

Peran dan tanggung jawab notaires pasar modal dalam penawaran umum terbatas (studi kasus: penawaran umum terbatas V PT X tahun 2008) = The Role and Responsibility of Capital Market On the Right Issue

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Abstrak

Notaris sebagai salah satu Profesi Penunjang Pasar Modal, bertanggung jawab dalam pembuatan akta RUPS sehubungan dengan Penawaran Umum Terbatas saham. Tanggung jawab secara normatif terdapat dalam peraturan Pasar Modal, dan Undang-Undang Jabatan Notaris, secara profesi terdapat dalam Undang-Undang Pasar Modal. Notaris juga ikut bertanggung jawab terhadap kepatuhan dan ketaatan emiten dalam rangka memenuhi ketentuan pasar modal yang berlaku. Penelitian ini mengenai pelanggaran yang dilakukan Notaris dalam hal memperhitungkan kuasa asing yang tidak disertai legalisasi Pejabat setempat dalam kuorum kehadiran RUPS. Metode yang dipakai dalam penelitian ini adalah penelitian secara normatif terhadap peraturan perundang-undangan yang mendasarinya, data lapangan sebagai pendukung. Pengolahan data dilakukan dengan menggunakan metode kualitatif dan analisa mendalam. Dari penelitian disimpulkan bahwa Peran dan tanggung jawab notaris mempunyai akibat terhadap akta. Surat kuasa asing dalam RUPS harus disertai legalisasi Pejabat setempat dan KBRI setempat.

<hr>As a profession which supports capital market activities, a notary is expected to be responsible for the drafting of deed on the resolutions of the general meeting of shareholders. It is a responsibility which is contained in the Capital Market regulations, Law on Notary Profession and the Code of Ethics of Notary Profession. In addition, a notary is also responsible for the issuers' compliance with and observance of regulations on capital market and for providing directions so that issuers comply with the regulations. This research seeks to identify serious problems in connection with the role of notary as a profession which supports capital market in carrying out the rights issue and notary's responsibility for each notarial deed a notary draws up for that purpose. It seeks to see possible legal impacts on the deed he draws up in case he has made a mistake during the drafting. The research method is the normative research conducted on the underlying laws and regulations and the research also uses field data from companies to support it. The research was about violation which has done by notary on contemplating foreign deeds which has not authorized by local public officer in general meeting of share holders. From this research can be concluded that foreign deeds in general meeting of shareholders must be authorized by local public officer and Indonesian Embassy.