

ABSTRACT

In principle, the institutions established to protect the interests of bankruptcy creditors by making the property the debtor becomes insolvent boedel. This is to prevent bad faith debtors who want to avoid paying his debts to creditors. One effort to prevent acts of rogue debtors the proficiency level with the application of negative evidence.

Surely the process of filing for bankruptcy must first qualify that as stipulated in Article 2 paragraph (1) of Law No. 37 of 2004. The procedural law applicable in bankruptcy is a legal examination of civil procedure which adopts a positive proof. Based on the evidences that have been determined by law, the judge deciding a bankruptcy petition without the need to judge beliefs as a condition to decide for bankruptcy. Proof positive that it is possible to pass the debtor has in bad faith to divert all their wealth in order to avoid payment to creditors. Therefore, need more proof by adding elements of confidence in the judge in deciding the case. Besides proving the negative system, the size of the "simple" in the proof of bankruptcy is relative in terms of interpretation. The method used for the settlement of this problem is to approach the law, the conceptual approach and the approach to the case.

Remain consistent with the purpose of maintaining the institution of bankruptcy, the commercial court can apply a negative proof system in which judges seek material truth in checking for bankruptcy. Application of this proof system in place to prevent the dishonesty and bad faith of the debtor. In addition, the proof of the simplicity of the bankruptcy petition is relative where the judge who hears the application has a different view of one another.

Keywords: bankruptcy, negative verification, simple