

# Analysis of "Drama Theory" in the Bankruptcy Scenario of the Biggest Indonesia Cellular Telecommunication Business

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**Abstract:** *This study presents "drama theory" in the bankruptcy scenario of PT TX. The drama divided into 3 phases. The first phase is when Local Commercial Court (LCC) declared the bankruptcy of PT TX until PT TX filed a cassation appeal to the Supreme Court (SC). The second phase is when PT TX and SSS refused to pay the Curator's fee and the third phase is when SC gave sanction to LCC. The Data about PT TX bankruptcy mapped into common references frame and analyzed using drama theory approach. Results show that from the first frame to the third frame, there are 13 dilemmas faced by all parties involved in the case of PT TX bankruptcy. The first and second frame consist of Rejection, Threat and Persuasion dilemmas. On the third frame, there are rejection dilemmas happened both of SC and Curator. This study is a preliminary research and the assessed using secondary data derived from several eligible internet news periods between August 3rd 2012 – October 16th 2013. The result showed how a health and giant company nearly fell, and explains what dilemmas were removed so that the problem could be solved.*

**Keywords:** Drama Theory, Conflict Behavior, Conflict Theory, Game Theory, Dilemma, Bankruptcy.

## 1. Introduction

This paper is about conflict decision process in the case of PT TX bankruptcy, the Indonesia's largest mobile operator. The dispute of PT TX bankruptcy with his business partners draws the attention of academics (sindoweekly-magz.com, October 16<sup>th</sup> 2013).

Hidayah, A.A. on The Jakarta Globe (September 24<sup>th</sup> 2012) reported: "PT TX, a subsidiary of Telekomunikasi Indonesia, was found guilty of failing to pay its IDR 5.3 billion (\$555,000) debt to plaintiff SSS, and was declared legally bankrupt by the Jakarta Commercial court on September 14<sup>th</sup> 2012. PT TX and SSS established a partnership on June 1<sup>st</sup>, 2011, for a period through June 2013, in which PT TX agreed to provide 120 million vouchers and 10 million SIM cards with a special sports theme to SSS, though SSS only managed to sell 524,000 of them. In May 2012, PT TX approved the purchasing order of more vouchers from SSS, but the former has yet to see any payment. Prima again placed a purchasing order in June, which was then rejected by PT TX on the grounds that the distributor has not fulfilled its obligation from the previous order. PT TX proceeded to terminate the contract, a move which SSS claimed was unilateral and then countered by filing a bankruptcy lawsuit at the Central Jakarta District Court, estimating a total loss of IDR 200 billion due to the termination. The fact that PT TX posted a net income of \$770 million last year and is declared bankrupt by the court has raised concerns that the bankruptcy law is defective and poses unnecessary risks for enterprises". Other online newspaper that reported the similar editorial were Kompas.com (August 3<sup>rd</sup> 2012), Kontan.com (September 14<sup>th</sup> 2012), Kompas (September 14<sup>th</sup> 2012), and Hukum Online (September 15<sup>th</sup> 2012).

When the news released, it lead Telkom shares fall dramatically (Kompas.com, September 17<sup>th</sup> 2012). PT TX

strives to enlist the support of The House of Representative (DPR) and State-owned Enterprises Minister to save them from the bankruptcy status that addressed the pros and cons (The Jakarta Globe, September 17<sup>th</sup> 2013; Kompas.com, September 19<sup>th</sup> 2012). On the one side, governments have argued that this case is very serious to be saved. On the other hand, diminished the bankruptcy threats (Kompas.com, October 6<sup>th</sup> 2012) even many of them consider that PT TX was too arrogant in conducting their businesses (Kompas.com, October 4<sup>th</sup>, October 11<sup>th</sup>, October 18<sup>th</sup> and October 19<sup>th</sup> 2012). However, at last DPR supports the PT TX lawsuit over the bankruptcy status (Kompas.com, October 8<sup>th</sup> 2012). PT TX then filed an appeal and sure to win (Kompas.com, September 22<sup>nd</sup> and October 9<sup>th</sup> 2012) which is the longest of appeal process that decided by Supreme Court (Kompas.com, October 20<sup>th</sup> 2012).

The effect of the PT TX bankruptcy status was the delay of the 3G selection by the Ministry of Communications and Informatics (Kompas.com, September 24<sup>th</sup> 2012). Another influence of the event was that the PT TX asset had to be watched by Curator in bankruptcy period (Kontan.com, September 24<sup>th</sup> 2012). The Curator, later became a mediator between PT TX and SSS (Kompas, November 2<sup>nd</sup> 2012). On November 21<sup>st</sup> 2013, the PT TX's lawsuit appeal had been granted and the Supreme Court revoked PT TX bankrupt status (Kompas.com, Tempo.com, November 22<sup>nd</sup> 2012; The Jakarta Post.com November 24<sup>th</sup> 2012).

