

Legalitas pembuatan akta otentik rapat umum pemegang saham rups berbasis telekonferensi = The legality of making an autentic deed in general meeting of shareholders of limited liability company based on teleconferencing / Jumiati

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Abstrak

ABSTRAK

Tesis ini membahas mengenai prosedur pembuatan akta otentik dalam Rapat Umum Pemegang Saham (RUPS) yang dilakukan secara telekonferensi dan bagaimana legalitas risalah Rapat Umum Pemegang Saham (RUPS) telekonferensi beserta tanda tangan elektronik di dalamnya berdasarkan Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas, Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris, dan Undang Nomor 8 Tahun 1997 tentang Dokumen Perusahaan. Metode penelitian yang digunakan adalah pendekatan yuridis normatif, sedangkan metode analisis datanya adalah metode kualitatif. Tulisan ini bertujuan untuk memahami prosedur pembuatan akta otentik dalam Risalah Rapat Umum Pemegang Saham (RUPS) yang dilakukan secara telekonferensi serta bagaimana legalitas dan kekuatan pembuktian Risalah Rapat Umum Pemegang Saham (RUPS) telekonferensi beserta tandatangan elektroniknya di persidangan Pengadilan. Kesimpulan dari penelitian adalah mekanisme pembuatan akta otentik hasil RUPS telekonferensi meliputi pembuatan akta, pembacaan isi akta secara telekonferensi, penandatanganan akta melalui 1) digital signature, atau 2) tanda tangan konvensional, kemudian dinyatakan di hadapan Notaris dan data digital yang dihasilkan dari RUPS telekonferensi mempunyai kekuatan hukum yang sama dengan akta RUPS konvensional serta dapat menjadi alat bukti dalam proses persidangan di pengadilan. Hasil dari penelitian ini menyarankan agar dibuat ketentuan hukum yang mengatur secara rinci mengenai keabsahan hasil RUPS telekonferensi, serta perlu adanya perubahan dalam Undang-Undang Jabatan Notaris agar memberikan pengertian yang lebih luas mengenai "bertatap muka" dan "dibacakan di hadapan" sehingga yang dimaksud dengan "bertatap muka" dan "dibacakan di hadapan" dapat dilakukan secara telekonferensi agar tidak ada keraguan lagi mengenai autentikasi suatu akta hasil RUPS telekonferensi.

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ABSTRACT

The following thesis is examining procedure of making an autentic deed in General Meeting of Shareholders of Limited Liability Company held in teleconference and the legality of the authentic act with elektronik signature in

minutes of General Meeting of Shareholders of Limited Liability Company held in teleconference in accordance with Laws of Limited company, Laws of Information and Electronic Transactions, Laws of Notary, and Laws of Corporate Document. The thesis uses judicial norms approach as research implementation method and also assessment of several qualitative data. The following thesis aims to understand the procedure of making an authentic deed in the Minutes of the General Meeting of Shareholders of Limited Liability Company conducted teleconferences and understand how the legal and evidentiary strength of the minutes of the General Meeting of Shareholders of Limited Liability Company conducted a teleconference along with electronic signatures in the trial court. The conclusion of this thesis is the mechanism of making authentic act of the General Meeting of Shareholders of Limited Liability Company held in teleconference includes making of the deed, reading the contents of the deed by teleconference, signing the deed by 1) digital signatures, or 2) conventional signature, and then declared the deed in presence the notary, the digital data from the General Meeting of Shareholders of Limited Liability Company held in teleconference have the same legal force to the deed of General Meeting of Shareholders of Limited Liability Company is done conventionally and can become evidence in court proceedings. The results of this thesis suggest that legal provisions be made clearly and really detailed about the validity of the General Meeting of Shareholders of Limited Liability Company held in teleconference, as well as the need for a change in the Laws of Notary in order to give a broader sense of "face to face" and "read in presence" that is a "face to face" and "read in presence" by teleconferencing so that there is no doubt about the authentication of a deed of the General Meeting of Shareholders of Limited Liability Company held in teleconference.