

Tanggung jawab manajer investasi akibat pelanggaran hukum yang dilakukan oleh anggota direksi (studi kasus pencabutan izin PT Eurocapital Peregrine Securities) = The legal liability of investment manager due to tort committed by the member of board of directors (case study permit revoke of PT Eurocapital Peregrine Securities) / Famal

Famal, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20415333&lokasi=lokal>

Abstrak

[ABSTRAK

Tesis ini membahas mengenai pembebanan tanggung jawab hukum kepada Manajer Investasi akibat pelanggaran hukum yang dilakukan oleh Anggota Direksi sehingga menyebabkan Manajer Investasi tersebut dijatuhi sanksi administratif oleh Otoritas Jasa Keuangan. Dalam tesis ini akan menggunakan studi kasus pencabutan izin usaha Manajer Investasi PT. Eurocapital Peregrine Securities (PT EPS). Terdapat dua pertanyaan utama dalam tesis ini, yaitu mengenai kesesuaian putusan OJK mencabut izin PT EPS sebagai Manajer Investasi dengan peraturan di bidang pasar modal dan mengenai ketepatan putusan Lembaga Peradilan yang menyatakan pelanggaran Anggota Direksi PT EPS menjadi tanggung jawab pribadi Anggota Direksi dan bukan tanggung jawab Manajer Investasi. Tesis ini menggunakan metode penelitian hukum normatif untuk menunjukkan bahwa suatu Manajer Investasi dapat dibebankan tanggung jawab akibat pelanggaran yang dilakukan oleh Anggota Direksi menggunakan Teori Badan Hukum Sebagai Kenyataan Yuridis (juridische Realiteitsleer). Berdasarkan penelitian, ditemukan Putusan OJK yang mencabut izin PT EPS sebagai Manajer Investasi telah sesuai dengan peraturan di bidang pasar modal karena dalam UUPM pembebanan tanggung jawab atas pelanggaran yang dilakukan oleh Anggota Direksi Manajer Investasi merupakan beban Manajer Investasi. Sedangkan Putusan Lembaga Peradilan yang menyatakan pelanggaran Anggota Direksi PT EPS menjadi tanggung jawab pribadi Anggota Direksi sehingga menyatakan batal pencabutan izin usaha Manajer Investasi atas nama PT EPS adalah kurang tepat. Hal ini dapat karena PT EPS sendiri lemah dalam pengawasan kegiatannya. Namun, pembebanan tanggung jawab kepada Manajer Investasi bukan berarti membebaskan tanggung jawab Anggota Direksi atas pelanggaran yang dilakukannya. Anggota Direksi bertanggung jawab secara pribadi kepada Manajer Investasi yang telah dirugikannya.

<hr>

ABSTRACT

This thesis discusses about legal liability assessed to an Investment manager due to tort committed by its Member of Board of Directors, causing the Investment Manager administrative sanctions by the Financial Services Authority. This thesis

will use case studies permit revocation Investment Manager PT. Eurocapital Peregrine Securities (PT EPS). There are two main questions in this thesis, regarding the suitability of the FSA's decision to revoke permit PT EPS as Investment Manager with the capital market regulations and the suitability of the Institute of Justice ruling stating tort of the member of the Board of Directors (member of BOD) of PT EPS is the liability of the member of BOD in personal and not the liability of Investment Manager. This thesis using normative legal research methods to indicate that an Investment Manager can be charged with the liability for tort committed by the member of BOD using the Theory of Legal Entity In fact Juridical (Juridische Realiteitsleer). Based on the research, it was found that the FSA verdict revoked the licenses of PT EPS as Investment Manager in accordance with the regulations of the capital market since the imposition UUPM liability for tort committed by the member of BOD of the Investment Manager an Investment Manager burden. Meanwhile, the Institute of Justice ruling stating tort of member of BOD of PT EPS is the liability of the member of BOD to declare null and revocation of business licenses on behalf of the Investment Manager PT EPS is less precise. This could be because PT EPS themselves weak in monitoring activities. However, the imposition of liability to the Investment Manager not absolve the liability of member of BOD for his tort. The member of BOD is personally liable to the Investment Manager who has been harmed., This thesis discusses about legal liability assessed to an Investment manager due to tort committed by its Member of Board of Directors, causing the Investment Manager administrative sanctions by the Financial Services Authority. This thesis will use case studies permit revocation Investment Manager PT. Eurocapital Peregrine Securities (PT EPS). There are two main questions in this thesis, regarding the suitability of the FSA's decision to revoke permit PT EPS as Investment Manager with the capital market regulations and the suitability of the Institute of Justice ruling stating tort of the member of the Board of Directors (member of BOD) of PT EPS is the liability of the member of BOD in personal and not the liability of Investment Manager. This thesis using normative legal research methods to indicate that an Investment Manager can be charged with the liability for tort committed by the member of BOD using the Theory of Legal Entity In fact Juridical (Juridische Realiteitsleer). Based on the research, it was found that the FSA verdict revoked the licenses of PT EPS as Investment Manager in accordance with the regulations of the capital market since the imposition UUPM liability for tort committed by the member of BOD of the Investment Manager an Investment Manager burden. Meanwhile, the Institute of Justice ruling stating tort of member of BOD of PT EPS is the liability of the member of BOD to declare null and revocation of business licenses on behalf of the Investment Manager PT EPS is less precise. This could be because PT EPS themselves weak in monitoring activities. However, the imposition of liability to the Investment Manager not absolve the liability of member of BOD for his tort.

The member of BOD is personally liable to the Investment Manager who has been harmed.]