

The Authenticity of Kemenkumham Decree Regarding Limited Liability Company with Husband and Wife Joint Assets Share Establishment Approval Based On *Presumptio Iustae Causa* Principles

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Abstract: This research will be analyzing the authenticity of Kemenkumham Decree Regarding Limited Liability Company with Husband and Wife Joint Asset Shares Establishment Approval based on *Presumptio Iustae Causa* principles and the legal effect towards the Kemenkumham Decree if the Establishment Deed *a quo* declared annulled by the district court. This research is examined through several method, specifically using normative juridical research and statutory approach, also will be written in descriptive literature. The result of the research shows Kemenkumham Decree is considered as a state administration decree. Therefore, based on *Presumptio Iustae Causa* principle, the Kemenkumham Decree Regarding Limited Liability Company with Husband and Wife Joint Assets Share Establishment Approval that has been issued is an authentic decree. This principle implies that the Kemenkumham decree stands its authenticity for the sake of legal certainty, until an authorized decision from state administrative court proves otherwise and revokes its authenticity. The cancellation event of Limited Liability Company with Husband and Wife Joint Assets Share Establishment Deed condone by the District Court will not affect the authenticity of the Kemenkumham Decree. The authorized court that can revoke Kemenkumham Decree belongs to the State Administrative Court.

Keywords: Kemenkumham Decree Authenticity; Limited Liability Company; Husband and Wife; Joint Asset Shares

1. Introduction

The current vibrant business world, which is accompanied by public awareness of the legality of its business activities, has triggered the increasing popularity of creating Limited Liability Companies (PT) which are used as a means of carrying out community business activities. A Limited Liability Company, as one of the enterprises that may attain a legal entity, has assets that are distinct from the individual wealth of its management. A Limited Liability Company, as a legal entity, may operate like an individual and has the same rights and obligations as humans, including the ability to sue and engage in litigation.

In order to establish a Limited Liability Company, it must comply to the requirements set out in the legal basis regarding companies. Before becoming a legal entity, PT must go through the stages or phases of establishment first.¹ The procedure for establishing a Limited Liability Company (PT) has been governed in Regulation Number 40 of 2007 concerning Limited Liability Companies or hereinafter referred to as UU PT. PT is founded by two or more people who agree to establish it through a notarial deed. Establishment deed of a PT contains the identity and agreement of the parties that will establish the PT and its articles of association, while to obtain legal entity status, the creation of a PT must be authorized by the Minister of Law and Human Rights.² Thus, it can be stated that in order to form a PT establishment, the first stage that is carried out is the preparation of Establishment Deed formulated by the notary. The deed will then be requested for legal entity approval by the Ministry of Law and Human Rights to obtain the PT establishment approval fully.

A Limited Liability Company created by a husband and wife without arranging any marriage agreement for the separation of assets will be considered as not fulfilling the settlements of a Limited Liability Company establishment as stated in Article 7 paragraph (1) of the Limited Liability Company Law, which requires a company to be ruled by two or more people.³ If a husband and wife do not have a marital contract, they are bound by a joint property during the time of Limited Liability Company founding and they only have one subject. So, that can be said, the elements of a legal entity which is a capital alliance are not fulfilled and as a result, the company cannot have the authentic status as a legal subject.⁴ By not fulfilling the establishment requirements regarding the number of founders, it is reasonably suspected that the Deed of Establishment of a Limited Liability Company is legally flawed, in which case according to law the District Court can dissolve a company if indeed a Limited Liability Company is requested by interested parties based on reasons for legal defects in Deed of Incorporation.

This research is a continuation of previous research condone by Kayla Raissafitri and Taupiqqurrahman (2023) with the title, "The validity of Limited Liability Company Establishment Deed with Joint Property Shares of Husband and Wife according to *Acta Publica Probat Sese Ipsa* Principle". In this study, it was only limited to the validity of the deed of the established PT. Establishment of PT which was established by two husband and wife without a marriage agreement even though there are conditions that are not met, but the mechanism that is carried out must be a lawsuit and annulment by the court.