The drama after the revoked of the bankruptcy status was the demands of the fee payment by Curator at the amount of IDR 293.6 billion. The Curator assumed that PT TX and SSS responsible to pay the amount (Kompas.com, February 13<sup>th</sup> 2013; Detikinet, February 12<sup>th</sup> 2013; The Jakarta Post, February 16<sup>th</sup> 2013). The demand from the Curator was regarded as illogical by many parties (Kompas, February 13<sup>th</sup> and February 14<sup>th</sup> 2013). The Curator threatened to

confiscate the assets of PT TX and SSS if they didn't pay the fees (Kompas.com, February 15<sup>th</sup> 2012).

PT TX and SSS as well as DPR clearly rejected the demands of that fee (Kompas.com, February 13<sup>th</sup>, February 18<sup>th</sup>, and February 19<sup>th</sup> 2013). SSS slowly withdrew from the case because then the conflict occurred between PT TX and the Curator (Kompas.com, February 20<sup>th</sup> 2013). PT TX filed a complaint against the Supreme Court related with Curators' fees (Kompas.com, February 21<sup>st</sup> 2013).

The complaints received a lot of support from the government, such as the DPR (investordaily.com, Detikinet.com, March 6<sup>th</sup> 2013). DPR also asked PT TX to report the judges of the Jakarta Commercial Court (LCC) to the Judicial Commission (KY) and the Corruption Eradication Commission (KPK). They want the judges to be investigated by the KPK (Hukum Online, March 6<sup>th</sup> 2013; Investordaily.com, March 7<sup>th</sup> 2013).

The Curators also made efforts to execute PT TX (Hukumonline.com, March 7<sup>th</sup> 2013), but their efforts failed, because finally PT TX's lawsuit was granted by the Supreme Court: The LCC's Judge received sanction (Kompas.com, March 7<sup>th</sup> 2013; Detikinet, April 15<sup>th</sup> 2013), PT TX should not pay the Curators' fee (Hukumonline.com, March 7<sup>th</sup> 2013), and the Supreme Court declared the parties involved at PT TX Bankruptcy were free from bribe (Detikinet.com, April 16<sup>th</sup> 2013). Until mid of October 2013, the Curators still made some effort to get their right but still no avail (sindoweekly-magz.com, October 16<sup>th</sup> 2013).

PT TX Bankruptcy conflict is important conflict case to be studied, because PT TX is the biggest cellular company in Indonesia, and also a subsidiary of Telkom which is one of the largest state-owned enterprises in Indonesia. Other interesting thing was this conflict could made a systemic impact for the Indonesian telecommunications industry (Roy Suryo, Member of DPR, October 10<sup>th</sup> 2012) because it could cause a huge loss to the country.

There are a lot of approaches in conflict resolution, one popular approach to resolve conflict in Indonesia is a game theory approach. This approach is not only used to resolve an ongoing conflict but also able to analyze the causes of conflict in the past, that gives lessons learned to the next conflict.

The game theory approaches also had many types. Some of them using the assumption that parties involved were rational, like the case of the Trans Metro Bandung (bus lane), which used the Graph Model with Multiple Attribute Rating Technique (Alamanda, Utomo, Pri, and Dhanan, 2010). The PT TX bankruptcy case can be characterized by several crucial aspects. Not only a variety of stakeholders involved but also their conflicting interests. Because of the lack of mutual communication and credibility, emotional and irrational could enhance the conflicts. By taking these characteristics of the problem, to describe and analyze it we adopt drama theory approach (Bryant 2003, 2007; Howard et al 1993; Kijima 2000). Drama theory assumes that stakeholders' attempts to act rationally-to choose in

accordance with current preferences-create dilemmas for them (Bryant, 2007).

There are a lot of published research on the analysis of the drama theory in Indonesia. One of them was the conflict of Bandung Putro Citarum River (2005) which related with the emotion (Putro, Mangkusubroto and Ariyanto, 2008). The other research by Putro, Siallagan, Novani and Utomo (2009) showed the role of emotion in Elimination Contribution and Collaboration Dilemma. In 2011, Putro explained How Does Emotion Influence Collaboration?-An Agent Based Simulation of the Dynamic of Confrontation. Simatupang and Sridharan (2011) then analyzed the conflict dilemma using the drama theory on the case of supply chain collaboration. This is the first time that PT TX bankruptcy case analyzed by using game theory approach.

This study attempt to describe the condition of the PT TX bankruptcy conflict and analyze the dilemma which arouse during the period of the conflict using the drama theory approach, and to explain what dilemma have to be eliminated in order to solve the conflict.

### **Tool Adjustment**

There are 3 phases in this case, where each phase has different players, options, and interests. In changing the game, we identified all the elements of the game (Bradenburger and Nalebuff, 1995). According to the game theory, there are five elements: players, added values, rules, tactics, and scope – PARTS for short. These five elements clearly illustrate all the interactions, both freewheeling and rule-based. In changing the game, we have to change one or more of these elements (Bradenburger and Nalebuff, 1995).

