

ABSTRAK

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Program Studi :Magister Kenotariatan
Judul :Keabsahan Pengangkatan Pengurus Cabang Sebuah Yayasan Ditinjau dari Anggaran Dasarnya dan Ketentuan Hukum yang Berlaku di Indonesia (Studi Sengketa Perdata di Pengadilan Negeri Tegal Nomor 06/Pdt.G/2007/PN.Tgl dan Pengadilan Tinggi Semarang Nomor 95/Pdt/2008/PT.Smg)

Tesis ini membahas sengketa pengangkatan pengurus cabang yayasan yang disebabkan karena adanya ketentuan Anggaran Dasar yang dilalaikan oleh para pihak. Penelitian ini merupakan penelitian deskriptif analitis yang bersumber pada studi dokumen. Hasil dari penelitian menemukan bahwa banyak ketentuan Anggaran Dasar dan Anggaran Rumah Tangga Yayasan yang bertentangan dengan ketentuan Undang-Undang tentang Yayasan disebabkan oleh latar belakang sejarah pembentukan yayasan tersebut sebagai badan hukum. Penelitian ini juga menyimpulkan bahwa Putusan Pengadilan Negeri yang menyatakan bahwa pengangkatan pengurus cabang yang dilakukan melalui mekanisme yang tercantum dalam Anggaran Dasar adalah sudah tepat dan benar. Penyesuaian Anggaran Dasar seperti yang diwajibkan oleh undang-undang harus segera dilakukan untuk memberi kepastian dan jaminan hukum.

Kata Kunci:
Yayasan, Anggaran Dasar Yayasan, Pengangkatan Pengurus Cabang.

ABSTRACT

Name :Samsurizal
Study Program:Magistry of Notary
Title :Legality of Branch Management Appointment of A Foundation Observed By Its Article of Association and The Prevailing Indonesian Laws (Study of Civil Law Conflict at Tegal's Distict Court Number 06/Pdt.G/2007PN.Tgl and Semarang's High Court Number 95/Pdt/2008/PT.Smg)

This tesis discuss a conflict arise from the appointment of branch management of a foundation resulted from neglection of rules on its Article of Association by each party. This research uses descriptive analysis which is based on library study. The result of this research found that many of the rules in the foundation's Article of Association contradict with the rules required by Indonesian Laws specifically the laws that govern the establishment of a foundation in Indonesia. This is as a result of history which govern the forming of foundation in Indonesia before the law of foundation itself formed and in place as a law. The result of this research also found that the Verdict of District Court was truely correct because the appointment of head branch management was complied with its Article of Association thus Branch Board Meeting is the only mechanism to do so. By adapting the Article of Association to the rule required by the Indonesian Law of the establishment of foundation will give more certainty and assurance of law.

Keyword:

Foundation, Article of Association of a foundation, Appointment of Head Branch of a foundation.