

**JUDICATIVE ANALYSIS TOWARDS ASSETS PROTECTION
WHICH ARE REALTIES AND BUILDINGS OF PT TIMAH (Persero) TBK
(A CASE STUDY OF OFFICIAL HOME)**

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Abstract – *In the early nineties, PT Tambang Timah, recently known as PT TIMAH (Persero) Tbk is Stated - owned enterprise that its operational area control in Bangka and Belitung islands, Bangka Belitung Province and Singkep and also Karimun - Kundur, Riau Archipelago Province was involved in fluctuation by overwhelming of world supply of tin that caused world price of tin decrease drastically at that time. That condition made PT TIMAH was involved in financial difficulty for operational cost. Concerning that condition, PT TIMAH should take a company deliverance action by doing restructure. One of restructure action was doing assets transforming / resignation that were not relevant to the company main business. Principle approval of abrogation and displacing of fixed assets issued by letter of Monetary Minister of Indonesia Republic No. S-1218/MK.016/1992 dated October 13th, 1992 and by implementing according to regulation enterprise. Assets transformation that is official home was still get some problems with the Timah retirees up to now. The problem caused by the differences point of view in analyzing of the letter issued by Monetary Minister of Republic Indonesia, it will be mastery of the official home by retirees.*

Keywords: *Realities and buildings. Judicative, Assets protection*

1. Preface

Restructure program of PT TIMAH (persero) Tbk occurred in the early nineties, to reach the short term (5 years) goal need to do basic execution which are, reorganization, reconstruction, releasing the company assets financial functions which is indirectly related to production and central office relocation from Jakarta to Bangka. This paper focus on one of restructure activities, that is transformation function and the company assets that is indirectly related to production such as hospital, schools, lodges, complement workshops, power plan, land and sea transportations. By releasing it, so general expenses can be compressed and the organization can be simpler, so the company can be concentrate on mind activities, which is mining. On the other side, economics activities in the society can be more develop. By featuring Principe approval of these assets transformation, which is the letter of Monetary Minister of Indonesia Republic No. S-1218/MK.016/1992 dated October 13th 1992, especially about assets transformation that are official home was still a problem with the timah retirees up to now.

A. The Company History

The national tin mining begun by converting 3 (three) The Dutch Companies in Bangka island, Belitung, and Singkep which were *Banka Tin Winning Bedrijf (BTW)*, *Gemeenchappelijke Minjbouw Maatschappij Biliton (GMB)* and *NV Singkep Tin Exploitate Maatchappij (NV SITEM)* became separated State Enterprise

in 1953 – 1958. In 1961 formed The State Tin Mining Company General Direction Board (BPU TIMAH) to coordinate those three state enterprises and in 1968 joined became Tambang Timbang State Enterprise (PN). Furthermore it became PT Tambang Timah (Persero) by Notary certificate of Imah Fatimah, SH No. 1 dated August 2nd 1976.

Restructure succeed to normalize health and competition power of the company, so it is ready to do privatization by Initial Public Offering in 1995. On October 19th 1995 PT Tambang Timah (Persero) executed initial public offering and registered its share in Bursa Efek Jakarta (BEJ), Bursa Efek Surabaya (BES) and The London Stock Exchange. Since then, the company stocks possessed by public nationally and abroad as 35 % and Indonesia Republic as 65%. The change of its share possessing followed by the change of the company basic valuation became PT TIMAH Tbk (Persero) Enterprise abbreviated PT TIMAH Tbk registered in the notary certificate of Imas Fatimah SH No. 7 dated May 7th 1998.

In 1998 the enterprise business development, so it was executed Reorganization and detached the same competency into 3 (three) enterprise branches that are: PT Timah Investasi Mineral, PT Dok & Perkapalan Air Katung and PT Teknik Timah Rekayasa. On January 7th 1999 PT Teknik Timah Rekayasa liquidated and diverted into PT Timah Industri.

In 2007 to regulation no 40 year 2007 about Perseroan Terbatas (limited entity), so PT Timah Tbk executed to adapt to the law and executed the alteration Basic Valuation by changing the name became Perusahaan Perseroan PT Timah Tbk shortened PT TIMAH (Persero) Tbk registered by the notary certificate of Dr. A. Partomuan Pohan, S.H.,LL.M, No.34 dated June 16th 2008 and in 2010 this company changed Basic Valuation became business entity (Persero) PT TIMAH Tbk shortened PT TIMAH (Persero) Tbk up to now.

