

Legalitas akta notaris tentang pernyataan keputusan menteri badan usaha milik negara tentang pengangkatan direksi perusahaan umum (perum) menurut peraturan menteri badan usaha milik negara nomor: Per- 03/MBU/02/2015 = The legality of notary deed regarding statement of state owned enterprises minister decree regarding public corporation (perum) board of directors appointment in accordance with state owned enterprises minister regulation number Per-03/MBU/02/2015

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Abstrak

ABSTRAK

Direksi Badan Usaha Milik Negara BUMN berbentuk Perusahaan Umum Perum ditetapkan oleh Menteri BUMN selaku wakil pemerintah sebagai pemilik modal pada BUMN Perum melalui Surat Keputusan Menteri BUMN tentang Pengangkatan Anggota Direksi Perum. Salah satu diktum Surat Keputusan Menteri BUMN tersebut adalah untuk menyatakan yang diputuskan dalam Surat Keputusan Menteri BUMN ke dalam bentuk otentik. Peraturan Menteri BUMN Nomor: Per-03/MBU/02/2015 tentang Persyaratan, Tata Cara Pengangkatan dan Pemberhentian Anggota Direksi BUMN tidak mensyaratkan bahwa Surat Keputusan Menteri BUMN wajib dituangkan dalam bentuk otentik. Karena tidak ada peraturan yang mengatur kewajiban untuk menyatakan Surat Keputusan Menteri BUMN ke dalam akta otentik, maka timbul permasalahan, yaitu i bagaimanakah legalitas dan argumentasi hukum akta notaris tersebut terkait Peraturan Menteri BUMN Nomor: Per-03/MBU/02/2015; dan ii bagaimanakah dampak hukum terhadap keabsahan Direksi Perusahaan Umum Perum apabila Surat Keputusan Menteri BUMN tersebut tidak dituangkan dalam akta otentik? Metode penelitian yang digunakan untuk menjawab permasalahan dalam penulisan hukum ini adalah studi kepustakaan yang bersifat yuridis normatif. Karena tidak ada peraturan yang mengatur kewajiban untuk menyatakan Surat Keputusan Menteri BUMN tersebut ke dalam akta otentik, maka legalitas Akta Notaris tentang Pernyataan Keputusan Menteri BUMN adalah sebagai suatu akta otentik yang berfungsi untuk mengotentifikasikan Surat Keputusan Menteri BUMN tersebut dan melengkapi administrasi atas penetapan Direksi Perusahaan Umum Perum . Dengan demikian, dampak hukum terhadap keabsahan Direksi Perusahaan Umum Perum apabila Surat Keputusan Menteri BUMN tidak dituangkan dalam akta otentik adalah hanya bersifat administrasi dan Direksi tetap berhak dan sah untuk melakukan perbuatan hukum dalam Perusahaan.

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ABSTRACT

The Board of Directors of State Owned Enterprises BUMN in the form of Public Corporation Perum is appointed by the State Owned Enterprises Minister as the government representative, as the capital owner in the Public Corporation Perum State Owned Enterprises BUMN by the Decree of the State Owned Enterprises Minister regarding the Appointment of the Board of Directors Member of the Public Corporation Perum . One of dictum of the State Owned Enterprises BUMN Minister Decree Letter is to state that was decided in State Owned Enterprises Minister Decree Letter into authentic form. The Regulation of the State Owned

Enterprises BUMN Minister Number Per 03 MBU 02 2015 regarding Requirements, Appointment, Procedures and Dismissal of the Board of Directors Member of State Owned Enterprises BUMN do not require that the State Owned Enterprises Minister Decree Letter must be set forth into the authentic form. In the absence of any regulation regarding the obligation to state State Owned Enterprises BUMN Minister Decree Letter into an authentic deed, the problem arising, namely i how are the legality and legal argument of notary deed related to State Owned Enterprises BUMN Minister Regulation Number Per 03 MBU 02 2015 and ii how are the legal impact of the Board of Directors validity of a Public Corporation Perum if the State Owned Enterprises BUMN Minister Decree Letter is not set forth into an authentic deed The research method which is used to answer the problems in this legal writing is normative juridical literature study. In the absence of any regulation regarding the obligation to state that State Owned Enterprises BUMN Minister Decree Letter into an authentic deed, the legality of notary deed regarding statement of the State Owned Enterprises BUMN Minister Decree is an authentic deed, which has functions to authenticate that State Owned Enterprises BUMN Minister Decree Letter and complete the administration of the determination of the Public Corporation Perum Board of Directors. Thereby, the legal impact of the Board of Directors validity of a Public Corporation Perum if the State Owned Enterprises BUMN Minister Decree Letter is not set forth into an authentic deed is only administrative and the Board of Directors shall remain entitled and valid to conduct legal actions in the Company.