

PENDAFTARAN PERSEKUTUAN KOMANDITER OLEH NOTARIS PASCA DITERBITKANNYA PERATURAN MENTERI HUKUM DAN HAK ASASI MANUSIA REPUBLIK INDONESIA NOMOR 17 TAHUN 2018

Rosita Kusumaningrum¹, Irna Nurhayati²

INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis implikasi yuridis terkait adanya kelemahan dalam Pendaftaran Perubahan Anggaran Dasar Persekutuan Komanditer akibat belum tersedianya sistem Pendaftaran Perubahan Persekutuan Komanditer di Sistem Administrasi Badan Usaha bagi Notaris, Persekutuan Komanditer dan Pihak Ketiga dan untuk mengetahui dan menganalisis upaya yang dilakukan Kementerian Hukum dan Hak Asasi Manusia terkait kelemahan Sistem Pendaftaran Persekutuan Komanditer di Sistem Administrasi Badan Usaha.

Penelitian yang digunakan dalam tesis ini adalah menggunakan pendekatan yuridis normatif dan yuridis empiris. Hal ini disebabkan penelitian dalam tesis ini menggunakan studi pustaka yang merujuk pada peraturan perundang-undangan terutama Permenkumham Nomor 17 Tahun 2018 dan buku. Penelitian ini juga mempunyai titik tolak dari permasalahan yang didapat dari penelitian langsung di lapangan dan mencari data di lapangan.

Hasil penelitian menunjukkan bahwa Notaris bertanggung jawab terhadap formalitas bentuk akta perubahan anggaran dasar persekutuan komanditer yang dibuat. Tidak bisa dilakukannya pendaftaran perubahan anggaran dasar persekutuan komanditer melalui Sistem Administrasi Badan Usaha, yang disebabkan belum siapnya Sistem Administrasi Badan Usaha tersebut, mengakibatkan notaris tidak bisa diminta pertanggungjawabannya. Belum bisa dilakukannya pendaftaran perubahan anggaran dasar Persekutuan Komanditer mengakibatkan Persekutuan Komanditer yang telah membuat akta perubahan anggaran dasar menjadi tidak bisa mendaftar di *Online Single Submission* untuk mendapatkan izin usaha. Pihak Ketiga pada dasarnya tidak dirugikan karena Para sekutu dalam Persekutuan Komanditer tetap bisa diminta pertanggungjawabannya walaupun akta Perubahan Anggaran Dasarnya tidak terdaftar dalam Sistem Administrasi Badan Usaha. Pada saat ini Kementerian Hukum dan Hak Asasi Manusia masih melakukan pengembangan terhadap Sistem Administrasi Badan Usaha. Perbaikan-perbaikan terhadap Sistem Administrasi Badan Usaha masih terus dilakukan agar proses pendaftaran persekutuan komanditer bisa berjalan dengan lancar.

Kata Kunci: Notaris, Persekutuan Komanditer, Anggaran Dasar

¹ Kotagede, Yogyakarta

² Fakultas Hukum, Universitas Gadjah Mada

COMMANDITARY PARTNERSHIP REGISTRATION BY THE NOTARY,
AFTER THE PRESENCE OF REPUBLIC OF INDONESIA MINISTER OF
LAW AND HUMAN RIGHTS REGULATION NUMBER 17 YEAR 2018

Rosita Kusumaningrum¹, Irna Nurhayati²

ABSTRACT

This research aims to find out and analyze the juridical implications of the weaknesses in the Registration for the change of Articles of Association of the Commanditary Partnership due to the unavailability of the Registration for the change of Articles of Association of the Commanditary Partnership System in the Business Administration System for Notaries, Commanditary Partnership and Third Parties and to know and analyze efforts made by the Ministry of Law and Human Rights related to the weakness of the Registration for the change of Articles of Association of the Commanditary Partnership System in the Business Administration System.

The research used in the thesis are normative juridical approach and empirical jurisdiction. This is because the research in this thesis uses literature study that refers to legislation, especially Republic Of Indonesia Minister Of Law And Human Rights Regulation Number 17 Year 2018 and books. This research also has a starting point of problems obtained from direct research in the field and looking for data in the field.

The results of the study show that the Notary is responsible for the formality of the change of Articles of Association of the Commanditary Partnership deed. It is not possible to register the changes through the Business Entity Administration System, due to the unavailableness in the Business Entity Administration System, resulting the notary can't be asked for responsibility. Not being able to register the change of Articles of Association of the Commanditary Partnership has resulted the the Commanditary Partnership that has made the change of Articles of Association of the Commanditary Partnership deed to be unable to register in Online Single Submission to obtain a business permit. Third parties should not be harmed because the associate in the Commanditary Partnership can still be asked for responsibility even though the Articles of Association of the Commanditary Partnership deed is not registered in the Business Administration System. At this time the Ministry of Law and Human Rights is still developing the Business Entity Administration System. Improvements to the Business Entity Administration System are still being carried out so that the registration process of the partnership alliance can run smoothly.

Keyword: Public Notary, Commanditary Partnership, Articles of Association

¹ Kotagede, Yogyakarta.

² Faculty of Law, Gadjah Mada University.