B. Business Enterprise Coverage

The entity strive for mining field, industry, trading, transportation, and service related to mining industry. The entity executed main business enterprise, such as:

- Executed general mining business
- Executed industry and smelter business related to mining business
- Executed trading business, own product and others' product in minning industry, in export and import trading, among islands/ regions and also local, included non physic trading
- Executed transportation business related to mining business
- Executed service business, such as: exploration and exploitation, mining consultation and other businesses in mining.

Patron businesses such as:

- Office, housing, apartment/ flat, shopping center, industry sphere, warehousing, sport facilities business, and telephone facilities allocating.
- Production equipments, facilities, and workshop facilities business.

C. Company Branch

- PT Tambang Timah engages in : tin and other model minerals mining, and also mining materials industry, industries, transportation, trading and service businesses
- PT Timah Industri engages in: trading, technical engineering, and industry and service business.
- PT Timah Eksplomin engages in : mining and services related to mining and civil construction business

- PT Timah Investasi Mineral engages in mining, trading, and service business
- PT Dok dan Perkapalan Air Katung engages in ship industry business
- Indometal London, Ltd, founded since 1988 and located in London, England, special to support the entity marketing of upstream to downstream product market in abroad such as Europe, US and Africa.

D. Business Matter

Restructure company execution in nineties by main steps taken, so one of consequences especially the timah retirees up to now has not solved yet, about realties and buildings assets transformation of PT TIMAH (Persero) Tbk.

Assets functions resignation that indirectly related to the company operational and attempting to exploitation / maintenance of official homes, office buildings, dormitories/lodges/guest houses/ meeting room and other public facilities buildings in ex-mining areas in Bangka, Belitung, and Singkep and also Karimun when restructure, so PT TIMAH (Persero) Tbk boards by letter No. 06.Jkt/KEU-0000/92-S7 dated February 25th 1992 proposed fixed assets abrogation and resignation owned by PT Tambang Timah to PT TIMAH (Persero) Tbk boards. Furthermore boards of PT TIMAH (Persero) Tbk by letter No. 10/DK-001.3/92 dated March 17th 1992 about proposal of fixed assets abrogation and resignation of PT Tambang Timah proposed approval proposal to Mr. Monetary Minister of Indonesia Republic as a share holder at that time and Mr. Mining and Energy Minister as Share Holder proxy of PT Timah (Persero) Tbk.

Afterward base on the proposal of PT TIMAH (Persero), therefore Minister of Monetary of Indonesia Republic gave principle approval about abrogation and resignation of fix assets of PT TIMAH (Persero) Tbk by letter No. S-1218/MK.016/1992 dated October 13th 1992. This letter was Principle approval, because in its execution the next resignation towards fix assets mentioned must direct to others valid related regulations.

In the later moment, this letter became a referral for the timah retirees that occupied the official homes hopefully the company can resign realty /building asset as mentioned in the letter of Monetary Minister to them.

After execution of restructure, the company can survive from its slipped, so it begun to execute asset choosing that will be resigned or will be kept, such as hospital, school, lodge, compliment workshop, power plan, land transportation, and sea transportation basically resigned to related government authority. Meanwhile the good condition official homes and have certificate base determined by Board of Directions of PT TIMAH (persero) Tbk letter as official home for active staff. Resignation of official homes which pass exile process, erased from the company fix assets sold to right active staffs truly executed by Independent Home Ownership Program (PPRM) included official home/ asset on its land that did not have certificate yet also resigned to active staffs. PPRM is one of wealthy facilities for active company staffs which payment is done by salary severance every staffs monthly. The main problem shown, there was mastery of the official home by retirees.

2. Business Matter Exploration

2.1 Conceptual Framework

PT TIMAH (Persero) Tbk has fix staffs who staffs regulated comply with Regulation No. 13 year 2003 about manpower as regulation Verse 1 phase 2 that "Staffs are every people who are able to do the job to create stuffs and or good service to fulfill own need for the society"(2005:15) and have Working

Contract between PT TIMAH (Persero) Tbk and Working Staffs Association. Beside that it has fix staffs, it also has staffs who have other status, such as certain period working contract.

