

IMPLIKASI HUKUM PUTUSAN PIDANA BERSYARAT DALAM TINDAK PIDANA MENYURUH MEMASUKKAN KETERANGAN PALSU KE DALAM AKTA PERNYATAAN KEPUTUSAN RAPAT PERSEROAN TERBATAS

INTISARI

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Penelitian ini bertujuan untuk menganalisis implikasi hukum Putusan Mahkamah Agung Nomor 697 K/PID/2025 terhadap (1) kedudukan Terpidana selaku Direktur Perseroan Terbatas yang dijatuhkan pidana bersyarat melihat dari perspektif UUPT, dan (2) kedudukan Akta Pernyataan Keputusan Rapat Perseroan Terbatas yang memuat keterangan palsu yang diberikan oleh Terpidana.

Penelitian ini penelitian hukum normatif yang didukung dengan wawancara dan bersifat deskriptif. Jenis data yang digunakan dalam penelitian ini adalah data sekunder yang meliputi bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier, serta data primer yang diperoleh melalui komunikasi langsung berupa wawancara dengan ahli hukum bisnis, notaris, dan hakim. Data yang diperoleh kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa perbuatan Terpidana merupakan pelanggaran prinsip fiduciary duty dan duty of care sebagaimana Pasal 97 ayat (1) dan (2) UUPT, yang menimbulkan pertanggungjawaban pribadi Direksi berdasarkan Pasal 97 ayat (3) UUPT serta benturan kepentingan sebagaimana Pasal 99 ayat (1) huruf b UUPT. Namun, penjatuhan pidana bersyarat tidak serta merta menggugurkan status Terpidana sebagai direktur karena pemberhentian Direksi merupakan kewenangan RUPS sesuai Pasal 105 ayat (1) dan (2) UUPT. Pidana bersyarat dalam Putusan Mahkamah Agung Nomor 697 K/Pid/2025 berfungsi sebagai instrumen pemulihan hubungan Korban dan kesempatan bagi Terpidana untuk tetap menjalankan aktivitasnya sepanjang memenuhi syarat putusan. Keterangan palsu dalam Akta PKR Nomor 05 tanggal 4 September 2013 menyebabkan tidak terpenuhinya syarat objektif perjanjian berupa sebab yang halal sebagaimana Pasal 1320 KUHP, sehingga akta tersebut kehilangan kekuatan pembuktian materiil dan tidak dapat dijadikan dasar perubahan anggaran dasar perseroan. Meskipun demikian, sebagai akta autentik berdasarkan Pasal 1868 KUHP dan Pasal 15 ayat (1) UUJNP, pembatalannya tetap memerlukan putusan pengadilan yang berkekuatan hukum tetap untuk mengembalikan keadaan perseroan pada posisi semula dan menjamin kepastian hukum.

Kata Kunci: Pidana Bersyarat, Direksi Perseroan Terbatas, Keterangan Palsu, Akta Pernyataan Keputusan Rapat.

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LEGAL IMPLICATIONS OF CONDITIONAL SENTENCE IN CRIMINAL ACTS OF ORDERING THE INCLUSION OF FALSE INFORMATION INTO THE DEED OF MEETING RESOLUTION STATEMENT

ABSTRACT

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This study aims to analyze the legal implications of Supreme Court Decision Number 697 K/PID/2025 on (1) the position of the Convict as Director of a Limited Liability Company who was given a suspended sentence from the perspective of the UUPT, and (2) the position of the Deed of Statement of Limited Liability Company Meeting Decisions containing false information provided by the Convict.

This research is normative legal research supported by interviews and is descriptive in nature. The types of data used in this research are secondary data, which include primary legal materials, secondary legal materials, and tertiary legal materials, as well as primary data obtained through direct communication in the form of interviews with business law experts, notaries, and judges. The data obtained was then analyzed qualitatively.

The results of the investigation show that the actions of the Convict constitute a violation of the principles of fiduciary duty and duty of care as stipulated in Article 97 paragraphs (1) and (2) of the UUPT, which give rise to individual liability of the Board of Directors based on Article 97 paragraph (3) of the UUPT as well as a conflict of interest as stipulated in Article 99 paragraph (1) letter b of the UUPT. However, the imposition of a suspended sentence does not automatically revoke the Convict's status as a director because the dismissal of the Board of Directors is the authority of the GMS in accordance with Article 105 paragraphs (1) and (2) of the UUPT. The suspended sentence in Supreme Court Decision Number 697 K/Pid/2025 serves as an instrument for restoring the relationship with the victim and an opportunity for the Convict to continue his activities as long as he fulfills the conditions of the decision. False statements cause the objective requirements of the agreement in the form of lawful causes as stipulated in Article 1320 of the Civil Code to not be fulfilled, thereby rendering the deed invalid as material evidence. Nevertheless, as an authentic deed based on Article 1868 of the Civil Code and Article 15 paragraph (1) of the Notary Position Amendment Law, its nullification still requires a court decision with permanent legal force to restore the company to its original position and guarantee legal certainty.

Keywords: *Conditional Criminal Sentence, Directors of a Limited Liability Company, False Information, The Deed of Meeting Resolution Statement.*

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