

Tanggung jawab direksi PT Mandala Airlines yang mengundurkan diri dari jabatannya sesaat setelah mengajukan voluntary petition of self bankruptcy atas perseroannya (studi putusan nomor 48 /Pdt.Sus.Pailit/2014/Pn.Niaga.JKT.Pst) = Responsibility of the director who resigned shortly after the company filed a voluntary petition of self bankruptcy (case study on the decision of the Central Jakarta commercial court number 48 /Pdt.Sus.Pailit/2014/Pn.Niaga.JKT.Pst) / Ivan Setiady

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Abstrak

[Perseroan Terbatas adalah salah satu subjek hukum yang dapat dinyatakan pailit sebagaimana diatur dalam Undang- Undang Nomor 37 Tahun 2004. Selain dapat dimohonkan pailit oleh minimal 2 (dua) atau lebih kreditornya, debitor juga dapat memohonkan pailit untuk dirinya sendiri. Direksi Mandala Airlines mengundurkan diri dari jabatannya sesaat setelah mengajukan permohonan pailit atas perseroannya, sehingga terjadi kekosongan jabatan Direksi pada saat proses kepailitan. Pokok permasalahan dalam Tesis ini adalah bagaimana tanggung jawab hukum Direksi PT. Mandala Airlines yang mengundurkan diri dari jabatannya sesaat setelah mengajukan voluntary of petition of self bankruptcy atas perseroannya dan bagaimanakah akibat hukum terhadap tindakan Direksi tersebut. Untuk menjawab permasalahan itu, penelitian dilakukan secara normatif, dengan sifat penelitian eksplanatoris. Data yang digunakan adalah data sekunder. Pengolahan data secara kualitatif dan pengambilan kesimpulan dengan pola pikir deduktif. Hasil penelitian ini adalah tanggung jawab Direksi PT. Mandala Airlines terhadap tindakan atas nama perseroan berupa voluntary petition of self bankruptcy adalah terbatas. Namun tanggung jawab tersebut menjadi tidak terbatas apabila Direksi tersebut tidak melaksanakan tugas pengurusannya dengan penuh tanggung jawab dan itikad baik untuk kepentingan serta maksud dan tujuan perseroan.; Limited Liability Company is one of the subjects which can be declared bankrupt as regulated in Law Number 37 of 2004. Besides can be petitioned for bankruptcy by at least 2 (two) or more creditors, debtor can also petitioned their own bankruptcy. Mandala Airlines' Director resigned from his position shortly after he filed for the company bankruptcy. In connection with that, subject matters in this thesis are how does the legal responsibility of PT. Mandala Airlines' Director who is resigned shortly after filed a voluntary petition of self bankruptcy and how the legal consequences of his action. This is a normative research, the characteristic of this research is explanatorist. The data used is secondary data. Data processing is done qualitatively and conclusions made by deductive pattern. Result of this research are the legal responsibility of PT. Mandala Airlines' Director is limited liability. However, this responsibility can be unlimited if the Director does not carry out his tasks with full responsibility and with the good faith for the benefit of the company., Limited Liability Company is one of the subjects which can be declared bankrupt as regulated in Law Number 37 of 2004. Besides can be petitioned for bankruptcy by at least 2 (two) or more creditors, debtor can also petitioned their own bankruptcy. Mandala Airlines' Director resigned from his position shortly after he filed for the company bankruptcy. In connection with that, subject matters in this thesis are how does the legal responsibility of PT. Mandala Airlines' Director who is resigned shortly after filed a voluntary petition of self bankruptcy and

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