Beside manpower regulation, housing state owned stated in Regulation No. 1 year 2011 about Housing and Residence area Verse 1 phase 12, that: "State owned house is a house belongs to state and functioned as residence or occupancy and family constructing facilities and also supporting to accomplish dignitary and or civil servant duties"(2011:4).

It also stated in Verse 147 that: " dispute settled about housing firstly strived for base on acclamation deliberation "(2011:81)

Furthermore in Verse 148 stated that :

- (1) About dispute settled by acclamation deliberation is not achieved, the party that is harmed can demand redress to the court around public court or out of court base on volitional choosing of dispute parties by dispute alternative solution.
 - (2) Dispute solution out of the court as meant on phase (1) done by arbitrate, consultation, negotiation, mediation, conciliation, and/or expert judgment by regulation rule.
 - (3) Dispute solution out of the court as meant phase (2) cannot eradicate crime responsible" (2011:82)
- Official company home is limited quantity, so for the staffs who have right to occupy the official home but because of its limited quantity, so the company need to provide house leasing cost that the amount is suitable as company ability and condition.

In SIMRD, if a staff quit from work or because retired / died or others reason so the relevant staff has no right to occupy the official home, so the lateness is 1 (one) month after quit/ retire/ died, he/she must clear out and return the official home mentioned in good condition to the company and hereinafter SIMRD home mentioned declared not valid any more.

Beside that PT TIMAH (Persero)Tbk has the retirees, which is natural retiree that is mentioned by the valid regulation, mentioned in verse 167 phase (3) Regulation No. 13 year 2003 that "Operator is able to terminate working relation to worker/labour because he/she is in retired age"(2005:94). Beside that the company has the retirees because the Restructure (Reorganized) which is happened in 1991 to 1995. But about occupy the official home, the retirees have no right for it, because they have not active worked anymore.

Next, before do restructure in the nineties had that is consist of realties and buildings, these are the company operational proponent asset, such as: offices, dormitory/lodges/guest houses, meeting hall, official home, mosque, church and so on as. These assets have certificates that are right about realties as mentioned in verse 16 phase (1) Regulation No. 5 year 1960 about Basic Rules of Agrarian Affair and some are have no certificates yet such as because the assets were build on Permit Area of Mining Business (WIUP) of the company (is not for mining). These matters in order to save the company in the early nineties that company can survive of bankruptcy, so the patron assets of company main activities had been proposed by the management at that time to resigned/released/empowered to other parties, including the official homes occupied by the staffs at that time.

Base on the reality, said by Abdurrahman,S.H in his book Realities Abolishment and Releasing Realities Right Problem in Indonesia, stated that "realities for human live is not only possess economics and wealthy values as the consideration of some people , but these also involve about social, politics, cultural, psychologies matter, and National Security as well".(1983:2)

On the process the company patron assets resignation has been done as the valid rule, working unit connected as assets administrator firstly propose rejection, eradicating, and resignation execution given to the management, next determined by the decision letter of The PT TIMAH (Persero) Tbk Boards. In the matter of resignation of assets that are realties and buildings belong to the company that has certificates and/ or has no certificate yet begun by Agreement Underhanded to the party receive resignation, because "all agreements made legally behave as regulation for them made it"as Kitab Undang-Undang Hukum Perdata (BW) Verse 1338.

According to Syahmin, Ak, S.H, MH in his book International Contract Law (Hukum Kontrak International), that National Agreement Law (Hukum Perjanjian Nasional) in future time need to mention contract freedom principle which this content accommodated Pancasila live idea" (2006:159).

In order releasing the indirectly related to operational company assets function and effort to compress cost of exploitation/maintenance of official homes, office buildings, dormitories/lodges/guest house/meeting hall, and other public facilities in Bangka, Belitung, Singkep ex-mining area, so PT TIMAH (persero) Tbk boards at that time prepared documents/administration needed. First document prepared was letter No. 06.Jkt/KEU-0000/92-S7 dated February 25th 1992 proposed the permit of company assets Releasing to Minister of Monetary of Indonesia Republic as share holder of PT Tambang Timah (Persero) and to Mining and Energy Minister as share holder proxy of PT Tambang Timah (Persero) by Commissioners Board of PT Tambang Timah (Persero).

