

## **PENDIRIAN DAN KEPEMILIKAN PERSEROAN TERBATAS OLEH PERSEORANGAN DITINJAU DARI HUKUM PERSEROAN**

Oleh :  
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### **INTISARI**

Penelitian ini bertujuan untuk menganalisis dan mendeskripsikan alasan diberlakukannya peraturan terkait pendirian dan kepemilikan Perseroan Terbatas oleh perseorangan bagi Usaha Mikro dan Kecil di Indonesia yang tercantum di Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja dan memberikan perbandingan Perseroan Terbatas perorangan di Singapura berdasarkan *The Statutes Of The Republic Of Singapore Companies Act (Chapter 50)*.

Penelitian ini adalah penelitian Yuridis Normatif, yakni penelitian yang dilaksanakan dengan mengkaji data sekunder yang berasal dari bahan hukum primer berupa peraturan perundang-undangan, bahan hukum sekunder berupa hasil karya para ahli hukum dalam bentuk buku dan jurnal, dan bahan hukum tersier berupa kamus dan ensiklopedia hukum. Analisis data pada penelitian ini dilakukan secara kualitatif dan menghasilkan output yang bersifat deskriptif analitis.

Hasil penelitian ini menunjukkan bahwa alasan dikeluarkannya peraturan pendirian dan kepemilikan Perseroan Terbatas oleh perseorangan bagi Usaha Mikro dan Kecil adalah : Pertama, agar peringkat kemudahan berusaha di Indonesia berdasarkan *Ease of Doing Business* dapat meningkat dengan salah satu indikatornya yaitu *Starting a business*; Kedua, penerapan teori institusi berupa Pernyataan dalam pendirian Perseroan Terbatas untuk kriteria Usaha Mikro dan Kecil. Kemudian berdasarkan perbandingan regulasi Perseroan di Singapura, dapat memberikan komparatif yaitu : Pertama, pendirian Perseroan Perorangan di Singapura hanya terbatas hanya untuk perseroan tertutup (*privat*) ; Kedua, organ perseroan di Singapura menerapkan *one-tier board system*, yakni *board of directors* yang sekaligus menjalankan fungsi pengurusan dan pengawasan serta adanya sekretaris; Ketiga, pembubaran perseroan di Singapura dilakukan dengan mencoret dari daftar perseroan (*strike off*) oleh ACRA atau berdasarkan permohonan pembubaran kepada pengadilan atau *voluntary* oleh perseroan untuk kemudian dilikuidasi.

Kata kunci: Perseroan Terbatas, Pendirian, Perjanjian, UMKM

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## **ESTABLISHMENT AND OWNERSHIP OF THE SINGLE MEMBER COMPANY REVIEW FROM THE LAW OF THE COMPANY**

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### **ABSTRACT**

The purpose of this research is to analyze and describe the reasons for the enactment of regulations regarding the establishment and ownership of Single Member Companies for Micro and Small Businesses in Indonesia as stated in Law Number 11 of 2020 concerning Job Creation and provide a comparison of Single Member Companies in Singapore based on The Statutes Of The Republic Of Singapore Companies Act (Chapter 50).

This research is a normative juridical research, namely research conducted by examining secondary data derived from primary legal materials in the form of laws and regulations, secondary legal materials in the form of the work of legal experts in the form of books and journals, and tertiary legal materials in the form of dictionaries and encyclopedias. law. Data analysis in this study was carried out qualitatively and produced descriptive analytical output.

The results of this study indicate that the reasons for the issuance of regulations for the establishment and ownership of Single Member Companies by individuals for Micro and Small Enterprises are: First, so that the ranking of ease of doing business in Indonesia based on Ease of Doing Business can increase with one of the indicators, namely Starting a business; Second, the application of institutional theory in the form of a statement on the establishment of a Limited Liability Company for the criteria of Micro and Small Enterprises. Then based on the comparison of the Company's regulations in Singapore, it can provide a comparison, namely: First, the establishment of a Single Member Company in Singapore is only limited to a private company; Second, the company's organs in the Singapore implement a one-tier board system, namely the board of directors which simultaneously carries out the management and supervision functions as well as the existence of a secretary; Third, the dissolution of the company in Singapore is carried out by striking off the company list (strike off) by ACRA or based on a request for dissolution to the court or voluntarily by the company for later liquidation.

**Keywords:** companies, establishment, agreement, MSE

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