

**PENERAPAN PRINSIP *BUSINESS JUDGMENT RULE* TERHADAP
PERTANGGUNGJAWABAN DIREKSI BUMN (Tbk.) ATAS POTENSI
KERUGIAN YANG TIMBUL DALAM PELAKSANAAN PENUGASAN
PEMERINTAH MELALUI PERATURAN MENTERI ESDM NOMOR 8
TAHUN 2020 (Studi Kasus PT Perusahaan Gas Negara Tbk.)**

INTISARI

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Penulisan hukum ini dibuat untuk mengetahui dampak dari penugasan pemerintah terkait penetapan harga gas USD 6/MMBTU melalui Peraturan Menteri Nomor 8 Tahun 2020 terhadap PT Perusahaan Gas Negara Tbk selaku BUMN penerima penugasan. Selain itu, penelitian ini juga bertujuan untuk mengetahui penerapan *Business Judgment Rules* (BJR) sebagai patokan bagi direksi PT Perusahaan Gas Negara Tbk. dalam melaksanakan penugasan pemerintah.

Metode penelitian yang digunakan adalah Empiris Yuridis, yaitu penelitian deskriptif yang meneliti kejadian nyata di lapangan, kemudian dikaji dengan bahan hukum normatif. Penelitian lapangan dilaksanakan di PT Perusahaan Gas Negara Tbk. dan kajian pustaka dilakukan dengan meneliti Permen ESDM No. 8 Tahun 2020 tentang Tata Cara Penetapan Pengguna dan Harga Gas Bumi Tertentu di Bidang Industri dan peraturan perundang-undangan terkait penerapan prinsip BJR.

Penelitian ini menyimpulkan bahwa penetapan harga gas USD 6/MMBTU untuk industri tertentu berpotensi untuk menimbulkan kerugian. Namun, direksi selaku organ pengurus perseroan tetap harus memperhatikan rambu-rambu dalam prinsip BJR sebagai patokan untuk meminimalisir kerugian pelaksanaan penugasan pemerintah.

Kata Kunci: *Business Judgement Rule*, Direksi, Penugasan Pemerintah

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***THE APPLICATION OF THE BUSINESS JUDGMENT RULE ON THE
RESPONSIBILITY OF THE BOARD OF DIRECTORS OF SOEs (Tbk.) FOR
POTENTIAL LOSS ARISING IN THE IMPLEMENTATION OF
GOVERNMENT ASSIGNMENTS THROUGH THE REGULATION OF THE
MINISTER OF ESDM NUMBER 8 YEAR 2020 (Case Study) PT Perusahaan Gas
Negara Tbk.)***

ABSTRACT

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This legal writing was made to find out the impact of the government assignment regarding the gas price fixing for USD 6/MMBTU through Ministerial Regulation No. 8 of 2020 on PT Perusahaan Gas Negara Tbk. as the SOE receiving the assignment. In addition, this study also aims to determine the application of the Business Judgement Rules (BJR) principle as a benchmark for the directives of PT Perusahaan Gas Negara Tbk in carrying out the government assignment.

The research method used is Juridical Empirical, namely descriptive research that examines real events in the field, then reviewed with normative legal materials. The field research was carried out at PT Perusahaan Gas Negara Tbk. and literature review is done by examining the Minister of Energy and Mineral Resources No. 8 of 2020 concerning Procedures for Determining Certain Natural Gas Users and Prices in the Industrial Sector and laws and regulations related to the application of BJR principles.

This study concluded that the gas pricing of USD 6/MMBTU for certain industries may lead to losses. However, as a member of the company's management, you must still pay attention to the signs in the BJR principle as a benchmark to minimize losses in the implementation of government assignments.

Keywords: Business Judgment Rule, Directors, Government Assignment

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