From the mentioned research and related research regarding PT establishment authenticity, there hasn't been any discussion talking about Kemenkumham Decree

¹ Tia Sanitra Gumilang, "Pertanggungjawaban Notaris Dan Akibat Hukum Pengesahan Pendirian Perseroan Terbatas Melalui Sistem Administrasi Badan Hukum," *Jurnal Lex Renaissance* 4, no. 1 (2019): 145–63, <https://doi.org/10.20885/jlr.vol4.iss1.art8>.

² *Ibid.*

³ Siti Fauziah Dian Novita Sari, "Peran Notaris Dalam Proses Pembuatan Akta Pendirian Perseroan Terbatas," *Jurnal Lex Renaissance* 3, no. 2 (2018): 407–22, <https://doi.org/10.20885/jlr.vol3.iss2.art10>.

⁴ Ermia Zanasri, Zainul Daulay, and Busyra Azheri, "Implikasi Hukum Perseroan Terbatas Yang Didirikan Oleh Suami Istri Terhadap Harta Bersama Dalam Perkawinan," *Lex Librum: Jurnal Ilmu Hukum* 5, no. 2 (2019): 913–26, <https://doi.org/http://doi.org/10.5281/zenodo.3187473>.

Regarding Limited Liability Company Establishment Deed Approval with Husband and Wife Joint Shares in specific terms. The Ratification Decree issued by the Ministry of Law and Human Rights is the product of state administration officials. One of the mechanisms that must be carried out is by submitting a request to the ministry to revoke the decree that has been made. The Ministry has the authority, in conformity with the principle of *Contrarius Actus*, to rescind previously issued decrees. However, in the case above, what if the decree has not been revoked by the Ministry? Whether it is still valid or not, there's one principle, namely *Presumptio Iustae Causa*, that can be used for this research. This concept of the mentioned principle asserts that every state administrative verdict issued must be deemed lawful so that it remains valid as long as it has not been proven and stated by a judge that the decision issued is invalid.

Therefore, this particular research will be carried out specifically as follows: 1) What is the authenticity of Kemenkumham Decree Regarding Limited Liability Company with Husband and Wife Joint Asset Shares Establishment Approval based on *Presumptio Iustae Causa* principles? 2) What is the legal effect of Kemenkumham Decree Regarding Limited Liability Company with Husband and Wife Joint Asset Shares Establishment Approval if the Establishment Deed declared annulled by the district court?

2. Method

The study will be examined through a normative juridical research and statutory approach. Normative juridical research and statutory approaches are performed by assessing ideas, concepts, and law regulations that are relevant to the discussion. This normative research focuses on grouping definitions or basic rules. Data is also collected through literature study, in which this method will collect data contained in books, files, writings, and studies in the law field that are in line with the discussion. The types of data that will be collected using primary data sources from authorized law regulations. Secondary data sources from legal literature, journal and dictionaries will also be used for the research. The results of data collection are going to be examined through descriptive written literature known as qualitative analysis that will interpret the facts to find ways to improve them.

3. The Authenticity of Kemenkumham Decree Regarding the Approval of Limited Liability Company Establishment with Joint Shares of Husband and Wife According to *Presumptio Iustae Causa* Principles

The Limited Liability Company represents one of the foremost popular formats for business entities among members of the general public. Because of the aforementioned event, the total amount of business enterprises with the structure of Limited Liability Company is significantly more than the quantity of various kinds of business entities.⁵ As stated by Sri Redjeki Hartono, a Limited Liability Company is an association formed to run a specific firm with an authorized capital divided into a

⁵ Niru Anita Sinaga, "Hal-Hal Pokok Pendirian Perseroan Terbatas Di Indonesia," *Jurnal Ilmiah Hukum Dirgantara* 8, no. 2 (2014), <https://doi.org/10.35968/jh.v8i2.253>.

