

Pembatasan hubungan kredit antara wali amanat dengan emiten sebagai bentuk perlindungan bagi pemegang obligasi (Studi kasus hubungan kredit pada PT. "X")

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Abstrak

[ABSTRAK

Wali Amanat adalah pihak yang ditunjuk oleh Undang-undang Nomor 8 Tahun 1995 Tentang Pasar Modal untuk mewakili kepentingan pemegang obligasi. Tugas Wali Amanat ini dapat terganggu apabila terjadi hubungan kredit antara Wali Amanat dengan Emiten dalam jumlah yang cukup besar sehingga dapat mempengaruhi fungsinya dalam melindungi kepentingan pemegang obligasi. Sebagai perlindungan hukum bagi pemegang obligasi, Badan Pengawas Pasar Modal dan Lembaga Keuangan menerbitkan Peraturan Nomor VI.C.3 yang membatasi hubungan kredit antara Wali Amanat dengan Emiten hingga 25% (dua puluh lima perseratus) dari jumlah Efek yang bersifat utang dan/atau Sukuk yang diwalianamati. Dengan demikian Wali Amanat yang mempunyai hubungan kredit melebihi 25 % (dua puluh lima perseratus) dari jumlah efek yang bersifat utang dan/atau sukuk yang diwalianamati wajib menunjuk wali amanat pengganti sebagaimana diatur dalam Perjanjian Perwalianamatan. Metode penelitian yang digunakan adalah metode kualitatif yang menghasilkan data bersifat deskriptif analitis dengan laporan yang menggambarkan (mendeskripsikan) fakta-fakta empiris dengan menggunakan analisa normatif sehingga fakta-fakta tersebut mempunyai makna dan kaitan dengan permasalahan yang diteliti secara rinci dan sistematis dan akhirnya didapatkan solusi hukum berdasarkan data yang diperoleh.

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ASBTRACT

Trustee is an institution appointed by Law number 8 Year 1995 of Capital Market to represents interest of bondholders. Task of Trustee may be interrupted in case of a credit relationship between Trustee and Issuer in large amount and enough to affect its function in protecting the interests of bondholders. As a legal protection for bondholders, the Capital Market and Financial Institutions Supervisory Agency issued Rule Number VI.C.3 to give limitation of credit relationship between Trustee and Issuer up to 25% (twenty five percent) of the amount of debt securities and/or Sukuk that being trusted. Therefore, trustee who has credit relationship more than 25 % (twenty five percent) of the amount of debt securities and/or sukuk that being trusted obligate to appoint substitution as a trustee according to Trusteeship Agreement. The method of research used in this research is a qualitative method that produces descriptive data analytical reports that describe empirical facts by using normative analysis so that those facts have meaning and connection with the issues studied in detail and systematically and finally obtained the legal solution based on the data obtained., Trustee is an institution appointed by Law number 8 Year 1995 of Capital Market to represents interest of bondholders. Task of Trustee may be interrupted in case of a credit relationship between Trustee and Issuer in large amount and enough to affect its function in protecting the interests of bondholders. As a legal protection for bondholders, the Capital Market and Financial Institutions Supervisory Agency issued Rule Number VI.C.3 to give limitation of credit relationship between Trustee and Issuer up to 25% (twenty five percent) of the amount of debt securities and/or Sukuk that being trusted. Therefore, trustee who has

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