## **2. Theory**

### **2.1 Conflict and Game Theory**

There are many definition about conflict. One of them is defined as a situation in which the parties apply conflict behavior against each other to attain incompatible goals and/or to express their hostility (Bartos & Wehr, 2002:). Another definition saw conflict as a process in which one party perceives that its interests are being opposed or negatively affected by another party (Wall, Jr. and Ronda, 1995). Putnam and Poole (1987) have conducted a meta-analysis on the definitions of conflict and found three general properties: 1) interdependence between the parties, 2) perception by at least one of the parties that incompatibility among the goals, and 3) some form of interaction. Putnam and Poole (1987) provide thorough coverage of three conflict levels-interpersonal, intergroup, and interorganizational.

Thomas (1979: 155-160) suggests two-dimensional model of conflict behavior to categorize the response of the parties in conflict. These two dimensions, then suggest five conflict behaviors: avoiding, accommodating, compromising, competing, and collaborating (Thomas, 1979: 160). When the conflict becoming worse, a third party can play a critical role in easing it (Sandole and Sandole, 1987: 86-99; Colosi, (1987). For this to happened, the trust of the conflicting

parties in the third party involved is indispensable. The third party can not function without the trust of the conflicting parties in the fairness of the them as the mediator in the conflict (Folger and Poole, 1984: 191; Minnery, 1985: 43).

One of the conflict theories that can be used to understand the conflict process is game theory. This theory is categorized in two groups: 1) 2 and n players game; 2) zero-sum and non-zero sum game, zero-sum game is a game where first party will win and another party will lose, whereas it is possible for both party to win together or lose together on non-zero sum game (von Newman in Dixit & Susan, 2005).

The research on game theory has primarily focused on mathematical models of conflict and cooperation between intelligent rational decision-makers (Myerson, 1991). Only a few studies have investigated conflict for emotional responses that can provoke irrational reactions and lead the players to redefine the game and drama theory is one of them (Howard, et.al 1993; Howard, 1994). Drama theory used to analyze how the framework could be changed to another framework (Howard et al, 2007), in which the game changes under internal pressure and show, how, through these changes, the frame and the characters stances may be transformed until they arrive at a totally satisfactory solution (Bryant, 2003).

## 2.2 Drama Theory

Drama theory recognizes six generic dilemmas (Bryant, 2003). Four of them are dilemmas of conflict (Threat Dilemma, Rejection Dilemma, Positioning Dilemma, and Persuasion Dilemma) and the other two are the dilemmas of collaboration (Co-operation Dilemma, Trust Dilemma). Hermawan and Kijima (2009) formulated each dilemma as follow:

Dilemma of Cooperation (CD):  $i$  faces dilemma of cooperation if there is a strategy  $x_i$  available for  $i$  such that  $(x_i, p_j^i)$  is more preferable to  $p^i = (p_i^i, p_j^i)$  for  $i$ , that is, if we have:  $(\exists x_i \in X_i)(x_i, p_j^i) \succ_i p^i$ . Dilemma of Trust

(TD):  $i$  faces dilemma of trust if there is a strategy  $x_j$  available for  $j$  such that  $(p_j^i, x_j)$  is more preferable to  $p^i = (p_i^i, p_j^i)$  for  $j$ , that is, if we have:

$(\exists x_j \in X_j)(p_j^i, x_j) \succ_i p^i$ . Dilemma of Threat (ThD):  $i$

faces dilemma of threat if there is a strategy  $x_i$  available for  $i$  such that  $(x_i, t_j)$  is more preferable to  $t$  for  $i$ , that is, if we have:  $(\exists x_i \in X_i)(x_i, t_j) \succ_i t$ . Dilemma of Rejection

(RD):  $i$  faces dilemma of rejection if  $p^j$  is more preferable to  $t$  for  $i$ , that is, if we have:  $(p^j \succ_i t)$ .

Dilemma of Positioning (PoD):  $i$  faces dilemma of positioning if  $p^j$  or  $t$  is more preferable to  $p^i$  for  $i$ , that is, if we have:  $(p^j \succ_i p^i) \cup (t \succ_i p^i)$ . Dilemma of Persuasion

(PD):  $i$  faces dilemma of persuasion if  $t =$

$(t_i, t_j) \in X_i \times X_j$  is more preferable to  $p^i$  for  $j$ , that is, if we have:  $(t_j, p^j)$ .

## 3. Method

### 3.1 The Parties

This conflict involved multiple parties that explained on Table 1. The involved parties in the phase 1: T, SSS, C and LCC, involved parties in the phase 2: T, C, LCC, and in the phase 3, all of the parties involved.

