

ABSTRAK

Sejak adanya putusan pailit seluruh kewenangan pengalihan dan pengurusan harta pailit berada ditangan kurator. Kurator dapat mengalihkan harta pailit melalui penjualan dimuka umum maupun melalui penjualan dibawah tangan. Penjualan dibawah tangan dapat dilakukan apabila kurator telah melakukan penjualan dimuka umum dan mendapat persetujuan dari hakim pengawas. Dalam hal dilakukan penjualan dibawah tangan maka terdapat peran notaris maupun PPAT sebagai pembuat akta peralihan. Beberapa kasus yang terjadi, seorang kurator menjual harta pailit tanpa didahului lelang dan notaris/PPAT membuat akta peralihan atas penjualan harta tersebut.

Kata Kunci : Notaris, Harta Pailit, Kurator, Lelang.

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Since the bankruptcy decision, any right to transfer and usage of bankruptcy assets is withheld by the curator. Curator can transfer the right of bankruptcy assets through auction, or direct sales. Direct sales could be done when the curator already tries to sell it through auction, and when the curator already acquired approval from the supervisory judge. In case the direct sales is carried out, there will be a role for notary or land deed official as the official for the transfer deed. In some recent cases, a curator sold the bankruptcy assets directly without trying to sell it through auction first, and the notary or land deed official authorize the transfer right or sales of the bankruptcy asset.

Keywords: Notary, Bankruptcy Assets, Curator, Auction.