

Hak preferen nasabah penyimpan dana dalam likuidasi bank = Depositor s preference right in bank liquidation

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Abstrak

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Nasabah penyimpan dana merupakan pihak yang dapat dirugikan manakala terjadinya likuidasi bank. Oleh karena itu, dalam melindungi dana simpanannya nasabah memiliki hak preferen dalam mendapatkan pembayaran atas dana simpanannya pada saat bank dilikuidasi. Pengaturan hak preferen ini terdapat dalam Undang-undang Lembaga Penjamin Simpanan dan peraturan lainnya yang mengatur mengenai dilaksanakannya likuidasi bank. Bentuk perlindungan tersebut diatur melalui program penjaminan. Akan tetapi dalam pelaksanaannya, hak preferen tidak dapat sepenuhnya diberikan kepada seluruh nasabah penyimpan dana pada saat bank dilikuidasi. Hal ini dapat menimbulkan asumsi yang berbeda atas kedudukan nasabah dalam memperoleh penjaminan atas dana simpanannya. Sesuai dengan permasalahan dan tujuan dari penelitian untuk menemukan pengaturan hukum dan pelaksanaan hak preferen bagi nasabah penyimpan dana pada saat bank dilikuidasi maka sifat penelitian ini adalah yuridis normatif dan mengacu kepada peraturan-peraturan yang tertulis maupun hukum positif serta didukung bahan hukum lain dan hasil wawancara dengan narasumber yang berkaitan dengan permasalahan. Metode yang digunakan adalah penelitian kualitatif tentang riset yang bersifat deskriptif dan cenderung menggunakan analisis dengan pendekatan induktif. Pelaksanaan hak preferen bagi nasabah penyimpan dana saat bank dilikuidasi diberikan kepada nasabah yang memperoleh kedudukan status layak bayar dan memenuhi kriteria yang ditentukan oleh Undang-undang Lembaga Penjamin Simpanan guna memperoleh pembayaran simpanannya.

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ABSTRACT

Depositors are the ones that can be harmed as incurred of banks liquidation. Therefore, to protect their deposits, customers have preference right to obtain payments of their deposits when the banks are liquidated. This preference right is contained in the regulation of the Deposit Insurance Corporation and the other regulations which governing the implementation of the liquidation of the bank. However, in the actual implementation, these preference right can not be fully given to all depositors when banks are liquidated. This can lead to different assumptions about the position of the customers in obtaining the guarantee of their deposits. In accordance with the problems and goals of research to find a legal setting and the implementation of preference right for depositors when banks are liquidated, then, the character of this research is a normative juridical research and refers to the written regulations or positive laws and also supported by other legal materials and interviews with sources related to the problem. While the method used is a qualitative research method about a descriptive research and tend to use inductive analytical approach. The implementation of preference right for depositors when banks are liquidated are given to customers who obtain the decent pay status position and meet the specified criteria by the Act of the Deposit Insurance Corporation to obtain their payment savings.;Depositors are the ones that can be harmed as incurred of banks liquidation. Therefore, to protect their deposits, customers have preference right to obtain

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