particular number of shares, containing a certain each amount of money, namely a nominal amount, and formally written in the Establishment Deed of the Limited Liability Company by a notary. The Establishment Deed which must be approved by the Minister.⁶ This definition is in line with Article 1 Paragraph 1 of Law No. 40 of 2007 concerning Limited Liability Companies (from here onwards will be abbreviated into Limited Liability Company Law or UUPT), and the establishment of a Limited Liability Company is required to comply with the Company Law along with the provisions of its implementing regulations. The existence of several UUPT implementation rules is intended as a refinement of the implementation of the UUPT. These implementing regulations can be found in Government Regulations (from here onwards will be abbreviated as PP) and Ministerial Regulations (from here onwards will be abbreviated as PERMEN).⁷

There are various parameters that must be met in order to establish a Limited Liability Company, among which are:

1. Established through agreement.

There are several principles to follow while forming a Limited Liability Company, one of them includes its establishment based on an agreement (contract) written in Indonesian language, defined in the Establishment Deed, organized in the form of articles of association, and drawn up in front of a notary. From that statement alone, requirements of establishment must be carried out by at least two people or more as shareholders. From the joint agreement to set up a Limited Liability Company, it should be emphasized that the parties' agreement additionally has to satisfy the legal prerequisites of an agreement under Article 1320 of the Civil Code, which are:

- 1) The party committing to the contractual arrangement must be legally competent, with the knowledge that the party has the competence of executing legal actions or activities.
- 2) Conducted on the basis of a mutually beneficial arrangement amongst both sides entering into a company development agreement.
- 3) There is an agreed-upon object regarding the capital of the enterprise that will be used to meet the company's aims, namely, to perform commercial operations with the aim of obtaining profits.
- 4) The agreement must encompass anything acceptable, permissible by law (relevant rules and standards), morality, decency, and societal provisions.

2. Carrying out business ventures.

Provision Article 2 Jo. 18 of the UUPT explains that a Limited Liability Company is required to be established based on clear aims and objectives of business

⁶ Mr Kurniawan, "Tanggung Jawab Pemegang Saham Perseroan Terbatas Menurut Hukum Positif," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 26, no. 1 (2014): 72, <https://doi.org/10.22146/jmh.16055>.

⁷ Yahya Harahap, *Hukum Perseroan Terbatas*. (Jakarta: Sinar Grafika, 2009), 31

activities, both main business and the ongoing business. These purposes need to be written down in the Memorandum of Incorporation of the Limited Liability Company, as stated by the related laws.

3. Formed based on the occurrence of capital partners.

Limited Liability Company as it is known is a legal entity business that is required to invest authorized capital. Authorized capital is categorized as an income share, then included to shareholders who have membership status in the company. Every capital that is invested as shares will experience a capital union.⁸

4. The corporation's founding must be approved by the government.

The establishment of a Limited Liability Company is condoned by going through a legal process without forgetting the linear harmony with statutory provisions, referring to the UUPT.⁹ As explained in the second element of the Limited Liability Company establishment, the authenticity of a Limited Liability Company which has the privilege of being a legal entity can be seen through the formulation of the Establishment Deed. The Establishment Deed is a real statement of the legal process carried out by the founding parties of PT. Later the deed will be submitted as one of the conditions for validating the establishment of the PT and become a legal entity. The party that can declare the authenticity of the company comes from the Ministry of Law and Human Rights of the Republic of Indonesia, adjusting to Article 7 paragraph 4 of the UUPT.

