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Constitutional Court Decision Number 23/PUU-XIX/2021: Analysis of Judges' Considerations Is It Permissible to Take Cassation Against Decisions to Postpone Debt Payment Obligations?

Krista Yitawati
Lecturer of Faculty of Law Universitas Merdeka Madiun and Doctoral Program in Law, Universitas Sebelas Maret
krista@unmer-madiun.ac.id

Pujiyono
Professor of Faculty of Law Universitas Sebelas Maret
pujifhuns@staff.uns.ac.id

Adi Sulistiyono
Professor of Faculty of Law Universitas Sebelas Maret
adi_sumo@yahoo.co.id

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Corresponding Author:
Krista Yitawati
krista@unmer-madiun.ac.id

ABSTRACT

Purpose: This study aims to analyze the impact of the Constitutional Court's Decision Number 23/PUU-XIX/2021 regarding the permissibility of cassation in the Suspension of Debt Payment Obligations (PKPU).

Methodology: The research method used by the researcher was a normative research method by reviewing statutory regulations and related legal materials.

Results: The judge's consideration in the Constitutional Court's Decision Number 23/PUU-XIX/2021 is the permit of a cassation legal action against the decision on PKPU submitted by the creditor and the rejection of the offer of reconciliation from the debtor so that the court's decision on the PKPU application submitted by the creditor can be corrected as part of the control mechanism over court decisions at lower levels. However, with this decision, it is necessary to immediately issue implementing regulations regarding the mechanism for submitting PKPU and to control the good faith of creditors, so they do not actually injure. This is because the existence of debtors becomes a part of business actors playing a role in maintaining economic stability, so business continuity is sustained and is not misused. That being said, the legal certainty of the PKPU

instrument can definitely be realized in accordance with the spirit of Law 37/2004, which is to provide legal protection for business actors.

Applications of the study: It is expected that the legal certainty of the PKPU instrument can definitely be realized in accordance with the spirit of Law Number 37 of 2004, which is to provide balanced legal protection between debtors and creditors.

Novelty/Orginalty of this study: This research is conducted due to the decision of the Constitutional Court Number 23/PUU-XIX/2021 that has recently been issued, the author analyzed the impact of the issuance of the decision on creditors and debtors.

Keywords: Judges' Considerations, Decisions, Constitutional Court, PKPU

INTRODUCTION

Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (PKPU) in Indonesia is one of the legal means for settling debts. Chapter II of Law Number 37 of 2004 in Article 2-Article 221 regulates Bankruptcy, while Chapter III Article 222-Article 294 regulates PKPU. (YITAWATI, The Mechanism of Suspension of Debt Payment Obligations (PKPU) in the Indonesian Bankruptcy Law During the Covid-19 Pandemic. , 2021.) Bankruptcy is the general confiscation of all assets of the Bankrupt Debtor whose management and settlement are carried out by the Curator under the supervision of the Supervisory Judge.

Bankruptcy is a last resort (ultimum remedium) for debtors who cannot fulfill their obligations, so a PKPU application can be submitted to the Head of the Commercial Court in the area where the debtor is legally domiciled before declared bankrupt. (Dewi, 2016,). In this regard, the definition of Suspension of Debt Payment Obligations (PKPU) is not formulated in Law Number 37 of 2004. However, Article 222 Paragraph (2), it is stated that debtors who cannot or expect not to be able to continue paying their debts which are due and collectible may request a suspension of the obligation to pay debts following the general intention to submit a reconciliation plan which shall include an offer of all or part of the debt to concurrent creditors.

PKPU is fundamentally an offer of a reconciliation plan by the debtor so that the debtor can carry out restructuring "which may include all or part of the debt to concurrent creditors”. (Sunarmi, 2010). PKPU aims to improve the economic situation and the ability of the debtor to make a profit, so in this way, the debtor is most likely to be able to pay off his obligations

(Sentosa Sembiring, 2006). By giving time and opportunity to the debtor, it is expected that the debtor through the reorganization of his business and/or debt restructuring can continue his business and thus be able to pay off his debts. (Nugroho.S. A, 2018)

