

Perlindungan hukum bagi pemegang obligasi subordinasi dalam hal emiten bank dicabut izin usahanya : studi kasus putusan pengadilan tinggi nomor 213 /PDT/ 2013/ PT. DKI jo putusan Pengadilan Negeri Jakarta Pusat nomor 255/ PDT. G/ 2008/ PN. JKT. PST = The protection of bond subordinate holders in bank as bond issuer s permit were revoked : case study high court decision No 213/ PDT/2013/PT.DKI jo district court decision No 255/ PDT. G/ 2008 /PN. JKT. PST

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Abstrak

Skripsi ini membahas mengenai perlindungan hukum bagi pemegang obligasi dalam hal emiten dicabut izin usahanya. Pada skripsi ini akan dibahas mengenai dua hal. Pertama, pembahasan mengenai perlindungan hukum kepada pemegang obligasi subordinasi dalam hal emiten bank dicabut izin usahanya. Kedua, pembahasan mengenai pertanggungjawaban wali amanat dalam hal emiten bank penerbit obligasi dicabut izin usahanya. Pembahasan ini akan dilakukan berdasarkan teori dan peraturan perundang-undangan yang berlaku, serta kasus pengajuan gugatan ganti rugi terhadap PT. Bank Global Internasional Tbk., sebagai emiten yang terdapat dalam Putusan Pengadilan Tinggi Nomor 213/PDT/2013/PT.DKI jo. Putusan Pengadilan Negeri Jakarta Pusat Nomor 255/PDT.G/2008/PN.JKT.PST. Isu perlindungan pemegang obligasi subordinasi menjadi pusat perhatian bagi pemegang obligasi subordinasi dalam pencabutan izin usaha emiten. Aspek hukum perlindungan pemegang obligasi digolongkan menjadi tiga, yakni aspek hukum perlindungan pemegang obligasi subordinasi dalam proses likuidasi emiten, aspek hukum perlindungan pemegang obligasi subordinasi setelah emiten dilikuidasi, dan aspek hukum perlindungan melalui pengadilan.

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This thesis discusses about legal protection for the holders of bonds in terms of its business licence revoked issuers. This thesis focuses mainly on three issues. First, discussion of legal protection to holders of subordinated bonds in the event the issuer bank revoked permission for his efforts. Secondly, a discussion of trustee liability in terms of issuers of bonds issuing bank were revoked. This discussion will be conducted based on the theory and the applicable legislation, as well as cases of filing a lawsuit for damages against PT. Bank Global International Tbk., as issuers contained in High Court Decision Number 213/PDT/2013/PT.DKI jo. District Court Decision Number 255/PDT.G/2008/PN.JKT.PST. The issue of the protection of holders of subordinated bonds have become the center of attention for the holders of subordinated bonds in the revocation effort issuers. The legal aspects of the protection of the holders of the bonds are classified into three, namely, the legal aspects of the protection of holders of subordinated bonds in the process of liquidation of the issuer, the legal aspects of the protection of holders of subordinated bonds after issuers are liquidated, and legal aspects of protection through the courts.