

Bankruptcy of PT Nyonya Meneer in Bankruptcy Law Perspective: Facing Challenges of Cultural Heritage Business Protection

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ABSTRACT

This research aims to analyze the implications of PT Nyonya Meneer's bankruptcy on the protection of cultural heritage and the sustainability of the national herbal medicine industry. This study uses a normative juridical approach by examining the relationship between bankruptcy law, cultural law, and intellectual property law. The results of the study show that the application of bankruptcy law is still economically oriented and has not considered cultural values in the asset settlement process. As a result, the bankruptcy of PT Nyonya Meneer not only caused economic losses but also led to the loss of traditional knowledge and cultural identity. This study found that there is a normative gap between Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations (PKPU) and Law of the Republic of Indonesia Number 5 of 2017 concerning Cultural Advancement, so that a culturally insightful reformulation of bankruptcy law is needed. The reformulation is directed to integrate economic, social, and cultural aspects so that bankruptcy law can function as an instrument to protect national heritage while supporting sustainable economic development.

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INTRODUCTION

Bankruptcy law is an important instrument in the Indonesian economic legal system that functions to resolve debts and receivables problems fairly, quickly, openly, and effectively (Hakim, 2025; Siringoringo & Israhadi, 2025). Through Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations (PKPU), the state provides a legal mechanism that ensures the protection of creditors' rights and legal certainty in the financial relationship between the parties (Diputri, 2025; Siregar, Sakti, & Joesoef, 2025). However, the application of bankruptcy law cannot be separated from social and cultural consequences, especially when the subject of bankruptcy is an entity that has historical and cultural value for the nation (Bodul & Grbic, 2025; Sefara, 2025).

The bankruptcy case of PT Nyonya Meneer, the oldest herbal medicine company in Indonesia established in the early 20th century, is a concrete example of this complexity (Selian, Sakti, & Joesoef, 2025). PT Nyonya Meneer is not only a business entity but also a cultural icon that inherits the herbal medicine tradition as a form of local knowledge and national identity (Yew, 2025). Since being declared bankrupt by the Semarang Commercial Court in 2017, the company has not only lost its legal status as an active business entity but has also raised concerns over the extinction of a cultural heritage symbol that has lived for more than a century in the collective consciousness of Indonesian society (Fauzan, 2025; Santosa & Noorwatha, 2025).

Normatively, bankruptcy law places legal certainty and creditor protection as top priorities (Al Asy'arie, Wibowo, Rahmanda, & Irawati, 2025; Zghair, 2025). However, in PT Nyonya Meneer, this approach raises a dilemma between legal certainty, justice, and utility as formulated by Gustav Radbruch (Adji Samekto, 2025). Legal certainty demands the

implementation of court decisions to protect creditors, while substantive justice demands the protection of the broader public interest, including the preservation of cultural values (Putra, Gorda, & Kurniawan, 2025). This view aligns with the thinking of Satjipto Rahardjo (2016), who emphasizes that the law must function as a means of human protection, not just a collection of formal norms (Pitasari, 2025).

Several previous studies have shown the legal aspects of bankruptcy from various perspectives, such as the authority of curators (Liko, 2024), the urgency of the curator's role in the bankruptcy of PT Nyonya Meneer (Pratama, 2024), and legal protection for curators (Rahmawati, 2025). However, there has been limited research examining the relationship between bankruptcy law and the protection of cultural heritage businesses as intersecting legal and social entities (Akinsola & Hamzah, 2025; Indrawan, Situmorang, & Darodjat, 2025). Thus, this study seeks to fill that gap through a normative-prescriptive approach that combines a positive legal perspective with a socio-cultural dimension (Fard, 2023).

