

Tanggung jawab perdata direksi badan usaha milik negara (BUMN) dalam perkara PT Merpati Nusantara Airline (Persero) berdasarkan penerapan business judgment rule = Civil liability of directors of State-Owned Enterprises (BUMN) in the case of PT Merpati Nusantara Airline (Persero) based on the application of the business judgment rule / Krisanti

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Abstrak

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Direksi dalam melakukan pengurusan Perseroan dengan mengambil tindakantindakan dan keputusan bisnis dapat menimbulkan kerugian bagi Perseroan.

Berdasarkan doktrin business judgment rule, direksi dianggap tidak bertanggung jawab atas kerugian perseroan sebagai akibat keputusan yang diambil Direksi.

Penulisan ini akan membahas terlebih dahulu mengenai kedudukan dan tanggung jawab direksi baik dalam peraturan perundang-undangan yang berlaku. Dan memberi pemahaman lebih dalam tentang business judgment rule, baik itu menurut pengertian dan jenis pemngambilan keputusan berdasarkan business judgment rule. Penulisan ini juga akan menganalisis penerapan business udgment rule kedalam kasus. Terdapat dua kasus yang akan dianalisis, dimana waktu kejadian /tempus nya berbeda. PT Merpati Nusantara Arilane terjadi pada tahun 2013 sedangkan PT Mandiri (Persero) terjadi pada tahun 2003. Sehingga akan terdapat perbedaan peraturan dalam penerpan business judgment rule ini.

ABSTRACT

Directors in managing a company, while take actions and business decisions may cause losses to the Company. Under the Business Judgment Rule doctrine, directors are assumed no to be responsible for any losses of the Company due to business decisions of the directors.

The first research paper will discusses about the position and responsibilities of Directors of both the Laws and Regulations applicable. And provide analysis a deeper understanding of Business Judgment Rule, both the meaning and the type of decision making by business judgment rule. The research paper also analyze the application of business judgment rule doctrine into the case. There are two cases to be analyzed, where the time of occurrence (or tempus) is different. They are PT Merpati Nusantara Airline (Persero) in 2013 while PT Mandiri Persero in 2003. So there will be difference in the regulation applied of business judgment rule.