

Asas lex specialis dalam pembayaran kewajiban bank kepada para kreditur oleh lembaga penjamin simpanan = The principle of lex specialis in payment of obligations to the creditors by indonesia deposit insurance corporation

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Abstrak

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Tesis ini membahas mengenai penerapan atas penyelesaian kewajiban bank dalam likuidasi kepada para kreditur ditinjau dari Undang-Undang Republik Indonesia Nomor 24 Tahun 2004 tentang Lembaga Penjamin Simpanan. Penelitian ini adalah penelitian kualitatif dengan metode analisis yuridis normatif. Teori yang digunakan atas penerapan hukum tersebut didasari atas asas hukum lex specialis dimana terdapat antara dua atau beberapa aturan yang saling terkait dalam urutan proses penyelesaian kewajiban bank yang dilikuidasi kepada para kreditur dari hasil proses likuidasi. Sedangkan, analisa dalam penelitian ini dilakukan secara kualitatif dengan memilih pasal-pasal yang terdapat dalam Undang-Undang tentang Lembaga Penjamin Simpanan dan peraturan perundang-undangan terkait sesuai dengan ruang lingkup permasalahan penelitian ini kemudian melakukan penelusuran terhadap teori dan asas-asas hukum sehubungan dengan hal tersebut.

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ABSTRACT

This thesis focuses on the implementation of a bank in liquidation in a settlement obligation to the creditors viewed from the law of Republic Indonesia Number 24 year 2004 concerning Deposit Insurance Corporation. This research is normative juridicial research. The theory that is used for the rule of law is based on the principle of legal lex specialis where there be between two or several the rules of being intertwined in the process of resolving the bank being liquidated. The research is conducted on legal principles and legal synchronization. Whereas, analysis in this research is conducted in a qualitative by selecting articles in the law regarding deposit insurance corporation and prevailing laws, subsequently conducting research over legal theory and legal principle in relation to those matters.

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