

ABSTRAK

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KETIADAAN PENGESAHAN SEBAGAI BADAN HUKUM SUATU PERSEROAN PERORANGAN YANG BERUBAH STATUS MENJADI PERSEROAN PERSEKUTUAN MODAL

(x + 115 halaman)

Ketika Undang-Undang Cipta Kerja diterapkan, suasana bisnis di Indonesia mengalami perubahan signifikan. Upaya diberikan untuk memudahkan kegiatan usaha, terutama untuk mendukung pertumbuhan ekonomi, khususnya bagi pelaku Usaha Mikro dan Kecil (UMK). Salah satu langkah yang diambil adalah memperbolehkan pendirian badan hukum PT Perorangan bagi pelaku UMK, yang dianggap sebagai langkah untuk meningkatkan status mereka dalam ranah usaha mikro dan kecil. Namun, jika PT Perorangan berencana untuk memperluas usahanya atau tidak lagi memenuhi kriteria UMK, mereka harus mengubah statusnya menjadi PT Persekutuan Modal. Proses perubahan ini melibatkan pembuatan akta notaris dan pendaftaran secara elektronik melalui sistem AHU online Kementerian Hukum dan HAM. Namun, dalam praktiknya, hal ini sering kali menimbulkan ketidakpastian hukum dan belum ada kepastian hukum terkait dengan pengesahan status PT Perorangan yang telah berubah menjadi PT Persekutuan Modal. Ini disebabkan oleh perbedaan antara prosedur pengesahan badan hukum PT Perorangan dan PT Persekutuan Modal, di mana dalam UUPT, sebuah perseroan dianggap sah sebagai badan hukum setelah dikeluarkan Surat Keputusan (SK) Pengesahan. Namun, ketika hanya terjadi peningkatan status dari PT Perorangan menjadi PT Persekutuan Modal, dokumen yang diterbitkan oleh Kementerian bukanlah SK Pengesahan, melainkan persetujuan perubahan anggaran dasar. Akibatnya, bukti konkret dan bentuk pengesahan status badan hukum PT Perorangan yang telah berubah menjadi PT Persekutuan Modal masih belum jelas. Meskipun ada sertifikat pendaftaran ketika masih menjadi PT Perorangan, namun ketika sudah menjadi PT Persekutuan Modal, status badan hukumnya masih belum pasti karena ketidakmatangan sistemnya.

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Kata Kunci : PT Persekutuan Modal, PT Perorangan, Perubahan, Kementerian Hukum dan HAM

ABSTRACT

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THE LACK OF CONFIRMATION AS A LEGAL ENTITY FOR AN INDIVIDUAL LIMITED COMPANY CHANGING ITS STATUS TO A CAPITAL PARTNERSHIP COMPANY

(x + 115 pages)

When the Job Creation Law was implemented, the business environment in Indonesia underwent significant changes. Efforts were made to facilitate business activities, particularly to support economic growth, especially for Micro and Small Enterprises (MSEs). One of the steps taken was to allow the establishment of legal entities in the form of Individual Limited Liability Companies for MSEs, seen as a means to enhance their status in the realm of micro and small businesses. However, if an Individual Limited Liability Companies intends to expand its business or no longer meets the criteria for MSEs, it must change its status to a Capital Partnership Company. This process involves the drafting of a notarial deed and electronic registration through the Ministry of Law and Human Rights' online AHU system. However, in practice, this often leads to legal uncertainty and gaps regarding the confirmation of the Individual Limited Liability Companies's status after it has changed to a Capital Partnership Company. This is due to the difference between the procedures for confirming the legal entity status of Individual Limited Liability Companies and Capital Partnership Company, where under the Company Law, a company is considered a legal entity after the issuance of a Confirmation Decree by the Ministry. However, when only the status changes from Individual Limited Liability Companies to Capital Partnership Company, the document issued by the Ministry is not a Confirmation Decree but rather an approval of changes to the articles of association. As a result, concrete evidence and the form of confirmation of the legal entity status of the Individual Limited Liability Companies that has changed to Capital Partnership Company are still unclear. Although there is a registration certificate when it is still a Individual Limited Liability Companies, when it becomes a Capital Partnership Company, the legal entity status remains uncertain due to the immaturity of the system.

References : 62 (1980-2023)

Keywords : Capital Partnership Company, Individual Limited Liability Company, Changes, Ministry of Law and Human Rights