

**PENTINGNYA IMPLEMENTASI PRINSIP KEMANDIRIAN DIREKSI
TERHADAP PROSES PENGHAPUSAN PIUTANG
BANK BUMN DI INDONESIA**

Oleh:

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Intisari

Mengingat pentingnya penegakan prinsip kemandirian direksi dalam terhadap proses penghapusan piutang bank BUMN di Indonesia, disertai ini menelusuri dan mengkaji dua permasalahan. Pertama, menguraikan apa relevansi penegakan prinsip kemandirian terkait proses penghapusan piutang bank BUMN, dan kedua, mengkaji bagaimana prospek pengaturan prinsip *Good Corporate Governance* terkait proses penghapusan piutang bank BUMN di Indonesia.

Jenis Penelitian ini Penelitian hukum normatif dan penelitian hukum empiris. Pendekatan normatif meliputi penelitian terhadap asas-asas hukum, prinsip-prinsip hukum perseroan, ketentuan-ketentuan hukum yang berlaku, sedangkan penelitian empiris dilakukan untuk mengetahui proses penghapusan piutang yang dilakukan bank BUMN di Indonesia.

Berdasarkan hasil penelitian diketahui; **Pertama**, Problem hukum yang belum tuntas terkait kedudukan keuangan negara pada bank BUMN akibat konflik norma antara hukum publik dan privat menyebabkan direksi bank BUMN belum berani melakukan proses penghapusan piutang karena adanya kekhawatiran dikriminalisasi mengingat persoalan kredit macet yang merugikan bank BUMN selalu ditarik ke ranah tindak pidana korupsi. Oleh karena itu pentingnya reformasi hukum dan penegakan prinsip kemandirian direksi dalam pengambilan keputusan bisnis guna mendukung kebijakan restrukturisasi dan penyelesaian kredit macet bank BUMN mengingat jika prinsip kemandirian direksi dan *GCG* dapat ditegakkan dengan benar maka tidak seorang pun risau terhadap risiko kebijakan korporasi terkait proses penghapusan piutang bank BUMN karena pada prinsipnya merupakan *Business Judgement Rule(BJR)* dalam praktek bisnis perbankan. **Kedua**, Prospek pengaturan prinsip *Good Corporate Governance (GCG)* ke depan sangat terbuka seiring pentingnya tuntutan terhadap peningkatan kepatuhan terhadap peraturan perundang-undangan dan prinsip-prinsip pengelolaan Bank yang sehat guna menjawab kompleksnya risiko yang dihadapi industri perbankan dan sistem keuangan. Pengaturan prinsip *GCG* dalam produk-produk hukum yang ada kiranya dapat menjawab persoalan tata kelola mengingat prasyarat keberhasilan implementasi *GCG* terutama di Indonesia adalah reformasi dan penegakan hukum dan adanya semangat anti prilaku koruptif, menjadi suatu keniscayaan bagi lembaga keuangan perbankan khususnya bank BUMN dalam menerapkan tata kelola perusahaan yang baik.

Kata Kunci : Prinsip Kemandirian, Direksi, *Good Corporate Governance*, Penghapusan Piutang, Bank BUMN, Perseroan Terbatas

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**THE IMPORTANCE OF THE IMPLEMENTATION OF AUTONOMY
PRINCIPLE ON THE BOARD OF DIRECTORS TOWARDS CLAIM
ABOLISHMENT OF STATE-OWNED BANKS IN INDONESIA**

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ABSTRACT

Considering the importance of the implementation of autonomy principle on the Board of directors towards the process of claim abolishment of state-owned banks in Indonesia, this dissertation traces and examines two issues. Firstly, it describes the relevance of the enforcement of the principle of autonomy related to the process of claim abolishment of state-owned bank, and secondly, examines how the prospect of regulating the principles of Good Corporate Governance related to the process of claim abolishment of state-owned banks in Indonesia.

This research is a research with normative and empirical juridical approaches. Normative approach includes research on legal principles, corporate legal principles, applicable legal provisions and Good Corporate Governance principles, while empirical research is conducted to determine the process of claim abolishment by state-owned banks in Indonesia.

Based on the results of this study, it is known; *First*, the unresolved legal problem related to the state financial position in the state-owned banks due to conflict of public and private law norms causes the directors of state-owned banks have not dared to do the process of claim abolishment for fear of criminalization, given the problem of bad debts that harm the state-owned banks. Therefore, the importance of legal reform, and the enforcement of the principle of autonomy of directors in business decision making to support the policy of restructuring and settlement of bad debts of state-owned banks, considering that the principle of autonomy of directors and Good Corporate Governance is enforced properly, no one is concerned about the risk of corporate policies related to the process of claim abolishment from a state-owned bank because, in its very essence, it is a Business Judgment Rule in the banking business practice. *Second*, the prospect of the future Good Corporate Governance (GCG) regulation is open in line with the demands of the implementation of GCG in order to improve compliance with sound statutory rules and Bank management principles to address the complexity of the risks faced by the banking industry and the financial system. GCG principles set-up in existing legal products may address governance issues considering the prerequisite for successful implementation of GCG especially in Indonesia is reform and law enforcement and the spirit of anti-corruptive behavior becomes a necessity for banking financial institutions, especially state-owned banks in implementing the proper corporate governance.

Keywords: Principles of Autonomy, Board of Directors, Good Corporate Governance, Claim Abolishment, State-Owned Banks, Limited Liability Company.

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