

ABSTRAK

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PERLINDUNGAN HUKUM TERHADAP DIREKSI PERSEROAN TERBATAS (PERSERO) DALAM PENGENAAN TINDAK PIDANA KORUPSI

(xii + 153 halaman)

Perlindungan hukum terhadap Direksi Perseroan Terbatas (Persero) dalam melaksanakan kebijakan korporasi dilihat dalam perspektif hukum di Indonesiasaat ini telah diatur dalam Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas. Untuk dapat melihat penerapan aturan perlindungan Direksi tersebut diperlukan penelitian mengenai Perlindungan hukum terhadap Direksi Perseroan Terbatas (Persero) Dalam Pengenaan Tindak Pidana Korupsi.

Dalam penelitian ini, pengumpulan data dilakukan dengan menggunakan pendekatan kasus (*case approach*) dengan menggunakan sumber hukum primer, sekunder dan bahan non hukum. Dari hasil penelitian tersebut terlihat pengenaan sanksi masih belum berjalan sesuai dengan prinsip yang ada. Sebagaimana terlihat dalam Putusan Mahkamah Agung No. 41 PK/Pid.Sus/2015 Jis. Putusan Mahkamah Agung No. 417 K/Pid.Sus/2014 Jis. Putusan Pengadilan Tindak Pidana Korupsi pada Pengadilan Negeri Jakarta Pusat No. 36/Pid.B-TPK/2012/PN.Jkt.Pst terhadap Hotasi D.P Nababan selaku Direktur PT. Merpati Nusantara Airlines yang tidak mempertimbangkan prinsip *Business Judgement Rule* (BJR), karena berdasarkan fakta-fakta dalam persidangan diketahui bahwa keputusan dan kebijakan yang diambil oleh terdakwa Hotasi D.P Nababan beserta jajaran direksi telah memperhatikan syarat-syarat seperti *good faith*, *due care* dan *fiduciary duty*.

Kata kunci : Perlindungan Hukum, Direksi, BUMN, *Business Judgement Rule*

Referensi : 1987-2019

ABSTRACT

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LEGAL PROTECTION OF THE DIRECTORS OF A LIMITED LIABILITY COMPANY (PERSERO) IN IMPOSITION OF CORRUPTION CRIMES

(xii + 153 pages)

Legal protection for the Directors of a Limited Liability Company (Persero) in implementing corporate policies seen from a legal perspective in Indonesia is currently regulated in Law No. 40 year 2007 concerning Limited Company. To be able to see the implementation of the Directors protection rules, it is necessary to research the legal protection of the Directors of Limited Liability Companies (Persero) in the Imposition of Corruption Crimes.

In this research, data collection was carried out using a case approach and using primary, secondary and non-legal materials. Results of this research, it seems that the implementation is still not running according to the existing principle. As seen in the Supreme Court Decision No. 41 PK/ Pid.Sus/ 2015 Jis. Supreme Court Decision No. 417 K/ Pid.Sus/ 2014 Jis. Decision of the Corruption Court at the Central Jakarta District Court No. 36/ Pid.B-TPK/ 2012/ PN.Jkt.Pst on behalf of Hotasi D.P Nababan as the President Director of PT. Merpati Nusantara Airlines, it did not consider the principle of Business Judgment Rule (BJR), because based on the facts in the trial it was known that the decisions and policies taken by the defendant, Hotasi D.P Nababan and the board of directors had taken into account the requirements such as good faith, due care and fiduciary duty.

Keywords : Legal Protection, Board of Director, BUMN, *Business Judgement Rule*

Reference : 1987-2019