
LEGAL PRACTICE



Landmark Decision Regarding Renvoi Procedure

Decision Number 578 K/Pdt.Sus-Pailit/2021

Referring to Black's Law Dictionary, a Landmark Decision is a decision of the Supreme Court that significantly changes existing law. Landmark Decision is deemed notable and often cited in legal practice because it significantly changes or effectively summarizes the law on a particular topic.

In Indonesia, the Landmark decisions are always attached to annual reports by Indonesia's Supreme Court. Amran Saudi states that the landmark decision stands as a judicial decision that has permanent legal force and contains important legal rules for which there are no legal regulations and aims to provide legal certainty for a similar case that is registered in court.

Landmark decisions contain important legal rules for which there are no legal regulations and aim to provide legal certainty for a certain issue. Indonesia's Supreme Court has made several landmark decisions in a different chamber and one of them is Decision Number 578 PK/Pdt.Sus-Pailit/2021 in the Civil Chamber.

LEGAL PRACTICE

The legal basis of the renvoi procedure can be found in Law Number 37 of 2004 Regarding Bankruptcy. Article 117 Law Number 37 of 2004 Regarding Bankruptcy states that the Curator obliges to inscribe the approved accounts receivable into the temporary approved accounts receivable list. Furthermore, Article 127 states that in terms there is an objection towards the accounts receivable list made by the Curator, meanwhile the Supervisory Judge cannot reconcile the two parties, so the Supervisory Judge instructs both parties to settle the disputes in court. The objection towards the account receivable list is called the renvoi procedure. Accordingly, this landmark decision number 578 K/Pdt.Sus-Pailit/2021 explains the legality of the renvoi procedure when in particular cases also conducted the reconciliation at the same time

PT. Tinindo Internusa has declared bankruptcy, and this statement of bankruptcy comes from the verdict of the Suspension of Payment request. In October 2020, the Curator Team of PT Tinindo Internusa already settled the fixed accounts receivable list.

In November 2020, concerning the fixed account receivable list, Kantor Pelayanan Pajak Madya Palembang (KPP Palembang) has submitted an objection to the list. But On 8th December 2020, Judex Factie states in their verdict that the debtor was considered reconciliation, and by that, the objection request submitted by KPP Palembang should be rejected. Meanwhile, the debtor already declared bankruptcy in June 2020, and the objection of the fixed account receivable list made by Kantor Pelayanan Pajak Pratama Tigaraksa was sent before the reconciliation was declared.

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LEGAL PRACTICE

KPP Palembang then pleads to the Supreme Court to declare reconciliation made in December 8th is deviate from Law Number 37 of 2004. KPP Palembang also pleads to the Supreme Court to declare that the renvoi procedure proposed by them is legitimate because it is proposed before the reconciliation of PT Tinindo Internusa.

Rule of Law:

Indonesia's Supreme Court then gives a verdict in this case that the renvoi procedure must be carried out first before reconciliation over the PKPU reconciliation or debt settlement.

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Should you have any questions regarding this matter, please contact us at info@adplaws.com or any contacts provided below.

A proper legal advice should always be sought before exercising any legal action based on the information in this article.

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