

Kajian yuridis right issue I PT Ancora Indonesia Resources Tbk. sebagai bagian dari proses akuisisi internal

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Abstrak

Dalam rangka meningkatkan nilai perseroan, pada tahun 2008, PT Ancora Resources (dahulu PT TD Resources) membeli 40% saham PT MNK yang dimiliki oleh PT Ancora Mining Services. Untuk memperkuat struktur permodalan dalam pembiayaan pembelian 40% saham PT MNK tersebut dan untuk menambah modal kerja, maka pada bulan Oktober 2008, perseroan menawarkan right issue kepada para pemegang saham. Akan tetapi ternyata right issue tersebut menyisakan masalah. PT TD Resources Tbk dinilai telah melanggar Peraturan Bapepam No IX.E.1 tentang Benturan Kepentingan Transaksi Tertentu..Hal ini dikarenakan ada tujuh pihak terafiliasi dengan PT Ancora Resources, yang bukan pemegang saham independen, memberikan suaranya dalam RUPS PT TD Resources Tbk yang diadakan pada bulan September 2008. RUPS tersebut diselenggarakan untuk menyetujui right issue dan akuisisi yang dilakukan oleh PT TD Resources Tbk. Akibat adanya pelanggaran ini, penulis ingin mengetahui mekanisme right issue I yang seharusnya dilakukan oleh PT TD Resources Tbk.

.....In order to increase company's value, in 2008 PT TD Resources (formerly PT TD Resources Tbk.) bought 40% share of PT MNK which was previously owned by PT Ancora Mining Services. To strengthen the capital structure for buying 40% share of PT MNK and to increase working capital, in October 2008 the company offered a rights issue to shareholders. However, the right issue left problem. PT TD Resources Tbk. was founded violated Bapepam Rule No. IX.E.1. about Conflict of Interest on Certain Transactions. This was because there were seven affiliates of PT Ancora Resources, which was not independent shareholders, voted at PT TD Resources Tbk's General Meeting in September 2008. That general meeting was held to approve right issue and acquisition held by PT TD Resources Tbk. Because of this violation, the writer want to conduct research on right issue I mechanism that should be implemented by PT TD Resources Tbk.