

Fungsi notaris sebagai pejabat umum dalam membuat akta otentik untuk memberikan perlindungan hukum terhadap beneficiary dalam melakukan investasi terhadap PT X = The function of notary as a public official in making an authentic agreement to provide legal protection against beneficiary in investing to PT X

Samuel Harnaen, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20389167&lokasi=lokal>

Abstrak

[ABSTRAK

Perkembangan perekonomian di Indonesia, menuntut adanya kecepatan, dan efisiensi dalam bertransaksi. Hal ini menyebabkan munculnya kelalaian para pebisnis terhadap perlindungan hukum yang ada. tesis ini akan membahas sebuah kasus dimana terdapat seorang investor yang menanamkan modalnya dalam sebuah perseroan terbatas dan mendapatkan keuntungan sesuai dengan proporsi modal yang ia setorkan. Akan tetapi kesepakatan yang dijalankan dibangun tanpa adanya kesepakatan tertulis. Notaris dalam hal ini yang berfungsi sebagai pejabat umum pembuat akta otentik dituntut agar dapat memberikan perlindungan hukum. Metode penelitian yang digunakan adalah dengan melakukan studi literatur dan studi kasus. Hasilnya adalah penelitian terhadap kasus membuktikan bahwa hal yang terjadi tidak berkaitan dengan saham atas nama seperti terdapat dalam Undang-Undang Penanaman Modal, sehingga pembentukan perjanjian menjadi sah. Selain itu, suatu akta otentik dapat dibuat tidak hanya terbatas pada perjanjian nominat, namun juga pada perjanjian inominat, dan Notaris memiliki kewenangan untuk mengakomodasi kepentingan para pihak kedalam suatu perjanjian. Kesimpulannya adalah, Notaris selain mempunyai kewajiban memberikan penyuluhan hukum, Notaris juga harus bisa memberikan jalan keluar terhadap permasalahan yang dihadapi oleh kliennya, sepanjang memenuhi ketentuan perundang-undangan.

<hr>

ABSTRACT

The economic developments in Indonesia, demanding speed and efficiency in the transaction. This led to the emergence of the negligence of businessmen to the protection of laws. This thesis will discuss a case in which there is an investor who invest in a limited liability company and earn profits in proportion to the capital which it deposited. But the deal is executed built without a written agreement. Notary in this case that serves as a public official deed authentic required in order to provide legal protection. The method used is to conduct a study of literature and case studies. The result is a study of the case proves that it happens not relating to the shares on behalf of such contained in the Investment Act, so that the formation of the agreement becomes valid. In addition, an

authentic deed can be made not only limited to nominate agreement, but also on in nominate agreement, and Notary has the authority to accommodate the interests of the parties into an agreement. The conclusion is, Notary in addition possessed legal obligation to provide counseling, notary also must be able to provide solutions to problems faced by his client, that they meet the statutory provisions;The economic developments in Indonesia, demanding speed and efficiency in the transaction. This led to the emergence of the negligence of businessmen to the protection of laws. This thesis will discuss a case in which there is an investor who invest in a limited liability company and earn profits in proportion to the capital which it deposited. But the deal is executed built without a written agreement. Notary in this case that serves as a public official deed authentic required in order to provide legal protection. The method used is to conduct a study of literature and case studies. The result is a study of the case proves that it happens not relating to the shares on behalf of such contained in the Investment Act, so that the formation of the agreement becomes valid. In addition, an authentic deed can be made not only limited to nominate agreement, but also on in nominate agreement, and Notary has the authority to accommodate the interests of the parties into an agreement. The conclusion is, Notary in addition possessed legal obligation to provide counseling, notary also must be able to provide solutions to problems faced by his client, that they meet the statutory provisions, The economic developments in Indonesia, demanding speed and efficiency in the transaction. This led to the emergence of the negligence of businessmen to the protection of laws. This thesis will discuss a case in which there is an investor who invest in a limited liability company and earn profits in proportion to the capital which it deposited. But the deal is executed built without a written agreement. Notary in this case that serves as a public official deed authentic required in order to provide legal protection. The method used is to conduct a study of literature and case studies. The result is a study of the case proves that it happens not relating to the shares on behalf of such contained in the Investment Act, so that the formation of the agreement becomes valid. In addition, an authentic deed can be made not only limited to nominate agreement, but also on in nominate agreement, and Notary has the authority to accommodate the interests of the parties into an agreement. The conclusion is, Notary in addition possessed legal obligation to provide counseling, notary also must be able to provide solutions to problems faced by his client, that they meet the statutory provisions]