**Table 1:** The Parties (stakeholders) in PT TX Bankruptcy Conflict

Parties	Description
PT TX	T Indonesia's largest mobile telecommunications company with over \$1 billion dollars of net assets, was declare bankrupt over a \$560,000 dispute over pre-paid phone cards in September 2012 ( <a href="http://www.iflr.com">http://www.iflr.com</a> , April 24 <sup>th</sup> 2013)
SSS	SSS A SIM card and voucher distributor of PT TX ( <a href="http://www.thejakartapost.com">www.thejakartapost.com</a> , February 16 <sup>th</sup> 2013)
Curator	C The party that has duty to verify every asset and supervised PT TX and to make sure the company really healthy financially (Simanjuntak, September 21 <sup>st</sup> 2012)
Local Commercial Court	LCC Central Jakarta Commercial Court that declared PT TX bankrupt for not repaying a IDR 5.3 billion debt to SSS Informatika ( <a href="http://www.thejakartapost.com">www.thejakartapost.com</a> , February 16 <sup>th</sup> 2013)
Supreme Court	SC The court that granted cassation application from PT TX on November 22 <sup>nd</sup> 2012 ( <a href="http://kompas.com">kompas.com</a> , February 16 <sup>th</sup> 2013)

### 3.2 Period

This study is a cross-sectional research. The data gathered from several eligible national newspapers, from period of August 3<sup>rd</sup> 2012 to October 16<sup>th</sup> 2013 and then divided into 3 phases:

Phase 1: The period when LCC declared the bankruptcy of PT TX until PT TX filed a cassation appeal to the SC

Phase 2: The period when PT TX and SSS refused to pay the Curator's fee

Phase 3: The period when SC gave sanction to LCC

### 3.3 Sources

We use several sources of information and applied four criterias for choosing them. The sources should be 1) an official news portals that are managed by legal and official organization; 2) have licensed activity in gathering news; 3) have the search news team (reporters) who are in charge of collecting the news directly to the field; and 4) popular in the Indonesian community.

### 3.4 Measure

To analyze the dilemmas, we used Confrontation Manager (CM) software. CM can certainly be used as a Conflict Management System (CMS) ([ideasscience.com](http://ideasscience.com)). The column of the matrix of Common Reference Frame represents positions that are offered by each stakeholder and threatened

future. The column under “L” shows the Local Commercial Court’s position, while under “t” represents the threatened future. Other columns illustrate other stakeholder’s positions. In position or the threatened future columns, a red or green square represents an option that is adopted by the respective stakeholder. Meanwhile, a blank square represents a position that is rejected by the respective stakeholder. A blue square means that option is kept open, not adopted or rejected by the stakeholders.

An arrow, in this frame, represents preference between a position and the threatened future. The direction of the arrow shows which is more preferable by the respective stakeholder. If the direction of that arrow is to threat, so the player prefer threat than player’s position. For example, PT TX prefer the threatened future to the SSS’s position, since the direction of the arrow in PT TX’s column goes to the threatened future’s. A question mark signifies that the respective option of one stakeholder’s position is doubted, at least, by one other stakeholder. For example, the Curator’s threat to seize PT TX’s asset is doubted by the PT TX. After analyzing each phase using confrontation manager, we then analyze PARTS for changing the game from one phase to another. There were some questions related with the PARTS model (Bradenburger and Nalebuff, 1996). We used PRS elements for the case of PT TX bankruptcy.

Player questions: did you prepare the list of the players completely? What are the opportunities in PT TX’ relationship with other players? Did PT TX change the cast of players? In particular, who were the new players that PT TX brought into the game? Who will stands to gain if PT TX become a player in a game? Who will stands to lose?  
Rules questions: what rules which helping PT TX? Which were hurting PT TX? Did PT TX has the power to make new rules? Did other players have the power to overturn them?  
Scope Questions: What is the current scope of the game? Does PT TX link the current game to other games? Does PT TX delink the current game to other games?

4. The Results

4.1 Phase 1

Three phases were analyzed in this conflict. Phase 1: The period when LCC declared the bankruptcy of PT TX until PT TX filed a cassation appeal to the SC. Common Reference Frame Phase 1 is describe on Figure 2 and the explanation of Dilemma and Compatibility Matrix Phase 1 is explained on Table 2.

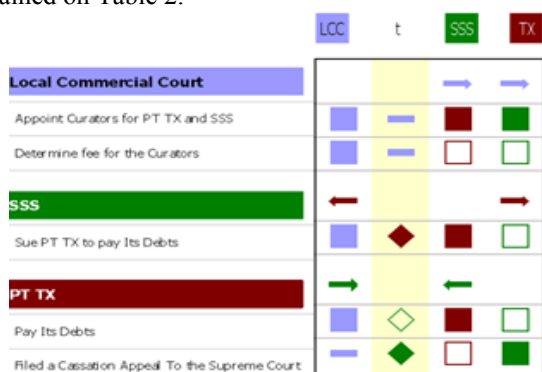


Figure 2: Common Reference Frame Phase 1

Table 2: Matrix of Dilemma and Compatibility Phase 1

	LCC	SSS	T
LCC		RD	RD,PD
SSS	RD		RD,PD

LCC faced rejection dilemma with respect to SSS and PT TX, because LCC’s position was not credible according to SSS and PT TX and both knew that LCC prefer their position than the threatened future. Under the threatened future that LCC might or might not appoint Curators for PT TX and SSS and PT TX would not pay its debts. To eliminate this dilemma, LCC adapted positive emotion by appointed Curators and ensuring that the Curators would not interfere the business of PT TX and SSS, confirmed by the chief of Curator statement that “Under bankruptcy laws, the defendant could continue its business” (Kompas.com, October 10<sup>th</sup> 2012) and at third quarter of 2012 financial report, PT TX generate income IDR 1,172 Trillion (Kompas.com, October 23<sup>rd</sup> 2012).

