

ABSTRACT

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RESTORATION OF THE STATUS OF LEGAL ENTITY OF LIMITED LIABILITY COMPANY AS THE RESULT OF MERGER WHICH CANCELED BY COMMISSION FOR THE SUPERVISION OF BUSINESS COMPETITION

(xvi + 136 pages)

Business actor shall be prohibited to conduct merger that could result in the occurrence of monopolistic practices and/or business competition as regulated in Article 28 paragraph 1 of Law No. 5 Year 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition (Law No. 5 / 1999). Therefore, business actor are obliged to report limited liability company as the results of merger to Commission for the Supervision of Business Competition within 30 days after merger become effective. After business actor notified, Commission will evaluate the results of the merger of limited liability company. If there is an assumption of monopolistic practices and unfair business competition, then Commission can initiate case for breach of Article 28 of Law No.5/1999 with the threat of cancellation penalties. When a limited liability company merged into another limited liability company, the first will be expired by law from the date of merger become effective. And if the limited liability company as result of merger were canceled, then the first limited liability company must be restored, while it has expired by law so it cannot be revived. Therefore, the purpose of this legal study is to analyze the status of the legal entity of limited liability company as a result of cancelation by the Commission considering the merger has cause monopolistic practices and unfair business competition, can it be restored to its original status. And the results of this study will provide answers how to create legal certainty of the status of the legal entity of limited liability company, also merger control system that should be applied to prevent the cancellation of limited liability company as result of merger.

References: 40 (1999 – 2011)