

Obstacles to Simple Proof in the Implementation of Actio Pauliana in Bankruptcy Procedural Law

Roland Nofenick Gunther Henlindra, Gunardi Lie
Tarumanagara University, Jakarta
E-mail: roland.205220116@stu.untar.ac.id¹, gunardi.lie@fh.untar.ac.id²

Abstract

This study aims to analyze the obstacles arising from the application of simple proof in the implementation of actio pauliana in procedural bankruptcy law in Indonesia. Actio pauliana, as a legal effort to cancel the Debtor's legal actions that are detrimental to the Creditor, requires the fulfillment of six cumulative elements. However, the court proceedings in the Commercial Court, which are based on the principle of simple evidence, create substantive challenges for the Curator as the party bears the burden of evidence. Through a normative legal research method, this study concludes that the complexity of the elements of actio pauliana, especially the elements of knowing or should have known, is difficult to prove using only simple proof standards. The ambiguity of the definition and limitations of simple proof in the Bankruptcy Law and PKPU has resulted in subjective interpretations among judges, which ultimately leads to legal uncertainty and variations in decisions. As a result, the effectiveness of actio pauliana as an instrument of protection for creditors is not optimal. Therefore, this study recommends the need for regulatory changes to clarify the meaning of simple proof and consider exceptions to its application to complex elements of actio pauliana.

Keywords: *Actio Pauliana, Bankruptcy, Simple Evidence*

Introduction

Indonesia, as a country with a dynamic business sector, has established legal regulations governing bankruptcy. Bankruptcy is a court decision that results in the general seizure of all of the debtor's assets, both those owned at the time of the decision and those acquired in the future.¹The definition of bankruptcy is also regulated in Article 1 number 1 of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations, which states: "Bankruptcy is a general seizure of all assets of a Bankrupt Debtor, the management and settlement of which is carried out by the Curator under the supervision of the Supervisory Judge as regulated in this Law."²Simply put, bankruptcy is the confiscation of all assets belonging to the debtor as stated in the bankruptcy

¹M. Hadi Shubhan, *Bankruptcy Law: Principles, Norms, and Practices in the Courts*, (Jakarta: Prenadamedia Group, 2019), hlm. 1.

²Indonesia, Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (State Gazette of the Republic of Indonesia 2004 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 4443), Article 1 number 1.

petition.³ Bankruptcy law aims to provide fair and equitable payments to all creditors in accordance with applicable regulations.⁴

The special regulations governing bankruptcy were initially created due to the economic crisis that occurred in Indonesia in 1997, which had a negative impact on the national economic cycle, especially on the ability of entrepreneurs to pay their debts.⁵ The inability of entrepreneurs in Indonesia to pay their debts was caused by various factors, one of which was the regulation regarding bankruptcy that was in effect at that time, namely *Faillissements-Verordening*, which was considered insufficient to overcome the problems that existed at that time and the lack of balance between debtors and creditors, as well as the slowness of the process, which ultimately made the creditors demand that the *Faillissements-Verordening* regulation be replaced as soon as possible.⁶

In 2004, specifically on October 18, 2004, Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (UU KPKPU) was enacted, which revoked and replaced Government Regulation in Lieu of Law (Perpu) No. 1 of 1998 as the regulation governing bankruptcy in Indonesia. The formation of the KPKPU Law was motivated by the fact that Perpu No. 1 of 1998 was not yet perfect and was made in a rush to meet the needs at that time. The KPKPU Law was also formed due to the many controversial decisions at that time, one of which was the bankruptcy case of PT Prudential Life Assurance. This law was formed with the aim of providing protection to debtors and creditors and to guarantee an equal distribution of debtor assets to creditors.⁷

Bankruptcy remains widely used by many companies due to its quicker and simpler judicial procedures compared to traditional civil proceedings. Bankruptcy law is also considered more effective and efficient in resolving a company's debt problems because it can bring all creditors together in one place and time. Bankruptcy law also has various other legal remedies within it, as regulated in Article 3 of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations, which states: "The decision on the application for a declaration of bankruptcy and other matters related to and/or regulated in this Law, is decided by the Court whose jurisdiction includes the area where the Debtor is legally domiciled."⁸

The phrase "other matters" contained in Article 3 of the KPKPU Law has the meaning of other legal remedies or commonly referred to as other lawsuits, namely *actio pauliana*, third party resistance to confiscation, or cases where the debtor, creditor, curator, or

³Tami Rusli, *Bankruptcy Law in Indonesia*, (Bandar Lampung: UBL Press, 2019), hlm 22.