LCC had persuasion dilemma with respect to PT TX, LCC could not persuade PT TX to accept LCC’s position because PT TX prefer the threatened future that LCC might or might not be determine fee for the Curators. LCC adapted negative emotion by asserting that the payment would be charged to PT TX and SSS based on the percentage of assets not base on working hours. The decision was very detrimental to PT TX, because according to Ministerial Regulation of Law and Human Right the payment should be charged to the plaintiff (SSS) (Kompas.com, February 13<sup>th</sup> 2013).

SSS had rejection dilemma with respect to LCC and PT TX, because SSS’s position not credible according to LCC and PT TX and both parties knew that SSS prefer their’ position than the threatened future. Under the threatened future that LCC might or might not appoint Curators for PT TX and SSS, PT TX would not pay its debts and would filed a cassation appeal to the Supreme Court.

SSS had persuasion dilemma with respect to PT TX, SSS could not persuade PT TX to accept SSS’s position because PT TX prefer the threatened future that PT TX would filed a cassation appeal to The Supreme Court and PT TX would not pay its debts. PT TX, in fact, felt optimistic that their appeal will be granted (Kompas.com, October 9<sup>th</sup> 2012) and of course they refuse to pay the debts to SSS because they did not assume they owed anything. The termination of their relation with SSS was merely because the later party did not meet their obligations (Inilah.com, November 13<sup>th</sup> 2012).

The above common reference showed that PT TX potentially get a better scenario if they can get SC. In order to change the player, PT TX appeal for cassation to the SC. SC as the highest legitimate body for law and regulation in Indonesia. If PT TX succeeded in bringing the cassation into the game and can convince the SC to grant it, then they have great chance to win. LCC and SSS will becom the losing side. However, not only PT TX which can change the player, LCC can also change the game by bringing Curator as the new player, so in the next phase, the Curator’s role become more prominent in the conflict. The game dynamics from the phase one to phase two showed in Figure 3.

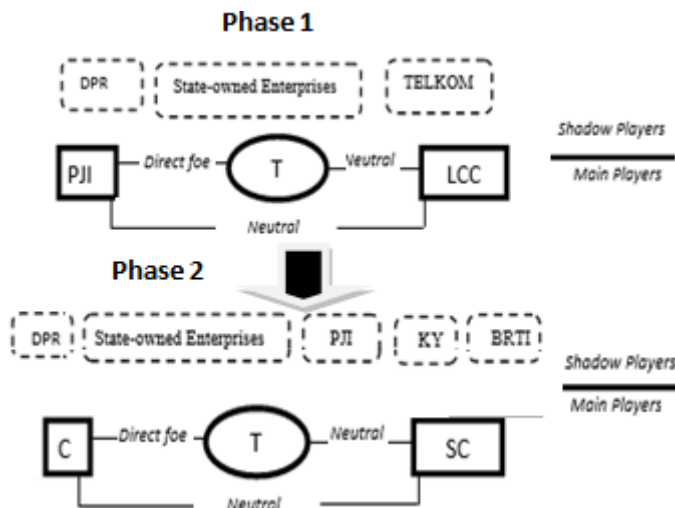


Figure 3: The Change Dynamic from Phase 1 to Phase 2

Phase 2: The period when PT TX and SSS refused to pay the Curator’s fee. Common Reference Frame Phase 2 described on Figure 4 and the Matrix of Dilemma and Compatibility Phase 2 explained on Table 3.

	C	t	SC	TX
Curator			→	→
Compromise Fee With PT TX and SSS	□	◇	□	□
Supreme Court	→			
Granted the appeal filed by PT TX	□	◇	■	■
PT TX	←			
With SSS pay The Curator’s Fee	□	◇	□	□
Reported The commercial Judges to be examined	←	◇	■	■

Figure 4: Common Reference Frame Phase 2

Table 3: Matrix of Dilemma and Compatibility Phase 2

	C	T	SC
C		ThD, RD	RD,PD
T	RD		

Curator had threat dilemma regarding PT TX, Curator’s threat was not credible according to PT TX, because PT TX knew that Curator prefers another scenario than the threat. Curator via LCC threatened to foreclose PT TX’s assets, if PT TX did not pay their fee (Kontan.com, February 15<sup>th</sup> 2012). Another scenario was back to the payment agreement, PT TX, in fact, brought the Curator’s fee issue to the Supreme Court (Merdeka.com, February 21<sup>st</sup> 2013). In this dilemma, Curator took the positive action when making statement that they would not foreclose PT TX’s assets yet (Kontan.com, February 18<sup>th</sup> 2013). The Curator will try to show the advantages for PT TX if they compromise to pay the fee. The Curator said that the fee from PT TX, should they receive it, will be donated to the orphanage (Kontan.com, February 18<sup>th</sup> 2013), which mean indirectly, PT TX was the one who donated it. This of course not successful either.

