

ABSTRAK

Kebutuhan manusia tidak dapat dilepaskan dari persoalan ekonomi. Untuk mempersiapkan kebutuhan ekonomis di masa mendatang, manusia melakukan investasi atau penanaman modal. Penanaman modal dapat dilakukan, baik dengan cara mengambil bagian saham pada saat pendirian Perseroan Terbatas, membeli saham Perseroan Terbatas, atau cara lain yang ditentukan oleh undang-undang. Dalam bisnis tentu ada untung dan ada rugi. Seorang Investor yang usahanya merugi akan berpotensi tidak mampu melunasi utang pada tanggal jatuh tempo, yang akan berakibat pada keadaan pailit. Bila telah dinyatakan pailit, harta pailit seorang Debitur, termasuk yang berupa saham pada Perseroan Terbatas akan dijual oleh Kurator. Dalam hal penjualan harta pailit berupa saham Perseroan Terbatas, terdapat 2 (dua) macam penafsiran hukum, yaitu : Kurator harus menjual saham melalui lelang sesuai undang-undang pailit atau harus terlebih dahulu menawarkan saham kepada Pemegang Saham yang lain sesuai undang-undang Perseroan Terbatas. Tesis ini disusun untuk memberi jawaban tentang prosedur hukum yang harus diterapkan oleh Kurator dalam menjual harta pailit berupa saham Perseroan Terbatas, serta bagaimana Pemegang Saham lain yang merasa dirugikan oleh aksi Kurator tersebut dalam melakukan upaya hukum.

ABSTRACT

The human needs cannot be separated from economic problems. To prepare for future economic needs, people make investments or investments. Investments can be done, either by taking part of shares at the time of the establishment of a Limited Liability Company, buying shares of a Limited Liability Company, or other means determined by law. In business, of course there are advantages and disadvantages. An investor whose business is losing money will potentially be unable to repay debt on the due date, which will result in a state of bankruptcy. If it has been declared bankrupt, a Debtor's bankrupt assets, including those in the form of shares in a Limited Liability Company, will be sold by the Curator. In the case of the sale of bankrupt assets in the form of Limited Liability Company shares, there are 2 (two) types of legal interpretations, namely: The curator must sell shares through an auction in accordance with bankruptcy law or must first offer shares to other Shareholders according to the Limited Liability Company Law. This thesis is structured to provide answers about the legal procedures that must be applied by the Curator in selling bankrupt assets in the form of Limited Liability Company shares, as well as how other Shareholders who feel disadvantaged by the Curator's actions in conducting legal remedies.