

ABSTRAK

Joint Operation Body merupakan bentuk kerja sama antara badan usaha jasa konstruksi asing dengan badan usaha jasa konstruksi dalam negeri tanpa membentuk badan hukum baru untuk mengerjakan suatu proyek dan hanya bersifat sementara. Pengertian tersebut belum diatur secara jelas dalam tatanan peraturan perundang-undang di Indonesia dan hanya terbatas dalam bidang jasa konstruksi saja. Hal tersebut berdampak pula terhadap kedudukan *Joint Operation Body* sebagai subjek hukum dalam kepailitan dan PKPU. Melalui kasus yang terjadi dalam Putusan No.54/PKPU/2012/PN.Niaga.Jkt.Pst dapat dilihat eksistensi *Joint Operation Body* sebagai subjek dalam kepailitan dan PKPU menurut norma dan ketentuan hukum yang berlaku di Indonesia. Oleh karenanya penulis bermaksud meneliti lebih lanjut dasar pengaturan dan kedudukan hukum *Joint Operation Body* dalam permohonan kepailitan dan PKPU menggunakan pendekatan yuridis normatif dengan memanfaatkan data sekunder dan spesifikasi penelitian deskriptif analitis.

Hasil penelitian menunjukkan bahwa *Joint Operation Body* memenuhi karakteristik persekutuan firma yang diatur dalam Pasal 16 KUH Dagang sehingga kedudukannya dalam permohonan pailit dan PKPU disesuaikan dengan ketentuan Pasal 5 Undang - Undang No. 37 Tahun 2004. Hal tersebut sebagaimana termuat dalam Putusan MA No. 01/K/N/1999. Akibat kurangnya pengaturan mengenai *Joint Operation Body* baik dari segi definisi, bentuk badan usaha, dan bentuk pertanggungjawabannya terhadap pihak ketiga apabila terjadi gagal bayar selama masa kerjasama, menyebabkan kekaburan hukum. Oleh karena itu, perlu pengaturan lebih lanjut mengenai *Joint Operation Body* dalam tatanan peraturan perundang-undangan di Indonesia demi tercapainya kejelasan hukum.

Kata kunci: *Joint Operation Body*, PKPU, Kepailitan.

ABSTRACT

Joint Operation Body is a form of collaboration between foreign and domestic construction service companies, where they work together on a project without establishing a new legal entity. It is temporary in nature. This understanding has not been clearly regulated in the legal framework in Indonesia and is only limited to the field of construction services. This also impacts the position of Joint Operation Body as a subject in bankruptcy and Suspension of Debt Payment (PKPU). Through case such as Decision No. 54/PKPU/2012/PN.Niaga.Jkt.Pst, the existence of Joint Operation Body as a subject in bankruptcy and PKPU can be observed in accordance with the norms and legal provisions applicable in Indonesia. Therefore, the writer intends to further examine the legal basis and position of the Joint Operation Body in bankruptcy petitions and Suspension of Debt Payment Obligations (PKPU) using a normative juridical approach by utilizing secondary data and analytical descriptive research specifications.

The research results indicate that the Joint Operation Body fulfills the characteristics of a partnership as regulated in Article 16 of the Commercial Law Code, thus its position in bankruptcy petitions and Suspension of Debt Payment Obligations (PKPU) is adjusted according to the provisions of Article 5 of Law No. 37 of 2004. This is as stated in Supreme Court Decision No. 01/K/N/1999. Due to the lack of regulation regarding Joint Operation Body, including its definition, form of business entity, and accountability to third parties in case of default during the collaboration period, it leads to legal ambiguity. Therefore, further regulation regarding the Joint Operation Body within the legal framework in Indonesia is necessary to achieve legal clarity.

Keywords: *Joint Operation Body, PKPU, Bankruptcy.*