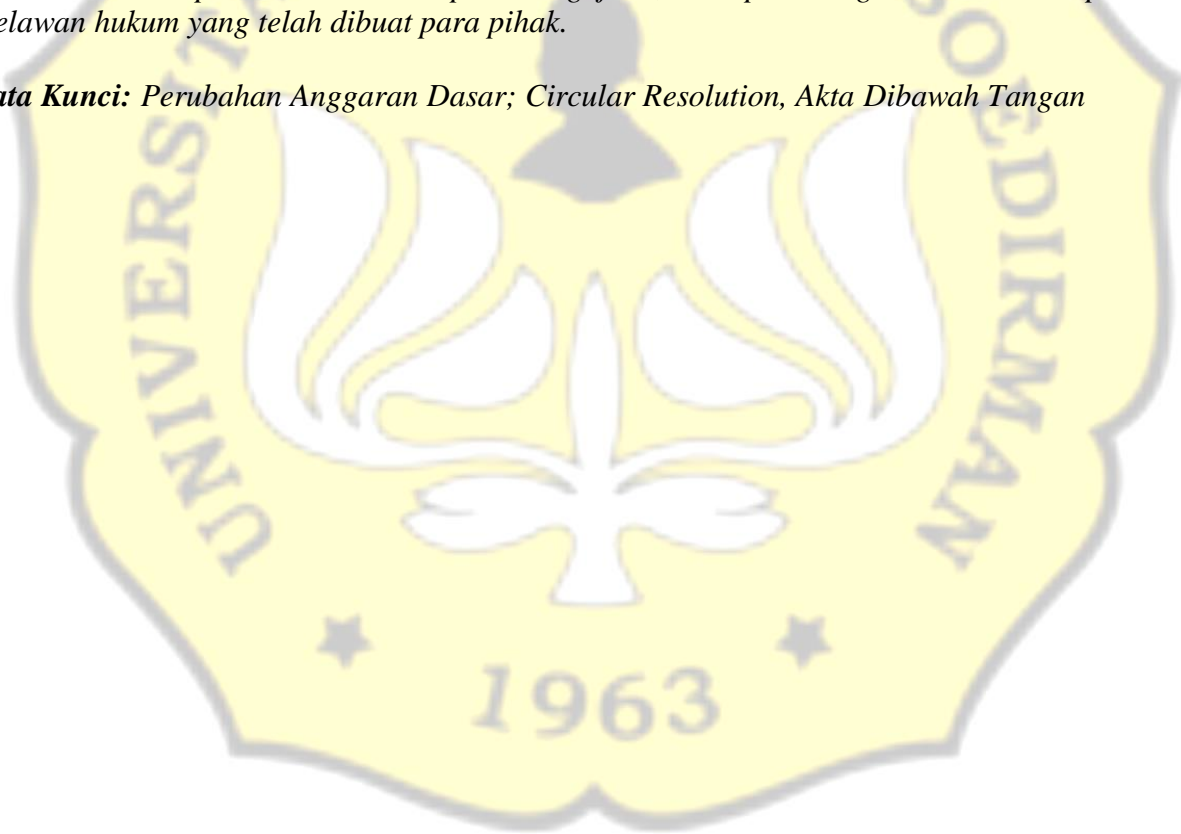


Abstrak

Penelitian ini mengkaji Kekuatan Hukum Mengikat Akta Perubahan Anggaran Dasar mengenai Perubahan Kourum Dan Pengurus yang ditetapkan melalui Circular Resolution dan dibawah tangan serta mengkaji Alasan yuridis pembatalan Akta Perubahan Anggaran Dasar yang dibuat dihadapan Notaris, dan sudah ada persetujuan Kemenkuham dinyatakan batal dan tidak sah pada putusan Mahkamah Agung Nomor 1320 K/Pdt/2016. Metode penelitian yang digunakan adalah yuridis normatif, dengan data sekunder, dianalisis secara normatif kualitatif. Hasil penelitian ini (1) Akta Perubahan Anggaran Dasar mengenai perubahan kourum dan pengurus yang ditetapkan melalui Circular Resolution dan dibawah tangan sah dan mengikat bagi para pihak pembuatnya karena mendasarkan pada Pasal 91 UUPT, Pasal 1320 dan Pasal 1338 ayat (1) KUHPerdara. (2) Alasan Yuridis Pembatalan Akta Perubahan Anggaran Dasar yang dibuat dihadapan Notaris, dan sudah ada persetujuan Kemenkumham dinyatakan batal dan tidak sah pada Putusan Tingkat Kasasi karena perbuatan para tergugat bertentangan dengan Anggaran Dasar yang telah disepakati dalam Circular Resolution serta memenuhi syarat-syarat dalam Pasal 1365 KUHPer yaitu Perbuatan Melawan Hukum yang berupa melanggar kesepakatan dalam Circular Resolution, terdapat kesalahan berupa kesengajaan, terdapat kerugian akibat dari perbuatan melawan hukum yang telah dibuat para pihak.

Kata Kunci: *Perubahan Anggaran Dasar; Circular Resolution, Akta Dibawah Tangan*



Abstract

This study examines the Legal Strength of Binding the Deed of Amendment to the Articles of Association regarding Changes in the Quorum and Management determined through Circular Resolution and under the hand and examines the juridical reasons for the cancellation of the Deed of Amendment to the Articles of Association made before a Notary. There is already approval from the Ministry of Law and Human Rights declared null and void in the Court's decision. Agung Number 1320 K/Pdt/2016. The research method used is normative juridical, with secondary data analyzed a qualitative normative. The results of this study (1)Deed of Amendment to Articles of Association regarding changes to quorum and management determined through a Circular Resolution under legal and binding hands for the parties making it because it is based on Article 91 of the Limited Liability Company, Article 1320 and Article 1338 paragraph (1) Civil Law. (2)The juridical reason for cancellation of Deed Amendment to Articles of Association made before a Notary, with the approval of Ministry of Law and Human Rights, declared null and void at Cassation Level Decision because actions of defendants are contrary to Articles of Association that has agreed upon Circular Resolution and meet requirements Article 1365 Criminal Code, namely unlawful acts in form of violating agreement Circular Resolution, there are errors form intentional, losses as result unlawful acts that have been made by parties.

Keywords: *Amandement to Articles of Association; Circular Resolution; Deed Underhand;*

