

**BUSINESS JUDGMENT RULE IMPLEMENTATION OF DIRECTORS
RESPONSIBILITY IN BANK LIMITED INCORPORATED UNDER THE LAWS
COMPANY BASED LAW NO. 40 YEAR 2007 REGARDING
THE COMPANY LIMITED**

**PENERAPAN BUSINESS JUDGEMENT RULE DALAM
PERTANGGUNGJAWABAN DIREKSI BANK YANG BERBADAN HUKUM
PERSEROAN TERBATAS BERDASARKAN UNDANG-UNDANG
NO. 40 TAHUN 2007 TENTANG PERSEROAN TERBATAS**

ABSTRACT

Denny Adrianus¹ Paripurna²

Business Principles Judgement Rule is a principle that comes from America and has now started to be applied in the Company Law. One article related principles Judgement Rule Business this is Article 97 of Company Law. Company Law has stipulated that members of the Board of Directors can not be sued personally accountable if they meet the requirements as specified in Article 97 paragraph (5). legal protection to the Directors who perform duties that are fiduciary duty has been accommodated. But on the other hand, the Directors was also still bears personal responsibility when a violation of the principles contained in the standards of fiduciary duty.

Identification of problems in this research concerning the application of business judgment rule restrictions in the management of the Limited Liability Company by the Directors and the correlation of the existence and implementation of the principle of Business Judgement Rule is associated with other chapters in the Company Law.

The research method based on normative juridical, ie research that focuses on secondary data research on legal and non legal data, a literature review. The results showed that the root or basis of the principles of the Business Judgement Rule is the decision in good faith. If the decision turns out wrong and cause harm to another party, then the decision maker must not be blamed. Based on this, still found that there are several shortcomings and weaknesses that led to the principle of Business Judgement Rule can not be executed and implemented well, as contained in article 97 paragraph (5) the Company Law. The connection of the implementation of the principle of Business Judgement Rule in Company Law with other articles contained in Article 69 paragraph (4), Article 104 Paragraph (4) and subsection 117 (2). The principle of fiduciary duty and business principles judgment rule are the two principles are complementary. Adoption in the bank business refers to the applicable laws related, and the predominance of Law Number 40 of a limited liability company of Article 97 paragraph (5) has adopted the principle of business judgment rule. Company Law has stipulated that members of the Board of Directors can not be sued personally accountable if they meet the requirements as specified in Article 97 paragraph (5).

Key Words : *Corporation, Banking, Business Judgement Rule*

¹ Advocat

² Fakultas Hukum Universitas Gadjahmada, Jakarta