

Penyelesaian kredit macet pada PT Bank BNI (Persero) pasca-putusan Mahkamah Konstitusi Republik Indonesia Nomor 77/PUU-IX/2011 : studi analisis penerapan standar operasional prosedur dalam penyelesaian piutang bank BUMN = Settlement on bad credit on PT. Bank BNI (Persero) past verdict of Constitutional Court Decision of the Republic of Indonesia number 77/PUU-IX/2011 : analysis on implementation of operational standard procedures on state-owned enterprise

Sri Rahayu Iriantini, author

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Abstrak

Penelitian tesis ini menitikberatkan masalah pada dua hal terkait pengaturan penyelesaian utang-piutang yang macet pada Bank BUMN agar sesuai dengan asas pengelolaan perusahaan yang baik (good corporate governance) dan penyelesaian utang-piutang pada PT Bank BNI (Persero) Pasca Putusan Mahkamah Konstitusi Republik Indonesia Nomor: 77/PUU-IX/2011. Penelitian ini dilakukan dengan pendekatan penelitian yang bersifat yuridisnormatif yang lebih menekankan pada norma hukum tertulis dalam putusan pengadilan dan peraturan perundang-undangan serta mengaitkan dengan ketentuan hukum perjanjian pada umumnya.

Ditinjau dari segi sifatnya, penelitian termasuk ke dalam tipe penelitian evaluatif karena uraian pembahasannya mengevaluasi teori dan fakta yang akan dianalisis. Dalam penerapannya, penelitian ini merupakan penelitian problem identification yang bertujuan mengidentifikasi masalah. Analisa obyek penelitian menghasilkan produk penafsiran hukum oleh hakim Konstitusi dan menemukan hukum karena mengesampingkan peraturan perundang-undangan piutang Negara.

Sesuai dengan asas pengelolaan perusahaan yang baik (good corporate governance), penyelesaian utang-piutang yang macet dilakukan melalui Standar Operasional Prosedur (SOP). Dengan demikian diharapkan Bank BUMN mampu melindungi kepentingan seluruh pemangku kepentingan yang memberikan kesempatan kepada debitur dalam merestrukturisasi utangnya dengan tetap memperhatikan kinerja bank BUMN.

.....Constitutional Court Decision Number 77/PUU-IX/2011 constitute legal discovery to identify bank accounts on state-owned enterprises is not included in the state's claim. This thesis focuses on two issues related to the settlement of receivables owned banks, namely how the settlement arrangement that bad debts at PT (Persero) Bank BNI in accordance with the principles of good corporate governance (GCG) and How Settlement of debts at PT (Persero) Bank BNI Post-Judgment of the Constitutional Court of the Republic of Indonesia Number 77/PUU-IX/2011. The research was conducted by the research approach juridical-normative emphasis on the rule of law and court decisions written in the legislation as well as linking with the provisions of contract law in general.

In terms of its nature, including research into the type of evaluative research for evaluating the theoretical description of the discussion and the facts to be analyzed. In application, this study is the identification of research problem that aims to identify the problem. Analysis of the research object produces interpretations of the Constitution and the law by the judge found the law because the legislation set aside accounts of the

State.

Conclusions outlined in the settlement arrangement that bad debts at PT (Persero) Bank BNI in accordance with the principles of good corporate governance (GCG) and legal certainty is to resolve the bad debt through the standard operating procedure (SOP) that can protect your bank the interests of all stakeholders. Second, settlement debts at PT (Persero) Bank BNI Post-Judgment of the Constitutional Court of the Republic of Indonesia Number 77/PUU-IX/2011 is formed allowing the debtor to restructure its debt while maintaining the performance of state-owned banks.