The COVID-19 pandemic currently engulfing almost the entire world has resulted in the difficulties for most companies to survive, hence bankruptcy. (YITAWATI, The Covid-19 Pandemic and Developing the Legal Certainty on Bankruptcy for Health Institution in Indonesia., 2021) This has led to many applications for bankruptcy and the Suspension of Debt Payment Obligations (PKPU) throughout 2019-2021. Of the 5 commercial courts, namely the Central Jakarta District Court, Medan District Court, Semarang District Court, Surabaya District Court, and Makassar District Court, the trend of PKPU cases was recorded to increase. There were 125 bankruptcy cases and 430 PKPU cases in January 2019, 115 bankruptcy cases and 638 PKPU in 2020, and 52 bankruptcy cases and 293 PKPU cases in 2021 by June. (YITAWATI, The Mechanism of Suspension of Debt Payment Obligations (PKPU) in the Indonesian Bankruptcy Law During the Covid-19 Pandemic. , 2021.) Based on these data, that many business actors take the PKPU indicates the increasing trust of business actors in the Commercial Court. The Commercial Court is deemed more effective than other institutions to resolve business disputes such as the General Court and Arbitration.

The condition during the COVID-19 pandemic has put pressure on business actors, so the government issued a number of assistance options to carry out debt restructuring as regulated in the Financial Services Authority (OJK) Regulations. Moreover, the government has discussed the moratorium on PKPU and bankruptcy. The moratorium is considered a solution bringing a major impact to prevent businesses from going bankrupt. In this regard, the bankruptcy decision can greatly affect the Indonesian economy. For instance, a particular bankruptcy decision will result in the termination of employment.

There is apprehension that the creditors take advantage of the condition during the COVID-19 pandemic over the bankrupt companies despite their business activities which were still working. Companies that are genuinely healthy are used by people who are inconsiderate of the interests in the business sector (Bardan, 2021). Nevertheless, the moratorium plan raises pros and cons among academics, business actors, and advocates. The overall moratorium on bankruptcy law does not give a sense of justice. This is because the COVID-19 pandemic has not only put pressure on debtors but also has an impact on creditors. The temporary suspension

of PKPU and bankruptcy can be done partially. One of them is to stop the article regarding the PKPU application from the creditor.

Moreover, the latest news regarding PKPU is that the Constitutional Court has issued a decision related to Law Number 37 of 2024 concerning Bankruptcy and Suspension of Debt Payment Obligations. In decision number 23/PUU-XIX/2021, the Constitutional Court granted the petition for review of Article 235 paragraph (1) and Article 293 paragraph (1) of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations related to PKPU decisions that any legal remedies cannot be submitted. The Constitutional Court declared Article 235 paragraph (1) and Article 293 paragraph (1) of Law Number 37 of 2004 conditionally unconstitutional. Meanwhile, the review of Article 295 paragraph (1) of Law Number 37 of 2004 was declared rejected.

Based on the above-mentioned background, the authors are interested in formulating the problem of how to analyze the judge's considerations and what impact resulted due to the issuance of the Constitutional Court's decision Number 23/PUU-XIX/2021 on the PKPU mechanism in Indonesia? Can the issuance of this decision provide justice for all parties?

RESEARCH METHOD

The research method employed by the researcher was the normative legal research method. Normative legal research consists of research on legal principles, legal systematics, legal synchronization, legal history, and comparative law (Sunggono, 2002). In this study, the approaches used were the statute approach and the conceptual approach.

The statute approach is carried out by reviewing all laws and regulations related to the legal issues being handled (Marzuki, Penelitian Hukum,, 2007). Existing facts are associated with the laws and regulations which govern them and are still in force. The laws and regulations used in this research are Law Number 37 of 2004 concerning Bankruptcy and PKPU and the Constitutional Court Decision Number 23/PUU-XIX/2021, while the conceptual approach departs from the views and doctrines developing in law (Marzuki, Penelitian Hukum, 2007). In this study, all legal materials, both primary sources and secondary legal materials, were analyzed using the deductive method, which is a method that analyzes legal provisions as a general matter and then draws specific conclusions.

RESULTS AND DISCUSSION

On December 15, 2021, the Constitutional Court issued Constitutional Court Decision No. 23/PUU-XIX/2021. This decision is the result of a petition for review of three articles in Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (hereinafter referred to as the Bankruptcy Law and PKPU) which was submitted by the President Director of PT Sarana Yeoman Sembada, Sanglong alias Samad, represented by a team of attorneys from Husendro & Partners Law Office. The three articles proposed for testing are as follows:

Article 235 paragraph (1) of the Bankruptcy Law and PKPU, which reads:

"Against the decision to postpone the obligation to pay debts, no legal action can be submitted."

