

ABSTRAK

Actio Pauliana dalam kepailitan diatur pada Pasal 41 sampai dengan Pasal 50 Undang-Undang Kepailitan. *Actio Pauliana* merupakan suatu bentuk perlindungan bagi kreditor atas perbuatan hukum yang dilakukan oleh debitor dengan pihak ketiga dalam jangka waktu 1 (satu) Tahun sebelum putusan pailit diucapkan dimana perbuatan hukum merugikan kepentingan kreditor. Gugatan *Actio Pauliana* diajukan kepada Pengadilan Niaga dan objek sengketa yang dibatalkan oleh Pengadilan Niaga masuk kedalam harta kekayaan pailit dan pengurusan dan pemberesannya dilakukan oleh kurator. Adanya putusan Pengadilan pihak ketiga tidak mempunyai hak atas benda tersebut dan pihak ketiga yang melakukan perbuatan hukum dengan itikad baik maka pihak ketiga akan menjadi kreditor konkuren. Metode yang digunakan hukum normatif serta pendekatan Undang-Undang, Konseptual, dan Pendekatan Kasus. Artikel ini akan membahas tentang syarat *Actio Pauliana* dalam Kepailitan dan cara eksekusi putusan *Actio Pauliana*. Hasil penelitian menunjukkan bahwa unsur *Actio Pauliana* dalam Kepailitan berlaku alternatif dan eksekusi putusan *Actio Pauliana* dilakukan oleh Kurator.

Kata Kunci : *Actio Pauliana* , Eksekusi, Perlindungan Hukum, Pihak Ketiga.

ABSTRACT

Actio Pauliana in bankruptcy is regulated in Article 41 to Article 50 of the Bankruptcy Act. Actio Pauliana is a form of protection for creditors for legal actions committed by the debtor with a third party within a period of 1 (one) year before the bankruptcy verdict is pronounced where legal actions harm the creditor's interests. The Actio Pauliana lawsuit was submitted to the Commercial Court and the object of the dispute that was canceled by the Commercial Court was entered into bankrupt assets and the handling and settlement was carried out by the curator. If a third party court's decision does not have the right to the object and a third party that commits legal actions in good faith, the third party will become a concurrent creditor. The method used is normative law and the Law, Conceptual, and Case Approach approaches. This article will discuss the requirements of Actio Pauliana in Bankruptcy and how to execute the decision of Actio Pauliana. The results showed that the element of Actio Pauliana in Bankruptcy applies alternatively and the execution of the Actio Pauliana decision was carried out by the Curator.

Keywords: Actio Pauliana , Execution, Legal Protection, Third Parties.