

Akibat hukum pembuatan minuta berita acara rapat umum pemegang saham luar biasa tanpa kehadiran notaris, direktur utama dan pemegang saham (Studi putusan majelis pengawas pusat notaris nomor 19/B/MPPN/VII/2019) = The legal consequences of making minutes of extraordinary general meeting of shareholders without the presence of a notary, president director and shareholders (Case study center of decision assembly supervisory notary no 19/B/MPPN/VII/2019)

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Abstrak

Tesis ini membahas tentang Akibat Hukum Pembuatan Minuta Berita Acara Rapat Umum Pemegang Saham Luar Biasa tanpa Kehadiran Notaris, Direktur Utama dan Pemegang Saham. Sering ditemui bahwa Notaris tidak cermat dan kurang hati-hati dalam melakukan pembuatan akta notaris yang berkaitan dengan perseroan sejak lahirnya Sistem Administrasi Badan Hukum (SABH). Permasalahan dalam tesis ini mengenai akibat hukum terhadap minuta berita acara Rapat Umum Pemegang Saham Luar Biasa (RUPS LB) yang dibuat bertentangan dengan ketentuan yang ada serta mengenai tanggung jawab notaris terhadap pemberian PIN (*Personal Identity Number*) Sistem Administrasi Badan Hukum (SABH) kepada pihak lain. Metode penelitian yang digunakan penelitian yuridis normatif yang menitikberatkan pada penggunaan data sekunder dan bersifat deskriptif analitis. Hasil penelitian: bahwa akibat hukum terhadap akta tersebut ialah tidak memiliki kekuatan hukum apapun sebagai akta dan tanggung jawab yang dikenakan kepada notaris selain berupa sanksi administratif namun juga dapat dikenai sanksi perdata maupun pidana. Dalam hal ini seharusnya Notaris wajib menolak jika diajak kerja sama oleh pihak lain, lebih cermat dan berhati-hati atas tanggung jawabnya terhadap PIN (*Personal Identity Number*) Sistem Administrasi Badan Hukum (SABH).

This thesis discusses the legal consequences of making Minutes of Extraordinary General Meeting of Shareholders without the presence of a Notary, President Director and Shareholders. It is often found that Notaries are not careful and imprudent in making notarial deeds that related to the company since the limited liability company formed as when its charter was approved and ratified by the Decree of the Minister of Justice and Human Rights. The problem in this thesis is about the legal consequences of making minutes of the Extraordinary General Meeting of Shareholders (RUPS LB) made contrary to the existing provisions and regarding responsibility of a notary for granting a PIN (Personal Identity Number) of the Administration System for Legal Entity (SABH) to the other parties. The research method used in this thesis is a normative juridical research that focuses on the use of secondary data and the form of research used is descriptive analytical research. Results of this thesis research can be stated that the legal effect on the deed is that it does not have any legal force as the deed and the responsibility imposed on a notary public in the form of administrative sanctions but can also be subject to civil and criminal sanctions. In this case a Notary Public must refuse if invited by another party to work together, be more careful and conscientious about their responsibility towards the PIN (Personal Identity Number) of the Administration System for Legal Entity (SABH).