

ABSTRAK

Judul : MANAJEMEN RISIKO SEBAGAI ATURAN HUKUM DAN UPAYA MEMINIMALISASI RISIKO HUKUM BAGI BADAN USAHA MILIK NEGARA

Jumlah Hal. : 494 + x

Perintah untuk menerapkan manajemen risiko oleh Badan Usaha Milik Negara (BUMN) diatur dalam Pasal 2 ayat (2) dan 25 Peraturan Menteri Negara BUMN nomor : PER-01/MBU/2011 tentang Penerapan Tata Kelola Perusahaan Yang Baik (*Good Corporate Governance*) Pada Badan Usaha Milik Negara (PerMen). Berdasarkan aturan tersebut, BUMN membentuk Unit Manajemen Risiko di bawah Direksi dan Komite Pemantau Manajemen Risiko sebagai perangkat Dewan Komisaris menjadi Struktur hukum yang membuat substansi hukum berupa Pedoman Manajemen Risiko sebagai manual yang diperintahkan Pasal 2 ayat (2) PerMen. Sesuai Pasal 25 ayat (4) PerMen, Pedoman ini dilaksanakan berupa Laporan Profil Risiko dan Laporan Penanganan Risiko setiap tahun.

Dengan menggunakan tipe penelitian hukum normatif empiris, dilakukan telaahan aspek hukum manajemen risiko di BUMN melalui teknik analisis bahan hukum berupa metode *content analysis* (studi kasus PT Angkasa Pura I (Persero)). Tinjauan dan analisis yuridis atas penerapan teori Nilai Hukum (Gustav Radbruch) dan Efektivitas Hukum (Lawrence M. Friedman) dianalisis dengan metode *Economic Analysis of Law* berupa *Regulatory Impact Assasment* (RIA) dan *Cost and Benefit Analysis* (CBA).

Hasil penelitian memperlihatkan penerapan manajemen risiko di BUMN masih belum maksimal karena manual yang dibuat adalah hasil pemikiran sendiri dan tidak sesuai standar yang berlaku. Sumberdaya manusia yang menjadi eksekutor juga belum memiliki kompetensi yang memadai. Akibatnya BUMN masih belum bisa mengantisipasi munculnya risiko hukum sebagai *risk residual* (sisa risiko) dari kegiatan usahanya.

Karena itu, perlu diusulkan kepada Kementerian BUMN agar menerbitkan Peraturan Menteri BUMN tentang Penerapan Manajemen Risiko Bagi BUMN, sebagai upaya untuk menyeragamkan cara berpikir BUMN di dalam penerapan manajemen risiko, termasuk sebagai upaya meminimalkan risiko hukum kegiatan usaha BUMN.

Kata kunci : *BUMN, Kegiatan Usaha BUMN, Manajemen Risiko, Risiko Hukum, Peraturan Menteri BUMN.*

ABSTRACT

Title : RISK MANAGEMENT AS RULES OF LAW AND EFFORTS TO MINIMIZE LEGAL RISK FOR STATE-OWNED ENTERPRISES
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The command to implement risk management by State-Owned Enterprises (SOEs) is regulated in Article 2 paragraph (2) and 25 of the SOEs State Minister's Regulation number: PER-01/MBU/2011 concerning Implementation of Good Corporate Governance in the Agency State-Owned Enterprises (PerMen). Based on these rules, SOEs forming a Risk Management Unit under the Board of Directors and Risk Management Committee as a part of Board of Commissioners to become a legal structure that makes legal substance in the form of Risk Management Guidelines as the manual ordered by Article 2 paragraph (2) PerMen. In accordance with Article 25 paragraph (4) of PerMen, this Code is implemented in the form of a Risk Profile Report and Risk Management Report every year.

By using the type of empirical normative legal research, the legal aspects of risk management are carried out through legal analysis techniques in the form of content analysis methods (case study of PT Angkasa Pura I (Persero)). Review and analysis of the application of the Legal Value theory (Gustav Radbruch) and Legal Effectiveness (Lawrence M. Friedman) was analyzed by the Economic Analysis of Law method in the form of Regulatory Impact Assasment (RIA) and Cost and Benefit Analysis (CBA).

The results of the study show that the application of risk management in SOEs is not maximal because the manuals made are the results of their own thoughts and are not in accordance with applicable standards. Human resources who are executors do not have adequate competence. As a result, SOEs still cannot anticipate the emergence of legal risk as a risk residual from the business activities.

Therefore, it is necessary to propose to the Ministry of SOEs to issue a SOE Minister Regulation on the Implementation of Risk Management for SOEs, in an effort to homogenize SOEs thinking in implementing risk management, including as an effort to minimize the legal risks of SOEs business activities.

Keywords: *SOEs, SOEs Business Activities, Risk Management, Legal Risk, SOE Minister Regulation.*