Article 293 paragraph (1) of the Bankruptcy Law and PKPU, which reads:

"There is no legal action against the Court's decision based on the provisions in Chapter III, unless otherwise stipulated in this Law."

Article 295 paragraph (1) of the Bankruptcy Law and PKPU, which reads:

"Against a judge's decision that has obtained permanent legal force, a request for review can be submitted to the Supreme Court, unless otherwise stipulated in this Law.

The existence of these 3 (three) articles is considered to have caused constitutional losses for both the applicant and other debtors whose proof of the debt case is not simple. The two articles evidently have injustice, legal uncertainty, and equality of status before the law for business entities with debtor status who are PKPU Respondents proposed by creditors.

These legal norms are even used as a mode in the business sector that can harm the national economy. The method is taken "shortcut" through the PKPU application as experienced by the applicant. PT Sarana was sued by PKPU three times and all of them were rejected. However, the fourth PKPU lawsuit was granted by the Medan Commercial Court on December 15, 2020.

Based on this decision, PT Sarana attempted to file a cassation case on February 18, 2021 and also a judicial review on February 23, 2021. Nonetheless, it was rejected by the Commercial Court at the Medan District Court where the Substitute Registrar mentioned the reason for the refusal was based on Article 235 paragraph (1) and Article 293 paragraph (1) on the Bankruptcy Law and PKPU. This means that the Petitioners cannot defend themselves

because the Bankruptcy Law and PKPU do not allow any legal remedies. As a matter of fact, PT Sarana considers that the company is healthy and financially excellent and does not experience problems with third-party debt claims. The Petitioners ask the Court to declare that Article 235 paragraph (1) and Article 293 paragraph (1) on the Bankruptcy Law and PKPU are contrary to the 1945 Constitution of the Republic of Indonesia and do not have binding legal force as long as it is interpreted that legal remedies for Cassation and Judicial Review can be submitted to the Supreme Court of the Republic of Indonesia.

In its decision, the Constitutional Court Decision No. 23/PUU-XIX/2021:

1. Granting the Petitioner's application in part;
2. Stating that Article 235 paragraph (1) and Article 293 paragraph (1) of Law Number 37 of 2004 concerning Bankruptcy Law and PKPU (State Gazette of the Republic of Indonesia of 2004 Number 131 Supplement to the State Gazette of the Republic of Indonesia Number 4443) are contrary to the Law - the 1945 Constitution of the Republic of Indonesia and have no binding legal force, as long as it is not interpreted, "It is permissible to take a cassation action against the decision on PKPU submitted by creditors and the rejection of an offer of reconciliation from the debtor";
3. Ordering this decision to be published in the State Gazette of the Republic of Indonesia as appropriate;
4. Rejecting the Petitioner's application for other than and the rest.

In the contents of the Constitutional Court's Decision, the Panel of Judges only partially granted and refused to cancel and/or correct the provisions as referred to in Article 295 paragraph (1). Thus, it can be concluded that in a PKPU process, a Cassation lawsuit can be filed as long as:

1. The PKPU application is submitted by the creditor; and
2. The offer or settlement plan submitted by the debtor is rejected.

Constitutional Court Decision Number 23 essentially granted part of the petitioner's petition, especially with regard to the provisions as referred to in Article 235 paragraphs (1) and 293 (1) concerning the Bankruptcy Law and PKPU. In his judgment, the Judge considered that the norms of Article 235 paragraph (1), Article 293 paragraph (1), and Article 295 paragraph (1) of Law 37/2004 prevented the Petitioner from filing any legal remedies which resulted in

the Petitioner being unable to manage his assets due to bankruptcy status, based on Decision Number 42/Pdt.SusPKPU/2020/PN.NIAGA.Mdn dated December 15, 2020.

The absence of access to justice to take legal remedies has caused the loss of the applicant's constitutional rights, in particular the right to obtain certainty, equal treatment, and a sense of justice before the law as guaranteed in Article 28D paragraph (1) of the 1945 Constitution. In addition, with the closure of any legal remedies against bankruptcy decisions that are preceded by or derived from a decision on Suspension of Debt Payment Obligations (PKPU), the potential is used to engineer an unfair business competition with the aim to bring down and stop the business of its competitors through the Commercial Court, even with malicious intent to stop or kill the activities of a business entity that can absolutely harm the interests of the country's economy (Kheriah, 2021).