⁴Yuhelson, *Bankruptcy Law in Indonesia*, (Gorontalo: Ideas Publishing, 2019), hlm 16.

⁵Susanti Adi Nugroho, *Bankruptcy Law in Indonesia: In Theory and Practice and Its Legal Application*, (Jakarta: Prenadamedia Group, 2018), hlm. 5.

⁶*Ibid.*, hlm. 6.

⁷Arus Akbar Silondae and Wirawan B. Ilyas, *Principles of Business Law*, (Jakarta: Salemba Empat, 2020), p. 60.

⁸Indonesia, Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (State Gazette of the Republic of Indonesia 2004 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 4443), Article 3.

administrator becomes one of the parties in a case related to bankrupt assets including a curator's lawsuit against the board of directors which causes the company to be declared bankrupt due to its negligence or error.

Actio paulianais a legal remedy that is rarely used due to the obstacles encountered in its implementation.⁹ *Actio pauliana* or also known as claw-back is a legal step that aims to cancel a transaction carried out by a debtor if the transaction only benefits him/herself and has the potential to harm the creditor's rights.¹⁰ *Actio pauliana* comes from the Roman word Paulus, the name of a legal expert and inventor of *Actio pauliana*. *Actio pauliana* means a legal remedy aimed at declaring void any act of a debtor transferring their assets if the act is carried out in a manner that could harm the creditor.¹¹

Actio pauliana Bankruptcy law has its own uniqueness because it is a legal remedy within a legal remedy, so it will inevitably create complexity and difficulties in its implementation. Implementation of *actio pauliana* must take into account the aspects of prohibited actions by the debtor, one of which is actions deemed to be in poor faith or deemed to be bad.¹² There are five requirements that must be met so that an *actio pauliana* lawsuit can be accepted based on Article 41 of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations, which reads:¹³

“(1) For the benefit of the bankrupt estate, the Court may request the cancellation of all legal acts of the Debtor who has been declared bankrupt which are detrimental to the interests of the Creditors, which were carried out before the bankruptcy declaration decision was pronounced.

(2) The cancellation as referred to in paragraph (1) may only be carried out if it can be proven that at the time the legal act was carried out, the Debtor and the party with whom the legal act was carried out knew or should have known that the legal act would result in losses for the Creditor.

(3) Excluded from the provisions as referred to in paragraph (1) are legal acts of the Debtor which he is obliged to carry out based on an agreement and/or because of the law.”

Based on Article 41 of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations as described above, the five conditions that must be met for the *actio pauliana* to be accepted include:

⁹Susanti, Op.Cit., hlm. 310.

¹⁰Munir Fuady, Bankruptcy Law in Theory & Practice, (Bandung: PT Citra Aditya Bakti, 2017), p. 85.

¹¹Susanti, Op.Cit., hlm. 309.

¹²Lathifatun Najah, Vidiawati Nurhasanah, Windi Atika Sari, Nugrahat Audia Rayana, and Nopi Sapitri, “Analysis of *Actio Pauliana* as a Curator's Effort in Bankruptcy Cases of House Confiscation by Banks (Case Study: House Confiscation by Banks), *Diponegoro Private Law Review*, Vol.10, No. 2, 2023, hlm. 123.

¹³Indonesia, Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (State Gazette of the Republic of Indonesia 2004 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 4443), Article 41.

1. The debtor has committed a legal act;
2. The legal actions taken are not mandatory for the debtor to carry out;
3. The legal actions taken have been detrimental to the creditor;
4. At the time the debtor carries out his legal act, the debtor knows or should know that the legal act he carries out will be detrimental to the creditor; and
5. At the time the legal act is carried out, the party with whom the legal act is carried out knows or should know that the legal act carried out will be detrimental to the creditor.

The above conditions must be fulfilled cumulatively, meaning they must be fulfilled in their entirety, not just one of them. There is one more condition that must be met for the *actio pauliana* to be accepted, which is stated in Article 42 of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations. Based on Article 42 of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations, it can be concluded that the *actio pauliana* lawsuit can be filed within a period of 1 (one) year before the bankruptcy declaration decision is pronounced.¹⁴ which is one of the additional conditions of the *Actio Pauliana* lawsuit. The conditions contained in the *actio pauliana* lawsuit have been formed carefully and clearly, with the definite aim of providing legal certainty and justice to all parties.

