

Indikasi perbuatan melawan hukum oleh yayasan pengembangan perbankan Indonesia dalam pemberian dana 100M untuk memperbaiki citra BI

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Abstrak

Tesis ini membahas indikasi perbuatan melawan hukum yang dilakukan oleh Yayasan Pengembangan Perbankan Indonesia (YPPI), pada saat yayasan memberikan dana sebesar 100 miliar untuk memperbaiki citra Bank Indonesia. Penelitian ini adalah penelitian deskriptif eksploratif dengan pendekatan yuridis normatif. Permasalahan yang diangkat perihal konsep tujuan berdirinya yayasan, dan tindakan YPPI apakah telah sesuai dengan konsep tersebut serta indikasi perbuatan melawan hukum yang dilakukan oleh YPPI. Kesimpulan yang diperoleh adalah Konsep tujuan pendirian yayasan untuk tujuan-tujuan sosial dan kemanusiaan. Yayasan merupakan organisasi nirlaba yang bergerak untuk kepentingan umum dan kemanfaatan publik (public benefit).

Tujuan YPPI dalam anggaran dasarnya adalah bergerak di bidang sosial untuk meningkatkan sumber daya manusia melalui kegiatan-kegiatan seperti menyelenggarakan pendidikan, pendidikan umum, peningkatan pengetahuan dan keterampilan di bidang ekonomi, perbankan, termasuk pelatihan, seminar, lokakarya, dan penelitian. Dengan tindakan pengurus dan pengawas YPPI yang memberikan dana 100 miliar kepada orang-orang tertentu, selain untuk kepentingan sosial dan kemanusiaan, telah melanggar nilai ideal tujuan pendirian yayasan, yaitu untuk kepentingan umum dan kemanfaatan publik (public benefit).

Tindakan Badan Hukum YPPI terindikasi melakukan perbuatan melawan hukum dalam pemberian dana 100 miliar untuk memperbaiki citra BI. Perbuatan melawan hukum badan hukum yayasan sesuai dengan Pasal 1365 KUHPdata. Perbuatan organ-organ yayasan tersebut, melanggar asas kepatutan dan melanggar hak subjektif masyarakat. Perbuatan tersebut juga bertentangan dengan prinsip kehati-hatian yang seharusnya dimiliki oleh organ-oragan yayasan.

.....This Thesis is discussing the indication of unlawful act which was done by Indonesia Development Banking Foundation (YPPI), when the foundation gave fund in the amount of Rp. 100 million to rehabilitate the image of Bank of Indonesia. This research is a descriptive explorative research using juridical normative approach. Problem arisen here is regarding the concept of the foundation's establishment, and the act of YPPI whether it was done accordingly to such concept also the indication of unlawful acts which were done by YPPI. The conclusion achieved is that the Concept of the purpose of the foundation establishment which is for social and humanity purposes. The foundation is a nonprofit organization which has activities for general interest and public benefit.

The purpose of YPPI in its Articles of Association is having activities in social field to enhance human resources through activities such as holding education, general education, improvement in the knowledge and skill of economic, banking, including holding training, seminar, workshop, and research. By doing such act of those board of directors and advisors of YPPI which had given 100 million fund to certain people, other than for social and humanity interests, had violated the ideal value of the purposes establishment of the foundation, which is for general interest and public benefit.

The act of YPPI Legal Entity was indicated doing unlawful act in giving the 100 million fund to rehabilitate

the Bank Indonesia's image. The unlawful act of foundation as legal entity was according to the Article of 1365 Civil Code Law. The act of such organs of the foundation, has violated the reasonable principles and the subjective rights of the people. That act was also violated the careful principles which are belong to the organs of such foundation.