

Aspek hukum proses go private PT. Aqua Golden Mississippi Tbk. terhadap perlindungan hak pemegang saham minoritas = Legal aspects in the process of going private of PT Aqua Golden Mississippi Tbk. in the protection of the rights of the minority shareholders

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Abstrak

Sebuah penantian panjang bagi PT Aqua Golden Mississippi Tbk. untuk sampai pada akhirnya berhasil mendapatkan persetujuan pemegang saham minoritas untuk go private. Pemegang saham dalam perusahaan terbuka merupakan pihak yang memiliki kedudukan penting dalam pengambilan keputusan aksi korporasi perusahaan. Pemegang saham memiliki hak dan kewajiban yang harus dipenuhi dalam menjalankan aksi korporasi tersebut sesuai dengan porsi sebagai pemegang saham mayoritas dan pemegang saham minoritas. Dalam aksi korporasi go private, tindakan ini hanya dapat dilakukan dengan persetujuan pemegang saham minoritas melalui Rapat Umum Pemegang Saham Luar Biasa. Persyaratan tersebut diberikan untuk melindungi kepentingan pemegang saham minoritas. Dalam tindakan go private, pemegang saham mayoritas hanya diberikan wewenang untuk memberikan usulan dan melaksanakan kewajiban sesuai dengan ketentuan hukum pasar modal. Peraturan mengenai go private secara spesifik belum ditetapkan oleh Bapepam-LK, namun bertindak sebagai pengawas dan regulator di bidang pasar modal, Bapepam-LK dapat mengeluarkan kebijakan berupa Surat Bapepam-LK perihal Rencana Go Private. Selain surat tersebut, proses go private dilakukan sesuai dengan Peraturan Bapepam Nomor IX.E.1 tentang Benturan Transaksi Kepentingan Tertentu, Peraturan Bapepam Nomor IX.F.1 tentang Penawaran Tender.

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It is a long wait for PT Aqua Golden Mississippi Tbk. to finally managed to get the approval of minority shareholders to go private. Shareholders in public companies is a party that has an important position in the company's corporate decision-making action. The shareholders have the rights and obligations that must be met in carrying out corporate action in accordance with it's portion as a majority shareholder and minority shareholders. In a corporate action, go private can only be done with the approval of minority shareholders through the Extraordinary General Meeting of Shareholders. These requirements are given to protect the interests of minority shareholders. In this go private action, the majority shareholders of a company only authorized to propose and carry out duties in accordance with the provisions of capital market law. Specific regulations for Go Private have not been determined by Bapepam-LK yet, but act as supervisors and regulators in the capital market, Bapepam-LK may issue a policy letter concerning to the plan of going private of a company. In addition to the letter, go private process conducted in accordance with Bapepam Rule Number IX.E.1 on Conflicts of Interest of Certain Transactions and Bapepam Rule No. IX.F.1 about the Tender Offer.