

Tanggung jawab Head Corporate Legal Officer dalam kasus pemberian kredit PT. Bank Century TBK = Legal responsibility of Head Corporate Legal Officer in the lending case of PT. Bank Century TBK

Shafina Karima, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20271753&lokasi=lokal>

Abstrak

Lembaga perbankan merupakan inti keuangan di suatu negara. Bank merupakan lembaga keuangan yang menjadi tempat bagi orang perseorangan, badan-badan usaha, bahkan lembaga-lembaga pemerintahan menumpukan dana yang dimilikinya. Salah satu kegiatan bank yaitu menyalurkan dana kepada masyarakat dalam bentuk kredit. Pemberian kredit harus dilandasi dengan prinsip kehati-hatian serta prinsip mengenal nasabah. Dalam pemberian kredit, bank rentan akan tindak-tindak pidana di bidang perbankan baik yang diatur dalam Undang-Undang Perbankan maupun peraturan lainnya di luar Undang-Undang Perbankan. Tulisan ini membahas mengenai tanggung jawab Head Corporate Legal Officer dalam pemberian kredit dengan mengambil contoh kasus pemberian kredit oleh PT Bank Century Tbk. Pokok permasalahan tersebut dipecahkan menggunakan metode penelitian yuridis normatif yaitu meliputi studi kepustakaan dan wawancara yang menghasilkan kesimpulan bahwa dalam kasus ini terjadi ketidaksesuaian antara praktik dengan peraturan pemberian kredit di PT Bank Century Tbk, serta tidak adanya tanggung jawab Head Corporate Legal Officer dalam kasus pemberian kredit tersebut sehingga Head Corporate Legal Officer PT Bank Century Tbk tidak dapat dijerat dengan Pasal 49 ayat (2) huruf b Undang-Undang Perbankan.

<hr>

Banking institutions is one of the primary financial establishments of a State. Bank as a financial institution manages the funds of many prime entities including individuals, businesses, and even governmental agencies. One of the fundamental activities of banking institutions are channeling funds to the public in the form of credit. In giving credit, banks abide by the principles of responsible lending which includes the Precautionary Principle and the Know Your Customer Principle. In lending, banks are vulnerable to crimes in both the regulated banking sector governed by the Banking Act and other legislation outside of the Banking Act. This paper discusses the responsibilities of Head Corporate Legal Officer in the provision of credit by taking an example case of lending as done by PT Bank Century Tbk. This paper assesses the issue using normative juridical research methods that include literature review and interviews that lead to the conclusion that in this case there is a discrepancy between the regulatory practices of credit at PT Bank Century Tbk, and an absence of obligation by the Head of Corporate Legal Officer in the case of credit lending resulting in the conclusion that the Head of Corporate Legal Officer of PT Bank Century Tbk should not have been found guilty by Article 49 paragraph (2) letter b of the Banking Act.