

Kewajiban penerapan prinsip kehati-hatian dalam pengelolaan pinjaman luar negeri korporasi non-bank dan kaitannya dengan penanaman modal di Indonesia = Obligations to apply the prudence principle in the management of foreign loan for non-bank corporations and relation to investment in Indonesia

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Abstrak

[Dalam dunia penanaman modal, sumber pembiayaan untuk kegiatan usaha suatu perusahaan, khususnya perusahaan nonbank, dapat diperoleh melalui pendanaan dari dalam negeri maupun pendanaan dari luar negeri. Dengan digunakannya pinjaman dari luar negeri sebagai salah satu sumber pembiayaan suatu perusahaan, diperlukan pengelolaan terhadap pinjaman luar negeri dengan menerapkan prinsip kehati-hatian karena telah timbulnya peningkatan yang signifikan terhadap utang luar negeri swasta. Maka dari itu, penelitian ini merupakan penelitian hukum yang bersifat yuridis normatif dan bertujuan untuk mengetahui mengenai konsep, tujuan, pengaturan, dan permasalahan dalam kewajiban penerapan prinsip kehati-hatian dalam pengelolaan pinjaman luar negeri korporasi nonbank. Dari hasil penelitian didapatkan kesimpulan bahwa menerapkan prinsip kehati-hatian dalam pengelolaan utang luar negeri adalah suatu hal yang wajib dilakukan bagi setiap korporasi nonbank untuk memitigasi risiko-risiko seperti risiko nilai tukar, risiko likuiditas, dan risiko utang yang berlebihan agar kontinuitas kegiatan investasi tetap terjaga.

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In the world of investments, financing resources for business activities of a company, particularly non-banking companies, can be obtained through domestic loans and foreign loans. With the use of foreign loans as a financing resource for those companies, it is very obliged to manage foreign loans by using the prudence principle because of a significant increase in private foreign debt. Therefore, this research is a normative legal research with the aim to determine the concept, purposes, regulation, and implementations of obligation in applying the prudence principle of managing foreign loans for non-banking companies in relation to investment. In this research, the conclusion is that this obligation is a must for all non-banking companies in order to mitigate risks such as foreign exchange risk, liquidity risk, and excessive debt risk so that the continuity of investment activities can be maintained., In the world of investments, financing resources for business activities of a company, particularly non-banking companies, can be obtained through domestic loans and foreign loans. With the use of foreign loans as a financing resource for those companies, it is very obliged to manage foreign loans by using the prudence principle because of a significant increase in private foreign debt. Therefore, this research is a normative legal research with the aim to determine the concept, purposes, regulation, and implementations of obligation in applying the prudence principle of managing foreign loans for non-banking companies in relation to investment. In this research, the conclusion is that this obligation is a must for all non-banking companies in order to mitigate risks such as foreign exchange risk, liquidity risk, and excessive debt risk so that the continuity of investment activities can be maintained.

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