties of the Supervisory Judge, if its implementation is not supported by optimal law enforcement in this case the Supervisory Judge is not active or not objective, then the law will not be effective. Moreover, if the awareness and legal culture of creditors, Administrators, and debtors are still low in respecting the verification process, the effectiveness of the law becomes weak.

According to Prof. Dr. Subekti, a civil law expert, "The function of supervision in the insolvency process is not only administrative, but essential to ensure legal order and balanced treatment for all parties." Meanwhile, according to Prof. Yahya Harahap in his book "Bankruptcy Procedure Law" states that "The Supervisory Judge is ideally proactive as a guardian of fairness in all stages of the PKPU process, not just recording reports."

4. Conclusion

The supervisory judge has a position and authority that is not actually explicitly stated in the Bankruptcy and PKPU Laws. Basically, the position of the Supervisory Judge is different from the judge who decides cases or decides legal disputes in the regular court process, because the focus of his role is to ensure that the PKPU administration process runs well and protects the interests of all parties involved, both debtors and creditors. Meanwhile, the Supervisory Judge has the authority to supervise the implementation of PKPU, assess peace proposals, resolve disputes, and supervise debtor finances, the responsibility of a Supervisory Judge is essentially *mutatis mutandis* with a Judge in principle, however, the Supervisory Judge is also required to be able to supervise the bill registration process until restructuring. The Supervisory Judge is not allowed to do things that can harm either creditors or debtors. The form of responsibility of the Supervisory Judge in the bill verification process cannot be separated between the legal, ethical, and administrative aspects. The three form a unity that determines the quality and fairness of the PKPU process. In case No. 69/Pdt.Sus-PKPU/2021/PN Niaga Sby, although procedurally the role of the Supervisory Judge has been carried out, there is still room to increase activeness and transparency, especially in responding to objections that affect the course of debt restructuring and the results of the peace plan voting. For this reason, the role of the Supervisory Judge in the future needs to be strengthened, both in terms of substantive authority and professional ethics, so that he can truly carry out his function as a supervisor who guarantees justice and legal certainty for all parties in the PKPU and Bankruptcy process.

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