

ABSTRACT

This study has purpose to know the ratio object of Hak Tanggungan in matter of bankruptcy happen, and conflict where occur between section 56 A part (1) UUK with section 21 UUHT.

This study is constitute of normative law. Problem approach while used is *statue approach* and *conceptual approach* with accompanying compare of *Bankruptcy Code Amerika Serikat*. This analyst has been done with description where critically.

This study, the core to explaining that object execution postponement guaranty right where set in section 56 A part (1) UUK, already should be changed or replaced, because those execution postponement be valid must prevail not after the bankruptcy decision, but after bankrupt state registered in court, for giving support where balance to creditor also debitur, execution postponement Ratio where show to reach of peace must optimize must do before bankruptcy, means if peace fail, the last corridor has used with bankruptcy way. Thus with ratio execution postponement has pointed for optimal bankrupt wealth, it feel less correct, cause appropriate with principally guaranty right, object of guaranty right is not included in bankruptcy wealth. That section 56 A part (1) UUK vague purpose and concept UUHT where authority given where strong to holding creditor Hak Tanggungan, cause that happen object of bankruptcy guaranty object not include property of bankrupt. There is a norm conflict while happen between section 56 A part (1) UUK with section 21 UUHT, if based principle of *preferensi lex priori*, so where be in effect is certainty in UUK, but if based principle of *preferensi lex specialis*, so appear question and problem about how while constitute of *lex specialis* among UUK with UUHT. As suggest, expect in order to RUU about Bankruptcy soon discuss of DPR, by expecting later become to be regulation at least contain principle: Bankruptcy Regulations must motivate foreign investment, motivate of capital market, and make easy Indonesian company to get foreign credit, Bankruptcy Regulations must give protection with balancing to creditor and debtor, after state of application has been registered in court prevailed *stay* and *standstill*, and Bankruptcy Regulations must acknowledge separatist right from holding of guaranty right, in order to harmonize with crediting system of Indonesia banking.

Key words: Hak Tanggungan, and Bankruptcy