Focusing on the last provision regarding ratification of the PT Deed of Establishment by the government, when a PT has been approved as a legal entity, it can be said that PT is a legal subject that can be encumbered with rights and obligations. The provisions of Article 3 of UUPT stipulate that The Company's investors are not individually liable for transactions carried out upon its behalf and are not liable for damages in surplus of the number of shares possessed. So, from these measures it can be clearly seen that the assets in the PT as a legal entity are separate from the owner's personal wealth. The meaning of a PT who has the legal status of a legal entity is that the company already has the ability to carry out legal actions on behalf of the PT, not on behalf of individuals.¹⁰

In essence, by making the Deed of Establishment legalized by a Notary, a PT does not yet have the capacity as a legal entity and cannot take legal action yet, because Article 7 paragraph (4) of the UUPT has described that, "a company acquires its legal entity authority at the time of the granting of a decree by the minister concerning the ratification of the Company's legal entity", which later in the Job Article 109 paragraph (2) UU Ciptaker was changed to "Companies can receive its entity status legally after being enrolled with the Minister and acquired its proof of documentation registry." Thus,

⁸ Yahya Harahap, *Op. Cit.* 33.

⁹ Yahya Harahap, *Op. Cit.* 36.

¹⁰ I Gusti Agung Ayu Astri Nadia Swari and I Gede Yusa, "Akibat Hukum Pengaturan Bukti Pendaftaran Dalam Pengesahan Pendirian Perseroan Terbatas Berdasarkan Undang-Undang Cipta Kerja." *Acta Comitatus Jurnal Hukum Kenotariatan* 7 no. 03 (2022): 481–91, <https://doi.org/10.24843/AC.2022.v07.i03.p11>.

it can be stated that the process of establishing a PT does not only extend to the deed of establishment, but also includes proof of the legal status of a legal entity, namely the Decree of the Minister of Law and Human Rights concerning legal acceptance of a legal entity.¹¹

It becomes a problem when a PT is invested with joint shares owned by a husband and wife. Originating from an alliance after the marriage takes place, the husband and wife will become one legal subject and the assets of both become joint assets which become one unit and are jointly borne. As long as there is no marriage agreement that regulates assets separation between the husband and wife, the couple's legal actions are considered to be done by one legal subject only.¹² This description is confirmed through Pursuant to Article 119 of the Civil Code, "The assets of married couple will be considered joint property from the time the marriage takes place, as defined by law, given that there are no other provisions regulated in the marital agreement. As long as the marriage exists, the joint property cannot be canceled or amended between the husband and wife."

As it is known that Article 7 paragraph (1) of the UUPT states, "The company should be set up no fewer than two individuals using a notary deed written in Indonesian." So, if a PT is established by husband and wife using their joint assets without a marriage agreement, the validity of the establishment of the PT should be questioned. The requirements mentioned that a PT establishment requires at least two or more people, meanwhile the husband and wife will be one legal subject.

From these provisions it is also known that the PT was established through a notarial deed which is commonly called the Deed of Establishment of a Limited Liability Company. Due to that matter, we can also see the validity of the establishment of a PT made by a married couple with joint assets can also be seen from the deed of establishment. Even though the conditions for establishing a PT are not met, specifically regarding the obligation of the establishment must be founded by two or more people, it does not automatically make the deed of establishment of a PT become invalid or canceled. One of the principles of proof authenticity deed, namely *Acta Publica Proband Sese Ipsa* principle, interpreted in which an authentic deed will arise outwardly as a deed authentic until it finally can be proven otherwise, and the proof is carried out by a third party who questions its authenticity.¹³ That is, if a third party submits a request for annulment of the legality of the establishment of a PT to the authorities, proof that the deed is not authentic due to non-fulfillment of PT establishment, then the deed can be declared invalid or canceled. However, this can only be done after the validity proving of the deed went on an official procedure which is referred to as proving in a civil case, in this case through an authorized court.¹⁴ The court authorized to decide on the dispute is the District Court as indicated in Article 146 paragraph (1) letter b UU PT, that the District

¹¹ *Ibid*, 486.

