

Kebijakan direksi persero berdasarkan pasal 19 Undang-Undang nomor 19 tahun 2003 tentang badan usaha milik negara dalam perspektif status kekayaannya yang dipisahkan dari negara analisis; kasus direksi PT. Merpati Nusantara Airlines = Policy of company board of directors pursuant to article 19 law number 19 of 2003 concerning state owned enterprise in perspective of separated sovereign assets; case study board of directors of PT. Merpati Nusantara Airlines

Pamintori, Raynov Tumorang, author

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Abstrak

Skripsi ini membahas permasalahan kebijakan Direksi PT Merpati Nusantara Airlines yang dilaksanakan dengan menyimpangi ketentuan dalam peraturan administrasi yang kemudian mengakibatkan kerugian pada Persero. Permasalahan tersebut dianalisis berdasarkan tinjauan dari hukum administrasi negara. Penelitian ini berfokus pada tiga pokok permasalahan, yaitu tentang pandangan hukum administrasi negara terhadap kebijakan Direksi BUMN Persero yang kekayaannya dipisahkan dari negara, penyimpangan peraturan administrasi dikaitkan dengan perbuatan melawan hukum pidana dan ketentuan UU BUMN yang menjadi dasar hukum bagi Direksi untuk mengambil kebijakan penyelamatan Persero. Penelitian ini adalah penelitian normatif dimana sumber data diperoleh dari data sekunder dan dianalisis secara kualitatif. Hasil penelitian menyimpulkan bahwa kebijakan Direksi BUMN Persero yang menyimpangi peraturan administrasi namun tidak melakukan perbuatan melawan hukum tidak dapat dijatuhi sanksi pidana, melainkan lebih tepat dijatuhi sanksi administrasi atau digugat secara perdata.

*This thesis discusses problems related to the policy of PT Merpati Nusantara Airlines' Board of Directors which implemented without abiding the applicable provisions of administrative regulation that resulted in deprivation of the company. The problems are analyzed on the basis of public administrative law. This study focuses on three main issues, i.e. annotation of public administrative law about policy of State-Owned Enterprise's Board of Directors in perspective of separated sovereign assets, deviation from administrative regulation affiliated with violation of Penal Law, and provision of Law concerning State-Owned Enterprise which can be used by Board of Directors to grounds the policy of company's preservation. This research is the study of normative where source data obtained from secondary data and analyzed qualitatively. The results concluded that for the policy of State-Owned Enterprise's Board of Directors which implemented without abiding the applicable provisions of administrative regulation, yet does not violate the Penal Law, criminal sanction can not be applied. Administrative sanction or private lawsuit is appropriate to be applied.*