

Sinkronisasi peraturan pemerintah nomor 29 tahun 1999 tentang pembelian saham bank umum dan peraturan bank indonesia nomor 14/8/PBI/2012 tentang kepemilikan saham bank umum dalam hal kepemilikan saham bank oleh pihak asing = Synchronization of government regulation no 29 of 1999 concerning the purchase of commercial bank shares and bank indonesia regulation no 14/8/PBI/2012 concerning shares ownership in commercial bank in terms of bank shares ownership by foreign party

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Abstrak

Pada tahun 1998 perekonomian Indonesia mengalami kemerosotan dan menyebabkan krisis kepercayaan masyarakat terhadap lembaga perbankan. Sehingga perlu dibuka kemungkinan yang lebih besar bagi masuknya modal asing melalui pembelian saham bank umum dengan tetap mempertahankan prinsip kemitraan. Selanjutnya dibuatlah Peraturan Pemerintah Nomor 29 Tahun 1999 tentang Pembelian Saham Bank Umum. Namun peraturan tersebut dinilai sebagai keterbukaan yang terlalu over. Kemudian Bank Indonesia (BI) meluncurkan aturan kepemilikan saham bank umum melalui Peraturan Bank Indonesia (PBI) Nomor 14/8/PBI/2012 tentang Kepemilikan Saham Bank Umum. Peraturan ini dibuat guna meningkatkan ketahanan perbankan melalui peningkatan penerapan prinsip kehati-hatian dan tata kelola bank yang baik (good corporate governance). Penelitian ini adalah penelitian yuridis normatif yang menggunakan pendekatan peraturan perundang-undangan dan pendekatan perbandingan. Hasil penelitian menyarankan untuk Peraturan yang mengatur mengenai kepemilikan saham perbankan seharusnya mempunyai kesetaraan agar peraturan tersebut dapat memenuhi kepastian hukum dan sejalan dengan itu Bank Indonesia harus berkoordinasi dengan Otoritas Jasa Keuangan dalam hal pengawasan terhadap bank.

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In 1998, the Indonesian economy was in decadence and caused a public confidence crisis towards banking institutions. Therefore, the greater possibility for the entry of foreign capital through the purchase of commercial banks shares needed to be opened while maintaining the principle of partnership. Furthermore, the Government Regulation No. 29 of 1999 concerning the Purchase of Commercial Bank Shares was formed. However, this regulation is rated as an over openness. Bank Indonesia (BI) had launched a commercial bank share ownership rules through Bank Indonesia Regulation (PBI) No. 14/8/PBI/2012 concerning Shares Ownership in Commercial Bank. This regulation was made in order to increase the banking resilience through the implementation enhancement of the precautionary and bank good governance principles. This research is a normative juridical which applying the legislation and the comparative approaches. The research result suggests that regulation which ruled the ownership of bank shares should have equality in order to meet the legal certainty and Bank Indonesia should coordinate with the Financial Services Authority in terms of bank superviso.