Afterward, Commissioners Board of PT TIMAH (Persero) Tbk by letter No. 10/DK-001.3/92 dated March 17th 1992 about proposal of fix assets abrogation and resignation of PT Tambang Timah, proposed to Minister of Monetary of Indonesia Republic as share holder of PT Tambang Timah (Persero) and to Mining and Energy Minister as share holder proxy of PT Tambang Timah (Persero) which its content is respond positively and support the proposal of PT Timah (Persero) Tbk Directions.

Base on the proposal of PT Timah (Persero) Tbk Directions and the letter of Commissioners Board at that time so the Minister of Monetary of Indonesia Republic send letter to PT Timah (Persero) Tbk No. S-1218/MK.016/1992 dated October 13th 1992, about abrogation and resignation of fix assets of PT Tambang Timah, its contents was Principe permit of abrogation and resignation of the company fix assets.

That letter is a Principe permit, because in the execution of the company fix assets resignation must use the other regulation related as the valid procedure and appointment. Next this letter would be guidance for the timah retirees who occupy the official home so far, so that they can buy that realty/building that actually that house is official home has been determined as the company profession home that its used is for active staffs.

2.2 Research Methodology

According to Prof. DR. Sugiyono that,

"Setiap penelitian mempunyai tujuan dan kegunaan tertentu. Secara umum tujuan penelitian ada tiga macam yaitu yang bersifat penemuan, pembuktian dan pengembangan. Penemuan berarti data yang diperoleh dari penelitian itu adalah data yang betul-betul baru yang sebelumnya belum pernah diketahui. Pembuktian berarti data yang diperoleh itu digunakan untuk membuktikan adanya keraguan terhadap informasi atau pengetahuan tertentu, dan pengembangan berarti memperdalam dan memperluas pengetahuan yang telah ada" (2007:4).

Generally the purposes of research are three kinds are : innovative, verification and development.

1. Innovation means the data obtained from the research is the truly new data that never known before.
2. Verification means the data obtained used to verify the doubt of certain information or knowledge.
3. Development means deepen and widen the knowledge present

Next stated that:

"Metode penelitian bisnis dapat diartikan sebagai cara ilmiah untuk mendapatkan data yang valid dengan tujuan dapat ditemukan, dikembangkan, dan dibuktikan, suatu pengetahuan tertentu sehingga pada gilirannya dapat digunakan untuk memahami, memecahkan, dan mengantisipasi masalah dalam bidang bisnis" (Sugiono,2007:5).

Business Research Methodology can be meant by scientific way to obtain valid data as its purpose is to be able found, developed, and verified, a certain knowledge so in its turn can be used to understand, solve, and anticipate a problem.

In this journal, research method used was judicative documents research, because the problem face was law / regulation which was executed. The approach used was empiric juridical and references research, that used law norms that its characters explained by researched and discussed, and analyzed the valid rules and focused on valid regulations normative study with its alteration by analyzed the documents executed/issued by the company so it caused aproblem and interviews.

2.3 Business Situation Analysis

After captured causes created occupancy problems by the retirees toward the company assets that were realties/buildings especially the company official homes/profession home so it need to be held analyze impropriate behavior between the retirees and the valid company regulations. On one hand the company valid regulations try to retake assets, those are official homes company-owned that occupied by the retirees and on the other hand the official homes occupants are the retirees who deserved for the company. So it need to maintain the rule. The short analysis by using Fishbone Diagram for helping to comprehend its effects and causes create or contribute to those effects or it stated as cause and effect diagram as below:

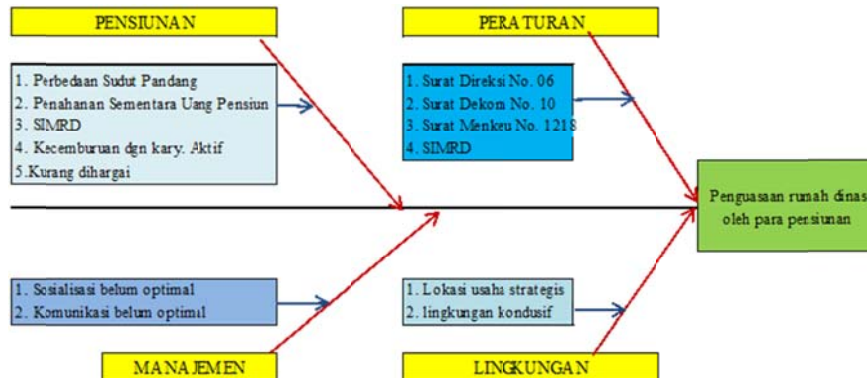


Figure 1. Fishbone diagram

- Rules

In order to execute the company assets releasing, the Directions of PT TIMAH (Persero) Tbk at that time send a letter No. 06.JKT/KEU-0000/92-S7 dated February 25th 1992 about Releasing company assets permit to Monetary Minister of Indonesia Republic as share holder and Minister of Mining and Energy Minister of Indonesia Republic as share holder proxy by Commissioners Board of PT TIMAH. The Commissioners Board positively responds the Directions letter by considerations such as:

- Assets releasing program is not discrete of company restructure program as stated by the Directions, the last in RUPS dated February 24th 1992
- Directions policy, especially to realize official homes selling to the staffs in the ex-mining area in Bangka, Belitung and Singkep is also in line with Government policy in order to grant the need of housing for the public.
- The benefit for the company, especially exploitation cost will be decreased and also receiving payment that can help the company liquidity/capital.

Furthermore, Commissioners Board of PT Timah (Persero) Tbk send a letter No. 10/DK-001.3/92 dated March 17th 1992 to Monetary Minister of Indonesia Republic as Share Holder and to Minister of Mining and Energy of Indonesia Republic as Share holder proxy , which its content was approval proposal of PT TIMAH fix asset abrogation and resignation as PT Timah Directions letter No. 06.JKT/KEU-0000/92-S7 dated February 25th 1992 in an effort to compress cost of exploitation/maintenance official homes, office buildings, dormitories/lodges/guest houses/meeting hall and other facilities building mentioned that execution of its resignation held such as:

- Official homes sold to the valid occupant who require the clause mentioned in Monetary Minister Decision No. 89/KMK.013/1991 dated January 25th 1991.
- Office buildings, dormitories/lodges/guesthouses/ meeting hall, try to be sold to the one who having interest or be KSO to the third party.
- If there is a building cannot be sold, such as Mosque, Church, security station, Society Health Station, and soon that require public service, suggested to be donated to Government Service/Foundation/Society Institution.

Then Monetary Minister of Indonesia Republic by the letter No. S-1218/Mk.016/1992 dated October 13th 1992, about PT TIMAH fix assets abrogation and resignation communicate to PT Tambang Timah Directions these things such as:

- Official homes buildings (without its realty) can be approved to be sold to the valid occupant as Monetary Minister decision No. 89/KMK.013/1991 dated January 25th 1991. Right/ status administering of ex-mining proxy for each official homes is the responsible of the buyer candidate.
- Public facilities buildings such as mosque, church, health station and soon are donated to Government/ right government service and for the future time , all the maintenance and treating of those assets will not be PT TambangTimah expense anymore.
- Office buildings, dormitories, lodges, guest houses and meeting hall principally can be approved to labored to third party, such as using BOT (Build Operate Transfer) model or other models that the most profitable for the company, by notation that realty status of this asset must be solved first with right government service.
- Execution of verse 1,2,3 above can be held as valid procedures and regulations.

So that what Monetary Minister mentioned in the letter above, base on explanation of verse 1 of Monetary Minister of Indonesia Republic letter No S-1218/Mk.016/1992 dated October 13th 1992 that official home buildings (without its realty) can be approved to be sold to the valid occupant according to appointment of Monetary Minister Decision No. 89/KMK.013/1991 dated January 25th 1991. Right/status of ex-mining area proxy for each homes is the responsible of buyer candidate. In this case is building (without realty)is building in the ex-tin mining area in Bangka, Belitung and Singkep, is not official home that is profession home for active staff that is still occupied up to now. The decision of Monetary Minister of Indonesia Republic No. 89/KMK.013/1991 dated January 25th 1991 mentioned about fix assets resignation of State-owned Enterprise guidance, so PT Timah when it is resigning of the company fix asset guided by this Monetary Minister Decision.

The next execution of the company asset resignation especially official home sorted if it is still useful for the company or it is cost expense, so in 1998 the company realized rejected and eradicated of the company fix assets official homes, these resignation to active staffs as valid occupant as SIMRD of each staffs that the requirements decided by the company.