¹² Kayla Raissafitri and Taupiqqurrahman Taupiqqurrahman, "Keabsahan Akta Pendirian Perseroan Terbatas Dengan Saham Harta Bersama Suami Istri Ditinjau Dari Asas *Acta Publica Proband Sese Ipsa*." *Kertha Patrika* 45 no. 1 (2023): 19–34, <https://doi.org/10.24843/KP.2023.v45.i01.p02>.

¹³ Oemar Mochtar, *Dasar-Dasar Teknik Pembuatan Akta*, (Surabaya: Airlangga University Press, 2017), 33-34.

¹⁴ Kayla Raissafitri and Taupiqqurrahman, *Loc. Cit.* 28-29.

Court has the authority to dismiss the Corporation at the motion of an intrigued party due to a legal fault in the establishment deed.

As previously described, in the establishment of a PT there are two objects, namely the Deed of Establishment and the Decree of the Minister of Law and Human Rights of the Republic of Indonesia that formulates the Legalization of Limited Liability Company Legal Entities (from here onwards will be abbreviated as Kemenkumham Decree). Law number 5 of 1986 formulating the State Administrative Court as amended by Law number 9 of 2004 and Law number 51 of 2009, explains the State Administrative Decree (KTUN) as a written declaration handed down by a department or state administrative figure featuring state administrative legal proceedings based on the relevant regulations and laws that are concrete, individual, and final, giving rise to legal liabilities for a person or featured business that has its legal entity. In addition, since the passage of Law number 30 of 2014 regulating Government Administration in Article 87, State Administration Decrees are read as follows:

- a. written decision that includes reality-based occurrences;
- b. State Administrative Agencies and/or Officials' Measures are in the Legislative, Executive, Judiciary, and Additional State Institutionals;
- c. founded on statutory guidance and the AUPB;
- d. is final in a larger meaning;
- e. decisions that could culminate in legal implications; and/or
- f. decisions affecting specific Community Citizens.

If we review it again, it is clear that the Kemenkumham Decree is something in written form and does not only refer to the form or formally, but the contents of the letter (in the material sense) and in this case issued by Ministry Law and Human Rights, specifically the Director General of Legal Administration, which is a State Administrative Agency/Official administering government affairs in the executive sphere. The Kemenkumham Decree regarding the Approval of a Limited Liability Company Legal Entity is also said to be concrete, individual, and final. Concrete refers to objects in the KTUN that are tangible and can be clearly determined in what terms and to whom the KTUN is issued, the object and subject in the decision must be clearly and clearly stated. Individual refers to a KTUN that is intended for certain individuals and not for the public, by specifying the address or matter to be addressed, and if there is more than one person affected by the decision, then each person must state their name in detail. Final indicates that the decision is definitive, so it has certain legal consequences, decisions that are not yet definitive because they still require approval from superiors or other agencies cannot

be considered final and have not created rights and obligations for those affected by the decision.¹⁵

The Kemenkumham Decree regarding the Approval of a Limited Liability Company Legal Entity is of course concrete because it states the object and subject clearly and unequivocally, is individual because it mentions the names of the board of commissioners, directors, shareholders along with the number of each share, and it is final because it no longer needs approval from superior agencies or other government agencies. In addition, the Decree will have legal consequences for a Limited Liability Company, namely that legally it has fulfilled the provisions of Article 7 paragraph (4) of the UU PT which makes a PT a legal entity and can carry out legal actions. So, Kemenkumham Decree concerning the Approval of a Limited Liability Company Legal Entity is classified as State Administrative Decisions and aligned with the juridical elements of a State Administrative Decree explained. So, according to the researcher's perspective, the two legal objects in the establishment of a PT will relate to two legal domains, namely civil law concerning the matter of the Establishment Deed and administrative law which refers to the Decree of the Minister of Law and Human Rights concerning Ratification of Limited Liability Company Legal Entities.