Curator had rejection dilemma regarding PT TX and SC, because Curator’s position was not credible according to PT TX and SC and both knew that Curator prefer their position than the threatened future. PT TX and SC share the same position that Curator will not demand the fee. If they continue to demand the payment, SC will continue the PT TX’s sue against the Curator which will cause more detrimental to the Curator (Kontan.com, February 21<sup>st</sup> 2013, Kompas.com, March 8<sup>th</sup> 2013). The action which the Curator likely to take was to fight back and ask for the reconsideration (PK) from SC (sindoweekly-magz.com, October 16<sup>th</sup> 2013) as showed on the phase 3.

Curator had persuasion dilemma regarding SC, Curator could not persuade SC to accept Curator’s position because SC prefer the threatened future that SC granted the appeal filed by PT TX. If the SC did not grant the PT TX demand, it will create bigger problems since there were so much pressure, like from the Indonesian Telecommunications Regulatory Body (BRTI) (Kompas.com, February 14<sup>th</sup> 2013), Indonesia House of Representative (DPR) (Investor Daily.com, March 6<sup>th</sup> 2013), and the State-owned Enterprises Minister (Dahlan Iskan) (Kontan.com, February 19<sup>th</sup> 2013). The Curator chose to be neutral, and did not do any defend.

PT TX had rejection dilemma regarding the Curator, because PT TX’s position was not credible according to Curator and Curator knew that PT TX prefer Curator’s position than the threatened future. Curator assumed that the LCC decision about the Curator’s fee was accordance to the regulations and PT TX can not evade it, the action for not paying will consider fruitless (Kontan.com, February 15<sup>th</sup> 2013). To deprive this dilemma, PT TX fought back by suing the Curator (Merdeka.com, February 21<sup>st</sup> 2013).

Rules questions: Which rules are helping PT TX? Which are hurting PT TX? Does PT TX has the power to make new rules? Do other players have the power to overturn them?

Scope Questions: What is the current scope of the game? Does PT TX link the current game to other games? Does PT TX delink the current game to other games?

PT TX effort in the phase 1 prove to be succesful. The involvement from SC into the game change the player in phase 2. SSS did not actively take action and rely more on the Curator’s role. LCC also not actively take action because of their weak position when confronting with the SC. PT TX also make efforts to get them out of the game because it is favorable. The regulation which favor PT TX is the defend (protection) from the SC which stated that there must be a new regulation which can be used to deal with the Curator’s payment lawsuit. PT TX choose to get out of the game because they can’t create the rules which favor to them. PT TX decided to delink the phase 2 from the phase 1 in order to strengthen their position, so the player in the next phase only consist of SC and the Curator. The game dynamics from phase 2 to phase 3 showed on Figure 5.

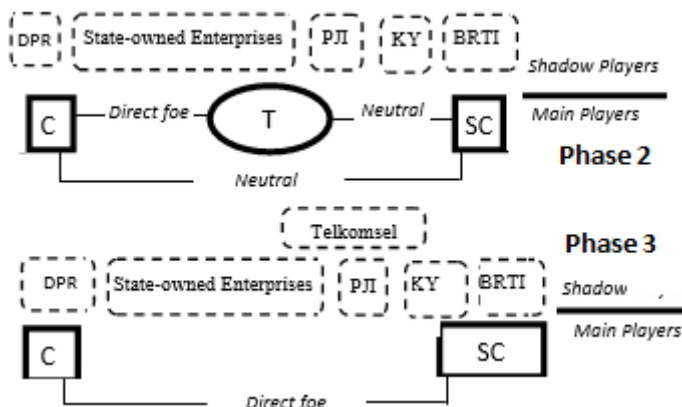


Figure 5: The Change Dynamic from Phase 2 to Phase 3

4.3 Phase 3

Phase 3: The period when SC gave sanction to LCC. Common Reference Frame Phase 3 described is in Figure 6 and the explanation Dilemma and Compatibility Matrix Phase 3 is explained in Table 4.

	C	t	SC
Curator			
Against Supreme Court Decision	Blue square	Blue dash	Red square
Supreme Court			
Give Sanction To The LCC Judges	Blue dash	Red diamond	Red square
Granted the Judicial Review by Curator	Blue dash	Red dash	Red square

Figure 6: Common Reference Frame Phase 3

Table 4: Matrix of Dilemma and Compatibility Phase 3

	C	SC
C		RD
SC	RD	

At phase 3, Curator had rejection dilemma regarding SC. Accordance with demand of DPR that KY and SC should check the judges of LCC and Curator (Kompas.com, March 8<sup>th</sup> 2013), SC proceed the cassation filed by PT TX and gave sanction (mutation) to the judge of LCC (Detikinet, April 15<sup>th</sup> 2013). The Curator reacted by filling a judicial review to SC (sindoweekly-magz.com, October 16<sup>th</sup> 2013). But after the decision stated that the SC rejected the proposed of Curator and that PT TX was free from any payment, Curator was trying to fight for their rights by asking some efforts. First, they request consideration of Supreme Court’ opinion regarding Law clause No.91 about bankruptcy. Second, filed a judicial review toward Ministerial Regulation of Law and Human Right No.1 2013 about Guideline of Remuneration for Curator and Administrator. Third, filed a complaint to Judicial Commission to investigate the judge of Supreme Court.

