Analisis Yuridis Terhadap *Legal Standing* Dalam Permohonan Pailit Terhadap BUMN Berbentuk Persero Ditinjau Dari Perspektif Hukum Kepailitan Indonesia Dan Singapura

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ABSTRAK

Penelitian ini menelaah konstruksi hukum mengenai *legal standing* pemohon pailit BUMN Persero dengan menitikberatkan pada perbandingan antara sistem hukum Indonesia dan Singapura. Penelitian ini menjelaskan perbedaan legal standing permohonan pailit BUMN Persero menurut hukum Indonesia dan Singapura, serta bagaimana pertimbangan hakim dalam menentukan *legal standing* dalam perkara pailit. Penelitian ini membahas perbandingan hukum kepailitan di Indonesia dan Singapura dengan menitikberatkan pada terminologi, syarat kepailitan, serta perlakuan terhadap Badan Usaha Milik Negara (BUMN). Hasil penelitian menunjukkan Hukum kepailitan Indonesia dan Singapura memiliki perbedaan mendasar dalam terminologi, syarat kepailitan, dan perlakuan terhadap BUMN. Indonesia menggunakan istilah tunggal “kepailitan” dengan syarat sederhana serta membedakan BUMN Perum dan Persero, sehingga menimbulkan dualisme perlakuan. Sebaliknya, Singapura membedakan istilah *bankruptcy* untuk individu dan *winding up* untuk kepailitan perusahaan, menerapkan standar kuantitatif ketidakmampuan finansial, serta menempatkan seluruh perusahaan, termasuk BUMN, dalam rezim yang sama berdasarkan asas *commercial solvency* tanpa pengecualian. Kasus kepailitan PT Merpati Nusantara Airlines menunjukkan adanya ambiguitas hukum di Indonesia, ketika pengadilan memperluas perlindungan BUMN Persero seolah-olah setara dengan Perum, sehingga mengurangi kepastian hukum dan merugikan kreditur. Singapura melalui *Insolvency, Restructuring and Dissolution Act* (IRDA) 2018 menegakkan asas persamaan di hadapan hukum, memberi legitimasi jelas kepada pihak-pihak yang dapat mengajukan *winding up*, dan menegaskan konsistensi berbasis *rule of law*.

Kata Kunci: *Legal Standing*, Kepailitan, Komparatif

Legal Analysis of Legal Standing in Bankruptcy Petitions Against State-Owned Enterprises in the Form of Limited Liability Companies from the Perspective of Indonesian and Singaporean Bankruptcy Law

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ABSTRACT

This study examines the legal construction of the legal standing of State-Owned Enterprises (SOEs) in the form of Limited Liability Companies (Persero), emphasizing a comparison between the Indonesian and Singaporean legal systems. This study explains the differences in the parties entitled to file for bankruptcy against State-Owned Enterprises (SOEs) under Indonesian and Singaporean law, as well as how judges consider the legal standing in bankruptcy cases. This study discusses the comparison of bankruptcy law in Indonesia and Singapore, emphasizing the terminology, bankruptcy requirements, and treatment of State-Owned Enterprises (SOEs). The results show that Indonesian and Singaporean bankruptcy laws have fundamental differences in terminology, bankruptcy requirements, and treatment of SOEs. Indonesia uses the single term "bankruptcy" with simple requirements and distinguishes between SOEs (Perum) and Persero, thus creating a dualistic treatment. In contrast, Singapore distinguishes between the terms bankruptcy for individuals and winding up for corporate bankruptcy, applies quantitative standards of financial insolvency, and places all companies, including SOEs, under the same regime based on the principle of commercial solvency without exception. The bankruptcy case of PT Merpati Nusantara Airlines demonstrates the legal ambiguity in Indonesia, where the court extended protection to state-owned enterprises (BUMN) as if they were equivalent to public corporations (Perum), thereby reducing legal certainty and harming creditors. Singapore, through the Insolvency, Restructuring and Dissolution Act (IRDA) 2018, upholds the principle of equality before the law, provides clear legitimacy to parties who can file for winding up, and emphasizes consistency based on the rule of law.

Keywords: Legal Standing, Bankruptcy, Comparative