

PERAN NOTARIS DALAM PENYAMPAIAN SURAT PERNYATAAN SETOR MODAL
DALAM RANGKA PERMOHONAN PENGESAHAN BADAN HUKUM
PERSEROAN TERBATAS KEPADA KEMENTERIAN HUKUM
DAN HAK ASASI MANUSIA REPUBLIK INDONESIA

Oleh

Reni Duwita¹, Hariyanto²

INTISARI

Penelitian ini bertujuan untuk mengetahui sejauhmana peran Notaris dalam penyampaian surat pernyataan setor modal Perseroan dalam proses permohonan pengesahan badan hukum Perseroan, dan juga mengetahui mengapa Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia tidak melakukan pengawasan atas realisasi dari surat pernyataan setor modal Perseroan menjadi bukti penyetoran yang sah ke rekening Perseroan.

Penelitian ini menggunakan penelitian hukum yuridis normatif dan penelitian hukum yuridis empiris. Data penelitian yaitu menggunakan penelitian kepustakaan dan penelitian lapangan. Teknik pengambilan sampel secara acak (*non-probability sampling*) dengan menggunakan kriteria tertentu (*purposive sampling*). Keseluruhan data yang diperoleh dianalisis secara kualitatif dan ditulis dalam bentuk *deskriptif* yang bertujuan untuk memberikan gambaran objektif dan aktual dari permasalahan yang ada.

Hasil penelitian yang diperoleh adalah, Pertama, peran Notaris dalam pelaksanaan direalisasikannya surat pernyataan setor modal Perseroan menjadi setor modal ke rekening Perseroan adalah berupa penyuluhan hukum atau saran kepada Direksi bersama para pendiri dan komisaris. Dengan adanya penyuluhan hukum tersebut diharapkan menimbulkan kesadaran hukum sehingga setor modal ke rekening Perseroan dapat direalisasikan. Kedua, Kemenkumham RI sebagai institusi yang melahirkan Perseroan yang berbadan hukum tidak melakukan pengawasan atas telah dilaksanakan atau tidaknya setor modal ke rekening Perseroan, karena Presiden memberikan tugas kewenangan kepada Kemenkumham RI berupa pengawasan atas pelaksanaan tugas di lingkungan Kementerian Hukum dan Hak Asasi Manusia.

Kata Kunci : Setor Modal, Badan Hukum Perseroan, Peran Notaris

¹ Email : fortunebagus@yahoo.com

² Magister Kenotariatan Fakultas Hukum Universitas Gadjah Mada, Yogyakarta

**THE ROLE OF NOTARY IN SUBMITTING A STATEMENT LETTER OF
PAID-IN CAPITAL IN THE REQUEST OF LEGALIZATION OF
LIMITED LIABILITY COMPANY'S LEGAL ENTITY TO
THE MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA**

By:

Reni Duwita³, Hariyanto⁴

ABSTRACT

This study is aimed at identifying the extent of the role of notary in submitting a statement letter of company's paid-in capital in the legalization process of company's legal entity, and also the extent of supervision conducted by the Ministry of Law and Human Rights of the Republic of Indonesia on the realization of the company's statement letter of paid-in capital which become valid proof of deposit to the company's account.

This study belongs to normative juridical legal research and empirical juridical legal research. Research data were obtained from library research and field research. Sampling employed non-probability sampling using purposive sampling. All obtained data were analyzed qualitatively and written descriptively that was aimed providing objective and actual pictures of the existing problems.

The research results indicated that, First, the role of notary in the execution of the realization of the company's paid-in capital becoming the paid-in capital to the company's account was in the form of legal counseling or advice to the boards of directors along with the founders and commissioners to do it immediately. Notary was not responsible if the paid-in capital was not deposited to the company's account after the company obtained the decree of the legalization of legal entity from the Ministry of Law and Human Rights of the Republic of Indonesia. Second, the Ministry of Law and Human Rights of the Republic of Indonesia, an institution that gave birth to the company's legal entity, has never supervised whether or not the paid-in capital has been deposited to the company's account after the company obtained the decree of the legalization of legal entity from the Ministry of Law and Human Rights of the Republic of Indonesia. All supporting documents submitted electronically by the notary to the Ministry of Law and Human Rights of the Republic of Indonesia would serve as a basis for the Ministry of Law and Human Rights of the Republic of Indonesia to legalize the company's legal entity.

Key words: paid-in capital, company's legal entity, role of notary

³ Email : fortunebagus@yahoo.com

⁴ Master of Notary, Faculty of Law, Universitas Gadjah Mada Yogyakarta