

ABSTRAK

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TINJAUAN YURIDIS PERSEROAN TERBATAS PERORANGAN SEBAGAI BADAN HUKUM BERDASARKAN UNDANG – UNDANG NOMOR 11 TAHUN 2020 TENTANG CIPTA KERJA

(xiv + 140 halaman; 1 gambar; 4 tabel; 1 lampiran)

Perseroan Perorangan badan hukum baru di Indonesia karena diatur di Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja. Yang menarik adalah Pendiriannya bisa didirikan oleh 1 (satu) orang, dihapusnya modal dasar Perseroan Terbatas, status badan hukum sah setelah mendaftarkan ke Kementerian Hukum dan Hak Asasi Manusia. Dalam penelitian ini, penelitian yang digunakan adalah Penelitian normatif yuridis, dengan menggunakan pendekatan undang-undang. Dari hasil penelitian disimpulkan pengaturan mengenai badan hukum Perseroan diatur di Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas, Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja, Peraturan Pemerintah Nomor 8 Tahun 2021 Tentang Modal Dasar Perseroan Serta Pendaftaran Pendirian, Perubahan, dan Pembubaran Perseroan yang memenuhi kriteria Usaha Mikro dan Kecil dan Peraturan Pemerintah Nomor 7 Tahun 2021 Tentang Kemudahan, Pelindungan dan Pemberdayaan Koperasi & UMKM (Usaha Mikro, Kecil, dan Menengah) dan dikarenakan Perseroan Perorangan memenuhi teori badan hukum, pemerintah menggunakan teori hukum responsif supaya Perseroan Perorangan sah menjadi badan hukum. Saran Peneliti, pemerintah dan praktisi hukum memberikan penyuluhan hukum tentang Perseroan Perorangan dan pembuat aturan supaya transplantasi prinsip pemisahan modal, sehingga pendirian Perseroan perorangan oleh 1 (satu) orang mengikuti prinsip perjanjian dalam akta pendirian, dan pendirian Perseroan Terbatas oleh 2 (dua) orang mengikuti prinsip deklaratif dalam surat pernyataan pendirian.

Referensi: 48 (1985-2022)

Kata Kunci: Perseroan Terbatas, Perseroan Perorangan, Teori Hukum Responsif

ABSTRACT

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JURIDICAL REVIEW OF INDIVIDUAL LIMITED COMPANIES AS LEGAL ENTITIES BASED ON LAW NUMBER 11 OF 2020 CONCERNING ON JOB CREATION

(xiv + 140 pages; 1 image; 4 table; 1 appendix)

Individual company is a new legal entity regulated Law no. 11 of 2020 concerning Job Creation. What's interesting is that 1 (one) person can establish, removed minimum authorized capital, legal entity status after registering from Law and Human Rights Ministry. The research used is normative juridical research, using a statutory approach. From the results was concluded that arrangements regarding the Company regulated Law no. 40 of 2007 concerning Limited Liability Companies, Law no. 11 of 2020 concerning Job Creation, Government Regulation no. 8 of 2021 concerning Company Authorized Capital and Establishment Registration, Amendment, and Companies Dissolution that meet criteria for Micro and Small Enterprises and Government Regulation no. 7 of 2021 concerning Ease, Protection and Cooperatives Micro Empowerment, Small and Medium Enterprises and because individual companies fulfill the legal entity theory, the government uses responsive legal theory that individual companies can legally become legal entities. Suggestions, government and legal practitioners provide legal counseling about Individual Companies and rule makers so that the transplantation of the capital separation principle, so individual Company establishment by 1 (one) person follows the principle of the agreement in establishment deed, and Limited Liability Company establishment by 2 (two) people follows declarative principles in establishment statement.

Reference: 48 (1985-2022)

Keywords: Limited Liability Company, Individual Company, Responsive Legal Theory