

ABSTRAK

Koperasi sebagai entitas bisnis mengalami peran penting dalam ekonomi masyarakat. Namun, dalam beberapa kasus, koperasi dapat mengalami kesulitan finansial yang mengarah pada kepailitan. Kepailitan koperasi pailit sepihak merujuk pada situasi dimana koperasi mengajukan kebangkrutan tanpa melibatkan interaksi dengan para anggota atau pihak terkait secara memadai, seperti pada kasus KPTR Tebu Raya Makmur menyatakan kepailitan sepihak dengan mengeluarkan Surat Pernyataan Laporan Ketua Pengurus KPTR Tebu Raya Makmur. Pernyataan tersebut berisikan bahwa KPTR mengalami kebangkrutan akibat gagal bayar pada kreditor dan juga pada anggota koperasi. Sehingga legalitas surat pernyataan tersebut.

Metode Penelitian yang digunakan dalam penelitian ini adalah penelitian hukum normative. Adapun pendekatan yang dilakukan untuk membedah penelitian ini yaitu pendekatan perundang – undangan.

Hasil penelitian ini menyatakan bahwa Legalitas pernyataan kepailitan sepihak KPTR Tebu Raya Makmur di Sambeng Lamongan berdasarkan Pasal 2 UU Kepailitan dan PKPU tidak sah menurut hukum karena yang berhak menyatakan pailit atau tidaknya debitur adalah pengadilan niaga. Akibat hukum pernyataan pailit terhadap pihak ketiga dan anggota koperasi berdasarkan pasal 56 ayat (1) UU Kepailitan dan PKPU memenuhi ketentuan undang – undang perkoperasian.

Akibat hukum pernyataan pailit terhadap kreditor dan anggota koperasi berdasarkan pasal 122 UU Kepailitan dan PKPU, pengurus KPTR bertanggung jawab penuh atas kewajiban – kewajiban yang harus diselesaikan.

Kata Kunci : Koperasi, Pailit, Legalitas

ABSTRACT

Cooperatives as business entities play an important role in the economy of society. However, in some cases, cooperatives may encounter financial difficulties leading to insolvency. Unilateral bankruptcy refers to a situation in which the corporation filed for bankruptcy without engaging in adequate interaction with its members or related parties, as in the case of KPTR Tebu Raya Makmur declaring unilateral insolvency by issuing a Statement of Report of the Chief Executive Officer of the KPTr. The statement states that KPTR went into bankruptcy as a result of failing to pay its creditors as well as members of the cooperative. Until the legality of the declaration.

The research method used in this study is normative law research. As for the approach taken to differentiate this research, the legislative approach is an invitation.

The results of this study state that the legality of the declaration of unilateral insolvency of KPTR Tebu Raya Makmur in Sambeng Lamongan under Article 2 of the Act on Insolvency and the PKPU is invalid according to the law because the one who has the right to declare the payable or not the debtor is the transaction court. As a result of the law declaration of liability against third parties and members of the cooperative under article 56 paragraph (1) of the Insolvency Act and the CCP comply with the provisions of the laws of cooperation. As a result of the law of default declaration of creditors and members of the cooperative under section 122 of the Insolvency Act and the CPPU, the manager of the KPTR is fully responsible for the obligations – obligations that must be fulfilled.

Keywords: Co-operation, Pailit, Legality