

Kekuatan hukum perjanjian pengakuan hutang dan perjanjian gadai saham dalam perseroan terbatas yang dibuat sebagai suatu perjanjian simulasi (analisa perjanjian pengakuan hutang dan perjanjian gadai saham dalam PT. CAP) = The legal force of the debt acknowledgment and the pledge of shares agreement of limited liability company which made as a simulation agreement analysis of debt acknowledgment and the pledge of shares agreement in PT. CAP

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Abstrak

[Perjanjian simulasi merupakan suatu perjanjian dimana peristiwa hukum dalam perjanjian tersebut tidak benar-benar terjadi. Perjanjian simulasi banyak dibuat oleh pihak-pihak yang menghendaki adanya akibat hukum dari perjanjian simulasi tersebut meskipun peristiwa hukum yang diperjanjikan adalah suatu hal atau kausa yang palsu karena tidak benar-benar terjadi. Penulisan tesis ini adalah untuk meneliti kekuatan hukum dan kekuatan pembuktian dari perjanjian simulasi dengan menggunakan metode penelitian library research dengan menggunakan studi dokumen dan wawancara narasumber sebagai alat pengumpul data. Dari hasil penelitian tersebut dapat dinyatakan bahwa sesuai Pasal 1335 KUHPerdata, suatu perjanjian tanpa sebab atau yang telah dibuat karena sesuatu sebab yang palsu atau terlarang, tidak mempunyai kekuatan. Kausa yang palsu dapat terjadi jika suatu kausa yang tidak sesuai dengan keadaan sebenarnya atau kausa yang disimulasikan. Dengan demikian perjanjian simulasi tidak memiliki kekuatan hukum mengikat dan oleh karenanya tidak memiliki kekuatan hukum mengikat.;Simulation agreement is an agreement where the legal events on the agreement is not actually occurring. Many simulations agreement made by the parties who requires the legal consequences of the simulated agreement eventhough the legal event on the agreement is a false causes since it does not really occur. This thesis is to examine the legal force and evidentiary force of the simulation agreement with using library research method with document study and interview as the method of data collecting. From the result of the examination, in accordance with Article 1335 of Indonesia Civil Code, an agreement without cause or which have been made with a false matter or prohibited reasons, does not have a legal force. A False causes can occur in case that causes is not correspond to the actual circumstances or that is a simulated causes. Therefore the simulation agreement does not have a binding legal force and therefore does not have an evidentiary force, Simulation agreement is an agreement where the legal events on the agreement is not actually occurring. Many simulations agreement made by the parties who requires the legal consequences of the simulated agreement eventhough the legal event on the agreement is a false causes since it does not really occur. This thesis is to examine the legal force and evidentiary force of the simulation agreement with using library research method with document study and interview as the method of data collecting. From the result of the examination, in accordance with Article 1335 of Indonesia Civil Code, an agreement without cause or which have been made with a false matter or prohibited reasons, does not have a legal force. A False causes can occur in case that causes is not correspond to the actual circumstances or that is a simulated causes.

Therefore the simulation agreement does not have a binding legal force and therefore does not have an evidentiary force]