

Dualisme pengaturan penyelesaian kredit bermasalah Bank-Bank BUMN / Chandra Sugiarto

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Abstrak

[Tesis ini membahas mengenai dualisme penyelesaian masalah kredit bermasalah (Non Performing Loan) bank-bank BUMN. Di satu sisi menurut UU No. 49/Prp/1960 Tentang Panitia Urusan Piutang Negara (PUPN) yang mengatur bahwa kredit bermasalah Bank BUMN merupakan piutang negara sehingga harus diselesaikan melalui Panitia Urusan Piutang Negara (PUPN). Pendapat ini didukung oleh UU No. 17 Tahun 2003 Tentang Keuangan Negara yang mengatur bahwa kekayaan BUMN merupakan kekayaan negara. Dampak dari pengaturan ini adalah pengaturan UU No. 15 Tahun 2006 Tentang BPK bahwa BPK berhak untuk memeriksa keuangan BUMN yang seharusnya berwenang memeriksa keuangan BUMN adalah akuntan publik. Di sisi lain, UU No. 19 Tahun 2003 Tentang Badan Usaha Milik Negara mengatur bahwa kekayaan yang dimiliki oleh BUMN terpisah oleh kekayaan negara dan pengelolaannya didasarkan atas prinsip-prinsip perusahaan yang sehat. Pendapat ini didukung pula oleh UU No. 1 Tahun 2004 Tentang Perbendaharaan Negara yang mengatur bahwa yang termasuk ke dalam piutang negara adalah jumlah uang yang wajib dibayar kepada pemerintah pusat. Pendapat ini kemudian didukung oleh Fatwa Makamah Agung No. WKMA/Yud/20/VIII/2006 tanggal 16 Agustus 2006. Cara penyelesaian kredit bermasalah Bank-Bank BUMN dilakukan melalui cara-cara yang lazim digunakan di dalam dunia perbankan. Penelitian ini menggunakan kajian hukum normatif. Pengumpulan data dilakukan melalui penelitian kepustakaan (library research). Penelitian ini menyarankan bahwa perlu diadakan suatu harmonisasi antara UU No. 19 Tahun 2003 dengan UU No. 17 Tahun 2003 jo. UU No. 49/Prp/1960 jo. UU No. 15 Tahun 2006 dan peraturan perundang-undangan turunannya; perbaikan isi UU No. 19 Tahun 2003 dihapuskan pasal 71 ayat (2) bahwa BPK berwenang memeriksa BUMN. Hal ini menyedihkan masyarakat karena sudah jelas bahwa yang berhak memeriksa BUMN adalah akuntan publik;The focus of this study is about dualism regulation settlement non performing loan of state owned banks. In one side, according to UU No. 49/Prp/1960 about Panitia Urusan Piutang Negara (PUPN) regulates that non performing loan of state owned banks is a credit of state, the settlement must according to Panitia Urusan Piutang Negara (PUPN). This statement is being support by UU No. 17 Tahun 2003 about State Finance that regulates the wealth of state owned enterprises is wealth of state. The effect of this regulation is UU No. 15 Tahun 2006 about BPK regulates that BPK have authority to check state owned enterprises wealth, the one supposed to check it is public accountant. In other side, UU No. 19 Tahun 2003 about State Owned

Enterprises regulates that the wealth that owned by state owned enterprises is separate from the state wealth and its management is according to the health corporation principles. This statement is support by UU No. 1 Tahun 2004 about State Treasury that regulates the one that referred by state credit is amount money that must pay to central government. This statement also support by Fatwa Makamah Agung No. WKMA/Yud/20/VIII/2006, date 16 Agustus 2006. the way to settle non performing loan of state owned banks is by using the way that usually do in banking world. This study is using normative law perspective. The data are collected by library research. This study suggests that there must be a harmonization between No. 19 Tahun 2003 with UU No. 17 Tahun 2003 jo. UU No. 49/Prp/1960 jo. UU No. 15 Tahun 2006 and other regulation derivatives; correction content of UU No. 19 Tahun 2003 article 71 point (2) must abolished because BPK have aauthority to check state owned enterprises. This article is make misleading to society because it is clear that the one that has authority to check state owned enterprises wealth is public accountant, The focus of this study is about dualism regulation settlement non performing loan of state owned banks. In one side, according to UU No. 49/Prp/1960 about Panitia Urusan Piutang Negara (PUPN) regulates that non performing loan of state owned banks is a credit of state, the settlemet must according to Panitia Urusan Piutang Negara (PUPN). This statement is being support by UU No. 17 Tahun 2003 about State Finance that regulates the wealth of state owned enterprises is wealth of state. The effect of this regulation is UU No. 15 Tahun 2006 about BPK regulates that BPK have authority to check state owned enterprises wealth, the one supposed to check it is public accountant. In other side, UU No. 19 Tahun 2003 about State Owned Enterprises regulates that the wealth that owned by state owned enterprises is separate from the state wealth and its management is according to the health corporation principles. This statement is support by UU No. 1 Tahun 2004 about State Treasury that regulates the one that referred by state credit is amount money that must pay to central government. This statement also support by Fatwa Makamah Agung No. WKMA/Yud/20/VIII/2006, date 16 Agustus 2006. the way to settle non performing loan of state owned banks is by using the way that usually do in banking world. This study is using normative law perspective. The data are collected by library research. This study suggests that there must be a harmonization between No. 19 Tahun 2003 with UU No. 17 Tahun 2003 jo. UU No. 49/Prp/1960 jo. UU No. 15 Tahun 2006 and other regulation derivatives; correction content of UU No. 19 Tahun 2003 article 71 point (2) must abolished because BPK have aauthority to check state owned enterprises. This article is make misleading to society because it is clear that the one that has authority to check state owned enterprises wealth is public accountant]