

ABSTRAK

Penelitian ini bertujuan untuk mengetahui, menganalisis, dan menjelaskan bentuk perlindungan hukum terhadap investor sebagai pemegang sub rekening efek di bank kustodian yang berkaitan dengan Reksa Dana Kontrak Investasi Kolektif. Berdasarkan Peraturan Nomor IV.B.1 lampiran Keputusan Ketua Bapepam-LK Nomor Kep-176/BL/2008, Reksa Dana Kontrak Investasi Kolektif adalah Reksa Dana yang dibentuk berdasarkan kontrak antara manajer investasi dan bank kustodian yang mengikat pemegang unit penyertaan di mana manajer investasi diberi wewenang untuk mengelola portofolio investasi kolektif dan bank kustodian diwajibkan untuk menyimpan unit penyertaan. Hasil penelitian menunjukkan bahwa ada dua bentuk perlindungan terhadap investor di bank kustodian : perlindungan hukum preventif dan perlindungan hukum represif. Ada tiga bentuk perlindungan hukum preventif, yang pertama adalah pemisahan asset antara investor dan perusahaan efek. Kedua, pemberian ganti kerugian kepada investor, dan penggunaan Single Investor Identity (SID). Selain itu bank kustodian juga dapat dikenakan sanksi pidana dan administratif sebagai bentuk perlindungan hukum represif.

Kata kunci: Pemegang sub rekening, Perlindungan Hukum, dan Bank Kustodian

ABSTRACT

This study aims to determine, analyze, and explain the form of legal protection against investor as sub account holder in custodian bank related to Mutual Funds In The Form of Collective Investment Contract. Based on rule No. IV.B.1 attachment to Decision of the Chairman of Bapepam-LK No. Kep-176/BL/2008, Mutual Funds In The Form Of Collective Investment Contract is a mutual fund established under the contract between investment managers and custodian banks binding unitholders where the investment manager is authorized to manage the portfolio of a collective investment and custodian bank is obliged to keep the effect or property investment unit of the account holder and the process off rights shift of the effects they have. The result of the study indicated that there are two forms of protection against investor in custodian bank: preventive legal protection and repressive legal protection. There are three forms of preventive legal protection, the first is assets separation between investor and the securities company. Second, giving compensation to investors, and Single Investor Identity (SID) implementation. In addition custodian bank may also be liable to criminal and administrative sanctions as form of repressive legal protection.

Keywords: Sub account holder, Legal Protection, Custodian Bank