

Analisis tanggung jawab holding company terhadap perbuatan sub holding company dan subsidiary company (studi putusan: putusan Mahkamah Agung No. 01/K/N/1998, putusan Mahkamah Agung No. 1038/K/PDT.SUS/2010, dan putusan Mahkamah Agung No. 496/K/PDT.SUS/2008) = Analysis on holding company's liability towards sub holding company s and subsidiary company's actions (verdict study: Supreme Court verdict No. 01/K/N/1998, Supreme Court verdict No. 1038/K/PDT.SUS/2010 and Supreme Court verdict No. 496/K/PDT.SUS/2008)

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Abstrak

ABSTRAK

Skripsi ini membahas mengenai tanggung jawab holding company terhadap perbuatan sub-holding company dan subsidiary company. Pada skripsi ini akan dibahas mengenai tiga hal. Pertama, pembahasan mengenai pengaturan holding company di Indonesia. Kedua, pembahasan mengenai pertanggungjawaban holding company terhadap anak perusahaannya. Dan ketiga, pembahasan mengenai pandangan pengadilan Indonesia terhadap corporate group. Ketiga pembahasan tersebut dilakukan berdasarkan pertimbangan hakim dalam kasus-kasus mengenai corporate group khususnya pada Putusan Mahkamah Agung No. 01/K/N/1998, Putusan Mahkamah Agung No.1038 K/Pdt.Sus/2010, dan Putusan Mahkamah Agung No. 496 K/Pdt.Sus/2008. Penelitian ini merupakan penelitian yuridis normatif dengan menggunakan pendekatan peraturan perundang-undangan, pendekatan perbandingan, dan pendekatan kasus. Penelitian ini menyimpulkan bahwa pengaturan mengenai corporate group di Indonesia masih kurang lengkap dan jelas sehingga menimbulkan kerancuan-kerancuan mengenai perspektif yang harus diterapkan terhadap corporate group.

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<i>ABSTRACT</i>

This thesis discusses the liability of a holding company towards the actions done by its sub-holding and subsidiary companies. This thesis will mainly focus on three issues. First, the Indonesian regulation on holding companies. Second, holding company's liability towards the actions done by its sub-holdings and subsidiaries. And third, the perspective which Indonesian court adopt towards corporate group. These discussions are done based on the considerance of the judges in corporate group cases mainly in the Supreme Court Verdict No. 01/K/N/1998, Supreme Court Verdict No.1038 K/Pdt.Sus/2010, and Supreme Court Verdict No. 496 K/Pdt.Sus/2008. This research is a normative juridical research using legislation and case approach. This research concludes that the Indonesian regulation on corporate group is still incomplete and inapprehensive which leads to confusion on the perspective that should be adopted towards corporate group.</i>