According to Teddy in sindoweekly-magz.com (October 16<sup>th</sup> 2013), judicial review could be submitted once as stipulated in the Law No 3 2009 about Supreme Court. Because, logically a judicial review is the latest breaker of a case in

order to achieve legal certainty. Therefore, if the judicial review does not reflect justice, it still refused to allow the second judicial review. PK must be received by the parties, because Supreme Court decision considered as representation of justice and law.

On the other hand, SC had rejection dilemma with respect to Curator, because its refusal to conduct the PK still doubted by the Curator. The reaction of SC was to argue with the Curator (hukumonline.com, April 19<sup>th</sup> 2013). According to SC, LCC neglect the Ministerial Regulation of Law and Human Right No. 1 2013 which mention that the curator’s fee should be paid in work hour basis and become the pleader’s responsibility (SSS), if the bankruptcy not occur. This because when the settlement in progress and the submission of the cost detail, it was already applied. SC reckoned that the four judges was not using their logic and conscience when they handle the case since they disregard the new regulation.

5. Discussion and Conclusions

The case showed us that two parties conflict expanded to include other parties. The business conflict between PT TX and SSS, brought other parties (LCC) when SSS filled a bankruptcy towards PT TX. The LCC’s decision to declare the bankruptcy resulting in PT TX cassation which involve SC. Filling a bankruptcy claim will bring up the role of other party that is the curator which require an amount of fees. The curator enter the conflict situation when these fee was not paid. So the two parties (PT TX and SSS) conflict ended up involving three other parties (LCC, SC, and Curator). The dynamics of the conflict occurs so quickly so did the parties involved and the available options.

The first phase of the conflict involving PT TX as the defendant with the SSS as the plaintiff. The second phase involving PT TX and the Curator, while SSS took a neutral position. The third part of the conflict implicate the Curator and the SC, while PT TX was under protection of the SC and the SSS gradually decrease their involvement in the conflict. As we can see from the above explanation, the first phase consist of six dilemmas, which then rduce to five dilemmas in second phase, and there were only two dilemmas left when the conflict reach the third phase. As well as the parties involve in the conflict and the option changed, the dilemmas also reduced. The dynamics of the conflict regarding the PT TX Bankruptcy show on Figure 5. When we look at the conflict we usually concern about the reason or the background of the conflict. The business disagreement between PT TX and SSS saw as the main cause to this conflict. It was not clear enough why the SSS suddenly file a claim against PT TX. When two organization conducting businesses together they choose to collaborate or to cooperate. Collaboration in such business usually have the agreement which govern how the interaction or the business of the two (or more) parties should conduct. In the case between PT TX and SSS, we assume they had an agreement. What we did not understand is were there enough articles which mention how the parties settle their problems regarding the collaboration. As we can see from the theory, conflict arouse when the parties involve feel that others try to diminize their benefit. As the negative thought risen, the

tension of the conflict increase as well. This phase of conflict is very crucial in determine whether the conflict intensity will become higher.

The negative feeling towards other should communicate wisely to avoid or minimize the conflict. When one party felt that the other was not meet their obligations, they should first seeks the information about why that happened. This can be done by contacting the person in charge of the collaboration. Business agreement should mention who is in charge and also their rights to conduct anything which seen as necessary to enhance the collaboration or to hinder the conflict potential. This person hold an important role in ensuring the effectiveness of the collaboration.

In PT TX and SSS conflict, it seems that there were no strict agreement which regulate how the parties resolve the disagreement. That's why SSS directly brought the matter into the law (LCC). The LCC as the authoritative body in settling legal issues in business should master the law and regulation side. Most importantly, they also should familiar with the problems. Hasty decision could only result in inappropriate decisions. To make the matter worst, the decision by the LCC could be seen as the guide for the future references. In this case, LCC should examine all evidents brought by both parties and also review the complete regulations aspect. They could not only hear one side of the story. The last important thing was that they also should see the case in a wise and logical perspective. How could the company who recorded the positive and huge profit may subject to bankruptcy? No wonder the decision rased so many questions.

On the other hand the bankruptcy decision against PT TX, indirectly, involving other parties, the Curator. The involvement of the curator led to the emergence of the curator's fee, which in this case LCC seemed forget to explain the detail to both parties. Another setback in a conflict management.

