

CHAPTER IV

CLOSING

A. Conclusion

1. Regarding to the position of cessionaris in bankruptcy petition to meet the requirement of minimum 2 creditors, it is depend on the validity of process of cession. In cession, as long as it was valid, the right of previous creditor (cedent) in bankruptcy matter is transferred into new creditor (cessionaris). So, the position of cessionaris is in the same level as creditor for debtor. But in other hand, for partial cession, cedent is still in position of creditor. So, both cedent and cessionaris are having a same level in bankruptcy petition.
2. Cessionaris has a several rights and obligation because of cession. With cession, all of the rights of cedent are transferred to cessionaris.

Cessionaris is has a right to file a bankruptcy request to Commercial Court. He can act as creditor which required in minimum 2 creditors requirement. After the cession was done, the right of claim of cedent to debtor is switch into cessionaris. Cessionaris have a right to claim the debt and get a payment from debtor. As a creditor, after bankruptcy settlement was finished, cessionaris have a right to get payment from bankruptcy asset of debtor. Cessionaris is obligated to record the

cession into written deed. The purpose is to prove that the cession is valid and cessionaris can act as creditor for debtor.

In partial cession, the right and obligation of cedent are not transferred fully. Cedent is still act as a creditor for debtor. So, the right and obligation are still owned partially by cedent. Both cessionaris and debtor is share their right and obligation based on how many the portion of cession.

B. Recommendation

1. Cession is not stated in Act No. 37 of 2004 about Bankruptcy and Suspension of debt. The provision about cession which nearly clear is only can be found in article 613 of Indonesian Civil Code. So, it is important to put provision about cession in Bankruptcy Act. Or at least cession is stated clearly in any act which related to bankruptcy. The clear provision about cession is needed to determine if cession can be simply proof or not. So, in the end, the position of cessionaris in bankruptcy settlement is becoming clearer.

2. With the clear provision about cession, the right and obligation of cessionaris can become clearer. The process of cession is also need to be revised. The right and obligation of cessionaris has to be ruled. With the globalization era which business activity is changed rapidly, the act or provision which ruled about cession also need to be follow

up this matter. So, if there are problem with the provisions of cession,
the judges can use it as a basis to make a decision.

