

**IMPLIKASI KETIADAAN PENGATURAN MASA JABATAN DIREKSI
DALAM ANGGARAN DASAR TERHADAP PENGAJUAN KREDIT
OLEH PERSEROAN TERBATAS (STUDI PERBANDINGAN
BANK Y DAN BANK Z DI KOTA BONTANG)**

Oleh:

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis dasar pertimbangan bank dalam menerima atau menolak pengajuan kredit Perseroan Terbatas yang anggaran dasarnya tidak mengatur masa jabatan direksi, serta memberikan gambaran terhadap potensi permasalahan hukum yang dapat timbul di kemudian hari dalam hal bank menerima pengajuan kredit tersebut.

Penelitian ini menggunakan metode hukum normatif dan empiris yang bersifat deskriptif. Data dalam penelitian ini terdiri dari data primer yang diperoleh melalui wawancara, dan data sekunder yang diperoleh melalui studi kepustakaan. Data tersebut dianalisis secara kualitatif.

Hasil penelitian menunjukkan Bank Y menerima permohonan kredit PT X karena persyaratan administratif telah terpenuhi dan anggaran dasar PT X telah memperoleh pengesahan dari Kementerian Hukum dan HAM. Sebaliknya, Bank Z menolak karena menilai ketiadaan pengaturan masa jabatan direksi sebagai risiko hukum. Kondisi ini memunculkan implikasi yang turut menimbulkan potensi permasalahan hukum bagi bank, PT X, dan notaris, di antaranya termasuk adanya risiko hukum, risiko kepatuhan, konflik internal, kemungkinan gugatan pihak ketiga, serta tuntutan pertanggungjawaban terhadap notaris.

Kata Kunci: Anggaran Dasar PT, Masa Jabatan Direksi, Kredit, Potensi Permasalahan Hukum

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**IMPLICATIONS OF THE ABSENCE OF PROVISIONS ON TERM
OF OFFICE FOR THE DIRECTORS IN THE ARTICLES OF LIMITED
LIABILITY COMPANY ON CREDIT APPLICATIONS BY LIMITED
LIABILITY COMPANIES (A COMPARATIVE STUDY OF
BANK Y AND BANK Z IN BONTANG CITY)**

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ABSTRACT

This study aims to identify and analyze the basis for banks' considerations in accepting or rejecting loan applications from Limited Liability Companies whose articles of association do not regulate the term of office of directors, and to provide an overview of potential legal issues that may arise in the future if the bank accepts the application.

This research uses descriptive normative and empirical legal methods. The data in this study consist of primary data obtained through interviews and secondary data obtained through literature review. These data were analyzed qualitatively.

The results indicate that Bank Y accepted PT X's loan application because the administrative requirements had been met and the articles of association had been approved by the Ministry of Law and Human Rights. In contrast, Bank Z rejected the proposal, considering the lack of regulation on board member terms to be a legal risk. This situation has implications that could lead to potential legal issues for the bank, PT X, and the notary, including legal risks, compliance risks, internal conflicts, potential third-party lawsuits, and liability claims against the notary.

Keywords: Limited Liability Company's Articles of Association, Term of Office of Directors, Credit

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