- **Retiree**

The active staff when he/she is occupying the official home/ profession home is given SIMRD, but after the staff retired/passed away or other cause so he/she is not active staff anymore, so that SIMRD is not valid anymore and he/she should return the official home to the company.

So that while the company executes asset releasing especially official home that decided to resign to the staffs by PPRM, therefore the retirees actually have no right to buy it. In this case there is difference of point of view between the retirees and valid regulation of PT TIMAH, so social envy happened between to active staff. The retirees feel having right to buy according to Monetary Minister Indonesia Republic letter year 1992. The retirees feel having deserve to PT TIMAH up to their retire time and also feel they are not appreciated by the company when they still work. Moreover the pension that should they receive when they are retired is still interned for a while by the company until they return their official home key to the company. The consequence the retirees still occupy their official home they occupied expecting they have right to buy the asset expected. The quantity of retirees is increases year by year that indicate authorizing of the company official homes is increase too.

- **Management**

At that time assets resignation guided by Monetary Minister of Indonesia Republic Decision No. 89/KMK.013/1991 dated January 25th 1991. Meanwhile internally, the company executed rejected and abrogation procedure until its resignation as the company valid regulation. Actually the company side in order to abrogate this asset especially official home has done discussion/dialogues some times to the retirees and has send warning letter couple times so the retirees execute clearing out their official homes they occupied, because it will be used ny active staffs. However the retirees' behavior still keep occupying assets/ resist will not exit from their official home they occupy.

So that whatever effort executed by PT Timah up to now has no right solution yet in attempting retake the assets especially official homes occupied by the timah retirees since the issued Monetary Minister of Indonesia Republic letter No.S-1218/Mk.016/1992 dated October 13th 1992.

- **Environment**

In order to clarify the cause of the problems of control of assets in the company's home office in particular, the authors supplement the data from environmental factors, among others: the location of the house is inhabited strategic and retirees already feel comfortable and safe stay in the official home. Information from the interviews to a few people who still inhabit a retired corporate home office to date, suggests that retirees expect that they live in the home office can be transferred to them by referring to the letter of the Minister of Finance No. S-1218/Mk.016/1992 the date of October 13,1992.

3. Business Solution

3.1. Alternative Business Solution

Base on understanding difference between the company and the timah retirees toward SIMRD, letter of Monetary Minister of Indonesia Republic No. S-1218/Mk.016/1992 dated October 13th 1992 and the retirees feel having right to occupy the company official home because of their capturing pension, that it is examined base on problem root, so there some alternative business solution such as:

- PT Timah will send the letter to government as share holder and share holder proxy, which its content is explaining asset releasing especially official home/ ex-official home to valid occupant according the company proposal as in the letter of Monetary Minister of Indonesia Republic No. S-1218/Mk.016/1992 dated October 13th 1992 as in its execution/realization adapted to the company needs.

- Giving appropriate homes construction aid cooperate with Local Government in which the retirees in the future time can have those home by seeling-buying way as the price of Tax Object Selling Price (NJOP) on the realty/ ex-IUP that is not economical to be mined.
- Executed pension payment that is still interned for a while at the company to every retiree.
- Take law method

3.2. Business Solution Analysis

By basic changing happened at PT Timah (Persero) Tbk since 1990 up to now, it really influences the staffs, retirees moreover ex-timah staffs, so some studies toward alternative business solution as below:

- PT Timah send the letter to Government as share holder or share holder proxy which its content is execution explanation of Monetary Minister of Indonesia Republic No. S-1218/Mk.016/1992 dated October 13th 1992.

Releasing concept of the company assets is the consequence of the company activities centralization strategy is only the area related to tin production/mining, so there are many company functions including assets and staff that irrelevant to the main activity of tin mining must be released/resigned. The execution of these functions and assets must follow government rule about resignation of state property, that cane selling, donation, exchanging and/or other ways approved by government as share holder / share holder proxy. And also official home resignation to valid occupant must appropriate with valid procedure and regulation now.

The importance of the company management to explain realization of Monetary Minister of Indonesia Republic letter No S-1218/Mk.016/1992 dated October 13th 1992 in order there is similar understanding between the management and the retirees why and what cause of the content of this Monetary Minister of Indonesia Republic cannot be realized. Next its content of letter respond of share holder will communicate/socialized/dialogue to the retirees in order they can understand and aware it.

