

Analisis pengangkatan dan pemberhentian anggota direksi yang masih berstatus karyawan perseroan terbatas studi putusan Mahkamah Agung No. 69 PK/PDT.SUS-PHI/2016 = Analysis of appointment and dismissal of members of the board of director from employee study of supreme court decision number 69 PK/PDT.SUS-PHI/2016

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Abstrak

ABSTRAK

Kedudukan anggota Direksi dalam perseroan terbatas telah diatur dalam UU Perseroan Terbatas Nomor 40 tahun 2007. Pemahaman mengenai anggota Direksi yang diangkat dari karyawan perseroan masih belum luas dipahami oleh praktisi hukum maupun masyarakat luas, khususnya dari tata cara pengangkatan dan pemberhentiannya. Tesis ini mengangkat permasalahan mengenai status hukum pengangkatan dan pemberhentian anggota Direksi yang masih berstatus karyawan berdasarkan Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas dan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, akibat hukum dari pemberhentian anggota Direksi yang masih berstatus karyawan perseroan terbatas yang bersangkutan dalam Putusan Mahkamah Agung No. 69 PK/Pdt.Sus-PHI/2016, dan peran notaris dikaitkan dengan Putusan Mahkamah Agung No. 69 PK/Pdt.Sus-PHI/2016. Metode penelitian dalam penulisan tesis ini menggunakan bentuk penelitian normatif-empiris dengan pendekatan kualitatif dan menghasilkan data deskriptif analitis. Status hukum pengangkatan dan pemberhentian Anggota Direksi dari karyawan Perseroan tidak semata-mata merujuk kepada UU Perseroan Terbatas Nomor 40 tahun 2007 melainkan ada tambahan yang merujuk pada UU Penyelesaian Perselisihan Hubungan Industrial Nomor 2 tahun 2004 dan UU Ketenagakerjaan Nomor 13 tahun 2003. Akibat dari pemberhentian anggota Direksi yang masih berstatus karyawan diharuskan menyelesaikan hubungan industrialnya dikarenakan masih melekatnya status karyawan pada anggota Direksi yang diberhentikan. Notaris dalam hal ini diharapkan dapat lebih teliti dan berhati-hati dalam pembuatan Akta RUPS tentang pemberhentian anggota Direksi. Kata Kunci : pemberhentian anggota Direksi, perselisihan hubungan industrial, Rapat Umum Pemegang Saham.

ABSTRACT

The position of members of the Board of Directors in a limited liability company is regulated in Limited Liability Company Law No. 40 of 2007. An understanding of the members of the Board of Directors appointed by the Company as employees is still not widely understood by legal practitioners and the wider community, especially from the procedures for his appointment and dismissal. This thesis raises the issue of the legal status of the appointment and dismissal of members of the Board of Directors who are still employee status under Law Number 40 Year 2007 regarding Limited Liability Company and Law Number 13 Year 2003 on Manpower, legal impact of dismissal of members of Board of Directors who still have employee status in Supreme Court Decision No. 69 PK Pdt.Sus PHI 2016, and the role of a notary is associated with Supreme Court Decision Number 69 PK Pdt.Sus PHI 2016. The method of research this thesis is the form of normative empirical research with qualitative approach and generate analytical

descriptive data. The legal status of the appointment and dismissal of the Board of Directors of the Company is from its employee does not merely refer to Limited Liability Company Law No. 40 of 2007 but also the Industrial Relations Dispute Settlement Act No. 2 of 2004 and Manpower Law Number 13 of 2003. As a result of dismissal of members of the Board of Directors with employee is required to settle the industrial relations due to the attachment of his employment instead relationship dismissal from him as a member of the Board of Directors. Notary in this case is expected to be more careful and prudent in the making of the Minutes of General Meeting of the Shareholders Deed concerning the dismissal of members of the Board of Directors. Key words Dismissal of members of the Board of Directors, Industrial Relations Disputes , General Meeting of Shareholders.