

Perubahan status anak perusahaan penanaman modal dalam negeri (PMDN) tertutup dalam kaitannya dengan perubahan kepemilikan saham dalam kegiatan penanaman modal asing = Amendment of status of subsidiaries domestic investment company in relation to the amendment of shares composition on foreign investment activity

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Abstrak

Penulisan tesis ini dilatarbelakangi dengan adanya ketentuan perubahan status anak perusahaan PMDN tertutup akibat perubahan kepemilikan saham. Perubahan tersebut salah satunya disebabkan karena pengambilalihan saham sebagaimana yang ditetapkan dalam Peraturan Kepala Badan Koordinasi Penanaman Modal No.5 Tahun 2013 Tentang Pedoman Dan Tata Cara Perizinan Dan Non Perizinan Penanaman Modal. Namun, ketentuan tersebut akhirnya dicabut yang berdampak kepada ketidakpastian hukum dan pelanggaran terhadap ketentuan bidang usaha yang tertutup bagi modal asing.

Pembahasan dilakukan dengan menjelaskan pengambilalihan saham terhadap perusahaan PMDN tertutup dan perubahan status perusahaan yang disebabkan. Penulisan ini menggunakan tipologi penelitian normatif dengan metode penelitian kepustakaan dan wawancara. Akhir penulisan ini menyimpulkan bahwa ketentuan perubahan status terhadap anak perusahaan PMDN harus ditetapkan kembali.

.....This thesis is written based on the provision regarding the amendment of status of subsidiaries domestic investment company due to the amendment of shares composition. One of The amendments is caused by the acquisition of shares as stipulated under The Regulation of Head of Investment Coordinating Board No.5/2013 regarding Guidance and Procedure of License and Non License of Investment. However, at the end, the stipulation was revoked which impacted to the legal uncertainty and violated the provisions of the business field which prohibited to foreign capital.

The study is conducted by explaining the shares acquisition toward the private domestic investment company and the alteration of the company status caused by it. This thesis uses normative research typology with bibliographical and interview research method. At the end of thesis is concludes that the regulation of alteration of status of subsidiaries the private domestic investment company must be re stipulated.