- Giving appropriate home construction aid cooperate with local government and later on the retirees can have it by selling buying method with NJOP price on realty/ex IUP that is not economics to be mined anymore.

The company can reprocess data of the retirees that still occupy official homes if each of them is true does not has own house or already has own home. It is need to be executed, if the retirees are really don't have home, so the company can cooperate with local government to build appropriate house through its Corporate Social Responsibility (CSR) as the valid regulation and if the company financial condition is possible, so to the retirees can be constructed simple houses and the can be owned by selling buying according to NJOP price or other prices as valid regulation now.

- Executed pension payment that is interned for a while to every retirees

The retirees that their pension interned by the company, because they have not returned the official home they occupy, so the company will execute their pension fully as every each quantity listed in Decision Letter of Directions of PT TIMAH (Persero) Tbk about their own pension and the retirees expected to return the house key they occupy because it is their obligation. It is need to be executed, in order the retirees will not misunderstand to clarify their temporary pension interned and feel have right to occupy official home, actually they do not any right anymore. It is need to be executed in order every party get law assurance aboutthier right and obligation.

- Taking Law Method

Law method mandated to be executed, in order every party concerned together get law assurance what is their right and obligation each. One hand the company should not let company assets occupied by the party who has no right anymore and the company must execute the state assets

maintenance/protection so it will be in good condition and moreover rearrange tin staffs who need that facilities and the company existence must keep going.

4. Conclusion and Implementation Plan

4.1 Conclusion

In the execution of restructure of PT Timah in 1990 up to now, the reality is there is occupancy of realty/building asset especially official home on timah complex area in Pangkalpinang city by timah retirees and it increase year by year with the same expectation, they expect can buy those official home base on Monetary Minister of Indonesia Republic No. S-1218/Mk.016/1992 dated October 13th 1992.

This matter is one of consequence of restructure program that focus on the company asset resignation at that time and this problem has no good solution yet up to now, because of different interpretation of problem root of every party, there was mastery of the official home by retirees.

The efforts executed by the company so far have not succeed maximally yet,. So that in this matter expected new concept and there must be sure action of the company in facing the difference that facing by every party in solving this matter.

Some business solution offered toward the official home occupancy problem, that solution of PT Timah send letter to government as share holder and share holder proxy soon, where its content is explaining that assets releasing, especially official home to the valid occupants according to the company proposal in the letter of Monetary Minister of Indonesia Republic No. S-1218/Mk.016/1992 dated October 13th 1992 whereas in its execution adjustable to company need. Then solution about giving appropriate home structure aid cooperate with local government furthermore the retirees can have that home by selling-buying method according NJOP price or other price on realty/ex IUP which is not economics to be mined and executed pension payment interned temporary by the company.

Next, it has to get solution that can give law assurance for every party what is their right and obligation as the valid regulation, so that is the same perception/the same view towards document issued by the authorized such as letter of Monetary Minister of Indonesia Republic year 1992 and other related regulations toward assurance of the company official home/profession home occupancy. However possessing right toward the company assets is still right of PT TIMAH (Persero) Tbk up to now, so internal regulation or external of the company must be maintained. This solution is taking law method (litigation).

So two patterns that become focus of implementation in solving this case study that is non litigation, which is dialogue/socialization/communication by a new concept by litigation that is by judicative way by authorized institution. In this execution, the company can cooperate with external local or national Lawyer as the certainty of valid regulation.

4.2. Implementation

In the implementation of this alternative business solution, it need power sources such as:

- In order this alternative business solution can be truly executed and the regulations truly maintained as the valid regulation, non litigation way needed cooperation between working unit related to PT TIMAH (persero) Tbk who will retake dialogue with the retirees and other concern parties , if it is needed the company can cooperate with related government services.

- In the implementation litigation way, the company can cooperate between related working units internally, related government services, and local or national external lawyer.
- Needed cooperation of working unit or working team in the company which main job is to identify, to inventory, to control and maintain/manage the next allocation of assets, especially the company official home/profession home for protection, the regulation maintenance and law assurance from other unauthorized parties. So management/occupancy of the company assets is eligible as the valid rule and regulation.
- Manpower availability who care to their environment, the company internally or externally so that it is always harmonics braided or two ways communication between necessity administrator, however especially the timah retirees are people who care to PT Timah that expected its continuity existence.

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