In legal theory, this study uses three main approaches, namely Hans Kelsen's theory of legal certainty (Jimly Asshiddiqie and M. Ali Safa'at, 2021), L.J. Van Apeldoorn's theory of justice (Saefullah, 2023), and legal protection theory (Satjipto Rahardjo, 2016). The theory of legal certainty provides a basis for analyzing the formal application of bankruptcy norms; the theory of justice is used to examine the proportionality between the rights of creditors and the public interest; while the theory of legal protection highlights the need for legal policies responsive to human and cultural values.

Various literature studies also show that the economic law system still tends to be positivistic and oriented towards resolving economic disputes solely (Anwar, Lilyana, & Zatika, 2025). In practice, bankruptcy law has not accommodated the protection of non-economic assets such as intellectual property or cultural property, even though these two elements play an important role in the development of national identity and the creative economy.

Based on this background, this research is designed to answer two main problem formulations, namely: 1) How is the application of bankruptcy law to PT Nyonya Meneer based on Law Number 37 of 2004 concerning Bankruptcy and PKPU?; 2) What are the implications of PT Nyonya Meneer's bankruptcy on the protection of traditional herbal medicine businesses as part of the nation's cultural heritage? Meanwhile, the objectives of this study are to: 1) analyze the application of bankruptcy law to PT Nyonya Meneer according to the applicable normative framework; and 2) examine the implications of bankruptcy law on the preservation of traditional herbal medicine businesses that represent Indonesia's cultural heritage. The benefit of this research is to make an academic contribution to the development of economic law theory that is responsive to cultural values, as well as to provide considerations for policymakers in reformulating bankruptcy laws that are more substantive and in favor of preserving national cultural heritage (Kholmiraev & Kudratov, 2025; Schleicher & Hills Jr, 2025).

Bankruptcy law functions as an instrument for resolving financial disputes between debtors and creditors in a fair, fast, and effective manner. Bankruptcy is regulated through Law Number 37 of 2004 concerning Bankruptcy and Suspension of Debt Payment Obligations (PKPU). According to Munir Fuady (2017), bankruptcy law is not only a technical liquidation process but also reflects the social function of law in maintaining a balance between the interests of creditors and debtors. In the case of PT Nyonya Meneer, bankruptcy became a dilemma between legal certainty and substantive justice.

RESEARCH METHOD

This research employed normative legal methods (doctrinal research) using conceptual and legislative approaches. It was descriptive-analytical in nature (Soerjono Soekanto, 2018), describing legal phenomena and analyzing the application of bankruptcy law in protecting cultural heritage businesses. The approaches included legislative, conceptual, and case study

methods. The legal materials comprised primary, secondary, and tertiary sources, collected through literature studies and analyzed qualitatively using a normative framework. Data collection was conducted through library research by tracing relevant legal sources. The collected data were analyzed normatively and qualitatively through a deductive method, applying legal theories and statutory provisions to the concrete case of PT Nyonya Meneer's bankruptcy. This analysis aimed to identify normative gaps in bankruptcy law and formulate a concept for reformulating bankruptcy law that is sensitive to the protection of cultural heritage.

RESULTS AND DISCUSSION

The application of bankruptcy law against PT Nyonya Meneer is based on Law Number 37 of 2004 concerning Bankruptcy and PKPU.

Juridical Basis of Bankruptcy of PT Nyonya Meneer

The application of bankruptcy law against PT Nyonya Meneer is based on the provisions of Article 2 paragraph (1) of Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations (PKPU), which states that:

"A debtor who has two or more creditors and does not pay at least one debt that is due and collectible, shall be declared bankrupt by a court decision, either at his own application or at the request of one or more of his creditors."

Based on these norms, Decision Number 11/Pdt.Sus-Pailit/2017/PN Niaga Semarang, which was decided in 2017, granted the bankruptcy application filed by the creditors against PT Nyonya Meneer because it was proven to be unable to pay off its obligations. This decision has formally fulfilled the juridical elements as stipulated in the Bankruptcy Law, namely: (a) the existence of two or more creditors, (b) the existence of a debt that is due and collectible, and (c) the debtor's inability to pay.

