

Tinjauan hukum pencabutan izin usaha PT. Bank Dagang Bali (studi kasus: putusan MA RI Nomor 473K/TUN/2005)

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Abstrak

Penyehatan perbankan yang sudah hampir mendekati titik akhir dan perkembangan ekonomi akhir-akhir ini yang positif, telah membawa perbankan Indonesia untuk mulai menikmati hasilnya. Akan tetapi, perilaku yang kurang bertanggung jawab dari pemilik dan pengurus bank telah merusak kemajuan dibidang ekonomi khususnya industri perbankan dimana kemudian harus dilanjutkan dengan mencabut izin usaha PT. Bank Dagang Bali. Pencabutan izin usaha bank merupakan salah satu wujud fungsi dari Bank Indonesia dalam rangka pembinaan dan pengawasan perbankan guna memelihara sistem perbankan yang sehat. Dalam penelitian ini, penulis meneliti apakah pengaturan pencabutan izin usaha PT. Bank Dagang Bali telah sesuai dengan ketentuan peraturan perundang-undangan yang berlaku di Indonesia atau tidak, dan apa akibat hukum dari Keputusan MA RI Nomor 473K/TUN/2005 bagi para pihak yang terkait. Penelitian ini menggunakan metode penelitian bersifat yuridis-normatif, dimana penelitian mengacu pada norma-norma hukum yang tertuang dalam peraturan perundang-undangan yang berkaitan dengan pencabutan ijin usaha PT. Bank Dagang Bali. Data yang digunakan adalah data sekunder berupa bahan kepustakaan yang didukung dengan hasil wawancara dengan narasumber terkait, kesimpulan yang didapat adalah pencabutan ijin usaha PT. Bank Dagang Bali melalui Surat Keputusan Gubernur Bank Indonesia Nomor 6/6/KEP-GBI/2004 tertanggal 8 April 2004 telah sesuai dengan ketentuan peraturan-undangan yang ada, dimana pencabutan izin usaha dilakukan setelah upaya-upaya penyelamatan yang dilakukan dengan menempatkan PT. Bank Dagang Bali dalam pengawasan intensif kemudian pengawasan khusus tidak berhasil menyelamatkan bank tersebut, Berta Keputusan MA RI telah memberikan ketidakpastian hukum bagi tiap pihak yang terkait, dalam hal ini Bank Indonesia, PT. Bank Dagang Bali dan Tim Likuidasi. Saran yang penulis ajukan adalah mengefektifkan pengawasan terhadap bank dan membatasi kepemilikan saham oleh satu pihak.

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The banking recovery has been undergone in Indonesia is about to reach the final point, while the recent positive economic development also brings opportunities to the Indonesian banks to enjoy the impacts. Nevertheless, several irresponsible attitudes committed by both the owner and the administrators of the banks has hampered the advance on this economic realm, particularly the banking industry, which eventually brought consequence in the form of cancellation of business permit of one of such a bank, in this case, PT. Bank Dagang Bali. This cancellation is one of the manifestations of Bank Indonesia's function to build and supervise the Indonesian banking condition, in order to ensure the "healthiness" of the banking in the country. In this research, the writer scrutinizes whether the act of cancellation conducted by Bank Indonesia has been in accordance to the applicable law in Indonesia, and to identify the the legal impacts of the Republic of Indonesia's Supreme Court Decision No. 473KITUN/2005 for the concerned parties. This research utilizes the juridist-normative method, in which it refers to the legal norms consisted in the law involved in the cancellation of the business permit of PT. Bank Dagang Bali. Meanwhile, the data utilized is

secondary ones, taking form in literature materials, supported with in-depth interviews conducted with the resource persons, from which a conclusion was drawn, that is, the cancellation of the business permit of PT. Bank Dagang Bali through the Decision of Governor of Bank Indonesia No. 616IKEP-GBI12004 dated at April 8th 2004 has been in accordance with the applicable law, where the decision to the cancellation was taken after other rescuing efforts conducted by putting the bank in an intensive supervision was of no use in making the bank's condition better, and after considering that the Republic of Indonesia Supreme Court's Decision has brought about a legal uncertainty towards respective involved parties, which in this case refers to the Bank Indonesia, PT. Bank Dagang Bali, and the Liquidation Team. The recommendation the writer would like to suggest is to enhance the effectiveness to a bank and to limit the share ownership on merely one single party.