However, according to Susanti Adi Nugroho, there are several obstacles encountered in implementing *actio pauliana* in Indonesia. These include challenges in the competence of *actio pauliana* examinations, challenges in the evidentiary process for *actio pauliana* lawsuits, challenges regarding who can sue under *actio pauliana*, and challenges in resolving *actio pauliana* lawsuits.¹⁵ The obstacles mentioned by Susanti Adi Nugroho above are obstacles to *actio pauliana* in general, meaning they are *actio pauliana* from general and specific civil procedural law. Based on the obstacles mentioned by Susanti Adi Nugroho, there is one obstacle related to *actio pauliana* in bankruptcy procedural law, namely the obstacle related to the evidentiary process in *actio pauliana* lawsuits.

Summarizing the requirements of *actio pauliana*, there are six requirements that must be met and proven by the curator in court for the *actio pauliana* lawsuit to be accepted and granted by the court. Another obstacle faced by the curator, as the holder of the burden of proof, is that the curator must prove these six requirements with simple evidence. The trial procedure for *actio pauliana* requires simple evidence, which is certainly difficult to implement considering the many requirements of *actio pauliana* that must be proven cumulatively. The obstacles experienced in implementing *actio pauliana* in Indonesia have made this legal remedy less popular. The heavy burden of proof is one reason why this legal remedy is avoided.

¹⁴M. Syamsudin Sinaga, *Indonesian Bankruptcy Law*, (Jakarta: Tatanusa, 2012), hlm. 18.

¹⁵Susanti, *Op.Cit.*, hlm. 310-311.

Based on the background above, the problem formulation obtained is how does simple proof become an obstacle in the implementation of actio pauliana in bankruptcy procedural law?

Method

This study uses a normative legal research method as the primary approach in analyzing the legal issues discussed. Normative legal research is a form of research conducted through library research by examining library materials related to the object being studied. In its implementation, the author utilizes secondary data. Secondary data is obtained through a literature study covering various legal materials such as laws and regulations, legal doctrines from experts, and relevant jurisprudence. A statute approach is used as the primary analytical method, in which the author conducts an in-depth review of the content and meaning of the relevant laws, then connects them to the legal issues discussed. In addition, this research is also supported by a literature study sourced from legal textbooks by leading experts, accredited scientific journals, and various trusted legal websites that provide the latest legal information and analysis.

Discussion

1. Simple Proof as an Obstacle in the Implementation of Actio Pauliana in Bankruptcy Procedural Law

Actio pauliana is one of the protection efforts given to creditors in bankruptcy procedural law if the debtor carries out a legal act that is detrimental to the creditors.¹⁶In essence, actio pauliana is a legal remedy that the Curator has to cancel the actions carried out by the bankrupt debtor which have caused losses to the creditors before the bankruptcy decision is declared.¹⁷In fulfilling a petition for an actio pauliana, the Curator, as the holder of the burden of proof, must prove the elements or requirements of the actio pauliana in a simple manner. Simple proof, often referred to as summary proof, is one of the main guidelines in the actio pauliana trial under Indonesian bankruptcy procedural law. This concept is not merely a formality, but has become an essential element that must be fulfilled in every bankruptcy petition and other cases, including an actio pauliana lawsuit aimed at canceling a debtor's legal actions that are detrimental to creditors. The consequences of this provision are very clear because if it is not fulfilled, the Commercial Court will not legally grant a petition if the proving process is deemed not simple. This is because the Commercial Court, especially in bankruptcy procedural law, does not have the competence to examine and adjudicate cases that require complex and convoluted proof. The legal basis that explicitly regulates simple proof in the context of actio pauliana can be found in the

¹⁶Alfatra Panatagama, "Actio Pauliana in Bankruptcy Exceeding One Year", *Juris-Diction*, Vol. 3, No. 4, 2020, hlm. 1249.

¹⁷Sunarmi, *Bankruptcy Law*, (Jakarta: PT Sofmedia, 2010), hlm. 186.

Explanation of Article 3 paragraph (1) of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations, which states:¹⁸

“What is meant by “other matters” is, among other things, *actio pauliana*, third party resistance to confiscation, or cases where the Debtor, Creditor, Curator, or management becomes a party in a case related to bankrupt assets, including a lawsuit by the Curator against the Board of Directors that causes the company to be declared bankrupt due to its negligence or error. The applicable procedural law in adjudicating cases included in “other matters” is the same as the Civil Procedural Law that applies to cases of petitions for declaration of bankruptcy, including regarding the limitation of the time period for settlement.”