Normatively, the decision is valid and meets the principle of legal certainty, as referred to in Hans Kelsen's theory (Jimly Asshiddiqie and M. Ali Safa'at, 2021), which emphasizes the importance of law enforcement based on positive norms without moral or political intervention.

Aspects of Legal Certainty in the Implementation of Bankruptcy

Legal certainty is the main pillar in the economic legal system. In the case of PT Nyonya Meneer, this principle is realized through the application of bankruptcy procedures in accordance with the law, starting from bankruptcy applications, appointment of curators, to liquidation of bankruptcy assets. However, this formalistic legal certainty actually raises a new problem: the law is carried out procedurally, but loses the value of substantive justice.

According to Tata Wijayanta (2023), legal certainty in the practice of economic justice is often faced with a dilemma between the protection of creditors' rights and the social impact on other parties. The implementation of PT Nyonya Meneer's law does protect the interests of creditors, but at the same time ignores the social and cultural aspects inherent in the company.

This condition shows that the application of the principle of legal certainty in the Bankruptcy Law still focuses on financial interests and has not accommodated human values as mandated in Article 28D paragraph (1) of the 1945 Constitution, which guarantees fair legal treatment for all citizens.

Aspects of Justice in Bankruptcy Decisions

Philosophically, bankruptcy law not only serves to guarantee creditors' rights, but must also create distributive justice for all parties involved. L.J. Van Apeldoorn's theory, (Saefullah, 2023) states that justice means giving everyone what he or she has a right to proportionately.

In the case of PT Nyonya Meneer, procedural justice is indeed realized because creditors get legal protection to collect their receivables. However, substantive justice has not been achieved as thousands of workers have lost their livelihoods, and communities have lost symbols of cultural heritage that have survived for more than a century.

On the other hand, the company's assets, including the trademark "Mrs. Meneer" which has cultural and economic value, are treated the same as other material assets and are auctioned off for debt repayment. This raises a fundamental question: can a law that is fair to creditors still be called fair if it sacrifices the social and cultural interests of the nation?

The application of bankruptcy law to PT Nyonya Meneer shows that there is an inequality between formal justice (*legal justice*) and social justice (*social justice*). This situation reinforces the view of Gustav Radbruch (Adji Samekto, 2025). that a law that is only oriented towards certainty without justice ultimately loses its moral value.

Legal Protection of Cultural Heritage Businesses

Satjipto Rahardjo's Legal Protection Theory (2016) emphasizes that law must be a means to protect human beings and human values. This protection is *preventive* (preventing losses) and *repressive* (providing recovery).

The PKPU mechanism in the case of PT Nyonya Meneer can actually function as a form of preventive protection because it provides an opportunity for the debtor to carry out financial restructuring so that it is not immediately declared bankrupt. However, this mechanism is not used optimally, and the government has not taken steps to rescue the company that has high cultural value.

As a result, all of the company's assets, including the herbal medicine museum and ethnobotanical collections, were auctioned off without legal protection as cultural heritage. In fact, according to Article 32 paragraph (1) of the 1945 Constitution, the state has an obligation to promote national culture and ensure the freedom of the community in maintaining its cultural values.

The absence of special norms that protect cultural assets in the Bankruptcy Law shows that there is a legal *gap* that needs to be filled immediately through the establishment of derivative regulations or law revisions.

Normative Analysis of the Bankruptcy Law

Based on the results of the normative study, there are several structural weaknesses in Law No. 37 of 2004, including:

