

ABSTRAK

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ANALISIS UPAYA HUKUM KASUS JUAL BELI IKAN LAYUR ANTARA PT AJM DENGAN CSHI COMPANY DITINJAU DARI HUKUM PERDATA DI INDONESIA

(xi + 40: 0 gambar, 0 tabel, 7 lampiran)

Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas mengatur bahwa segala kegiatan usaha Perseroan, termasuk mengadakan perjanjian, diwakilkan oleh suatu Direksi dengan pengawasan dari Komisaris. Perjanjian jual-beli yang sah melahirkan prestasi bagi pihak penjual dan pembeli, namun ada kalanya salah satu pihak melakukan wanprestasi. Salah satu kasus yang terjadi ialah kasus wanprestasi yang dilakukan oleh PT AJM selaku penjual terhadap CSHI Company selaku pembeli dalam perjanjian jual beli ikan layur. Penelitian ini bertujuan untuk menjawab rumusan masalah yaitu upaya hukum apa yang dapat ditempuh oleh CSHI Company selaku pembeli dalam kasus jual beli ikan layur. Metodologi penelitian yang digunakan adalah yuridis normatif dengan menempatkan hukum sebagai aturan atau doktrin yang dianalisa secara deduktif. Hasil penelitian menunjukkan bahwa CSHI Company dapat menggugat PT AJM atas wanprestasi disertai ganti rugi setelah melakukan somasi untuk memperjuangkan haknya. Direksi dan Komisaris PT AJM dapat dimintakan pertanggungjawaban secara pribadi dan internal dari PT AJM karena kelalaiannya.

Kata Kunci: Perjanjian, Wanprestasi, Perseroan Terbatas, Direksi, Komisaris

Referensi: 17 (1982-2021).

ABSTRACT

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LEGAL MEANS ANALYSIS OF RIBBON FISH SALE AND PURCHASE CASE BETWEEN AJM LIMITED COMPANY AND CSHI COMPANY REVIEWED WITH INDONESIAN CIVIL LAW

(xi+ 40: 0 pictures, 0 tables, 7 attachments)

Law No. 40 of 2007 concerning Limited Companies regulate that all Company's business activities, including making an agreement, are represented by a Board of Directors with supervision from the Commissioner. A valid sale and purchase agreement gives birth to obligations both for the seller and the buyer, but there are times when one of the parties' defaults. One of the cases that occurred was a default case carried out by AJM Limited Company as the seller against CSHI Company as the buyer in the sale and purchase agreement of ribbon fish. This research aims to answer the formulation of the problem, namely what legal means can be taken by CSHI Company as the buyer in the case of sale and purchase of ribbon fish. The research methodology used is juridical-normative by placing the law as a rule or doctrine which is analysed deductively. The results showed that CSHI Company able to file a default suit with compensation to AJM Limited Company after making a subpoena to fight for its rights. The Directors and Commissioners of AJM Limited Company could be held personally responsible for their negligence resulting a default by AJM Limited Company.

Keywords: *Agreement, Deault, Limited Company, Directors, Commissioners*

References: *17 (1982-2021).*