PT TX, felt treated injustice, seek refuge by filling a cassation to the SC. The SC, after reviewing the case decide that the bankruptcy decision was inappropriate and released PT TX from their obligation. In fact, SC also reviewed and sanction the judges involved in the decision. This decision release PT TX from their obligation including the payment for the Curator. We did not know whether the Curator also not having knowledge about the regulation or they just went to the bigger company to pursue the payment. As regulated, if the bankruptcy decision is revoked, then the fee become the responsibilities of the plaintiff (SSS). In this case we felt there were something behind it. Why the Curator did not ask the SSS to pay the fee, instead pursuing PT TX?

The involvement of SC in the case prove to be the important. The phase two of the conflict marked as the beginning of the SC involvement. As the highest law enforcement in Indonesia, SC decided that the bankruptcy decision was not based on solid ground. Also the process in which the case develop was not conduct in proper manner. SC overruled the LCC decision. The Curator, still seek some gain when this was announce. Once, they had power to impose PT TX to pay the fee. Realizing the SC decision will put them on

becoming aggrieved party they persuade PT TX that paying the fee would impact in their positive image. We saw the decrease in the demand of the Curator. In an negotiation situation we should prepare and prepared well. We can not just barge and demand other party to satisfy our need. In this case, the Curator should also knew the regulation thoroughly. If we only had pieces of information which is not complete, we should not act based on the incomplete information. The consequences will back fire, like in the Curator case. They tough they won the war, in fact they just lost it completely. Even if they still seek some resolution, PT TX will not pay the fee. What the Curator should do in the first place was to make sure the decision of the LCC based on the firm ground. They failed to do so. Second, the Curator should measure their position in the development of the case. You had to know when it was over, and decide it was over. Without anything left in their arsenal, the Curator still seek ways to ask the payment. This could make somebody lost face and diminishing their image. Nobody wants this to happened in their expense.

The appearance of the SC then reducing the tension, as showed by the number of the dilemmas face. When the SC conduct properly and base their decision on the law existed, then the conflicting parties had no alternatives except accepting the SC decision. Even if there are small disagreement, the SC decision hold high. The last two dilemmas consider the last resort of this conflict before the involed parties agreed to the SC solutions. As the highest authority in Indonesia Law, SC must show their neutrality regarding who's the party involved. Seeking opportunity for its own benefit will only lowering their image. Analyzing the case for the benefit of one party but not based on solid regulation and laws background will create new and bigger issues. When they analyze and decide the matter using strong legal basis, they will prevail.

We thought that this case was based on absurd ground. The profitable and ongoing business decided bankrupt base on the fact of the business agreement not fulfilled is not a strong case. Too much oddities in the PT TX Bankruptcy case, and surely this was a very good lesson for business entities to make sure that their collaboration should have a good and equal agreement. So the parties involved guaranteed that their rights and obligations adequately.

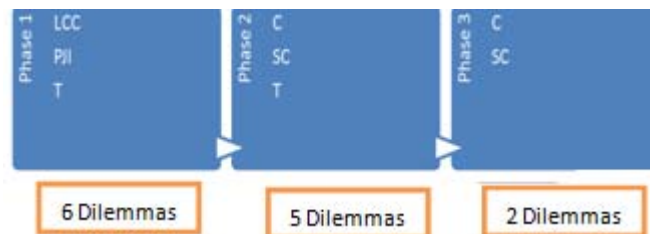


Figure 7: The Dynamic of PT TX Bankruptcy Conflict

There are 3 of 6 dilemmas that arise in the analysis of PT TX Bankrupt conflict, namely rejection dilemma, threat dilemma, and persuasion dilemma. The dilemmas are reduced from one phase to the next phase, and in the last phase remaining 2 dilemmas. Generally, the dilemmas are reduced because of the role of one player who has very high

legal authority and is not able to be reached by the other players.

This study has several limitations. First, only secondary data used obtainable from internet news, so the strength of the data determined by the validity of the sources used. Thus, data can be enriched by do triangulation to the parties involved. Second, there is also a need for improved measures of the study elements such as description of the bargaining zone and emotions that are not available in the secondary data taken. More elaborate measures of various aspects of game may also warrant future study. Third, we exclusively focused on Player, Rules and Scope in changing the game because added value and tactics dynamics had not been available on the news. Future research, however, might want to include other entry elements of PARTS. Finally, we focused on dilemma happened in the game by using drama theory I approach, analysis of the dilemma itself has been updated with the development of Drama Theory II. Drama theory II, consist 3 kinds of dilemma. Based on Levy and Howard (2009), the dilemmas are trust, rejection, and persuasion dilemmas. Therefore, another potentially important theoretical extension of the present study would be to investigate other approach.

Because of the limitations mentioned earlier, this is study is only a first step towards a more thorough understanding of how dilemma can be reduced/ eliminated in resolving PT TX bankruptcy conflict. Nevertheless, this study shows an important role of power in resolving conflict that had potential systemic to the country. This, once again prove that one of the method of resolving conflict was by the authoritative command. The only problem with this approach was when the highest power did not conduct properly or they did not decide the matter base on their own benefit. Despite these limitations, we hope the present findings provide a foundation for more rigorous research on drama theory approach and we hope this study serves as a stimulus for further research on this important topic.

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