

## ABSTRAK

. Permasalahan ini timbul dikarenakan belum adanya harmonisasi pengaturan hukum mengenai kepailitan transnasiona di ASEAN. Beberapa negara di ASEAN menempuh cara lain untuk mengatasi permasalahan tersebut. Hal ini dilakukan dengan mengadakan perjanjian bilateral atau dengan melakukan pengadopsian terhadap *Model Law UNCITRAL*. Indonesia masih belum mengatur secara tegas mengenai kepailitan transnasional.

Penelitian ini disusun dengan metode pendekatan yuridis normatif dan komparasi, yaitu penelitian yang difokuskan untuk mengkaji dan melakukan perbandingan bahan pustaka atau data sekunder seperti peraturan perundang-undangan, peraturan Internasional, hasil karya hukum dengan menggunakan spesifikasi penelitian deskriptif analitis dan dikaji menggunakan metode analisa data kualitatif.

Berdasarkan hasil penelitian dan pembahasan, ditemukan bahwa Indonesia belum mengatur mengenai mekanisme penyelesaian kepailitan transnasional, sehingga diperlukan penerapan hukum internasional dalam penyelesaiannya dengan menempuh upaya permohonan pengakuan dan pelaksanaan putusan pailit di negara yang bersangkutan.

**Kata Kunci : Kepailitan, Kepailitan Transnasional, Kepailitan Transnasional di ASEAN.**

## ***ABSTRACT***

Transnational bankruptcy settlement is still a legal issue in ASEAN. This problem arises because there is no harmonization of legal arrangements regarding transnational bankruptcy in ASEAN. Several countries in ASEAN are taking other ways to overcome these problems. This is done by entering into bilateral agreements or by adopting the UNCITRAL Model Law. Indonesia still has not strictly regulated transnational bankruptcy.

This research was compiled using a normative and comparative juridical approach, namely research focused on studying and conducting comparisons of literature or secondary data such as laws and regulations, international regulations, legal works using descriptive analytical research specifications and studied using qualitative data analysis methods. .

Based on the results of the research and discussion, it was found that Indonesia has not yet regulated the transnational bankruptcy settlement mechanism, so it is necessary to apply international law in its settlement by pursuing an application for recognition and implementation of a bankruptcy decision in the country concerned.

**Keywords: Bankruptcy, Transnational Bankruptcy, Transnational Bankruptcy in ASEAN.**