

ABSTRAK

Kurangnya informasi dan edukasi masyarakat terhadap perdagangan berjangka komoditi dan oknum-oknum di Pialang Berjangka yang bertindak tidak sesuai dengan peraturan perdagangan berjangka komoditi membuat banyaknya pengaduan nasabah yang diterima oleh Bappebti sehingga stigma negatif terhadap Perdagangan berjangka komoditi di Indonesia masih lazim berkembang di masyarakat.

Tesis ini berjudul "Beberapa Masalah dan Penyelesaian Yang Timbul Dalam Perdagangan Berjangka Komoditi (Studi Kasus Fabian Buddy Pascoal Melawan PT Midtou Aryacom Futures" yang membahas tentang masalah-masalah dan penyelesaian perselisihan nasabah dalam perdagangan berjangka komoditi di Indonesia.

Penelitian ini menggunakan metode penelitian yuridis empiris, yaitu penelitian hukum terkait implementasi peraturan dan ketentuan hukum normatif yang memfokuskan objek kajian pada perilaku masyarakat dan peristiwa hukum tertentu yang terjadi dalam masyarakat dengan studi kasus Putusan PN Fabian Buddy Pascoal melawan PT Midtou Aryacom Futures.

Dalam kasus Fabian Buddy Pascoal melawan PT Midtou Aryacom Futures, masalah-masalah yang terjadi adalah KYC penerimaan amanat nasabah yang tidak memenuhi ketentuan yang telah diatur di dalam peraturan Perdagangan Berjangka Komoditi dan oknum dari pihak Pialang Berjangka memberikan informasi yang menyesatkan, menjanjikan keuntungan diluar kewajaran, dan mengarahkan nasabah untuk membiarkan transaksi dijalankan oleh oknum Pialang Berjangka tanpa perintah tertulis dari Nasabah untuk setiap kali transaksi. Putusan kasus Fabian Buddy Pascoal melawan PT Midtou Aryacom Futures adalah NO karena gugatan prematur dimana penyelesaian perselisihan nasabah seharusnya diawali dengan laporan pengaduan di Bappebti, musyawarah mufakat di Pialang Berjangka, mediasi di Bursa Berjangka, dan berakhir di Bakti/PN sesuai upaya hukum yang dipilih di dalam Perjanjian Amanat Nasabah.

Hendaknya calon nasabah memahami dengan benar terkait Trading Rules dan sistem serta mekanisme transaksi di perdagangan berjangka komoditi serta Direktur Kepatuhan pada Pialang Berjangka yang harus cermat dalam mengawasi dengan benar kinerja tenaga yang diberdayakan Pialang Berjangka dan Wakil Pialang Berjangka sebagai representatif perusahaan Pialang Berjangka.

Kata Kunci: *Masalah. Penyelesaian Perselisihan. Perdagangan Berjangka Komoditi.*

ABSTRACT

The lack of information and public education on commodity futures trading and individuals in Futures Brokers who act inconsistently with commodity futures trading regulations have resulted in many customer complaints being received by COFTRA so that negative stigma against commodity futures trading in Indonesia is still prevalent in the community.

This thesis is entitled "Some Matters and Resolution That Arise In Commodity Futures Trading (Case Study of Fabian Buddy Pascoal Against PT Midtou Aryacom Futures)" which discusses the problems and settlement of customer disputes in commodity futures trading in Indonesia.

This study uses empirical juridical research methods, namely legal research related to the implementation of normative legal regulations and provisions that focus on the object of study on community behavior and certain legal events that occur in society with a case study of the District Court Decision, Fabian Buddy Pascoal against PT Midtou Aryacom Futures.

In the case of Fabian Buddy Pascoal against PT Midtou Aryacom Futures, the problems that occurred were that KYC received customer orders that did not meet the provisions stipulated in the Commodity Futures Trading regulations and individuals from the Futures Broker provided misleading information, promised unreasonable profits, and directing the customer to allow the transaction to be carried out by the Futures Broker without a written order from the Customer for each transaction.

The verdict in the Fabian Buddy Pascoal case against PT Midtou Aryacom Futures is a decision that contains a formal flaw due to a premature lawsuit where the settlement of customer disputes should begin with a complaint report at COFTRA, deliberation for consensus at Futures Brokers, mediation at the Futures Exchange, and ends at Bakti/District Court according to the legal remedies chosen in the Customer Mandate Agreement.

Prospective customers should properly understand the Trading Rules and the system and transaction mechanism in commodity futures trading as well as the Compliance Director at Futures Brokers who must be careful in properly monitoring the performance of the person empowered by Futures Brokers and Futures Broker Representatives as representatives of Futures Brokerage companies.

Keyword: *Matters. Dispute Resolution. Commodity Futures Trading.*