The provisions in Article 3 paragraph (1) of the Bankruptcy and PKPU Law confirm that the procedural law for bankruptcy applications also applies to cases of *actio pauliana*. This means that the standard of proof referred to for *actio pauliana* is the same standard as regulated in Article 8 paragraph (4) of the Bankruptcy and PKPU Law, which states: "A request for a declaration of bankruptcy must be granted if there are facts or circumstances that are simply proven that the requirements for being declared bankrupt as referred to in Article 2 paragraph (1) have been fulfilled." Thus, in the context of *actio pauliana*, the Curator is not permitted to prove his claim with heavy and comprehensive evidence, but rather simply shows the existence of strong facts or indications that the debtor has committed a legal act that is detrimental to his creditors and also other requirements.

Regulators in Indonesia deliberately apply the principle of simple proof in bankruptcy law with the main aim of accelerating the examination and decision-making process, both for bankruptcy applications and other cases such as *actio pauliana*.¹⁹The rationale behind this policy is quite rational, considering that the majority of parties in bankruptcy disputes are companies and entrepreneurs who operate under the principle of "time is money." In the business world, rapid legal certainty is often more valuable than complicated and time-consuming legal processes. Therefore, legislators hope that by simplifying the evidentiary process, the overall bankruptcy process can be carried out efficiently, ultimately providing benefits and certainty for the disputing parties.

However, in practice, this is not the case. The simple burden of proof, which should serve as a tool to simplify and expedite the legal proceedings of a legal action, actually works in reverse. This problem arises because this simple standard of proof often backfires and is the fundamental reason why legal action lawsuits often fail to fulfill their stated objective of protecting the rights and interests of creditors.²⁰Even though it is said that the Bankruptcy

¹⁸Indonesia, Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (State Gazette of the Republic of Indonesia 2004 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 4443), Article 3 paragraph (1).

¹⁹Viqi Anugraha and Adlin Budhiawan, “The Principle of Simple Proof as a Condition for Postponing Debt Payment Obligations,” *Journal of Education Research*, Vol. 4, No. 2, 2023, hlm. 746.

²⁰Richard C. Adam et al., *Anatomy of Bankruptcy Law and Suspension of Debt Payment Obligations*, (Depok: Rajawali Pers, 2021), hlm. 152.

Law and PKPU are more burdensome towards creditors.²¹ However, in its implementation, particularly in the case of *actio pauliana* lawsuits, this legal remedy has not been able to optimally protect creditors' rights. The curator, as the holder of the burden of proof, is required to prove that the debtor has acted detrimentally, but only with limited evidence and minimal depth of proof. As a result, many lawsuits do not meet the court's simple threshold or are deemed too complex for a simple procedure, and are ultimately rejected. Thus, the noble goal of speed actually sacrifices the depth of examination and the effectiveness of legal protection, making *actio pauliana* an instrument that is not fully optimal in upholding justice for creditors.

Legally, a lawsuit for an *actio pauliana* requires the cumulative fulfillment of six elements or conditions for a judge to grant its ruling. These multifaceted requirements create a conflict with the principle of simple proof, which is essential in Commercial Court proceedings. In practice, meeting the simple proof standard for a substantively complex lawsuit such as an *actio pauliana* presents a significant challenge for the Curator, as the one bearing the burden of proof. This is because the Curator, as the applicant, is procedurally required to provide at least six primary pieces of evidence, each of which must be substantiated to demonstrate that these requirements or elements have been met. While not all of this evidence will ultimately become complex evidence, some, such as proving bad faith on the part of the debtor or the existence of losses to the creditor, are extremely complex and should not be underestimated. Therefore, it can be said that, although theoretically possible, it is extremely difficult for a Curator to prepare and present a series of evidence that legally fulfills all six elements of a lawsuit without exceeding the limits of simplicity or vagueness. It is at this point that problems or obstacles arise, on the one hand, the law wants a fast and simple process, but on the other hand, the nature of the lawsuit itself demands depth and completeness of evidence which ultimately makes the evidence compiled by the curator most likely not be categorized as simple evidence.

Of the many elements in an *actio pauliana* lawsuit, one of the most difficult to prove using a simple standard of proof is the element of knowledge or reasonable knowledge. Conceptually, meeting this requirement in court presents a significant challenge for the receiver. The receiver must not only prove that the bankrupt debtor knew that his actions would harm creditors, but also that the recipient (the party engaging in legal proceedings with the debtor) also knew or reasonably should have known that the legal action would cause harm to the bankrupt estate. The complexity of this proof stems from the fact that this requirement touches on the realm of good faith, which indirectly also touches on the intentions or thoughts of the parties. According to Subekti, good faith aims to ensure that the agreement is carried out in accordance with norms of propriety and morality.²² Good faith itself is an important element that serves as a guideline and benchmark in the implementation

²¹Doni Budiono, "Analysis of Bankruptcy Procedural Regulations and Suspension of Debt Payment Obligations," *Journal of Civil Procedure Law*, Vol. 4, No. 2, 2018, hlm. 116.

