

Analisis Pemberhentian Anggota Direksi Perseroan Terbatas Menurut Hukum Perusahaan Indonesia Dikaitkan Dengan Pemutusan Hubungan Kerja Menurut Hukum Ketenagakerjaan Indonesia (Studi Putusan Mahkamah Agung No. 197 K/Pdt.Sus/2010 Antara PT. National Utility Helicopter Melawan Ridwan Ramli) = Analysis Dismissal Board of Member Directors Limited Liability Company Legal Indonesia Associated With Termination of Employment According to Indonesian Labor Law (Study of the Supreme Court ruling. 197 K/Pdt.Sus/2010 Between PT. National Utility Helicopter Against Ridwan Ramli)

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Abstrak

Penelitian ini membahas mengenai masalah sifat hubungan hukum antara Direksi dengan Perseroan Terbatas. Apakah pemberhentian Direksi Perseroan Terbatas dari jabatannya sebagai Direksi adalah juga merupakan pemutusan hubungan kerja menurut Undang-Undang Ketenagakerjaan. Penelitian ini menggunakan metode penelitian hukum normatif. Permasalahan yang dikaji adalah mengenai sifat hubungan hukum (legal nature) antara Direksi dengan Perseroan Terbatas, serta status hukum Ridwan Ramli setelah diberhentikan sebagai anggota Direksi menurut Undang-Undang Perseroan Terbatas dan Undang-Undang Ketenagakerjaan.

Hasil temuan penelitian terhadap permasalahan-permasalahan tersebut adalah terdapat tiga (3) konsep sifat hubungan hukum antara Direksi dengan Perseroan Terbatas yaitu, konsep ketenagakerjaan, konsep perwakilan dan konsep kombinasi antara perwakilan dan ketenagakerjaan. Mengenai status hukum Ridwan Ramli setelah diberhentikan sebagai Direksi menurut Undang-Undang Perseroan Terbatas adalah terdapat dua kemungkinan apakah Ridwan Ramli berasal dari internal (pemegang saham/pekerja) atau eksternal Perseroan Terbatas. sedangkan Berdasarkan Undang-Undang Ketenagakerjaan status hukum Ridwan Ramli setelah pemberhentian tersebut adalah masih sebagai pekerja di PT.National Utility Helicopter.

Pemberhentian seseorang sebagai pekerja diatur secara detil meliputi sebab yang sah bagi putusnya hubungan kerja, prosedur pemutusan hubungan kerja sampai dengan akibat hukum berupa kompensasi atas putusnya hubungan kerja tersebut dalam bentuk paket pesangon.

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This thesis analyses discusses the nature of the problem with the legal relationship between the Board of Directors with Limited Liability Company. Whether the dismissal of the Board of Directors from his position as Directors is also a termination of employment under the labor Act. This study uses normative legal research. Problem studied is the nature of the legal relationship (legal nature) between the Board of Directors of the Limited Liability Company, as well as the legal status Ridwan Ramli once dismissed as a member of the Board of Directors pursuant to the Limited Liability Company Act and the labor Act. The findings of research on these issues is that there are three (3) concept of legal nature of the relationship between the Board of Directors of the Limited Company namely, employment concept, the concept of representation and the concept of combination between representation and employment. Ridwan Ramli legal status after being laid off as the Board of Directors pursuant to the Limited Liability Company Act is there

are two possibilities whether from internal Ridwan Ramli (shareholder / employee) or external Company Limited. while Under the Labor Act Ridwan Ramli legal status after the dismissal is still a worker in PT.National Utility Helicopter. Dismissal of a person as an employee includes a detailed set of legitimate reasons for the breakup of work, termination procedure due to the legal form of compensation for the breakup of work in the form of severance packages.