

Pembubaran perseroan terbatas melalui penetapan pengadilan : studi kasus pembubaran PT Rasico Industry = Dissolution of limited liability company by court order : case study of dissolution of PT Rasico Industry

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Abstrak

Penelitian ini mengkaji aspek hukum pembubaran Perseroan Terbatas (PT) melalui permohonan penetapan pengadilan serta melakukan analisis terhadap penetapan pengadilan yang membubarkan PT yang tanpa mendengar kesaksian direksi dan komisaris, melalui studi kasus PT Rasico Industry. Penelitian ini menggunakan metode penelitian yuridis normatif dengan studi kepustakaan.

Hasil penelitian menunjukkan bahwa pembubaran PT melalui penetapan pengadilan harus dilakukan dengan pengajuan permohonan ke ketua pengadilan yang dapat diajukan oleh pihak ? pihak tertentu, yaitu kejaksaan, pihak yang berkepentingan, pemegang saham, serta direksi dan komisaris PT.

Selain itu hasil penelitian juga menunjukkan bahwa penetapan pengadilan mengenai pembubaran PT yang tanpa mendengar kesaksian direksi dan komisaris tidak sesuai dengan Undang-Undang Perseroan Terbatas. Hal ini tampak pada kasus pembubaran PT Rasico Industry yang tanpa mendengar keterangan direksi dan komisaris PT oleh pengadilan negeri. Mahkamah Agung membatalkan penetapan pembubaran PT tersebut karena dianggap merugikan kepentingan pihak-pihak lain yang ada di dalam PT Rasico Industry.

.....This thesis describes the legal aspects of the dissolution of Limited Liability Company (LLC) by court order and analyze district court order that dissolving the LLC without hearing the testimony of directors and commissioners of the LLC, using the case studies of Rasico Industry LLC. Author use juridical-normative research method with literature studies.

The research shows that the dissolution of the LLC by court order must be made by submitting a petition to the head of the court. The petition may be submitted by certain parties such as the prosecutor, interested parties, shareholders, and directors and commissioners of The LLC.

Furthermore, the research also shows that the court order on dissolution of LLC that without hearing the testimony of directors and commissioners are not suitable with Law No. 40 of 2007 concerning Limited Liability Company. This is can be seen in the case of the dissolution of Rasico Industry LLC, where the court determine the dissolution of Rasico Industry LLC without hearing the testimony of directors and commissioners of Rasico Industry LLC. Supreme Court finally revoke the determination of the dissolution of Rasico Industry LLC due to consideration that there are many interest in Rasico Industry LLC that has to be protected.