²²Niru Anita Sinaga, "The Role of the Principle of Good Faith in Realizing the Justice of the Parties to the Agreement", *M-Progress Journal*, Vol. 8, no. 1, 2018, hlm. 61.

of *actio pauliana*.²³ Good faith, as an abstract legal concept, is inherently difficult to establish as evidence. A person's intent, knowledge, and awareness cannot be measured absolutely or proven with direct, definitive evidence; they must be inferred from existing facts or indications.

The curator is forced to construct an indirect evidentiary structure, for example by demonstrating a special relationship between the debtor and a third party, the timing of the transaction close to the bankruptcy petition, or the unreasonable value of the consideration. However, constructing this structure still requires strong arguments and evidence, which naturally tend to exceed simple limits. The judge is then required to conduct an in-depth analysis to conclude the existence of the element of knowledge or ought to know, a process that is arguably no longer simple. Thus, this single requirement of knowledge or ought to know clearly illustrates the real difficulties faced by the curator. Difficulty with this one crucial element is enough to illustrate the complexity of cumulatively fulfilling all the other elements of *actio pauliana*, using only a simple evidentiary standard, which ultimately has the potential to thwart efforts to protect the bankrupt estate.

It is true that the Commercial Court does not legally have the authority to hear applications that involve complex and complex evidence. However, it is important to understand that a rejection of an application does not occur automatically and immediately simply because it is deemed to not meet simple standards. Everyone is entitled to equal justice.²⁴ In practice, when a bankruptcy petition or other petition, such as an *actio pauliana*, is filed, the Commercial Court panel of judges still has a procedural obligation to first examine the petition's contents. They are responsible for conducting a preliminary examination to assess whether the case can still be resolved using simple evidentiary methods or whether it has exceeded that threshold and should be the responsibility of the District Court.^{25,26} because in the District Court, the *actio pauliana* trial process can be conducted over a longer period of time and does not apply the simple evidentiary process. This simple evidentiary process also creates problems because there are no clear regulations governing the application of the simple evidentiary process.²⁷ The Bankruptcy and PKPU Laws only mention this phrase without providing an operational definition, limitations, or concrete examples of what types of evidence and the depth of proof can be categorized as simple or vague. This regulatory vacuum results in a variety of subjective interpretations among judges. Each judge or panel of judges can have a different perspective and personal standards in

²³Fransiskus Stefan Sunur and Marthisan Yeksi Anakotta, "Legal Analysis: *Actio Pauliana* Against Leased Assets in Bankruptcy", *Wajah Hukum*, Vol. 8, No. 2, 2024, hlm. 767.

²⁴Hendra Haryanto and John Calvin, "*Actio Pauliana* as a Curator's Effort in Bankruptcy Based on Decision Number 61 Pk/Pdt.Sus-Pailit/2015", *Binamulia Hukum*, Vol. 10, No. 1, 2021, hlm. 4.

²⁵Rai Mantili, "*Actio Pauliana* as a Protection Measure for Creditors According to the Civil Code and the Bankruptcy and Suspension of Debt Payment Obligations (PKPU) Law", *Adhaper: Journal of Civil Procedure Law*, Vol. 6, No. 2, 2021, hlm. 36.

²⁶Adrian Sutedi, *Bankruptcy Law*, (Bogor: Ghalia Indonesia, 2009), p. 45.

²⁷Arfan Syarif Sutrisno and Ferdi, "Simple Evidence in Bankruptcy Cases", *Ekasakti Legal Science Journal*, Vol. 2, No. 2, 2025, hlm. 138.

assessing the simplicity of evidence. This diversity of interpretations then leads to differing decisions in cases with similar or identical facts and evidence.

This is the reason why the legal remedy of *actio pauliana* cannot be implemented optimally. Its complex nature, due to the requirement to fulfill numerous cumulative elements, often places it on the threshold between what can be categorized as simple and what is already considered complex. A judge in one court may find that the evidence presented by the Curator for *actio pauliana* still meets the simple standard, while a judge in another court, with similar facts, may conclude otherwise. This lack of uniformity ultimately creates legal uncertainty and is a major obstacle to the effectiveness of *actio pauliana* in protecting the bankruptcy estate for the benefit of creditors.