- 1) The lack of a clear distinction between pure economic assets and assets that have cultural value or intellectual property is one of the main obstacles in resource management. Pure economic assets are usually measured and valued based on their market value and direct economic benefits, while assets that have cultural value or intellectual property require a different approach due to their historical, aesthetic, and social and cultural impact that cannot be fully represented by economic value alone. For example, cultural heritage objects, cultural heritage, and traditional works of art carry aesthetic and identity values that must be protected and valued in the context of cultural preservation, not just as an economic commodity. Therefore, the management and protection of cultural assets must take into account specific legal aspects that govern preservation, respect, and copyright, so that these cultural assets are not displaced by mere economic interests. This requires regulations and policies that are able to accommodate these differences with a more holistic and sustainable asset management and valuation mechanism in accordance with the principles of the creative economy and the preservation of cultural heritage. (Jan Hoesada, 2023).
- 2) The absence of provisions that allow the intervention of the state or cultural body in saving businesses with cultural value is a significant obstacle in the protection of cultural assets. This condition leads to the potential damage or loss of cultural values inherent in these efforts in the absence of a legal mechanism that accommodates preventive or restorative rescue measures. Special regulations that regulate the intervention and protection of businesses with cultural value need to be optimized so that they do not only focus on economic aspects. Several regulations such as Law No. 5 of 2017 concerning the Advancement of Culture and Law No. 11 of 2010 concerning Cultural Heritage have

regulated the protection of cultural goods, but have not provided enough space for direct intervention in businesses that have cultural value. The development of more specific regulations and collaborative mechanisms between the government, cultural institutions, and the community is expected to encourage the preservation of businesses with cultural value as an integral part of the promotion of national culture

- 3) The focus of regulations that still focus on economic efficiency, not social benefits, is a crucial issue in the management of cultural assets and marine resources. Many regulations today prioritize economic aspects alone, such as income optimization, cost reduction, or productivity increases, without sufficiently considering long-term and broad-ranging social benefits, including cultural preservation, social sustainability, and local community welfare. This can be seen from the focus of the government and stakeholders who show more economic value of cultural assets such as income from the tourism sector or creative industries, while the social and cultural dimensions do not receive adequate attention and protection. Regulations that predominantly emphasize economic efficiency have the potential to erode inherent socio-cultural values, ignoring the role of cultural assets as a pillar of identity and social cohesion of society. Therefore, there is a need for a reform of the regulatory framework that integrates economic efficiency and social benefits, with a holistic approach that respects cultural values while supporting sustainable and inclusive development.

The application of bankruptcy law against PT Nyonya Meneer has met the elements of legal certainty, but has not met the principles of utility and social justice. This condition requires a reformulation of bankruptcy law that is social-cultural adaptive and in line with the principles of *Good Governance* and national cultural protection.

The results of this analysis show that bankruptcy law needs to be directed towards the paradigm of "social justice bankruptcy", which is a legal system that not only resolves economic conflicts, but also protects national values.

Policy reformulation can be realized through the addition of norms in the Bankruptcy Law regarding the protection of cultural assets of value, the implementation of PKPU policies based on cultural preservation, with the support of government intervention and cultural institutions, and the formation of implementing regulations that ensure the sustainability of the cultural heritage business after debt restructuring.

This approach will make bankruptcy law not just an instrument of economic liquidation, but a tool of social justice and the preservation of national culture.

The implications of PT Nyonya Meneer's bankruptcy on the protection of traditional herbal medicine businesses as part of the nation's cultural heritage

Implications of PT Nyonya Meneer's bankruptcy

The bankruptcy of PT Nyonya Meneer in 2017 was not only an economic failure of the business, but also a loss of national cultural symbols. This company is one of the oldest herbal medicine producers in Indonesia, established in 1919 and inheriting traditional knowledge of herbal herbs that have been passed down from generation to generation. With the declaration of bankruptcy by the Semarang Commercial Court based on Law No. 37 of 2004, all of the company's assets, including trademarks, traditional recipes, herbal medicine museums, and historical production equipment, were auctioned as part of the liquidation of the bankruptcy assets. (Yuliana, D, 2018)

The direct implication is the discontinuation of traditional herbal medicine production based on local knowledge, as well as the loss of the socio-cultural role of PT Nyonya Meneer as a preserver of the archipelago's herbal heritage. This shows that bankruptcy law, when applied normatively without regard to cultural elements, can cause harm to national identity values.

