

ABSTRAK

TINJAUAN YURIDIS TERHADAP TANGGUNG JAWAB RENTENG AKIBAT WANPRESTASI DALAM PERJANJIAN *CESSIE* (Studi Putusan Kasasi Nomor: 329 K/PDT/2023)

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AKBAR

Perkembangan dunia bisnis yang dinamis melahirkan berbagai instrumen hukum, termasuk perjanjian *cessie* sebagai metode pengalihan piutang yang kerap menimbulkan sengketa akibat wanprestasi. Penelitian ini bertujuan menganalisis dasar hukum dan batasan tanggung jawab renteng para sekutu dalam *Commanditaire Vennootschap* (CV), pertimbangan hakim dalam perkara wanprestasi terkait perjanjian *cessie*, serta akibat hukum dari Putusan Kasasi Nomor 329 K/PDT/2023.

Jenis penelitian yang digunakan adalah hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Data yang digunakan berupa data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier, diperoleh melalui studi kepustakaan dan dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa dasar hukum tanggung jawab renteng dalam CV terdapat dalam Pasal 18-21 KUHD dan Pasal 1243 KUHPdata, dengan batasan tanggung jawab sekutu pasif sebatas modal yang disetorkan. Mahkamah Agung menilai sekutu pasif yang menandatangani perjanjian *cessie* telah bertindak keluar sehingga kehilangan perlindungan hukum dan menanggung tanggung jawab renteng layaknya sekutu aktif serta kelalaian pemenuhan pembayaran sesuai termin dinyatakan sebagai wanprestasi. Akibatnya para tergugat diwajibkan membayar secara tanggung renteng sebesar Rp17.880.730.760,00 dengan bunga 6% per tahun hingga putusan dilaksanakan.

Kata Kunci: *Commanditaire Vennootschap*, Perjanjian *Cessie*, Tanggung Jawab Renteng, Wanprestasi.

ABSTRACT**LEGAL REVIEW OF JOINT AND SEVERAL LIABILITY FOR BREACH
OF CONTRACT IN CESSIE AGREEMENTS
(Study of Cassation Decision Number: 329 K/PDT/2023)****By****AKBAR**

The dynamic development of the business world has given rise to various legal instruments, including cessie agreements as a method of transferring receivables, which often cause disputes due to default. This study aims to analyze the legal basis and limitations of joint and several liability of partners in a Commanditaire Vennootschap (CV), the judge's considerations in default cases related to cession agreements, and the legal consequences of Cassation Decision Number 329 K/PDT/2023.

The type of research used is normative law with a legislative approach and a case approach. The data used is secondary data consisting of primary, secondary, and tertiary legal materials, obtained through literature study and analyzed qualitatively.

The results of the study show that the legal basis for joint and several liability in a CV is found in Articles 18-21 of the Commercial Code and Article 1243 of the Civil Code, with the limitation of liability of passive partners being limited to the capital contributed. The Supreme Court ruled that passive partners who signed the cessie agreement had acted outside the scope of their authority, thereby losing legal protection and bearing joint and several liability like active partners, and that failure to make payments according to the terms was declared a breach of contract. As a result, the defendants were ordered to pay jointly and severally in the amount of IDR 17,880,730,760.00 with 6% interest per annum until the decision is enforced.

Keywords: *Commanditaire Vennootschap, Cessie Agreement, Joint Liability, Breach of Contract.*