

Abstract

The Bill of Exchange is a special characteristic contract because there are various parties according to the bill transferring, which make the drawee and the drawer do not realize the number of related parties until the Bill of Exchange was presented for acceptance or payment to the drawee or the acceptor. When the holder present Bill of Exchange to the drawee for acceptance or payment within the limit specified by law. If the drawee or the acceptor has been refused to acceptance, the bill of exchange is dishonor. Under Section 960, the holder has to protest for dishonor of the bill within the limited of the time. If the holder default to protest within the limited of the time, the holder lose his right of recourse against the indorser, against the drawer, and against the other parties liable, with exception of acceptor (if any).

Regarding to the protest for non- acceptance of the Bill of Exchange, under Section 960 of the Civil and Commercial Code prescribed the holder shall made the protest within the limit of time fixed for presentment for acceptance or within the three following days. Protest for non-acceptance must be made within the limit of time fixed for presentment for acceptance or within three following days from the specify date of presentment. Once considerate Section 929, the holder has a right to present the bill of exchange to the drawee for acceptance if it has not been accepted within twenty four hours, the holder has a right to protest it. In case making protest when the drawee does not accept the bill of exchange in the time limit, it is an important matter to the holder and also impact to the other parties. Therefore, to make it clearly, the author has research the legal problem on making protest under Section 929 and Section 960 including analyze on right and duty of the holder to make protest for non-acceptance of Bill of Exchange which shall be conclude as follow:-

1. Right and duty of the holder who make the protest for non-acceptance of the bill of exchange under Section 929 and Section 960 of the Civil and Commercial Code are as follow;

1.1 In case of the holder present the bill to the drawee for acceptance on the last day before maturity.

1.2 In case of the holder present the bill to the drawee for acceptance on the last day within the limit of time fixed for presentment for acceptance.

2. The problem on the protesting period in case of the drawee may demand that bill shall be a second time presented on the day after the first presentment are as follow;

2.1 In the case of the drawee or the indorser does not stipulate that the bill of exchange shall be present for acceptance.

2.2 In the case of the drawee or the indorser stipulate that the holder shall present the bill of exchange to the drawee for acceptance but does not stipulate a limit of time.

2.3 In the case of the drawee or the indorser stipulate the limit of time that the holder shall presented the bill of exchange for acceptance.

2.4 In case of the Bill of Exchange payable at the end of a period after sight.

By this thesis, the author has research and analyzes the legal problem relating to Protest for non-acceptance of the bill of exchange. Under the Civil and Commercial Code by comparing with the law of England, United State of America, Common law system, and the law of France, German, Civil law system, including the provision of Hague Convention, Geneva Convention and Vienna Convention. The author prepares the solution of aforesaid problems.