

Pembentukan balai harta peninggalan khusus pasar modal untuk
pengurusan aset terlantar unclaimed assets pada perusahaan efek = The
establishment of the association of unclaimed property in capital
markets for unclaimed assets in securities companies

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Abstrak

[ABSTRAK

Tesis ini membahas mengenai adanya aset terlantar (unclaimed assets) pada Perusahaan Efek yang menimbulkan kendala bagi Perusahaan Efek itu sendiri maupun Emiten baik dari segi biaya maupun kepastian hukum mengenai kepemilikan dari aset atau saham dalam Perusahaan Efek atau Emiten. Otoritas Jasa Keuangan maupun Self Regulatory Organisation lainnya sedang membahas mengenai cara penanganan aset terlantar (unclaimed assets) tersebut. Salah satu pemikiran untuk menangani aset terlantar (unclaimed assets) adalah dengan pembentukan Balai Harta Peninggalan khusus Pasar Modal. Yang menjadi landasan pemikiran untuk membentuk Balai Harta Peninggalan khusus Pasar Modal adalah berkaitan dengan tugas Balai Harta Peninggalan yaitu sebagai wakil dari Harta Peninggalan yang tak terurus (Pasal 1126-1129 KUHPERdata) serta pengurusan dan pengawasan atas kekayaan orang yang tidak hadir (Pasal 463, 464, dan 465 KUHPERdata serta Pasal 235 HIR). Akan tetapi Pembentukan Balai Harta Peninggalan khusus Pasar Modal ini masih terkendala, dikarenakan aturan yang sekarang untuk Balai Harta Peninggalan secara umumnya masih menggunakan KUHPERdata sehingga pemerintah perlu membuat peraturan mengenai Balai Harta Peninggalan khusus Pasar Modal. Berangkat dari adanya permasalahan tersebut, Otoritas Jasa Keuangan beserta unsur Self Regulatory Organisation lainnya dapat segera membentuk Balai Harta Peninggalan khusus Pasar Modal dengan adanya Undang-undang yang mengatur mengenai pembentukan badannya, aturan mengenai daluarsa kepemilikan atas aset terlantar (unclaimed assets), dan tata cara penitipan aset terlantar (unclaimed assets) tersebut.

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ABSTRACT

This thesis discusses the establishment of the Association of Unclaimed Property in Capital Markets for Asset Unclaimed Assets in securities companies, which creates constraints for securities companies itself or the issuer both in terms of costs as well as legal certainty on the ownership of the assets or stock in a company's Securities or issuers. Indonesia Financial Services Authority and other elements of the Self Regulatory Organisation are in discussions on the handling of unclaimed assets. One of the solution to handle unclaimed assets is with the

establishment of the Association of Unclaimed Property in Capital Markets. That rationale of the establishment of the Association of Unclaimed Property in Capital Markets is related to the duties of the Association of Unclaimed Property as a representative of the unmaintained heritage property (article 1126-1129 KUHPerdata) as well as the management of people's wealth who are not present (article 463,464, dan 465 KUHPerdata). However the establishment of the Association of Unclaimed Property in Capital Markets are still constrained, because the regulation for the Association of Unclaimed Property commonly use the KUHPerdata, thus the Government need to make new regulations for the Association of Unclaimed Property in Capital Markets in the form of Act of Association of Unclaimed Property. Based on the existence of these problems, the Indonesia Financial Services Authority, along with other elements of the Self Regulatory Organisation can immediately form an Association of Unclaimed Property in Capital Markets with the laws governing the formation of the entity, the rules regarding the expired date of ownership of unclaimed assets, and the storage of unclaimed assets.;

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