Conclusion

Simple evidence is a crucial element that serves as the basis and guideline for trial procedures in Commercial Courts under bankruptcy procedural law. While simple evidence primarily aims to expedite and simplify the trial process, making it more efficient and effective, in practice it has the opposite effect. Simple evidence, as a trial procedure, has a detrimental effect on the legal protection of creditors. Simple evidence is considered problematic and an obstacle to fulfilling the rights and protecting the interests of creditors.

The numerous and complex requirements of the *actio pauliana* make it difficult for the curator to provide a simple or vague form of proof. Simple proof itself is also not specifically regulated in the Bankruptcy and PKPU Laws, so there are no concrete definitions or examples of what constitutes simple proof. This ambiguity has given rise to varying interpretations by judges regarding the definition and parameters of simple proof, resulting in differing decisions even when the cases examined have similar facts and evidence.

Bibliography

Book

- Adam, RC et al. (2021). *Anatomy of Bankruptcy Law and Suspension of Debt Payment Obligations*. Rajawali Pers, Depok.
- Fuady, M. (2017). *Bankruptcy Law in Theory & Practice*. PT Citra Aditya Bakti, Bandung.
- Nugroho, SA (2018). *Bankruptcy Law in Indonesia: In Theory and Practice and Its Legal Application*. Prenadamedia Group, Jakarta.
- Rusli, T. (2019). *Bankruptcy Law in Indonesia*. UBL Press, Bandar Lampung.
- Shubhan, MH (2019). *Bankruptcy Law: Principles, Norms, and Practices in the Courts*. Prenadamedia Group, Jakarta.
- Silondae, AA and Ilyas, WB. (2020). *Principles of Business Law*. Salemba Empat, Jakarta.
- Sinaga, MS (2012). *Indonesian Bankruptcy Law*. Tatanusa, Jakarta.
- Sunarmi. (2010). *Bankruptcy Law*. PT Sofmedia, Jakarta.
- Sutedi, A. (2009). *Bankruptcy Law*. Ghalia Indonesia, Bogor.
- Yuhelson. (2019). *Bankruptcy Law in Indonesia*. Ideas Publishing, Gorontalo.

Journal

- Anugraha, V. and Budhiawan, A. (2023). *The Principle of Simple Proof as a Condition for Postponing Debt Payment Obligations*. *Journal of Education Research*, 4 (2).
- Budiono, D. (2018). *Analysis of Bankruptcy Procedural Law and Suspension of Debt Payment Obligations*. *Journal of Civil Procedure Law*, 4 (2).
- Haryanto, H. and Calvin, J. *Actio Pauliana as a Curator's Effort in Bankruptcy Based on Decision Number 61 Pk/Pdt.Sus-Pailit/2015*. *Binamulia Hukum*, 10 (1).
- Mantili, R. (2021). *Actio Pauliana as a Protection Effort for Creditors According to the Civil Code and the Bankruptcy and Suspension of Debt Payment Obligations (PKPU) Law*. *Adhaper: Journal of Civil Procedure Law*, 6 (2).
- Najah, L., Nurhasanah, V., Sari, WA, Rayana, NA, and Sapitri, N. (2023). *Analysis of Actio Pauliana as a Curator's Effort in Bankruptcy Cases of House Confiscation by Banks (Case Study: House Confiscation by Banks)*. *Diponegoro Private Law Review*, 10 (2).
- Panatagama, A. (2020). *Actio Pauliana in Bankruptcy Exceeding a Period of One Year*. *Jurisdiction*, 3 (4).
- Rosidi, A., Zainuddin, M., and Arifiana, I. (2024). *Methods in Normative and Sociological Legal Research (Field Research)*. *Journal of Law and Government*, 2 (1).
- Sinaga, NA (2018). *The Role of the Principle of Good Faith in Realizing the Fairness of the Parties to the Agreement*. *M-Progress Journal*, 8(1).
- Sunur, FS and Anakotta, MY (2024). *Legal Analysis: Actio Pauliana Against Leased Assets in Bankruptcy*. *Face of Law*, 8 (2).
- Sutrisno, AS and Ferdi. (2025). *Simple Evidence in Bankruptcy Cases*. *Ekasakti Legal Science Journal*, 2 (2).

Regulation

Indonesia. Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (State Gazette of the Republic of Indonesia 2004 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 4443).