

ABSTRAK

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ANALISIS YURIDIS TERKAIT *BENEFICIAL OWNERSHIP* DAN *NOMINEE ARRANGEMENT* SERTA AKIBAT PEMBATALAN AKTA *NOMINEE ARRANGEMENT* TERHADAP PENYERTAAN MODAL PT PMA OLEH PUTUSAN PENGADILAN

(xiii + 101 halaman; 4 gambar; 1 tabel)

Pentingnya pengungkapan terhadap *beneficial owner* diakui pada mata dunia internasional terutama negara-negara yang berpartisipasi dalam *Group of 20 (G20)* termasuk Indonesia. Salah satu bentuk kesadaran pemerintah Indonesia terkait hal tersebut diwujudkan dalam Peraturan Presiden Nomor 13 Tahun 2018 tentang Penerapan Prinsip Mengenali Pemilik Manfaat dari Korporasi dalam Rangka Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Tindak Pidana Terorisme. Namun, pemahaman akan *beneficial ownership* secara sekilas tampak identik dengan *nominee arrangement*. Sehingga, diperlukan penelitian hukum untuk menganalisis apakah kewajiban pengungkapan *beneficial owner* diartikan sebagai pengakuan tidak langsung atas *nominee arrangement*. Selain itu, mengingat bahwa *nominee arrangement* secara hukum dilarang di Indonesia, maka akta *nominee arrangement* memiliki konsekuensi batal demi hukum dan resiko dibatalkan berdasarkan putusan pengadilan. Salah satu tujuan penelitian ini juga membahas akibat hukum pembatalan akta *nominee arrangement* tersebut terhadap penyertaan modal PT Penanaman Modal Asing (PMA).

Referensi: 28 (1986 – 2019)

Kata kunci: *Beneficial Owner*, *Nominee Arrangement*, Penyertaan Modal, PT PMA, Akta, Pembatalan

ABSTRACT

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JUDICIAL ANALYSIS ON BENEFICIAL OWNERSHIP AND NOMINEE ARRANGEMENT AND CONSEQUENCES OF NOMINEE ARRANGEMENT DEED ANNULMENT TO CAPITAL INVESTMENT IN FOREIGN INVESTMENT LIMITED LIABILITY BY COURT DECISION

(xiii + 101 pages; 4 images; 1 tables)

The importance of beneficial owner disclosure is recognized by the eyes of international community, especially countries who participate in the Group of 20 (G20) including Indonesia. One of the awareness forms of Indonesian government regarding this matter is manifested in Presidential Regulation Number 13 Year 2018 concerning the Application of Recognizing Beneficial Owner Principles of Corporation in the Framework of Prevention and Eradication of Criminal Act on Money Laundering and Criminal on Terrorism Funding. However, at a glance, beneficial ownership seems to be identical to nominee arrangement. Thus, legal research is needed to analyze whether the mandatory beneficial owner disclosure is interpreted as indirect recognition of nominee arrangement. Furthermore, given that nominee arrangement is prohibited in Indonesia therefore nominee arrangement deed has consequences to be void and risk to be annulled by a court decision. One of the objectives in this study is also to discuss the legal consequences of nominee arrangement deed annulment on the capital investment of foreign investment limited liability.

References: 28 (1986 - 2019)

Keywords: Beneficial Ownership, Nominee Arrangement, Capital Investment, Foreign Company, Deed, Annulment