The legal principle is the form of basic values that creates a regulation and it contains the soul and purpose of the formation of a regulation so that it is considered capable of answering a legal dispute.¹⁶ If a Deed of Establishment can be filed to the District Court to prove its validity based on the *Acta Publica Probat Sese Ipsa* Principle, then Kemenkumham Decree regulating the Approval of Limited Liability Company Legal Entity or as a State Administration Decision can also be proven through one of the principles from the Administration Law, namely *Presumptio Iustae Causa* principle. *Presumptio Iustae Causa* or *het Vermoden van Rechmatigheid* was originally contained in administrative law. This principle was then included as one of the principles in administrative justice. *Presumptio Iustae Causa* explains that every state administrative verdict and/or decision issued must be perceived as legal/authentic according to law, for the sake of legal certainty. Therefore, every state administrative decision can be implemented insofar while it has not been shown otherwise and declared illegal by the state administrative court.¹⁷

Presumptio Iustae Causa principle can be found in Article 67 paragraph (1) of Law number 5 of 1986 concerning State Administrative Court, which regulates that lawsuits

¹⁵ Vincent Suriadinata, "Asas Presumptio Iustae Causa Dalam KTUN: Penundaan Pelaksanaan KTUN Oleh Hakim Peradilan Umum," *Refleksi Hukum: Jurnal Ilmu Hukum* 2 no. 2 (2018): 139–52, <https://doi.org/10.24246/jrh.2018.v2.i2.p139-152>.

¹⁶ Naufal Afrian Noormansyah and Taupiqurrahman Taupiqurrahman, "Penerapan Asas Keseimbangan Pada Perjanjian Pengikatan Jual Beli Rumah Sebagai Perlindungan Hukum Pembeli Atas Wanprestasi Developer Abstrak." *Acta Comitatus Jurnal Hukum Kenotariatan* 8 no. 01 (2023): 44–61, <https://doi.org/10.24843/AC.2023.v08.i01.p4>.

¹⁷ S. F. Marbun, *Peradilan Administrasi Negara dan Upaya Administratif di Indonesia*, (Yogyakarta: FH UII Press, 2015), 222.

do not delay or hinder the execution of decisions by State Administrative Agencies or Officials as well as the actions of State Administrative Agencies or Officials being sued. That means, as long as there is no state administrative court verdict which has fixed legal authority stating that a State Administrative verdict declared null and void, the State Administrative verdict and/or decision is considered valid. In connection with the previous problem, when a PT created by husband and wife using joint shares got establishment cancellation filed to the district court by a third party and it is granted, then according to the *Presumptio Iustae Causa*, the decision is not necessarily invalidate the Kemenkumham Decree regarding the Approval of the Limited Liability Company Legal Entity.

Therefore, based on the *Presumptio Iustae Causa* principle, it can be concluded that the Kemenkumham Decree regarding the Approval of the Limited Liability Company PT with joint assets of husband and wife is authentic. As long as there is no lawsuit against the Kemenkumham decree that can lead to the authorized court declaring its false authenticity, the Kemenkumham Decree will exist legally as an authentic decree for the sake of legal certainty.

4. The Legal Effect of Kemenkumham Decree Regarding Limited Liability Company with Husband and Wife Joint Assets Shares Establishment Approval if The Establishment Deed Declared Annulled by The District Court.

In general, every law actions condone by law subject will arise legal effects. This also applies to the termination event of Limited Liability Company Establishment Deed sourcing from husband and wife joint assets through court decision, legal effects will arise for the continuity of the Limited Liability Company.

The researcher in this following scenario will describe an illustration as an attempt to explain the status and legal ramifications of the Kemenkumham Decree in the event of cancellation of the Establishment Deed of a Limited Liability Company by the District Court. On January 27, 2018, Notary A issued the Deed of Establishment of PT BCD where in the deed it was written the names of husband and wife, X and Y, as the founders of PT BCD. It is known that X and Y invested PT share capital using their joint property shares and during the establishment of the PT BCD, X and Y only used capital from joint assets. After the issuance of the PT Deed of Establishment was carried out, X and Y also gave the authority to Notary A regarding the submission of the Kemenkumham Decree. Notary A then continued the process of applying for the Kemenkumham Decree on January 28, 2018. On the same day, the Ministry of Law and Human Rights ratified and handed down the Kemenkumham Decree regarding the legalization of the establishment of PT BCD. PT BCD received full approval of its establishment.

