

Tanggung jawab perseroan terbatas atas perbuatan melawan hukum yang dilakukan karyawannya : studi putusan Mahkamah Agung Nomor 2239 K/PID.SUS/2012) = The Responsibility which charged to a limited liability company for unlawful act committed by its employees : supreme court ruling study number 2239 K/PID.SUS/2012)

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Abstrak

Tesis ini membahas mengenai bagaimana membebaskan tanggung jawab hukum kepada suatu Perseroan Terbatas (PT) atas perbuatan melawan hukum yang dilakukan oleh karyawannya dan membahas pula putusan Mahkamah Agung Nomor 2239K/PID.SUS/2012. Tesis yang menggunakan metode penelitian hukum normatif menunjukkan bahwa suatu PT dapat dibebaskan tanggung jawab atas Perbuatan Melawan Hukum yang dilakukan karyawannya dengan menggunakan Teori Pertanggungjawaban Atas Perbuatan Melawan Hukum Secara Tidak Langsung (Vicarious Liability). Selain itu, dalam Tesis ini dibahas pula secara mendalam mengenai kurang tepatnya putusan Mahkamah Agung Nomor 2239K/PID.SUS/2012 yang membebaskan tanggung jawab kepada PT Asian Agri Group atas perbuatan karyawannya, dimana seharusnya ada mekanisme tersendiri untuk mengadili suatu badan usaha berbentuk PT.

*This thesis discusses about legal liability assessed to a limited liability company (PT) for unlawful act committed by its employees. In this thesis, examined about limitation of liability of a limited liability company against legal actions undertaken by both organs of the company or by its employees. This thesis uses the normative legal research methods which describes the imposition of liability to a limited liability in Indonesia with the use of the theory of liability for Unlawful Act indirectly (Vicarious Liability), In Thesis discussion, also equipped with an in depth study on the basis of consideration in the Supreme Court Supreme Court Ruling study number: 2239 K/PID.SUS/2012 imposes a responsibility to PT. Asian Agri Group for unlawful act committed by its employees where there should be a separate mechanism to prosecute a business entity such like limited liability company.*