Traditional herbal medicine is an expression of intangible cultural heritage recognized in the 2003 UNESCO Convention. PT Nyonya Meneer plays an important role in maintaining this knowledge through the production, research, and documentation of herbal medicine traditions. However, after being declared bankrupt, there is no legal mechanism to protect this knowledge from commercialization without cultural protection. Herbal recipes, ingredients, and hereditary knowledge that were previously part of the company's identity have the potential to shift to the private sector without any state supervision.

The absence of legal instruments linking the Bankruptcy Law with Law Number 5 of 2017 concerning the Promotion of Culture and Law Number 28 of 2014 concerning Copyright results in a void of regulation of the cultural heritage contained in the company. The bankruptcy of PT Nyonya Meneer poses serious implications for the sustainability of Indonesian traditional knowledge because economic law fails to collaborate with cultural law.

Bankruptcy also has an impact on the social aspects of society. Thousands of workers who have worked for decades in the company have lost their livelihoods, while the surrounding community has lost culturally based economic resources.

According to progressive legal protection theory Satjipto Rahardjo (2016), the law should be on the side of humanity and social justice, not just market interests. However, in practice, bankruptcy law places workers as subordinate parties who only acquire rights after the separatist creditors have been met.

As a result, social justice for workers and the surrounding community has not been achieved. In fact, traditional herbal medicine businesses are not only economic entities, but also a forum for the transmission of values, skills, and local community identities. The social implications of this bankruptcy show the existence of a substantive justice deficit, where economic law has not yet functioned as a tool of social protection.

In addition, the state has a constitutional responsibility to protect, develop, and advance national culture as stipulated in Article 32 of the 1945 Constitution and Law No. 5 of 2017 concerning the Advancement of Culture. However, in the case of PT Nyonya Meneer, the state was not actively present to prevent the loss of cultural heritage due to bankruptcy. There is no government intervention, either through the relevant ministries or cultural institutions, to carry out a moratorium on the liquidation of assets of cultural value.

This shows the weak coordination between the economic law and cultural law sectors. The absence of derivative regulations that regulate the protection of cultural assets in bankruptcy proceedings makes national law partial and non-holistic. The implication is that any company with historical value could suffer a similar fate if it faces financial problems without any special legal protection.

In addition, the bankruptcy of PT Nyonya Meneer also has a macro impact on the sustainability of the national herbal medicine industry. As a pioneer, PT Nyonya Meneer plays a role in building the national brand of Indonesian herbal medicine and strengthening the position of herbal products in the global market. After the bankruptcy, consumer and trading partners' trust in the herbal medicine industry declined, due to the loss of the company figure who became an icon of the quality and authenticity of traditional herbal medicine.

According to Megawangi (2015), the preservation of herbal medicine does not only depend on raw materials, but also on cultural institutions that maintain the value, philosophy, and reputation of the product. When these institutions collapse due to rigid economic law mechanisms, cultural sustainability is threatened. This implication shows that bankruptcy law has not been able to support the concept of *sustainable legal development* that integrates economic, social, and cultural aspects in a single national legal system.

Normatively, the bankruptcy case of PT Nyonya Meneer shows the need for a reformulation of bankruptcy law to be more responsive to cultural preservation. Such reformulations may include:

- 1) The addition of a special article in the Bankruptcy Law that prohibits the auction of assets of cultural value without consultation with cultural institutions.

Currently, bankruptcy regulations are still general and focus more on economic aspects and settlement of debts without considering the cultural value of the assets being auctioned. With these additional provisions, the state and cultural institutions have an official role to provide recommendations and assessments of cultural value on assets that are the object of auction, so that these important assets are not lost or damaged in the bankruptcy process.

This reflects the integration of cultural protection with the business legal system, as well as ensuring that social and cultural aspects are not neglected for the sake of economic efficiency alone. In addition, this intervention encourages the protection of cultural values that are the nation's identity while opening up space for the preservation of cultural assets of high cultural value in the context of the liquidation and liquidation process of bankruptcy assets.

