

ABSTRAK

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ANALISIS YURIDIS TERHADAP SENGKETA PERALIHAN SAHAM PT BAHARI LINES INDONESIA MELALUI CIRCULAR RESOLUTION (STUDI KASUS PUTUSAN NOMOR 153/PID.B/2018/PN.JKT.UTR)

(xii + 100 halaman;)

Pada Undang-Undang Nomor 40 Tahun 2007 terdapat ketentuan mengenai pengambilan keputusan di luar Rapat Umum Pemegang Saham (RUPS) yang dikenal dengan istilah *circular resolution* yang diatur dalam Pasal 91 UUPT. Hasil dari *circular resolution* yang sering disebut dengan Keputusan Sirkuler yang merupakan akta bawah tangan biasa dituangkan ke dalam akta otentik. Keputusan sirkuler juga memiliki kekuatan hukum yang sama dengan Keputusan RUPS yang dilakukan secara fisik dan konvensional, dengan syarat seluruh pemegang saham memberikan persetujuan atas usul RUPS yang akan diputuskan. Dalam kasus Putusan Nomor 153/Pid.B/2018/PN.Jkt.Utr Yanti Sudarsono bersama suaminya Morten Innhaug mendirikan PT. Bahari Lines Indonesia, dan setelah bercerai Motren ingin mengalihkan saham milik Yanti Sudarsono kepada istri barunya Gabriela namun Yanti Sudarsono merasa tidak pernah memberikan kuasa kepada Gabriela untuk mengalihkan saham miliknya dan Yanti Sudarsono merasa dirugikan karena adanya Pengalihan Saham ini. Penelitian ini menggunakan pendekatan perundang-undangan (*statute approach*) diperkuat dengan pendekatan kasus (*case approach*), data-data dalam penelitian ini diperoleh dari studi kepustakaan. Hasil penelitian menyatakan bahwa Yanti Sudarsono tidak terbukti telah dirugikan karena Yanti Sudarsono bukan pemilik modal atas saham dan komisaris sebenarnya pada PT. Bahari Lines Indonesia. Proses pengalihan saham PT. Bahari Lines Indonesia dari Yanti Sudarsono kepada Gabriela telah dilakukan sesuai dengan semua prosedur hukum yang berlaku berdasarkan ketentuan Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas.

Referensi:

Kata Kunci: Notaris, Akta Pengalihan Saham, Perseroan Terbatas.

ABSTRACT

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JURIDICAL ANALYSIS OF PT BAHARI LINES INDONESIA SHARE TRANSFER DISPUTE THROUGH CIRCULAR RESOLUTION (CASE STUDY DECISION NUMBER 153/PID.B/2018/PN.JKT.UTR)

(xii+ 100 page;)

In Law Number 40 of 2007, there are provisions regarding decision making outside the General Meeting of Shareholders (GMS) known as circular resolutions as stipulated in Article 91 of the Company Law. The results of circular resolutions, which are often referred to as Circular Decisions, are underhanded deeds which are usually written into authentic deeds. Circular decisions also have the same legal force as GMS decisions made physically and conventionally, with the condition that all shareholders give their approval of the GMS proposal to be decided. In the case of Decision Number 153 / Pid.B / 2018 / PN.Jkt.Utr Yanti Sudarsono and her husband Morten Innhaug established PT. Bahari Lines Indonesia, and after the divorce Motren wanted to transfer Yanti Sudarsono's shares to his new wife, Gabrila, but Yanti Sudarsono felt that she had never given the power to Gabrila to transfer her shares and Yanti Sudarsono felt disadvantaged because of this Share Transfer. This research uses a statutory approach (statute approach) reinforced by a case approach, the data in this study were obtained from literature studies. The results of the study stated that Yanti Sudarsono was not proven to have been disadvantaged because Yanti Sudarsono was not the owner of the capital of shares and was actually a commissioner at PT. Bahari Lines Indonesia. The process of transferring shares of PT. Bahari Lines Indonesia from Yanti Sudarsono to Gabrila has been carried out in accordance with all applicable legal procedures based on the provisions of Law Number 40 of 2007 concerning Limited Liability Companies.

Reference :

Keyword : Notary, Deed of Share Transfer, Limited Liability Company.