

ABSTRAK

Kepailitan terhadap BUMN tidak dapat diperlakukan sama seperti perusahaan pada umumnya karena dipengaruhi modalnya yang berasal dari negara. UU Kepailitan memberikan perlakuan berbeda terutama terkait pihak yang mengajukan permohonan pailit. Terhadap BUMN Perum berlaku ketentuan Pasal 2 ayat (5) yaitu kewenangan berada pada Menteri Keuangan. Namun sejak diberlakukannya Undang-Undang Nomor 21 Tahun 2011 tentang Otoritas Jasa Keuangan, sesuai ketentuan pasal 55 ayat (1) kewenangan Menteri Keuangan dalam pengaturan dan pengawasan di kegiatan jasa keuangan beralih kepada OJK. Setelah terbentuk OJK, kewenangan mengajukan permohonan pailit terhadap BUMN Perum dapat dibedakan menurut bidang usahanya. Dengan adanya Pasal 50 dan Pasal 51 Undang-Undang Nomor 40 tahun 2014 tentang Peransuransian telah mengatribusi peralihan kewenangan mengajukan permohonan pernyataan pailit terhadap BUMN Perum yang bergerak di sektor jasa asuransi dari Menteri Keuangan kepada OJK. Sedangkan terhadap BUMN Perum yang bergerak di luar bidang asuransi dan keuangan kewenangan tetap berada pada Menteri Keuangan.

Kata kunci: Kepailitan, BUMN Perum, *Legal Standing*, Otoritas Jasa Keuangan

ABSTRACT

Bankruptcy of State-owned Enterprises cannot be treated the same as the company in general because they are influenced by capital originating from the state. Act No. 37 year 2004 on Bankruptcy provides different treatment mainly related parties who filed for bankruptcy petition. State-owned Enterprises apply the rules of Article 2 paragraph (5) which authority is in the Minister of Finance. However, since the enactment of Act No. 21 Year 2011 on Otoritas Jasa Keuangan, in accordance with article 55 paragraph (1) authorizes of the Minister of Finance in the regulation and supervision in the financial services activities shift to OJK. Once OJK formed, the authority to file a bankruptcy petition against the Public Company State-owned Enterprises can be distinguished according to its business fields. By Article 50 and Article 51 of Act No. 40 year 2014 on Insurance has attribute the transitional authority to file bankruptcy petition against Public Company State-owned Enterprises engaged in the insurance services sector from Minister of Finance to OJK. Meanwhile the authority against Public Company State-owned Enterprises engaged outside the insurance and financial sector remains with the Minister of Finance.

Keywords : *Bankruptcy, Public Company State-owned Enterprises, Legal Standing, Otoritas Jasa Keuangan*