

Aspek hukum pengalihan saham dalam sebuah perseroan terbatas berstatus penanaman modal asing dikaitkan dengan undang-undang perseroan terbatas dan undang-undang penanaman modal = Legal aspect of shares transfer in a limited liability company established in the framework of foreign investment in relation with limited liability law and investment law

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Abstrak

Tesis ini membahas mengenai permasalahan hukum yang timbul pada saat sebuah perseroan terbatas berstatus penanaman modal asing di Indonesia hendak melakukan jual beli saham dalam perseroan, yang berkaitan dengan permasalahan sah atau tidaknya perjanjian jual beli saham yang dilakukan sebelum memperoleh persetujuan dari Badan Koordinasi Penanaman Modal, permasalahan mengenai ketidaksetujuan dan hak dari para karyawan perseroan atas adanya jual beli saham yang dilakukan oleh perseroan, serta mengenai persetujuan jual beli saham dalam perseroan yang dilakukan melalui keputusan sirkular para pemegang saham perseroan. Hasil analisa dari permasalahan yang dikemukakan di atas dilakukan secara yuridis normatif berdasarkan undang-undang yang berlaku.

.....The focus of this study are regarding legal issues which arising when a limited liability company in the framework of foreign investment in Indonesia intend to conduct sale and purchase if shares in the company, which related with the issues of the legality of sale and purchase agreement conducted before obtaining the approval from Investment Coordination Board in advance, issues regarding disapproval and rights of company's employee on the sale and purchase of shares conducted by the company, and issue regarding the approval of the sale and purchase of shares which resolved through circular resolution of shareholders of the company. The analysis results of the legal issues mentioned above carry out by juridical and normative analysis pursuant to the prevailing laws.