

## **ABSTRAK**

Salah satu perbuatan hukum yang kerap kali dilakukan oleh setiap subjek hukum adalah perbuatan utang – piutang. Pada situasi normal, antara prestasi dan kontraprestasi akan saling bertukar baik terhadap debitor maupun kreditor. Namun pada kondisi tertentu pertukaran prestasi itu tidak berjalan sebagaimana mestinya sehingga muncul peristiwa yang disebut wanprestasi atau cidera janji. Debitor yang dinyatakan wanprestasi adalah debitor yang tidak memenuhi prestasi, terlambat berprestasi dan salah berprestasi.

Penundaan Kewajiban Pembayaran Utang (PKPU) ini sangat berkaitan erat dengan ketidakmampuan membayar (insolvensi) debitor terhadap hutang-hutangnya kepada pihak kreditor. Dengan mengajukan PKPU, debitor mempunyai kesempatan untuk melunasi kewajiban-kewajibannya dan di samping itu menghindari kepailitan. Tujuan utama dari PKPU adalah tercapainya perdamaian antara debitor dan para kreditornya. Dengan tercapainya perdamaian debitor dapat menormalisasi kepercayaan kreditor terhadapnya.

PKPU juga memberikan keuntungan bagi kreditor, khususnya kreditor konkuren. Dengan tercapainya perdamaian, para kreditor konkuren mempunyai kesempatan untuk memperoleh pembayaran secara penuh atas piutang-piutangnya pada debitor. PKPU mempunyai kekuatan memaksa bagi debitor untuk membayar utang-utangnya, karena gagalnya PKPU serta upaya perdamaian yang diajukan oleh debitor berujung pada kepailitan.

Kata kunci : Prestasi; Wanprestasi; Insolvensi; PKPU; Perdamaian; Kepercayaan

## ABSTRACT

Legal actions are often carried by each subject of law is an act of debt. In normal circumstances, between rights and responsibilities would exchange both the debtor and creditor. However in certain circumstances the exchange was not running properly so that it appears what is called a default or breach of contract. Debtors are declared in breach of contract is a debtor who unfulfilled performance, late for fulfill the performance, or wrong in fulfill the performance.

The suspension of Payment is closely related to the inability (insolvency) of the debtor to pay its debts to the creditors. By applying for a suspension of payment, the debtor has the opportunity to pay off debts and avoid bankruptcy. The main purpose of suspension of payment is the achievement of composition plan agreement between debtors and creditors. The achievement of a composition plan agreement can normalize the trust of creditors against debtor.

The suspension of Payment give benefits for creditors, especially for the unsecured creditor. With the achievement of a composition plan agreement, the unsecured creditors have the opportunity to acquire fully paid-up accounts receivables from the debtor. The suspension of Payment have the power to force the debtor to pay its debts, as well as the failure of composition plan agreement efforts in suspension of payment filed by the debtor led to bankruptcy.

Keywords: Performance; Breach of Contract; Insolvency; Suspension of Payment; Composition Plan Agreement; Trust