

## ABSTRACT

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### **LEGAL CERTAINTY IN COURT COMPETENCY IN BREACH OF CONTRACT (Case Study of Supreme Court Judgment No.444 K/Pid.Sus/2011)**

(15 page + 108 sheet)

Key Words : Breach of Contract, Board of Director's Meeting, General Meeting of Shareholders, Agreement.

Agreement is an event in which a person or a party who promises to another person or party or in which two persons or two parties who agree to perform the agreed thing. An agreement sets out all kinds of rights and obligations that have been mutually agreed. Fund loan can be provided under an agreement, in which specific collateral can be determined. The loan agreement to be discussed will be supported by a collateral in term of individual shares. The loan can be applied to a bank or an individual. The loan to be described will be individual loan through company. The collateral in term of share is owned by the Board of Directors of the company who have agreed to put the shares they own respectively as the collateral in order to get the fund loan. The loan fund will be used to acquire an operational company in the oil and gas production. In the Loan Agreement, the parties agree to assign their representative as the board of directors. In every decision making by the board of directors which have been assigned, the parties agree to regulate a super majority votes in making certain decision. Any deviation to an agreement shall be considered a breach of contract in the implementation of the agreement as stipulated in the agreement. It is in line with the Indonesian Civil Code Article 1338 which says that "*All legally executed agreements shall bind the individuals who have concluded them by law*". Therefore, the settlement against the deviation can be done through law suit against the breach of contract in determining the court case for obtaining a legal certainty. With this regard, this thesis will describe how is the direction to settle the breach of contract in legal aspects, either through consensual settlement or law suit in proper manner in accordance with the laws.

References : 39 (1966-2009)