This kind of regulatory step can be an example of legal innovation that accommodates socio-cultural values in economic governance, as well as meets the principles of distributive justice and social sustainability in bankruptcy law policy.

References to regulations and related legal concepts can be referred to Articles 1131 and 1132 of the Civil Code and Law No. 37 of 2004 concerning Bankruptcy and PKPU as the basic legal framework for bankruptcy settlement, with additional provisions that are specific to the protection of cultural assets.

- 2) Integration of bankruptcy law with cultural and intellectual property law, so that traditional knowledge and trademarks with historical value get their own legal protection.

The integration of bankruptcy law with cultural and intellectual property law is essential to provide more specific legal protection against traditional knowledge and trademarks that have historical value. Bankruptcy law (Law No. 37 of 2004) currently focuses more on economic settlements, while the protection of cultural values and intellectual property often does not receive special treatment in bankruptcy. By integrating, traditional knowledge and trademarks with historical value can obtain their own legal protection that does not only attach importance to the economic aspect in the liquidation or settlement process of debts and receivables.

This approach can increase respect for the cultural values inherent in these assets while creating a more effective and comprehensive legal protection mechanism. This integration is also in line with the concept of the principle of integration in the bankruptcy legal system which recognizes the importance of harmonization of authority in the fields of civil law, civil procedural law, and other relevant laws such as intellectual property and cultural law.

Legal integration efforts must accommodate the protection of property of cultural and intellectual value so that it is not neglected in the bankruptcy court process, as well as advance the preservation of national cultural wealth, as shown in table 1 as follows:

Table 1 Integration in cultural asset management functions and intellectuals in the realm of bankruptcy law

Integration Aspects	Description	Purpose
Protection of Traditional Knowledge	Provide special protection for cultural assets of historical value and local uniqueness	Preserving the culture and identity of the local community
Historic Trademark Protection.	Protect trademarks that have historical value or cultural symbols.	Ensuring legal certainty and respect for cultural values
Consultation Mechanism of Cultural Institutions.	Setting up consultation procedures before assets are auctioned in bankruptcy proceedings	Preventing the loss of cultural assets in liquidation

Integration Aspects	Description	Purpose
Harmonization of Regulation and Enforcement	Synchronization between the Bankruptcy Law and the Intellectual Property Law and the Culture Law	Realize integrated and effective legal protection

Table 1 shows that the integration of cultural and intellectual asset management in bankruptcy law aims to maintain the preservation of cultural values while ensuring legal certainty through the protection of traditional knowledge, historical brands, consultation of cultural institutions, and harmonization of related regulations.

3) The application of the principle of social benefit in every bankruptcy decision, so that commercial judges consider cultural and social values in settling assets.

It is intended that the process of settlement and settlement of assets is not solely oriented to economic aspects or the interests of creditors, but also pays attention to the cultural, social, and humanitarian values that live in the community.

Consideration of cultural values means that legal decisions should respect and protect local heritage and identity that are part of the nation's identity. Social values include the interests of society at large, social justice, and a balance between individual rights and public interests. Meanwhile, human values emphasize respect for human dignity, a sense of justice, and protection of the weak or vulnerable.

The application of this principle makes law not only a tool for enforcing rules, but also a means to achieve living *justice*, rooted in the noble values of society, and providing real benefits for social and humanitarian life.

With this reformulation, bankruptcy law is not only oriented towards settling debts and receivables, but also serves as an instrument to protect national culture and support the local creative economy.

From all the above descriptions, it can be concluded that the bankruptcy of PT Nyonya Meneer shows that economic law is still partial and has not been integrated with the socio-cultural dimension. Economically, the bankruptcy marks the systemic failure of the restructuring of the national herbal medicine industry. Socially, it causes suffering for workers and local communities. Culturally, this bankruptcy erases the symbols of national identity and traditional knowledge that have been passed down from generation to generation.

