

ABSTRAK

Rencana Perdamaian yang diajukan oleh Debitor, tak selamanya berujung pada disahkannya Perjanjian Perdamaian. Kadangkala terdapat beberapa hal yang dapat membuat suatu Perjanjian Perdamaian ditolak. Dalam Putusan Nomor 13/Pdt.Sus-PKPU/2023/PN.Niaga.Sby antara Debitor dengan Pengurus tidak menemui kesepakatan mengenai besaran Imbalan Jasa Pengurus yang kemudian ditafsirkan oleh Majelis Hakim bahwa hal tersebut melanggar ketentuan peraturan perundang-undangan dan menjadi dasar Majelis Hakim untuk menolak Pengesahan Perdamaian Debitor. Dalam menyusun penelitian ini, penulis menggunakan metode pendekatan yuridis normatif yang berfokus pada penelitian terhadap studi-studi pustaka atau data sekunder dengan menggunakan spesifikasi penelitian deskriptif analitis. Hasil penelitian menunjukkan bahwa berdasarkan Pasal 234 ayat (5) UU K-PKPU jo. Pasal 6 ayat (1) dan (4) Permenkumham No. 18 Tahun 2021, apabila tidak terjadi kesepakatan antara Debitor dengan Pengurus, maka besaran Imbalan Jasa Pengurus ditetapkan oleh Majelis Hakim.

Kata Kunci: PKPU, Imbalan Jasa, Homologasi.

ABSTRACT

The Peace Plan proposed by the Debtor does not always result in the ratification of the Peace Agreement. Sometimes there are several things that can cause a Peace Agreement to be rejected. In Decision Number 13/Pdt.Sus-PKPU/2023/PN.Niaga.Sby between the Debtor and the Management there was no agreement regarding the amount of Management Service Fees which was then interpreted by the Panel of Judges as violating the provisions of statutory regulations and became the basis for the Panel of Judges to reject the Debtor's Settlement Ratification. In compiling this research, the author used a normative juridical approach which focuses on research on literature studies or secondary data using analytical descriptive research specifications. The research results show that based on Article 234 paragraph (5) of the K-PKPU Law jo. Article 6 paragraphs (1) and (4) Minister of Law and Human Rights Regulation no. 18 of 2021, if there is no agreement between the Debtor and the Management, then the amount of the Management Services Fee is determined by the Panel of Judges.

Keyword: PKPU, Administrator's Fee, Homologation.