Even though there are provisions in Article 295 paragraph (1) concerning the Bankruptcy Law and PKPU, legal remedies in that article are only for cases directly filed for bankruptcy, not those originating from the PKPU application which has been determined by Article 235 paragraph (1) and Article 293 paragraph (1). The Bankruptcy Law and PKPU are not open to legal remedies, so the enactment of these provisions causes injustice and legal uncertainty.

The PKPU application cannot be separated from the financial condition of a debtor who is experiencing difficulties. As a result, there is a potential for inability to pay his debts and therefore several efforts are required, including:

1. Making peace out of court with creditors or in court if the debtor is sued in a civil manner;
2. Submitting a PKPU application, including submitting a reconciliation in PKPU;
3. Submitting an application for the debtor to be declared bankrupt by the court, including filing for reconciliation in bankruptcy.

One of the best choices that can be made by the debtor is to submit a PKPU application to the commercial court. The same choice taken as the debtor will result in the opportunity to reorganize his financial capacity and eventually the fatal consequences experienced by the bankrupt debtor can be avoided. Therefore, debtors have the opportunity to organize their business continuity and obtain the benefits of time, economy, and legal certainty.

By getting the opportunity to apply for PKPU, debtors can consult with creditors on ways to pay their debts by providing a payment plan for all or part of the debt, including

restructuring the debtor's debts if necessary and agreed upon. The PKPU application in Law Number 4 of 1998 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 1998 concerning Amendments to the Law on Bankruptcy into Law (UU 4/1998) which became the "forerunner" of Law 37/2004 basically only gives the debtor the right to apply for a PKPU on the grounds that the debtor are predicted not to continue paying his debts that are due and collectible [vide Article 212 of Law 4/1998].

However, in the provisions of Article 222 paragraph (1) of the Bankruptcy Law and PKPU, PKPU applications can be submitted not only by debtors, but also by creditors. Accordingly, the problem arises due to discrepancies between the objectives of the PKPU application, which was originally an instrument for debtors in avoiding bankruptcy by submitting a PKPU application. However, in reality, the consequences of bankruptcy cannot be avoided if the PKPU application is submitted by creditors and thus peace is not obtained.

The most essential purpose of applying for a PKPU application is to reach an agreement between the debtor and the creditor in the plan to settle the debtor's debt either partially or completely and to restructure the debtor's debt. Therefore, there is an agreement on the settlement of the debt settlement plan and debt restructuring of the debtor, even though it comes from both parties, the debtor and the creditor.

However, it is the debtor who absolutely knows the state of his financial capacity which becomes part of the clauses in proposing the creditors' payment scheme. Thus, the philosophy of the PKPU application naturally only became the right of the debtor, which is in accordance with the argument that only the debtor is absolutely aware of the ability to pay his debts. Accordingly, the fundamental issue that must be elaborated by the Court is related to the PKPU application submitted by creditors.

The PKPU application submitted by the creditor in terminology is the right granted to the creditor to submit an application on the grounds that the creditor estimates that the debtor cannot continue to pay his debts that are due and collectible by requesting the debtor to be granted a suspension of debt payment obligations, to apply a reconciliation plan which includes an offer to pay all or part of the debt to its creditors [vide Article 222 paragraph (3) of the Bankruptcy Law and PKPU]. Furthermore, doctrinally it can be explained that the right to submit a PKPU application by a creditor is based on considerations, one of which is the application of the principle of balance and the principle of justice.

With this regard, if the debtor genuinely has difficulty making a payment plan for his debt to the creditor, the creditor is given the right to submit a PKPU application. As a result, the debtor is not in an increasingly difficult situation in settling his debts, and thus bankruptcy can be avoided. The "good intentions" of the creditor should not be harmed by other purposes that will put the debtor in a position to lose the opportunity to continue his business and be "stuck" in a state of bankruptcy.

It is very critical to emphasize that as long as the PKPU application can still be submitted by creditors, it is necessary to control the good faith of creditors so that they do not injure the "good intentions". Accordingly, the debtors who are part of business actors who play a role in sustaining economic stability can maintain their business continuity, and thus it is not misused. (Rai Mantili, 2021). Thus, the legal certainty of the PKPU instrument can really be realized in accordance with the spirit of the Bankruptcy Law and PKPU, namely providing legal protection for business actors as a means to make them not easily bankrupt.

