

Didalam proses kepailitan terhadap harta debitor akan dilakukan sita umum selama proses pailit berlangsung. Sita Umum (*Public attachment, gerechtelijk beslag*) merupakan sita keseluruhan harta kekayaan debitor yang masuk harta pailit beserta apa yang diperoleh selama kepailitan. Kepailitan debitor yang terikat perkawinan akan mengakibatkan masuknya seluruh harta bersama suami isteri keboedel pailit, sehingga terhadap harta bersama tersebut suami isteri kehilangan haknya untuk menguasai dan mengurus harta tersebut. Rumusan Masalah pada penelitian ini meliputi: 1. Kedudukan Sita Marital Harta Bersama dalam Proses Perceraian Bersamaan dengan Proses Pailit 2. Penyelesaian Harta Bersama Dalam Proses Perceraian Bilamana Pasangan Kawin dinyatakan Pailit. Metode Penelitian yang digunakan yuridis normatif dengan menggunakan Pendekatan Konseptual dan Pendekatan Perundang-Undangan. Hasil dari Penelitian ini dapat disimpulkan: 1. Sita Marital yang diajukan menjadi hapus dan batal demi hukum bertentangan dengan Pasal 31 Undang-Undang Kepailitan 2. Tanggung Jawab suami isteri terhadap utang selama perkawinan berakibat pasangannya harus ikut bertanggung jawab juga terhadap harta bersama.

Kata Kunci: Sita Umum; Sita Marital; Harta Bersama; Tanggung Jawab.

ABSTRACT

In the bankruptcy of the debtor's property will be confiscated during the general bankruptcy process. General confiscation (Public attachment, gerechtelijk beslag) itself is in the form of confiscation of the entire assets of debtors who enter bankruptcy assets along with those obtained during bankruptcy. Bankruptcy debtors who are bound by marriage will result in the entry of all assets together with the husband and wife to the bankrupt bank, so that the joint assets of the husband and wife lose their right to control and manage the assets. The problems in this research include: 1. Sita Marital Joint Status in the Divorce Process Simultaneously with the Bankrupt Process 2. Settlement of Joint Assets in the Divorce Process When the Married Couple is declared Bankrupt. The research method used is normative juridical by using Conceptual Approach and Statute Approach. The results of this research can be concluded: 1. Sita Marital submitted to be null and void by law contrary to Article 31 of the Bankruptcy Act 2. Responsibility of husband and wife for debt during marriage resulting in spouses must also share responsibility for shared property.

Keywords: *Public attachment, Marital Property, Marital Confiscation, responsibility.*