

ABSTRAK

ANALISIS YURIDIS PENETAPAN PEMBUBARAN PT. MEGA BERLIAN INDONESIA ATAS PERMOHONAN KEJAKSAAN (Studi Penetapan Nomor: 15/Pdt.P/2015/Pn.Kb)

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PT. Mega Berlian Indonesia telah dibubarkan atas penetapan Pengadilan Negeri Kotabumi atas Permohonan Kejaksaan Negeri Lampung Utara. Pembubaran Perseroan Terbatas dapat terjadi berdasarkan penetapan pengadilan atas permohonan Kejaksaan berdasarkan alasan perseroan melanggar kepentingan umum atau perseroan melakukan perbuatan melanggar peraturan perundang-undangan. Kejaksaan menganggap PT. Mega Berlian Indonesia telah melanggar kepentingan umum atau melakukan perbuatan yang melanggar ketentuan perundang-undangan sebagai tindak lanjut atas putusan pidana. nomor: 86/Pid.Sus/2015/PN.Kbu terhadap Direktur PT. Mega Berlian Indonesia. Penelitian ini bertujuan untuk menguraikan secara jelas, rinci, dan sistematis mengenai pembubaran Perseroan Terbatas berdasarkan penetapan Pengadilan atas permohonan dari Kejaksaan.

Jenis penelitian ini menggunakan penelitian normatif dengan tipe penelitian deskriptif. Pendekatan masalah yang digunakan adalah pendekatan study kasus dengan tipe *judicial case study* yaitu penerapan hukum normatif pada peristiwa hukum tertentu yang menimbulkan konflik kepentingan, yang penyelesaiannya melalui pengadilan (*judicial decision*). Data dan Sumber yang terdiri dari data sekunder. Data sekunder diperoleh bahan literatur kepustakaan (*library research*). Metode pengumpulan data dengan studi pustaka dan studi dokumen. Metode pengolahan data melalui pemeriksaan data, penandaan data, rekonstruksi bahan dan sistematis bahan hukum. Analisis data menggunakan analisis kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa pengaturan pembubaran Perseroan Terbatas atas permohonan Kejaksaan telah diatur didalam perundang-undangan namun penjelasannya masih terlalu luas, pada kasus No:15/Pdt.P/2015/PN.Kbu Majelis Hakim menyatakan bahwa PT. Mega Berlian Indonesia telah melanggar kepentingan umum atau melakukan perbuatan yang melanggar ketentuan perundang-undangan, dan Akibat hukum dari dibubarkannya PT. Mega Berlian Indonesia maka harus dilakukan Likuidasi.

Kata Kunci : Perseroan Terbatas, Pembubaran, Kejaksaan

ABSTRACT

JURIDICAL ANALYSIS OF THE DETERMINATION OF THE DISSOLUTION OF PT. MEGA DIAMONDS OF INDONESIA ON THE APPLICATION OF THE PROSECUTORS (Study of Determination Number: 15/Pdt.P/2015/Pn.Kb)

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PT. Mega Berlian Indonesia has been disbanded based on the decision of the Kotabumi District Court on the North Lampung District Attorney's Application. The dissolution of a Limited Liability Company can occur based on a court order at the request of the Prosecutor's Office based on the reason that the company violates the public interest or the company commits an act that violates the laws and regulations. The Prosecutor's Office considers PT. Mega Berlian Indonesia has violated the public interest or committed an act that violates the provisions of the law as a follow-up to a criminal decision. number: 86/Pid.Sus/2015/PN.Kbu against the Director of PT. Mega Berlian Indonesia. This study aims to describe clearly, in detail, and systematically regarding the dissolution of the Limited Liability Company based on the Court's decision at the request of the Prosecutor's Office.

This type of research uses normative research with descriptive research type. The problem approach used is a case study approach with a judicial case study type, namely the application of normative law to certain legal events that cause conflicts of interest, the resolution of which is through a court (judicial decision). Data and Sources consisting of secondary data. Secondary data obtained by literature literature (library research). Methods of data collection with literature study and document study. The data processing method is through data checking, data marking, material reconstruction and systematic legal material. Data analysis used qualitative analysis.

The results of the research and discussion show that the arrangement for the dissolution of the Limited Liability Company at the request of the Prosecutor's Office has been regulated in the legislation but the explanation is still too broad, in case No:15/Pdt.P/2015/PN.Kbu the Panel of Judges stated that PT. Mega Berlian Indonesia has violated the public interest or committed acts that violate the provisions of the legislation, and the legal consequences of the dissolution of PT. Mega Berlian Indonesia must be liquidated.

Keywords: Limited Liability Company, Dissolution, Attorney.