

ABSTRAK

REHABILITASI PEMULIHAN HAK TERHADAP DIREKTUR PERUSAHAAN ANGKUTAN SUNGAI DANAU DAN PENYEBERANGAN (ASDP) BAGI PENEGAKAN HUKUM DAN IKLIM INVESTASI DI INDONESIA

Penelitian ini dilatarbelakangi oleh pemberian rehabilitasi kepada mantan Direktur Utama PT ASDP Indonesia Ferry (Persero) beserta dua mantan anggota direksi lainnya pada 25 November 2025, yang menimbulkan persoalan mengenai kedudukan rehabilitasi dalam sistem hukum Indonesia serta implikasinya terhadap penegakan hukum dan iklim investasi. Penelitian ini bertujuan untuk menganalisis dasar kewenangan, prosedur, dan akibat hukum rehabilitasi pemulihan hak terhadap Direktur ASDP, mengkaji keterkaitannya dengan prinsip penegakan hukum dan akuntabilitas pengelolaan Badan Usaha Milik Negara (BUMN), serta menganalisis relevansinya terhadap kepastian hukum dan iklim investasi di Indonesia. Penelitian ini menggunakan metode penelitian hukum normatif dengan spesifikasi deskriptif-analitis. Pendekatan yang digunakan meliputi pendekatan perundang-undangan, konseptual, dan kasus. Bahan hukum dikumpulkan melalui studi kepustakaan dan dianalisis secara kualitatif menggunakan penalaran serta penafsiran hukum. Hasil penelitian menunjukkan bahwa rehabilitasi perlu dinilai berdasarkan keabsahan kewenangan, prosedur pemberian, ruang lingkup pemulihan hak, dan konsekuensi hukumnya. Dalam perspektif penegakan hukum, rehabilitasi perlu ditempatkan dalam hubungan yang proporsional dengan prinsip keadilan, kepastian hukum, akuntabilitas, serta pertanggungjawaban pengelolaan BUMN. Prinsip Business Judgment Rule juga relevan untuk menilai batas perlindungan terhadap keputusan bisnis direksi, tetapi tidak dapat dimaknai sebagai kekebalan hukum. Dalam kaitannya dengan iklim investasi, rehabilitasi memiliki relevansi normatif terhadap kepastian hukum dan prediktabilitas kebijakan, tetapi pengaruhnya terhadap realisasi investasi belum dapat disimpulkan tanpa dukungan data empiris. Dengan demikian, pemulihan hak, penegakan hukum, dan kepastian berusaha perlu ditempatkan dalam kerangka hukum yang konsisten, transparan, dan akuntabel.

Kata kunci: rehabilitasi, pemulihan hak, penegakan hukum, Business Judgment Rule, iklim investasi.

ABSTRACT

REHABILITATION AND RESTORATION OF RIGHTS OF THE DIRECTOR OF THE RIVER, LAKE, AND FERRY TRANSPORTATION COMPANY (ASDP) FOR LAW ENFORCEMENT AND THE INVESTMENT CLIMATE IN INDONESIA

This research is motivated by the granting of rehabilitation to the former President Director of PT ASDP Indonesia Ferry (Persero) and two other former members of the board of directors on November 25, 2025. This decision raises legal questions concerning the position of rehabilitation within the Indonesian legal system and its implications for law enforcement and the investment climate. This research aims to analyze the legal authority, procedures, and legal consequences of rehabilitation and restoration of rights granted to the ASDP director; examine its relationship with law enforcement and accountability in the management of State-Owned Enterprises (SOEs); and assess its relevance to legal certainty and the investment climate in Indonesia. This study employs normative legal research with a descriptive-analytical specification. It applies statutory, conceptual, and case approaches. Legal materials are collected through library research and analyzed qualitatively using legal reasoning and interpretation.

The findings indicate that rehabilitation must be assessed in terms of the validity of the granting authority, the procedures followed, the scope of rights restored, and its legal consequences. From a law enforcement perspective, rehabilitation must be considered in a balanced relationship with the principles of justice, legal certainty, accountability, and responsibility in SOE management. The Business Judgment Rule is also relevant in determining the limits of protection for directors' business decisions; however, it cannot be interpreted as providing immunity from the law. Regarding the investment climate, rehabilitation has normative relevance to legal certainty and policy predictability. Nevertheless, its impact on actual investment realization cannot be conclusively established without adequate empirical data. Therefore, the restoration of rights, law enforcement, and business certainty should be addressed within a consistent, transparent, and accountable legal framework.

Keywords: rehabilitation, restoration of rights, law enforcement, Business Judgment Rule, investment climate.