

ABSTRAK

KEWENANGAN JAKSA PENGACARA NEGARA DALAM MELAKUKAN PEMBUBARAN PERSEROAN TERBATAS

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Kejaksaan adalah lembaga pemerintahan yang melaksanakan kekuasaan negara di bidang penuntutan serta kewenangan lain berdasarkan Undang- Undang. Penegakan hukum ialah tugas Jaksa Pengacara Negara untuk mengajukan gugatan atau permohonan kepada pengadilan di bidang perdata sebagaimana ditetapkan oleh peraturan perundang-undangan dalam rangka memelihara ketertiban umum, kepastian hukum dan melindungi kepentingan negara dan pemerintah serta hak-hak keperdataan masyarakat.,salah satu kewenangan kejaksaan dalam di bidang perdata dana tata usaha negara dalam penegakan hukum adalah melakukan permohonan pembubaran perseroan terbatas. Permohonan pembubaran perseroan terbatas telah diatur dalam Pasal 146 Ayat (1) huruf a Undang-Undang No. 40 Tahun 2007 yaitu “Pengadilan Negeri dapat membubarkan perseroan atas Permohonan kejaksaan berdasarkan alasan perseoran melanggar kepentingan umum atau perseroan melakukam perbuatan yang melanggar peraturan perundang-undangan”. Namun belum dijelaskan batasan kriteria kepentingan umum dan melanggar peraturan perundang-undangan secara jelas. sehingga perlu diatur lebih lanjut secara tegas batas kewenangan jaksa pengecara negara dalam melakukan permohonan pembubaran Perseroan terbatas

Metode penelitian yang dipergunakan dalam penelitian ini adalah metode yuridis normatif dan yuridis empiris dengan berpedoman pada data primer dan data sekunder yang bersumber dari studi pustaka yang selanjutnya dianalisis menggunakan analisis yuridis sebagai dasar pengambilan simpulan

Berdasarkan hasil penilitian dan pembahasan maka dapat disimpulkan bahwa salah satu alasan kejaksaan dapat melakukan pembubaran perseroan terbatas adalah melanggar kepentingan umum, Namun kriteria kepentingan umum masih bersifat dinamis karena mengikuti perkembangan masyarakat dan dapat dimaknai secara luas, sehingga menjadikan banyak pengertian tentang apa itu kepentingan umum. Maka dapat ditarik beberpa pengertian kepentingan umum diantaranya : Pasal 1 UU No. 20 Tahun 1961, Inpres No. 9 Tahun 1973, Penjelasan Pasal 49 UU No.51 Tahun 2009, Penjelasan Pasal 35 Huruf c UU Kejaksaan, Pasal 5 Kepres No. 55 Tahun 1993 membahas tentang kepentingan umum tersebut, apabila kepentingan umum yang telah dijelaskan dalam berbagai peraturan diatas dilanggar Perseroan Terbatas, maka secara Langsung perusahaan terbatas tersebut melanggar kepentingan umum.

Kata Kunci : Jaksa Pengacara Negara, Perseroan Terbatas, Pembubaran PT

ABSTRACT

THE AUTHORITY OF THE STATE ATTORNEY PROSECUTOR IN CONDUCTING THE DISSOLUTION OF A LIMITED LIABILITY COMPANY

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Attorney is a government agency that exercises state power in the field of prosecution and other authorities based on the Act. Law enforcement is the duty of the State Attorney to file a lawsuit or application to the court in the civil field as stipulated by legislation in order to maintain public order, legal certainty and protect the interests of the state and government as well as the civil rights of the community. one of the powers of the prosecutor's office in the field of state administration in law enforcement is to apply for the dissolution of a limited liability company. The request for dissolution of a limited liability company has been regulated in Article 146 Paragraph (1) letter a of Law No. 40 of 2007, namely "The District Court may dissolve the company at the request of the prosecutor's office based on the reason that the company violates the public interest or the company performs acts that violate laws and regulations". However, the criteria of public interest and violating laws and regulations have not been clearly explained. so that it is necessary to further regulate the limits of the authority of the state prosecutor in requesting the dissolution of a limited liability company.

The research methods used in this research are normative juridical and empirical juridical method based on primary data and secondary data sourced from literature studies and field studies which are then analyzed using qualitative analysis as a basis for drawing conclusions.

Based on the results of research and discussion, it can be concluded that one of the reasons for the prosecutor's office to dissolve a limited liability company is to violate the public interest, but the criteria for public interest are still dynamic because they follow the development of society and can be interpreted broadly, thus making many definitions of what public interest is. Therefore, several definitions of public interest can be drawn, including: Article 1 of Law No. 20 of 1961, Presidential Instruction No. 9 of 1973, Explanation of Article 49 of Law No.51 of 2009, Explanation of Article 35 Letter c of the Prosecutor's Law, Article 5 of Presidential Decree No. 55 of 1993 discuss the public interest, if the public interest that has been explained in the various regulations above is violated by a limited liability company, then the limited liability company directly violates the public interest.

KeyWords : State Attorney, Limited Liability Company, Dissolution of Company