The one who concretely discerns the financial capacity is the debtors themselves, and thus the court's decision on the PKPU application submitted by the creditor can be corrected as part of the control mechanism over court decisions at lower levels. Additionally, the PKPU application submitted by the creditor and the offer of peace submitted by the debtor were rejected by the creditor. It is possible that there will be a controversial "dispute" of interests among parties and even the judge's decision at a lower level could potentially lead to partiality or error in the execution of the law by the judge. The Court is of the opinion that legal action is required if the PKPU application submitted by the creditor and the offer of reconciliation from the debtor are rejected by the creditor.

The PKPU application is a case wherein prompt legal certainty is needed in the business field and is related to the economic stability of a country as explained in the General Explanation of the Bankruptcy Law and PKPU which explains, "For the interest of the business world in resolving debt problems fairly, fast, open, and effectively, there is a great need for legal instruments to support it." Therefore, with regard to legal remedies, it is sufficient to open up for one opportunity (one level). In relation to legal remedies on the grounds that there is a possibility of errors in the application of the law by judges at lower levels, the Court concludes that the appropriate type of legal remedy is cassation (without opening it) as the right to file for judicial review. Meanwhile, it is no longer relevant for legal action to be taken for the PKPU

application submitted by the creditor and the offer of reconciliation from the debtor which is accepted by the creditor.

The Court is of the opinion that the norms of Article 235 paragraph (1) which states "Against the decision to postpone the obligation to pay debts, no legal remedies can be submitted." and Article 293 paragraph (1) which states "Against the Court's decision based on the provisions in Chapter III, legal remedies are not open, except otherwise stipulated in this Law." The Bankruptcy Law and PKPU are contradictory to the 1945 Constitution and have no binding legal force if it is not excluded that legal remedies for cassation against PKPU decisions are submitted by creditors and refusal of offers of peace by debtors.

Meanwhile, it is stated against the norm of Article 295 paragraph (1) of the Bankruptcy Law and PKPU that, "Against a judge's decision that has permanent legal force, a request for review can be submitted to the Supreme Court, unless otherwise stipulated in this Law". This is related to legal remedies for judicial review and, as already considered in previous legal considerations, legal remedies for a quo review are not justified on the grounds of avoiding an increase in the number of cases in the Supreme Court and for the sake of legal certainty in the continuity of the business world.

Despite generally the same contents of the two articles, namely Article 235 paragraph (1) and Article 293 paragraph (1) concerning the Bankruptcy Law and PKPU, there are restrictions for debtors to file legal remedies, but the two articles substantially have different characteristics and legal consequences.

PKPU ends if the court refuses to ratify the peace and the debtor is immediately declared bankrupt on the same decision. Likewise, PKPU is legally terminated and the debtor must be declared bankrupt under the following conditions: the maximum period of Permanent PKPU of 270 (two hundred and seventy) days is exceeded and the reconciliation has not yet received approval from the Commercial Court. It applies even though the peace has obtained the approval of the parties in the Peace Discussion Meeting/Voting Meeting which refers to Article 230 paragraph (1) in conjunction with Article 285 paragraph (3) UUKPKPU (Agitha Putri Andany Hidayata, 2021).

However, if we look deeper from a practical point of view regarding the permissible legal action of Cassation by the Debtor in the event that the reconciliation is not accepted "Do all the proposals for reconciliation submitted by the Debtor have to be accepted by the Creditor?" We need to pay attention to the legal protection in the PKPU process which must

also include both secured and unsecured Creditor. In its implementation, it does not hinder the possibility of bad use done by the debtors in the PKPU process, especially in submitting debt scheduling through a reconciliation plan.

Therefore, limitations are required regarding what conditions are allowed for a PKPU decision to be submitted for Cassation by the Debtor as the implementation of Article 293 paragraph (1) after the Constitutional Court's decision. Is the rejection of the peace plan which contains: (i) a grace period of 10 years; (ii) installment of debts up to the 20th year; (iii) cutting off the principal debt; (iv) converting the debt into a no-coupon bond with a maturity of 25 years; or (v) others; included in the classification of Cassation legal remedies allowed by the Debtor?

