

ABSTRACT

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JURIDICAL ANALYSIS OF THE ENACTMENT OF WIRETAPPING TO PROVE INSIDER TRADING IN INDONESIA

(xii + 110 pages)

As the time has passed, so does the advance growth of technology that in general possess various positive impacts, such as in increasing work efficiency, and so forth. However, it is unfortunate that such growth is often used for wrong purposes, such as committing crimes to benefit oneself or to avoid loss. One form of crime with such sophistication is Insider Trading. Overall, the difficulty of proving and detecting insider trading is already well recognised by many. The crime can be carried out in such a way that it is very difficult to detect. In fact, up to the time when this research is written, there have been no insider trading cases in Indonesia that has been proven. In the United States, one of the biggest insider trading cases that has been successfully proven was done with a breakthrough method that is wiretapping. With the presence of wiretapping results, the perpetrators were proven to have convicted of insider trading and received the proper sanctions. In Indonesia, wiretapping have been used as a great assistance to investigate other crimes, such as human trafficking, crimes relating to narcotics, corruption cases, and so forth. For instance, wiretapping used to prove corruption cases in Indonesia that have been proven to be helpful and have ensnared several suspects. However it is very unfortunate that aside from various statements and opinions on how helpful it is to prove these advanced crimes, the method of wiretapping used to prove insider trading crimes have never been done in Indonesia. This study discusses how insider trading in the United States is tracked, what the sanctions are based on The Securities Exchange Act of 1934 and The Insider Trading Sanctions Act of 1984, an explanation on wiretapping in the United States and in Indonesia, and the admissibility of the results of wiretapping as evidence in the United States and in Indonesia. This study was written using normative legal research and qualitative data.

References : 67 (1934-2019)

Keywords : Wiretapping, Insider Trading, Capital Market