Thus, the case of PT Nyonya Meneer provides an important lesson for policymakers to build a new paradigm, namely "culturally sensitive bankruptcy law", a concept that balances legal certainty, substantive justice, and socio-cultural benefits as taught by Gustav Radbruch and Satjipto Rahardjo (Rahardjo, S, 2018)

Reformulation of Bankruptcy Law Based on Cultural Heritage Protection

The bankruptcy of PT Nyonya Meneer shows that Indonesia's bankruptcy law is still oriented towards short-term economic settlements, without considering the social and cultural dimensions. In fact, in the context of national legal development, every economic policy should support constitutional goals, namely advancing public welfare and preserving the nation's culture (Articles 32 and 33 of the 1945 Constitution).

The reformulation of bankruptcy law is needed to balance the three basic values of law as stated by Gustav Radbruch, legal certainty, justice, and utility. In practice, Law No. 37 of 2004 places too much emphasis on legal certainty for creditors, but has not yet brought substantive justice to workers, society, and the preservation of cultural values. Therefore, bankruptcy law must be directed to be a law with a humanitarian and cultural perspective.

The reformulation of bankruptcy law must be carried out with an interdisciplinary approach, linking economic law, cultural law, and intellectual property law. This can be realized as shown in table 2 as follows:

**Table 2 Bankruptcy-Based Law Reformulation Model
Interdisciplinary Approach**

Reformulation Aspect	Form of Implementation	Related Legal Instruments	Academic Goals and Implications
Synchronization of Laws	Integration of economic, cultural, and intellectual property laws to ensure the protection of cultural assets in bankruptcy proceedings	<ul style="list-style-type: none"> . Law No. 37 of 2004 concerning Bankruptcy and PKPU (regulating the settlement of debts and debtors' assets). . Law No. 5 of 2017 concerning the Advancement of Culture (protecting cultural heritage and traditional knowledge) . Law No. 28 of 2014 concerning Copyright (protecting traditional cultural expressions and local knowledge) . Law No. 11 of 2010 concerning Cultural Heritage (ensuring the preservation of physical historical assets) 	Creating inter-regulatory alignment so that bankruptcy law is not only economically oriented, but also takes into account social and cultural dimensions. This synchronization will minimize the risk of auctioning assets that have historical or cultural value without adequate legal protections.
Institutional Collaboration	Establishment of a cross-ministerial mechanism in every bankruptcy process involving companies with cultural values	Ministry of Culture. Ministry of Law, Ministry of MSMEs	Realizing participatory and accountable bankruptcy governance. By involving cultural and economic institutions simultaneously, the bankruptcy process can consider the interests of cultural preservation, worker welfare, and the sustainability of local heritage-based industries.

Table 2 shows that the reformulation of bankruptcy law must be carried out with an interdisciplinary approach, namely connecting economic law with cultural law and intellectual property law so that there is no overlap of norms and loss of protection of cultural heritage assets. Synchronization of laws is necessary to ensure that the implementation of bankruptcy is not only oriented towards the certainty of economic law, but also pays attention to the value of social and cultural justice. (Huda, 2021)

In addition, institutional collaboration between ministries is important to avoid unilateral decisions by creditors or curators who are only financially oriented. The involvement of cultural

and economic institutions can strengthen the principles of good governance in the legal process, namely transparency, accountability, and public participation. (Dwiyanto A, 2018)

Then in bankruptcy law, which was originally technocratic, it can develop into a law with socio-cultural and humanistic characteristics.

The principle of utility is an important pillar in Jeremy Bentham's legal theory and is continued in Radbruch's thought. In bankruptcy, the benefits of the law should not only be measured by the effectiveness of debt payments, but also by the extent to which the law provides benefits to the wider community.

