

Perbandingan likuidasi bank sebelum dan sesudah berlakunya undang-undang nomor 24 tahun 2004 tentang lembaga penjamin simpanan

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Abstrak

Likuidasi bank adalah proses pembubaran yang diikuti pemberesan terhadap harta dan kewajiban bank yang izin usahanya telah dicabut. Ketika Undang-Undang Perbankan Nomor 7 Tahun 1992 berlaku likuidasi bank dilakukan oleh Menteri Keuangan, setelah berlakunya Undang-Undang Perbankan yang baru Nomor 10 Tahun 1998 kewenangan dipegang oleh Bank Indonesia. Kemudian terbentuklah Lembaga Penjamin Simpanan (LPS) melalui Undang-Undang Nomor 24 Tahun 2004 tentang Lembaga Penjamin Simpanan (Undang-Undang LPS).

Skripsi ini membahas mengenai perbedaan likuidasi bank yang diatur sebelum dan sesudah berlakunya Undang-Undang LPS. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan undang-undang. Penulis menggunakan bahan hukum primer, sekunder, maupun tersier, dengan menggunakan pendekatan kualitatif. Setelah Undang-Undang LPS berlaku, kewenangan untuk melakukan likuidasi terhadap bank yang dicabut izin usahanya dipegang oleh LPS.

Perbandingan likuidasi bank sebelum dan sesudah berlakunya Undang-Undang LPS dapat dilihat dari persamaan dan perbedaan likuidasi bank menurut Bank Indonesia dan LPS, yaitu peranan Tim Likuidasi, mekanisme likuidasi, pengawasan, perubahan kewenangan, campur tangan Rapat Umum Pemegang Saham (RUPS) dan Pengadilan, jangka waktu, dan program penjaminan.

.....Bank liquidation is a dissolution process followed by the resolution of asset and obligation from banks which business license have been revoked. When the Banking Act No.7 of 1992 was applied, the liquidation of banks was conducted by the Minister of Finance, after the legalization of the new Banking Act No. 10 of 1998, this authority now held by Bank Indonesia. Then Indonesian Deposits Insurance Corporation (IDIC) was form by the Act No. 24 of 2004 about IDIC (IDIC Act).

This thesis discusses the differences of bank liquidation that was arranged before and after the legalization of IDIC Act. This research used normative legal research method with legislation approach. The author uses primary, secondary, and tertiary legal materials using a qualitative approach. After IDIC Act was applied, the authority to conduct the liquidation of bank licenses that have been revoked is held by IDIC.

The comparison of bank liquidation before and after the legalization of IDIC Act can be seen from the similarities and differences of bank liquidation according to Bank of Indonesia and IDIC, which are the role of Liquidation Team, mechanism of liquidation, supervision, change of authority, the intervention from the General Meeting of Shareholders (GMS) and the court, the period, and the guarantee program.