

Tinjauan yuridis Putusan Mahkamah Konstitusi Nomor 77/PUU-IX/2011 terhadap penyelesaian kredit macet perbankan pemerintah = Judicial review Constitutional Court Decision resolution bad debts No. 77/PUU-IX/2011 against government banking resolution bad debts / Marichicha Puicha Sianturi

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Abstrak

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ang perusahaan negara dikategorikan sebagai piutang negara dalam lingkup keuangan negara proses penyelesaian kredit bermasalah pada bank Badan Usaha Milik Negara BUMN dilakukan berdasarkan koridor penyelesaian piutang negara Implikasinya bank BUMN tidak dapat melakukan penyelesaian kredit bermasalah tanpa persetujuan Menteri keuangan melalui Panitia urusan Piutang Negara PUPN c q Direktorat Jenderal Kekayaan negara DJKN Seiring perkembangan hukum perbankan mayoritas bank BUMN memilih bentuk hukum PERSERO yang identik dengan Perseroan Terbatas PT Sejak berlakunya PP No 33 Tahun 2006 sejatinya pengelolaan bank BUMN dilakukan sesuai prinsip pengelolaan perusahaan yang sehat berdasarkan hukum perusahaan PT Tetapi dalam prakteknya masih terdapat keragu raguan pihak perbankan pemerintah dalam menjalankan mekanisme korporasi yang menyebabkan adanya diskriminasi pelayanan antara perbankan pemerintah dan swasta Hal tersebut dirasa menimbulkan ketidakadilan bagi para debiturnya Putusan mahkamah Konstitusi Nomor 77 PUU IX 2011 mempertegas berlakunya PP No 33 tahun 2006 sebagai dasar hukum penggunaan mekanisme korporasi dalam penyelesaian kredit bermasalah bank Penelitian ini adalah penelitian yuridis normatif dengan preskriptif Penelitian ini membahas tentang Putusan Mahkamah Konstitusi yang menyatakan bank BUMN tidak terikat Panitia Urusan Piutang Negara PUPN dalam penyelesaian kredit melainkan melalui mekanisme korporasi sehingga tidak terdapat perbedaan pelayanan kepada debitur antara bank pemerintah dan bank swasta Putusan Mahkamah Konstitusi tersebut diharapkan dapat menjamin adanya kepastian hukum bagi perbankan pemerintah dalam pelaksanaannya Kata kunci Penyelesaian kredit Macet Perbankan Pemerintah.

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ABSTRACT

As a result of the company's accounts receivable is classified as a state within the state finances, the process of settlement of non-performing loans on bank-owned enterprises (SOEs) is based on state claims settlement corridor. The implication, state-owned banks can not do without the approval of the settlement of problem loans through the Committee's finance minister affairs State Receivables (PUPN) cq Directorate General of the state (DJKN). Along with the development of banking laws majority state-owned banks to choose a legal form that is identical to PERSERO Limited Liability Company (LLC). Since the entry into force of Regulation No.33 of 2006, the management of state-owned banks actually performed according to the principles of healthy corporate governance law firm PT. But in practice, there are still doubts the government banking corporation in implementing the mechanism that causes the service discrimination between public and private banks. It is considered cause injustice to the debtor. Constitutional court ruling reinforces the validity 77/PUU-IX/2011 PP No.33 of 2006 as the legal basis for the use of the corporate

mechanism in the resolution of problem loans bank. This research is a prescriptive normative. This study discusses the decision of the Constitutional Court that declared state-owned banks are not bound Arrangements Committee for State Receivables (PUPN) in settlement of loans, but through the mechanism of the corporation so that there is no difference between the bank's services to the debtor government and private banks. Decision of the Constitutional Court is expected to ensure legal certainty for government banks in the implementation.