The next question from the procedural law point of view is that in the event that the legal action for Cassation is carried out by the Debtor as referred to in Article 293 paragraph (1), who is the position of the Respondent for the cassation? In the event that the appeal is granted, what is the legal status of the debtor? Did the debtor re-enter the PKPU process or was the entire PKPU process canceled if there was no PKPU process?

CONCLUSION

Judge's consideration in the Decision of the Constitutional Court (MK) Number 23/PUU-XIX/202, the permissible legal action of cassation against the decision to suspend the payment of debt obligations submitted by creditors and the rejection of the offer of peace from the debtor, according to the author's analysis, is appropriate. It is because the absence of legal remedies against the PKPU decision has the potential to eliminate the principles adopted by the Bankruptcy Law and PKPU, particularly the principle of balance, the principle of business continuity, and the principle of justice. However, this decision needs to be immediately formed by implementing arrangements at a later date to regulate the procedure for filing a cassation lawsuit so that it is not used by debtors in the PKPU process, especially in submitting debt scheduling through a peace plan. Alternatively, regulation in the Bankruptcy Law and PKPU regarding the authority of Creditors in filing PKPU is in demand.

REFERENCES

Agitha Putri Andany Hidayata, A. A. (2021). Penundaan Pengesahan Perdamaian Dalam Penundaan Kewajiban Pembayaran Utang Oleh Hakim Dikaitkan Dengan Asas Kepastian Hukum. *Jurnal Poros Hukum Padjadjaran Volume 3, Nomor 1*, 33.

Bardan, A. B. (2021, September 7). *https://nasional.kontan.co.id/news/*. Retrieved 4 8, 2022, from kontan.co.id: https://nasional.kontan.co.id/news/pemerintah-pertimbangkan-moratorium-pkpu-dan-kepailitan-ini-alasannya

Dewi, P. T. (2016,). Tinjauan Hukum Bisnis:Urgensi Penundaan Kewajiban Pembayaran Utang (PKPU) Dalam Kepailitan,. *Jurnal Akses,Lembaga Penelitian Dan Pengabdian Masyarakat (LPPM) Universitas Ngurah Rai, Denpasar,Volume 8 Nomor 1 Juni* , I.

Kheriah. (2021). Independensi Pengurus Penundaan Kewajiban Pembayaran Utang (PKPU) Dalam Hukum Kepailitan. *Jurnal Ilmu Hukum Volume 3 No. 2*, 245.

Marzuki, P. M. (2007). Penelitian Hukum. Jakarta: Kencana Prenada Media Group.

Marzuki, P. M. (2007). Penelitian Hukum,. Jakarta: Kencana Prenada Media Group.

Nugroho.S. A. (2018). Hukum Kepailitan Di Indonesia Dalam Teori dan Praktik Serta Penerapan Hukumnya. Jakarta: Prenadamedia Group.

Rai Mantili, P. E. (2021). Penundaan Kewajiban Pembayaran Utang (PKPU) Terkait Penyelesaian Utang Piutang Dalam Kepailitan. *Jurnal Aktual Justice. Vol.6, No.1*, 18.

Sentosa Sembiring. (2006). Hukum Kepailitan dan Perturan Perundang-undangan Yang Terkait dengan Kepailitan,. bandung,: CV Nuansa Aulia.

Sunarmi. (2010). Prinsip Keseimbangan Dalam Hukum Kepailitan Di Indonesia Edisi 2. Jakarta : SoftMedia.

Sunggono, B. (2002). Metode Penelitian Hukum. In B. Sunggono, *Metode Penelitian Hukum* (pp. 42-43). Jakarta: Raja Grafindo Persada.

YITAWATI, K. e. (2021). The Covid-19 Pandemic and Developing the Legal Certainty on Bankruptcy for Health Institution in Indonesia. *Indian Journal of Forensic Medicine & Toxicology, 15.2.*

YITAWATI, K. e. (2021.). The Mechanism of Suspension of Debt Payment Obligations (PKPU) in the Indonesian Bankruptcy Law During the Covid-19 Pandemic. . *In: 2nd International Conference on Law Reform (INCLAR 2021). Atlantis Press,* , p. 28-32.

YITAWATI, K. e. (2021.). The Mechanism of Suspension of Debt Payment Obligations (PKPU) in the Indonesian Bankruptcy Law During the Covid-19 Pandemic. . *In: 2nd International Conference on Law Reform (INCLAR 2021).Atlantis Press,*, p. 30.