

ABSTRAK

Perkembangan Perbankan di Indonesia telah mengalami pertumbuhan yang signifikan sejak krisis tahun 1998 yang cukup memberi banyak pelajaran tidak hanya bagi lembaga perbankan, tetapi turut bagi Pemerintah RI. Penguatan ketahanan perbankan sebagaimana diusung menjadi faktor penting dalam berkembangnya Perbankan, khususnya Bank Umum dalam menghadapi berbagai situasi. Konsep *Good Corporate Governance*, salah satu dari sekian banyak konsep yang digunakan dalam perbankan, bertujuan sebagai *guideline* bagi Bank Umum dalam mengelola tata kelola secara baik dan berprinsip.

Hal ini didasari bahwa kegiatan usaha perbankan akan selalu diiringi dengan risiko-risiko perbankan atas berbagai produk/layanan, operasional, kepatuhan, pasar, likuiditas dan risiko-risiko lainnya. Oleh karenanya penerapan prinsip *Good Corporate Governance* menjadi penting, terlebih sebagai upaya preventif atas risiko hukum yang menjadi muara dari berbagai risiko-risiko tersebut.

Menjadi penting dan layak untuk dibahas secara akademisi, untuk melihat bagaimana penerapan prinsip *Good Corporate Governance* dalam dua perspektif; normatif dan empiris. Maka, metode penelitian yang digunakan adalah penelitian hukum normatif-empiris yang nantinya akan melihat penerapan prinsip *Good Corporate Governance* dalam praktik Bank Umum secara peraturan dan penerapan, agar tercapai kerangka berpikir yang selinier guna memenuhi pembahasan dua rumusan masalah yang telah disusun.

Adapun kesimpulan yang diperoleh atas penulisan ini adalah bahwa penerapan secara normatif atas prinsip *Good Corporate Governance* telah berjalan secara baik, adanya *corporate culture* yang terbentuk di dalam Bank memberi indikasi bagaimana pemenuhan prinsip *Good Corporate Governance* sebagai upaya preventif atas risiko hukum telah berjalan secara maksimal dari internal bank, meskipun begitu masih terdapat catatan yang harus diperbaiki secara eksternal yakni reformulasi UU Perbankan yang telah “ketinggalan zaman” agar mendukung pemenuhan indeks prinsip *Good Corporate Governance*.

Kata Kunci:

Hukum Perbankan, *Good Corporate Governance*, Risiko Hukum.

ABSTRACT

The development of banking in Indonesia has experienced significant growth since the 1998 crisis, which has provided many lessons not only for banking institutions but also for the Government of the Republic of Indonesia. Strengthening banking resilience as promoted is an important factor in the development of banking, especially commercial banks in dealing with various situations. The concept of Good Corporate Governance, one of the most widely used concepts in the banking world, aims to be a guideline for Commercial Banks in managing principles and good governance.

This is based on the fact that banking business activities will always be accompanied by banking risks on various products/services, operations, compliance, market, liquidity, and other risks. Therefore, the application of the principles of Good Corporate Governance is important, especially as a preventive effort for legal risks that become the estuary of these various risks.

This is important and deserves to be discussed academically, to see how the principles of Good Corporate Governance are applied from two perspectives; normative and empirical. So, the research method used is normative-empirical legal research which will later look at the application of the principles of Good Corporate Governance in the practice of Commercial Banks in terms of regulation and implementation, to achieve a linear frame of mind to fulfill the discussion of the two problem formulations that have been prepared.

The conclusion obtained from this thesis is that the normative application of the principles of Good Corporate Governance has been going well, and the existence of a corporate culture that is formed within the Bank provides an indication of how to fulfill the principles of Good Corporate Governance. as an effort to prevent legal risk, the bank has run optimally internally, however, there are still notes that must be improved externally, namely the reformulation of the Banking Law which is "out of date" to support the fulfillment of the index of Good Corporate Governance principles.

Keywords:

Banking Law, Good Corporate Governance, legal risks