

Tinjauan hukum mengenai merger bank swasta nasional yang bermodal menengah (analisis merger Bank Permata)

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Abstrak

ABSTRAK

Sejak adanya krisis moneter, banyak bank yang mengalami kesulitan operasional. Untuk itu Pemerintah mengambil berbagai kebijaksanaan untuk melakukan restrukturisasi dan reformasi di bidang perbankan, antara lain dengan cara meningkatkan persyaratan mengenai modal minimum dan melikuidasi bank-bank yang bermasalah. Upaya pemerintah tersebut ternyata belum membawa hasil. Karena ternyata pertumbuhan bank pasca likuidasi, masih belum cukup memadai dan karenanya Pemerintah menghimbau kepada bank-bank untuk melakukan merger. Pelaksanaan merger tidak hanya dilakukan oleh bank-bank swasta, tapi juga dilakukan oleh Bank-Bank BUMN. Diawali dengan pendirian Bank Bali Tbk, akhirnya dilaksanakan merger Bank Universal Tbk, Bank Artamedia, Bank Prima Ekspres, Bank Patriot ke dalam Bank Bali yang kemudian mengganti namanya menjadi Bank Permata, yaitu dengan ditandatanganinya perjanjian merger, pada 27 September 2002. Namun tidak dapat dipungkiri masih adanya permasalahan-permasalahan hukum yang berkaitan dengan merger tersebut, seperti dapatkah merger kelima bank tersebut dalam Bank Permata memenuhi persyaratan sebagai bank hasil merger yang sehat serta telah sesuaikan merger yang dilakukannya itu dengan Undang-Undang Perbankan maupun Undang-Undang lain yang berkaitan dengan merger bank tersebut. Melalui penelitian kepustakaan yang bersifat yuridis normatif dengan hasil penelitian yang berbentuk evaluatif analitis maka pelaksanaan merger yang dilakukan kelima bank tersebut ke dalam Bank Permata, ternyata telah memenuhi kriteria sebagai bank yang sehat dan pelaksanaannya disesuaikan dengan Undang-Undang Perbankan dan peraturan lainnya yang berkaitan dengan Merger Bank.

ABSTRAK

Since the monetary crisis, many bankers had been facing operational problems. To overcome the situation, the government took several justification and actions in structural alteration and improvement by upgrading the requirement in minimum stock capitals and liquidated the Bankers having problems. The government effort however was still not success. The bank development after liquidation was still below expected level and the government called the banks for merger. This requirement included not only the private banks but the government banks were involved. It began the establishment of Bank Bali that merged with Universal Bank, Artamedia Bank, Prima Express Bank, and Patriot Bank into Bank of Bali (now Permata Bank) those were recognized on September 27, 2002. From the judicial point of view, the merger met the established procedure and requirement both in the banking and commercial laws. Relating to the above cases, we feel it necessary to restudy more detail of merge-ring the middle class private banks into Bank of Bali (now Permata Bank).

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