In the case of PT Nyonya Meneer, the liquidation of assets solely for the benefit of creditors does not provide social benefits. Legal reformulation needs to introduce the concept of social benefits of bankruptcy, which is a principle that ensures that assets of cultural value should not be sold without a preservation mechanism, the workforce and the surrounding community get priority in business restructuring and the proceeds of asset settlement are partially allocated for the preservation of traditional knowledge and social activities.

The application of this principle, bankruptcy law will be in line with the goals of *sustainable legal development*, where economic and cultural aspects develop harmoniously. In the progressive legal paradigm of Satjipto Rahardjo (2016), law is not just a normative text, but a tool to present substantive justice. Therefore, commercial judges and curators should not be passive in handling corporate cases that have cultural value.

The state through the judicial power must stipulate that the company's cultural assets are assets that are exempt from bankruptcy settlement, order the postponement of the auction of cultural assets until there is a recommendation from the cultural institution and provide space for local governments to take over cultural assets through grant mechanisms or social management.

Strengthening the role of the state is in line with the principles of *Good Governance*, which is a transparent, accountable, and responsive government to the public interest. The state should not be neutral when the nation's cultural values are threatened by market economic mechanisms.

Based on the results of the analysis, the ideal bankruptcy law model in the protection of cultural heritage is illustrated in table 3 as follows:

Table 3 The ideal model of bankruptcy law in Cultural Heritage Protection

Aspects	Current Conditions (Law 37/2004)	Proposed Reformulation Model
Legal Orientation	Economics towards debt settlement and asset settlement	Socio-cultural to the protection of businesses with cultural value and social benefits.
Cultural Assets	Not differentiated from economic assets	Excluded from settlement, it is mandatory to consult with cultural institutions.
The Role of the State	Passive, limited to regulators	Active through cultural preservation intervention and supervision.
The Role of Commercial Judges	Assessing the formal aspects of bankruptcy	Consider aspects of substantive and social justice.
Key Principles	Legal certainty and economic efficiency	Social justice, utility, and cultural preservation.

Table 3 shows the need for a paradigm shift from "formal bankruptcy" to "socially just and culturally insightful bankruptcy." In this way, bankruptcy law can be part of a national strategy to protect and develop the nation's cultural heritage in the midst of economic globalization.

The reformulation of bankruptcy law oriented towards cultural preservation has several important implications, namely:

- 1) Juridical implications, in the form of changes in the structure of laws and regulations so that economic law and cultural law are integrated with each other;
- 2) Institutional implications, namely the establishment of a coordination mechanism between ministries to deal with bankruptcy related to cultural entities;
- 3) Academic implications, in the form of the development of interdisciplinary research between economic law, cultural law, and intellectual heritage law;
- 4) The social implication is in the form of increasing public awareness of the importance of protecting tradition-based businesses as part of national identity.

The reformulation of bankruptcy law is a necessity in order to build a national legal system that is socially just and culturally oriented. The case of PT Nyonya Meneer has provided a valuable lesson that economic law should not be neutral on human and cultural values.

Future bankruptcy law must be based on the principles of humanistic legal certainty, substantive justice oriented to the benefit of society, and social benefits that maintain the sustainability of national culture, so that through this new paradigm, the law is no longer just a tool for debt settlement, but also an instrument for cultural preservation and social justice development.

CONCLUSION

The research indicates that the application of bankruptcy law in Indonesia remains predominantly economic-centric, insufficiently integrating cultural values and social justice, which can lead to the loss of culturally significant assets and heritage businesses, as exemplified by the PT Nyonya Meneer case. This gap is further evidenced by discrepancies among Law No. 37 of 2004, Law No. 5 of 2017, and Law No. 28 of 2014, which collectively do not adequately protect traditional assets and indigenous knowledge. To address this, future research should focus on designing a sustainable, culturally sensitive economic law model that promotes cross-law synchronization and inter-ministerial collaboration, aiming to balance debt resolution with the preservation of social and cultural identities, while exploring mechanisms for effective integration of cultural protection within bankruptcy and economic law frameworks.

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