

## **ABSTRAK**

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### **AKIBAT HUKUM PENDIRIAN PERSEROAN TERBATAS OLEH SUAMI ISTRI TANPA PERJANJIAN PERKAWINAN**

(xii + 110 halaman)

Perseroan Terbatas adalah badan hukum persekutuan modal yang didirikan berdasarkan perjanjian kecuali memenuhi ketentuan Usaha Mikro dan Kecil untuk pendirian Perseroan Perorangan. Perseroan Terbatas Persekutuan Modal menghendaki adanya 2 (dua) pemegang saham. Suami istri tanpa perjanjian perkawinan merupakan satu subyek hukum yang sama dalam hal harta kekayaan karena terjadi pencampuran harta, sehingga harus mencari pemegang saham lainnya. Jenis penelitian yang digunakan normatif empiris. Bahan hukumnya diperoleh dengan mengumpulkan data kepustakaan dan wawancara kepada perwakilan profesi notaris/PPAT. Hasil penelitian menyimpulkan bahwa pendirian Perseroan Terbatas Persekutuan Modal oleh suami istri tanpa perjanjian perkawinan seharusnya tidak dapat dilakukan karena tidak memenuhi unsur persekutuan modal sehingga pemegang saham akan bertanggung jawab secara pribadi atas segala perikatan dan kerugian Perseroan dan atas permohonan pihak yang berkepentingan, Pengadilan Negeri dapat membubarkan Perseroan tersebut sebagaimana diatur dalam Pasal 7 Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas.

Referensi : 35 (1980-2017)

Kata Kunci: Perseroan Terbatas, Pemegang Saham, Perjanjian Perkawinan

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***LEGAL DUE TO ESTABLISHMENT OF LIMITED LIABILITY COMPANY BY HUSBAND AND WIFE WITHOUT PRENUPTIAL AGREEMENT***

*(xii + 110 pages)*

*Limited Liability Company is a capital partnership legal entity established under an agreement unless it fulfills the micro dan small business provisions for the establishment of an Individual Company. Capital Partnership Limited Liability Company requires 2 (two) shareholders. Husband and wife without a prenuptial agreement are the same legal subject in terms of assets because there is a mix of assets, so they have to look for other shareholders. The type of research used is normative empirical. The legal material is obtained by collecting library data and interviews with representatives of the notary profession/PPAT. The results of the study conclude that the establishment of a Capital Partnership Limited Liability Company by husband and wife without a marriage agreement should not be carried out because it does not meet the elements of a capital partnership so that shareholders will be personally responsible for all engagements and losses of the Company and at the request of interested parties, the District Court can dissolve The company is as regulated in Article 7 of Law Number 40 of 2007 concerning Limited Liability Companies.*

*References : 35 (1980-2017)*

*Keywords: Limited Liability Company, Shareholders, Prenuptial Agreement*