

ABSTRAK

Silvana Mofaryani. 2022. Analisis Yuridis *Nominee Arrangement* Pada Perjanjian Jual Beli Saham Dalam Undang-Undang Nomor 25 Tahun 2007 Tentang Penanaman Modal (Studi Putusan Pengadilan Tinggi DKI Jakarta Nomor 375/Pdt/2018/PT.DKI). Tesis, Program Studi Hukum, Pascasarjana, Universitas Pelita Harapan.

Tujuan penelitian ini untuk menganalisa rumusan pasal 33 ayat 1 UU Penanaman Modal dikategorikan sebagai *nominee arrangement* dalam perjanjian jual beli saham dan akibat hukumnya. Penelitian ini adalah penelitian kualitatif dengan mengacu pada Putusan Pengadilan Tinggi DKI Jakarta Nomor 375/Pdt/2018/PT.DKI. Subjek penelitian adalah Putusan Pengadilan Tinggi DKI Jakarta Nomor 375/Pdt/2018/PT.DKI. Penelitian menggunakan data yang ada untuk dianalisa. Pengumpulan data dilakukan dengan wawancara dan studi kepustakaan. Hasil penelitian menunjukkan bahwa : 1. Peraturan hukum di Indonesia belum secara tegas memberikan konsekuensi hukum bagi pelaku *nominee arrangement* 2. Sesuai putusan hakim pada Putusan Pengadilan Tinggi DKI Jakarta Nomor 375/Pdt/2018/PT.DKI, perjanjian jual beli saham dinyatakan batal demi hukum. Dari hasil penelitian ini dapat disimpulkan bahwa praktek *nominee arrangement* dilarang di Indonesia.

Kata kunci : *nominee arrangement*, jual beli saham, penanaman modal asing



ABSTRACT

Silvana Mofaryani, 2022. Juridical Analysis of the Nominee Arrangement in the Sale and Purchase Agreement of Shares in Law Number 25 of 2007 concerning Investment (Study of DKI Jakarta High Court Decision Number 375/Pdt/2018/PT.DKI). Thesis, Legal Study, Postgraduate, Pelita Harapan University.

The purpose of this study is to analyze the formulation of Article 33 paragraph 1 of the Investment Law which is categorized as a nominee arrangement in a share purchase agreement and its legal consequences. This research is a qualitative research with reference to the Decision of the DKI Jakarta High Court Number 375/Pdt/2018/PT.DKI. The subject of the research is the Decision of the DKI Jakarta High Court Number 375/Pdt/2018/PT.DKI. Research uses existing data for analysis. Data collection was done by interview and literature study. The results of the study show that: 1. Indonesia Regulation have not explicitly provided legal consequences for the nominee arrangement actors., 2. According to the judge's decision in the Decision of the DKI Jakarta High Court Number 375/Pdt/2018/PT.DKI, the share purchase agreement was declared null and void. law. From the results of this study, it can be concluded that the practice of nominee arrangements is prohibited in Indonesia.

Keywords: nominee arrangement, sale and purchase of shares, foreign investment