

ABSTRAK

Nama : Kristanto
Program Studi : Magister Kenotariatan
Judul : Analisis Pemahaman Konsep *Business Judgment Rule*
Menurut Hukum Indonesia Terhadap Tanggung Jawab
Direksi Perseroan Terbatas

Direksi dalam melakukan pengurusan Perseroan dengan mengambil tindakan-tindakan dan keputusan bisnis dapat menimbulkan kerugian bagi Perseroan. Berdasarkan doktrin *Business Judgment Rule*, Direksi dianggap tidak bertanggung jawab atas kerugian Perseroan akibat keputusan bisnis yang diambil direksi. Penelitian ini untuk menganalisa lebih dalam pemahaman mengenai doktrin *Business Judgment Rule* dan keterkaitannya dengan pasal 97 ayat (5) Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas. Berdasarkan bentuknya, tipologi yang digunakan dalam penelitian ini adalah penelitian eksplanatoris dan preskriptif, dimana peneliti mencoba untuk memahami doktrin *Business Judgment Rule* dan mencari keberadaan doktrin ini di dalam hukum perusahaan di Indonesia, di samping itu peneliti mencoba untuk melihat dampak yang mungkin timbul apabila doktrin *Business Judgment Rule* diterapkan di Indonesia.

Kata Kunci:

Direksi, Doktrin *Business Judgment Rule*, Tanggung Jawab Pribadi.

ABSTRACT

Name : Kristanto
Study Program : Master of Notary
Title : Analysis Of Business Judgment Rule Concept
Understanding According To Indonesian Law On Limited
Company Directors' Liability

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 not to be responsible for any losses of the Company due to business decisions of the directors. This research analyses deeper and further in understanding the Business Judgment Rule doctrine and their relation to Article 97 paragraph (5) Limited Company Act. Based on its form, the typology used in this study is explanatory and prescriptive research, where researchers try to understand the doctrine of the Business Judgment Rule and look for the existence of this doctrine in the company law in Indonesia, in addition, the researchers tried to see the impact that may arise if the Business Judgment Rule is applied in Indonesia.

Keywords:

Directors, Business Judgment Rule doctrine, Personal Liability.