

SUMMARY

Anisa Maulida Prisani. Business Economic Law, Faculty of Law, University of Brawijaya, August 2014. Urgency of Bankruptcy Statement Authority Transfer For Bank From Bank of Indonesia to Financial Services Authority. Siti Hamidah, SH, MM, Djumikasih SH, M.H.

At the report the writer discussed about the control transfer for bank from Bank of Indonesia to the Financial Services Authority. The bank control initially done by BI since 31 December 2013 has been transferred to OJK. Related with the bank bankruptcy, BI has authority as the petitioner of the bankruptcy statement for bank. It is because BI knows the financial condition and banking condition in whole. With the control transfer from BI to OJK then the bankruptcy statement proposal for bank should be transferred to the OJK.

Based on the matters above, the report studied (1) what is the urgency of the authority transfer of bankruptcy statement from Bank of Indonesia to the Financial Services Authority? (2) how the appropriate regulation relate with the Financial Services Authority in the bankruptcy statement proposal for bank?

Then the report used normative juridical with legislation and concept approach. The legal materials of primary, secondary and tertiary will be analyzed by using grammatical and systematic analysis.

The results showed the immediate transfer of bankruptcy statement proposal from BI to OJK so created legal certainty and provide justice for the bank debtor. Not only the transfer create the legal vacuum in the bankruptcy statement proposal. The stipulation about banking should provide legal certainty especially with the existence of free trading. So substantially it needs revision to the stipulation of article 2 section (3) Law of Bankruptcy and adds stipulation about the bankruptcy statement proposal for bank in the Law of OJK. Procedurally, the coordination between OJK and BI is needed in determining the bank status that can be proposed for the bankruptcy statement, that is bank without systemic impact.

Keywords : Bankruptcy for bank, Bank Indonesia, Otoritas Jasa keuangan