

INTISARI

TINJAUAN TERHADAP TANGGUNG JAWAB HUKUM BANK JTRUST TERHADAP INVESTOR BANK CENTURY

Oleh:

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Penelitian ini bertujuan untuk mengetahui pelaksanaan akuisisi JTrust Co. Ltd., melalui Lembaga Penjamin Simpanan (LPS) dan tanggung jawab PT. JTrust Indonesia Tbk terhadap Investor Bank Century berdasarkan putusan-putusan pengadilan yang telah berkekuatan hukum tetap (*inkracht van gewijsde*) dan peraturan perundang-undangan yang berlaku.

Penelitian mengenai Tinjauan terhadap Tanggung Jawab Hukum Bank JTrust terhadap Investor Bank Century merupakan penelitian yuridis-normatif, yaitu penelitian yang didasarkan pada penelitian kepustakaan guna memperoleh data yang merangkum seluruh permasalahan terkait Bank Century, Bank Mutiara, dan Bank JTrust. Penelitian ini dilakukan di Surakarta, yaitu Pengadilan Negeri Surakarta.

Berdasarkan hasil penelitian yang telah dilakukan menunjukkan bahwa permasalahan mengenai pelaksanaan akuisisi atas saham Bank Mutiara oleh JTrust Co. Ltd. melalui Lembaga Penjamin Simpanan sudah merupakan tindakan yang tepat sebagaimana tertulis dalam pasal 39-pasal 42 Undang-Undang Nomor 24 Tahun 2004 tentang Lembaga Penjamin Simpanan dan pasal 42 Undang-Undang Nomor 21 Tahun 2011 tentang Otoritas Jasa Keuangan, namun tanggung jawab hukum Bank JTrust terhadap Para Nasabah Bank Century/Bank Mutiara dalam hal pengembalian dana atas produk reksa dana dari Bank Century belum terealisasi yang dimana hal tersebut telah disidangkan dalam beberapa rangkaian persidangan mulai dari sidang tingkat pertama (Pengadilan Negeri Surakarta), tingkat banding (Pengadilan Tinggi Semarang), tingkat kasasi (Mahkamah Agung), dan Upaya Hukum Luar Biasa berupa Peninjauan Kembali (Mahkamah Agung), serta telah dipertegas dengan penetapan-penetapan pengadilan yang telah dikeluarkan oleh Pengadilan terkait, bahwa akibat dari pengakuisisian ini, segala persoalan yang ada dalam objek akuisisi berpindah secara otomatis kepada pihak yang bersangkutan/yang mengakuisisi. Hal tersebut menyebabkan terjadinya ketidakpastian hukum kepada Para Investor karena kerugian yang dialami belum tergantikan, sehingga penulis melakukan penelitian guna mengisi kekosongan hukum atas putusan-putusan dan penetapan-penetapan pengadilan serta peraturan perundang-undangan di Indonesia.

Kata Kunci: Akuisisi, Ganti Rugi, Nasabah

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ABSTRACT

REVIEW OF LEGAL RESPONSIBILITY OF JTRUST BANK TOWARDS THE INVESTORS OF CENTURY BANK

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This study aims to find out the implementation of the acquisition of JTrust Co. Ltd., through Deposit Insurance Company (LPS) and the responsibility of PT. JTrust Indonesia Tbk towards Investors of Century Bank based on court decisions with permanent legal force (inkracht van gewijsde) and other applicable laws.

The study of Review of Jtrust Bank's Legal Responsibility Towards Investors of Century Bank is a juridical-normative study, namely a research based on a desktop study in order to obtain data which summarizes all problems related to Century Bank, Mutiara Bank, and JTrust Bank. This study was conducted in Surakarta, namely in Surakarta District Court.

Based on the conducted study, it indicates that the problems in the implementation of acquisition of shares of Mutiara Bank by JTrust Co. Ltd. through Deposit Insurance Company (LPS) has been already an appropriate action, as written in Article 39-Article 42 Law Number 24 of the Year 2004 regarding Deposit Insurance Company and Article 42 Law Number 21 of the year 2011 regarding Financial Services Authority, however, the legal responsibility of JTrust Bank towards the Customer of Century Bank/Mutiara Bank in regard to the refund Mutual fund products from Century Bank has not been realized, which it has been tried in several series of trials, starts from first-degree state court (Surakarta State Court), Court of Appeal (High Court of Semarang), Court of Cassation (Supreme Court), and Extraordinary Legal Remedy in form of Judicial Review (Supreme Court), and has been reinforced by court decisions by related Court, that as a result of this acquisition, all problems that contained in acquisition object, transferred automatically to the acquiring party. This caused the uncertainty of law to the Investors because of the loss that has not been paid, so the authors conducted this study in order to fill the legal vacuum of decisions and court judgments as well as legislation in Indonesia.

Keywords: Acquisition, Indemnity, Customers

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