

Kuasa yang tidak dapat ditarik kembali untuk menghadiri dan memberikan suara pada rapat umum pemegang saham perseroan terbatas (studi kasus sengketa antara para pemegang saham PT. Cipta Televisi Pendidikan Indonesia melawan PT. Berkah Karya Bersama) = Irrevocable power of attorney to attend and casting vote in general meeting of shareholders of limited liability (case study dispute between shareholders of PT. Cipta Televisi Pendidikan Indonesia versus PT. Berkah Karya Bersama)

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Abstrak

[Pemberian kuasa merupakan langkah hukum yang dibenarkan oleh Undang-Undang. Pemberi Kuasa atau Prinsipal dapat memberikan kuasa kepada pihak yang menurutnya bisa mewakili kepentingan hukumnya. Berdasarkan Pasal 1338 KUHPerdara mengenai prinsip kebebasan berkontrak, kuasa tersebut dapat diberikan dengan kuasa yang tidak dapat ditarik kembali. Akan tetapi Pasal 1338 KUHPerdara tersebut telah diberi batasan dengan Pasal 1337 KUHPerdara yang menyatakan bahwa suatu sebab adalah terlarang, jika sebab itu dilarang oleh undang-undang dan Pasal 85 ayat 5 UUPT menyatakan bahwa dalam hal pemegang saham hadir sendiri dalam RUPS, surat kuasa yang telah diberikan tidak berlaku untuk rapat tersebut. Pada

penulisan tesis ini, penulis menggunakan bentuk penelitian normatif, dengan tipe penelitian deskriptif analitis, dan jenis data yang digunakan data sekunder. Dijelaskan dalam pokok permasalahan mengenai kuasa yang tidak dapat ditarik kembali dalam menghadiri dan memberikan suara pada Rapat Umum Pemegang

Saham dilihat dari peraturan perundang-undangan yang berlaku dan pandangan pengadilan pada tiap-tiap putusannya. Penelitian dilakukan terhadap putusan Pengadilan, mulai dari Pengadilan Negeri, Pengadilan Tinggi, dan Mahkamah Agung terhadap Sengketa Antara Para Pemegang Saham PT. Cipta Televisi Pendidikan Indonesia melawan PT. Berkah Karya Bersama. Ditemukan jawaban bahwa kuasa yang tidak dapat ditarik kembali tersebut tetap dapat dicabut berdasarkan Pasal 1337 KUHPerdara dan Pasal 85 ayat 5 UUPT; The power of attorney as a legal step allowed by regulation, principal has been given power of attorney to a party as represent in person for legal interest. Based on article 1338 Indonesian Civil Code Authorization on principle freedom of contract, The Power of Attorney can be form of hereby confers an irrevocable power of attorney. But article 1338 Indonesian Civil Code has been restricted with article 1337 Indonesian Civil Code a cause is not permissible if it is prohibited by law, or if it violates good conduct, or public order and article 85 paragraph 5 concerning Limited Liability Companies in the event that shareholders are present at the GMS in person, any power of attorney they have given shall not be valid for that meeting. In this Thesis in writer adopt a juridical normative and descriptive analyst method or research and relies on secondary data sources. For research matter this research will be explain the irrevocable power of attorney to attend and give a vote to General Meeting of Shareholders has been seen from all of regulations and the courts view

from each decisions. Research conducted on the decision by judge, starting from the Court, High Court, and

The Supreme Court to dispute between shareholders PT. Cipta Televisi Pendidikan Indonesia versus PT. Berkah Karya Bersama. Already found the answer irrevocable power of attorney still be revoked based on article 1337 Indonesian Civil Code and article 85 paragraph 5 concerning Limited Liability Companies.;The power of attorney as a legal step allowed by regulation, principal has been given power of attorney to a party as represent in person for legal interest. Based on article 1338 Indonesian Civil Code Authorization on principle freedom of contract, The Power of Attorney can be form of hereby confers an irrevocable power of attorney. But article 1338Indonesian Civil Code has been restricted with article 1337 Indonesian Civil Code a cause is not permissible if it is prohibited by law, or if it violates good conduct, or public orderand article 85 paragraph 5 concerning Limited Liability Companies in the event that shareholders are present at the GMS in person, any power of attorney they have given shall not be valid for that meeting.In this Thesis in writer adopt a juridical normative and descriptive analyst method or research and relies on secondary data sources. For research matter this researchwill be explain the irrevocable power of attorney to attend and give a vote to General Meeting of Shareholders has been seen form all of regulations and the courts view from each decisions. Research conducted on the decision by judge, starting from the Court, High Court, and The Supreme Court to dispute between shareholders PT. Cipta Televisi Pendidikan Indonesia versus PT. Berkah Karya Bersama. Already found the answer irrevocable power of attorney still be revoked based on article 1337 Indonesian Civil Code and article 85 paragraph 5 concerning Limited Liability Companies.;The power of attorney as a legal step allowed by regulation, principal has been given power of attorney to a party as represent in person for legal interest. Based on article 1338 Indonesian Civil Code Authorization on principle freedom of contract, The Power of Attorney can be form of hereby confers an irrevocable power of attorney. But article 1338Indonesian Civil Code has been restricted with article 1337 Indonesian Civil Code a cause is not permissible if it is prohibited by law, or if it violates good conduct, or public orderand article 85 paragraph 5 concerning Limited Liability Companies in the event that shareholders are present at the GMS in person, any power of attorney they have given shall not be valid for that meeting.In this Thesis in writer adopt a juridical normative and descriptive analyst method or research and relies on secondary data sources. For research matter this researchwill be explain the irrevocable power of attorney to attend and give a vote to General Meeting of Shareholders has been seen form all of regulations and the courts view from each decisions. Research conducted on the decision by judge, starting from the Court, High Court, and The Supreme Court to dispute between shareholders PT. Cipta Televisi Pendidikan Indonesia versus PT. Berkah Karya Bersama. Already found the answer irrevocable power of attorney still be revoked based on article 1337 Indonesian Civil Code and article 85 paragraph 5 concerning Limited Liability Companies., The power of attorney as a legal step allowed by regulation, principal has been given power of attorney to a party as represent in person for legal interest. Based on article 1338 Indonesian Civil Code Authorization on principle freedom of contract, The

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