

ABSTRAK

Dalam menyelesaikan perkara-perkara dalam proses kepailitan maupun penundaan kewajiban pembayaran utang tersebut diatas maka diangkatlah seorang kurator dan pengurus. Kurator yang diangkat harus independen, tidak mempunyai benturan kepentingan dengan debitor atau kreditor, dan tidak sedang menangani perkara kepailitan dan penundaan kewajiban pembayaran utang lebih dari 3 (tiga) perkara.

Kurator dan pengurus dalam menjalankan tugasnya juga memiliki tanggung jawab. Kurator bertanggungjawab terhadap kesalahan atau kelalaiannya dalam melaksanakan tugas pengurusan dan/atau pemberesan yang menyebabkan kerugian terhadap harta pailit. Pengurus bertanggungjawab terhadap kesalahan atau kelalaiannya dalam melaksanakan tugas pengurusan yang menyebabkan kerugian terhadap harta debitor. Bahkan tidak menutup kemungkinan dikenakan sanksi pidana terkait *independensi* pengurus dalam menjalankan tugasnya.

Kata kunci : Pengurus, kurator, independen, tanggung jawab, sanksi, kepailitan dan penundaan kewajiban pembayaran utang.

ABSTRACT

To solving the cases in bankruptcy proceedings or obligations debt payment delay of the above then was appointed a curator and administrator. Curators were appointed have to be independent, have no conflicts of interest by the debtor or creditor, and not on dealing with cases bankruptcy and obligations debt payment delay in more than 3 (three) cases,

Curator and administrator in performing his duties also have a responsibility. Curator responsible for his any errors or negligence to carry out maintenance tasks and/or settlement which caused losses to the bankruptcy estate. Administrator responsible for errors or omissions in performing maintenance tasks that caused losses the debtor property. Do not even rule out the possibility to charged of criminal sanctions related to the administrator's independence in carrying out his duties.

Keywords : Administrator, curator, independence, responsibility, sanctions, bankruptcy and obligations debt payment delay