

Praktik oppression dan reverse oppression terhadap pemegang saham dalam perseroan terbatas di Indonesia = The practice of oppression and reverse oppression towards the shareholders in limited liability company in Indonesia

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Abstrak

Pembahasan dalam skripsi ini adalah mengenai praktik penindasan terhadap pemegang saham (oppression atau reverse oppression) dalam perseroan terbatas di Indonesia. Dalam UU No. 40 Tahun 2007 tentang Perseroan Terbatas tidak diatur mengenai oppression, namun pada praktiknya, oppression dan reverse oppression diakui dalam pertimbangan majelis hakim dalam putusan-putusan pengadilan di Indonesia. Penelitian ini adalah penelitian yuridis normatif dengan tipologi penelitian deskriptif. Berdasarkan hal tersebut, penulis mengajukan pokok permasalahan, yaitu: 1. Bagaimana pengaturan hak pemegang saham dalam UU No. 40 Tahun 2007 tentang Perseroan Terbatas?; 2. Bagaimana ketentuan dan jenis oppression di negara Singapura dan Australia?; 3. Bagaimana pengaturan oppression dalam UU No. 40 Tahun 2007 tentang Perseroan Terbatas?; 4. Bagaimana praktik oppression dan reverse oppression terhadap pemegang saham dalam perseroan terbatas di Indonesia? Berdasarkan kasus yang dianalisis, penulis memperoleh kesimpulan bahwa kasus-kasus terkait praktik oppression dan reverse oppression di Indonesia diajukan atas dasar perbuatan melawan hukum yang mana kurang sesuai untuk menjamin keseimbangan dan keadilan bagi para pihak yang berperkara dan juga perseroan.

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The discussion of this academic thesis is about the practice of oppression and reverse oppression towards the shareholders in a limited liability company in Indonesia. Oppression is not regulated in Law No. 40 of 2007 regarding Limited Liability Companies, but in practice, oppression and reverse oppression are recognized by the judge considerations in court. This research is a normative juridical with a descriptive tipology. Based on the problems, the writer proposed the main issues, which are: 1. How is the regulation regarding shareholders rights based on Law No. 40 of 2007 regarding Limited Liability Company?; 2. How is the regulation and types of oppression in Singapore and Australia?; 3. How is the regulation regarding oppression based on Law No. 40 year 2007 regarding Limited Liability Company?; 4. How does the practice of oppression and reverse oppression towards the shareholders in limited liability in Indonesia? Eventually, the writer came to the conclusion that the cases related to the practice of oppression and reverse oppression in Indonesia proposed on the basis of tort, which is not appropriate to ensure the balance and fairness to the parties and the company itself.