

ABSTRAK

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TINJAUAN YURIDIS TERHADAP PENERAPAN PRINSIP KETERBUKAAN DI PASAR MODAL BAGI EMITEN PERBANKAN DAN TANGGUNG JAWAB NOTARIS PASAR MODAL DALAM PENAWARAN UMUM BERKELANJUTAN EMITEN PERBANKAN

(viii + 169 halaman)

Penawaran umum berkelanjutan merupakan salah satu cara emiten perbankan mendapatkan dana, baik untuk mengembangkan usaha maupun membayar utang. Oleh karena penawaran umum berkelanjutan melibatkan dana milik investor, maka investor harus mendapatkan gambaran jelas mengenai apa yang ditawarkan dalam penawaran umum berkelanjutan tersebut dan perlindungan dari kemungkinan terjadinya penipuan. Untuk itu, emiten perbankan wajib menerapkan prinsip keterbukaan, yang diantaranya terwujud melalui penerbitan prospektus dan laporan kepada otoritas, dengan tetap memperhatikan prinsip kerahasiaan dan kehati-hatian. Notaris, sebagai salah satu profesi penunjang di pasar modal tunduk pada UUPM yang mengedepankan prinsip keterbukaan, sedangkan di sisi lainnya, notaris terikat pada rahasia jabatan dan Kode Etik notaris, dimana notaris wajib merahasiakan segala sesuatu mengenai akta yang sedang dibuatnya dan segala keterangan yang diperoleh guna pembuatan akta sesuai dengan sumpah/janji jabatan, kecuali Undang-Undang menentukan lain.

Dalam penelitian ini, digunakan metode penelitian kepustakaan dan merupakan penelitian hukum normatif. Dari hasil penelitian tersebut, disimpulkan bahwa kewajiban emiten perbankan untuk menerapkan prinsip keterbukaan akan berlangsung terus menerus. Notaris pasar modal berperan penting di dalam penerapan prinsip keterbukaan, diantaranya membantu mempersiapkan dokumen pernyataan pendaftaran. Notaris pasar modal di dalam memberikan jasanya dalam penawaran umum berkelanjutan emiten perbankan wajib memperhatikan adanya prinsip rahasia bank dan prinsip "*full and fair disclosure*" di pasar modal.

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ABSTRACT

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JUDICIAL REVIEW OF IMPLEMENTATION OF DISCLOSURE PRINCIPLE IN THE CAPITAL MARKET FOR LISTED BANK AND RESPONSIBILITIES OF THE NOTARY IN THE SHELF OFFERING OF THE LISTED BANK

(viii + 169 pages)

Shelf offering is one of the ways for the listed bank to get funding, whether for the business development, as well as to pay the debt. Due to shelf offering involving investors' funds, the investors must obtain a clear picture of what is offered in the shelf offering and get protection from the possibility of fraud. Therefore, the listed bank required applying the principles of disclosure, which realized through the issuance of a prospectus and reports to the authorities, with due regard to banking secrecy and prudential banking principle. Notary, as one of the supporting professionals in the capital market is subject to the capital market regulation that promoting the principle of disclosure, while on the other hand, notary bound by his/her professional secrecy and Code of Ethic, where the notary must keep everything about the deed that is being made and any information obtained with regard to the deed in accordance with the oath/pledge of the notary, unless otherwise stipulated by the law.

This research, used methods of literature research and a normative legal research. From the results of this research, it was concluded that the obligation of listed bank to follow the principle of disclosure would apply continuously. Notary in capital market plays an important role in the application of the principle of disclosure, of which helped prepare document of the registration statement. Notary in capital markets in providing services in the shelf offering of the listed bank shall observe the principle of bank secrecy and the principle of "*full and fair disclosure*" in the capital markets.

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