DISERTASI

SEKURITISASI HAK KEKAYAAN INTELEKTUAL UNTUK PENERBITAN SUKUK

MAS RAHMAH

PROGRAM DOKTOR ILMU HUKUM
FAKULTAS HUKUM
UNIVERSITAS AIRLANGGA
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ABSTRACT

Intellectual Property (IP) securitization becomes prospective investment and financing instrument for raising instant cash or liquidity, accelerating distribution of income for society and providing alternative financial supports for developing creativity and productivity. It is realized that the application of IP securitization in Indonesia may spark some problems since it is a new legal institution which has not practiced and regulated yet under the Indonesian positive laws. Therefore, it is important to conduct research on IP securitization with the three main focuses on legal issues of: justification of IP for underlying asset of securitization; the principles of IP securitization and the Sukuk issuance under IP securitization. The purposes of this research include: analyzing the philosophical arguments on IP as underlying asset for securitization; formulating the principles of IP securitization and analyzing the possibility of Sukuk issuance under IP securitization. To achieve the above goals, this research has the conceptual, comparative and statute approaches. The results of this research reveal the philosophical basis for justifying intellectual property as underlying asset of securitization and the possibility of Sukuk issuance under IP securitization. In addition, this research does not only formulate the general principles (justice, legal certainty and utility) but also provides specific principles of IP securitization (true sale and bankruptcy remote) which may be recommended for formation of IP securitization regulation in Indonesia.

Key words: Intellectual Property, securitization, Sukuk, principles.