

ABSTRACT

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JURIDICAL OVERVIEW ON THE LEGAL PROTECTION OF THIRD PARTIES WITH GOOD FAITH IN REPO SHARE TRANSACTIONS

(xii + 148 pages: 1 attachment)

Repurchase Agreement Transaction ("REPO Transaction") is a transaction in the capital market that has been widely developed in various countries where this transaction is a sale and purchase contract with a promise to buy back. The object of this transaction is securities, one of which is shares. In Indonesia, REPO Transactions are regulated in POJK Number 9/POJK.04/2015 concerning Guidelines for Repurchase Agreement Transactions for Financial Services Institutions (POJK REPO). With its nature that gives the right to repurchase, there are several problems that arise, including the transfer of shares to other parties and the responsibility of other parties with good intentions towards the return of shares of the REPO object. This study was conducted to determine the buyer's right to transfer and protection for other parties who buy shares of the REPO object. This research was conducted using a juridical-normative research method which will focus on the principles and concepts of the REPO Agreement. Judging from its nature, REPO Transactions can be said to have been regulated in Article 1519 of the Civil Code so that it focuses on buying and selling agreements which are identical to the transfer of property rights. This is also regulated in Article 3 paragraph (1) POJK REPO. On the other hand, third parties who purchase REPO is also a subject to another agreement. Article 1338 paragraph (3) stated that one of the principles of agreement is good faith. A third party who obtain REPO object in good faith as should receive legal protection based on Civil Code and Jurisprudence. Thus, the buyer has the right to transfer shares to other parties with the consent of the other party and third parties in good faith must be protected.

References : 72 (1979-2021)

Key Words : Repurchase Agreement, Good Faith, Shares