

Upaya Perbaikan Data Perseroan Dalam Sistem Administrasi Hukum Umum Online Akibat Pembatalan Akta Berita Acara Rapat Umum Pemegang Saham Perseroan Terbatas (Analisis Putusan Mahkamah Agung Nomor 1302 K/Pdt/2021) = Efforts To Improve The Company's Data In The General Law Administration Online System Due To Cancellation Of The Deed Of The Minute of The General Meeting of Shareholders of Limited Liability Company

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Abstrak

Rapat Umum Pemegang Saham Luar Biasa (RUPSLB) dengan agenda perubahan Direksi Perseroan seharusnya dilaksanakan berdasarkan tata cara yang terdapat dalam Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas (UUPT) dan Anggaran Dasar Perseroan (AD Perseroan). Tidak jarang dalam pelaksanaannya, ketentuan yang terdapat dalam peraturan perundang-undangan dan AD Perseroan tidak dilaksanakan atau dilanggar sehingga memicu timbulnya gugatan Perbuatan Melawan Hukum (PMH) karena merugikan pihak yang terkait. Penelitian ini membahas mengenai pertimbangan hakim atas keabsahan Akta Berita Acara RUPS yang dibuat oleh Notaris dalam Putusan Mahkamah Agung Nomor 1302 K/PDT/2021 ditinjau dari peraturan perundang undangan dan AD Perseroan serta tindakan perseroan untuk memperbaiki data perseroan di administrasi hukum umum (AHU) online terhadap akta yang dibatalkan oleh Putusan Mahkamah Agung Nomor 1302 K/PDT/2021. Penelitian ini merupakan penelitian yuridis normatif dengan menggunakan data sekunder dengan tipologi penelitian eksplanatoris analitis. Hasilnya adalah pertimbangan hakim dalam menilai keabsahan akta RUPSLB mencari dan menemukan kesesuaian akta dengan peraturan perundang-undangan yang berlaku serta AD Perseroan sebagai ketentuan yang lebih khusus. Sedangkan, tindakan perseroan dalam memperbaiki data Perseroan di AHU online berupa: (i) permohonan surat pembatalan SP3DP di Kemenkumham RI atau (ii) pelaksanaan RUPS oleh Perseroan dengan agenda pengangkatan Direksi dan Komisaris yang memenuhi ketentuan peraturan perundang-undangan dan AD Perseroan.

.....The Extraordinary General Meeting of Shareholders (EGMS) with the agenda of changing the Company's Board of Directors should be held based on the procedures contained in Law no. 40 of 2007 concerning Limited Liability Companies (LLC Law) and the Company's Articles of Association. Not infrequently in its implementation, the provisions contained in the regulations and Articles of Association are not implemented or violated, thus triggering a civil lawsuit of Unlawful Acts because it harms the parties involved. This study discusses the judges' considerations on the validity of the Deed of Minutes of the GMS made by a Notary in the Supreme Court Decision Number 1302 K/PDT/2021 in terms of the regulations and the Articles of Association and the company's actions to correct the company's data in the online general law administration (AHU Online) against the deed that was canceled by the Supreme Court's Decision Number 1302 K/PDT/2021. This research is a normative juridical research using secondary data with an analytical explanatory research typology. The result is that the judge's consideration in assessing the validity of the EGMS deed seeking and finding the deed's conformity with the applicable regulations and taking into account the Articles of Association as a more specific regulation. Meanwhile, the company's actions in

correcting the Company's data in online AHU are in the form of: (i) requesting a letter of cancellation of SP3DP at the RI Kemenkumham or (ii) the Company holding a GMS with the agenda of appointing Directors and Commissioners who meet the provisions of the regulations and the Company's Articles of Association.