Then, on April 12, 2022, the District Court handed down a court order for the dissolution of PT BCD due to the invalidity of the PT BCD Establishment Deed. Due to the sudden termination of the event mentioned, can the decision of the District Court bring the continuation of the validity of the Kemenkumham Decree regarding PT BCD establishment approval?

It should be noted that the Kemenkumham Decree is a final verdict issued by a state administration institution. As previously stated, Kemenkumham Decree concerning Ratification of a Limited Liability Company Legal Entity is classified as a State Administrative Decree as are the juridical elements of a State Administrative Decision regulated in Article 1 line 9 of the Administrative Court Law. A legal product, in this case the Kemenkumham Decree, is part of a legal object that can be proven its authenticity in the State Administrative Court if it is disputed.

The State Administrative Court according to Prajudi Atmosudirdjo is said to be an institution that functions in developing and maintaining state administration so that it is in accordance with the law (*rechtmatig*), statutory (*wetmatig*), functional (effective) or efficient.¹⁸ The State Administrative Court has a stake regarding law enforcement, for the good of the people, on a decision released by a state administration official that is against the law.¹⁹

Based on the explanation presented above, it can be stated that the district court's decision on the invalidity of the PT BCD Deed of Establishment does not authorize the district court to revoke the validity of the Kemenkumham Decree. Kemenkumham Decrees are categorized as State Administrative Decisions. The authority to examine the authenticity of a State Administrative Decision is condoned by the State Administrative Court, referring to the legal instructions of the Administrative Court Law article 50. Therefore, the Decree of the Ministry of Law and Human Rights regarding the Ratification of the Deed of Establishment of PT BCD is still valid.

From these explanations, it can be underlined that, regarding the authenticity of Kemenkumham Decree, after the deed of establishment of a PT established using husband and wife joint assets was declared null and void, does not have an impact on the authenticity of the Kemenkumham Decree of regarding PT Establishment approval. The Kemenkumham Decree is still stated as a valid legal product. However, keeping in mind that the deed of establishment of a PT is no longer a valid legal product, the existence of a Kemenkumham Decree regarding PT establishment by husband and wife using joint assets approval has no function and cannot be used as the legal basis for a PT with shared property shares of husband and wife to exist legally.

5. Conclusion

A Limited Liability Company (PT) will have the status of a legal entity if it has been sanctioned from the Minister of Law and Human Rights by issuing a Kemenkumham Decree regarding Limited Liability Company Establishment Approval, because the complete procedure of establishing a PT doesn't necessarily end after the shareholders made Establishment Deed formulated by a notary. A PT whose capital ownership uses the joint property of a husband and wife and whose validity is cancelled by a District Court, does not necessarily make the Kemenkumham Decree concerning Limited Liability Company establishment approval cancelled. Kemenkumham Decrees are classified as

¹⁸ Muhammad Kamil Akbar, "Peran Peradilan Tata Usaha Negara Dalam Mewujudkan Pemerintahan Yang Baik," *Dharmasisya* 1, no. 1 (2020): 352–63.

¹⁹ *Ibid.*

State Administrative Decrees. Based on the analysis using *Presumptio Iustae Causa* principle, it is summarized that as long as there has not been a decision from authorized court with permanent legal force declaring that the Kemenkumham Decree is declared null and void, the Kemenkumham Decree still stands its authenticity and deemed valid. The cancellation of the Establishment Deed of a Limited Liability Company with husband and wife joint assets ruled by the District Court has no legal effect on the authentication of the Kemenkumham Decree regarding the approval of Limited Liability Company Establishment with joint property shares of husband and wife. Kemenkumham Decrees are categorized as objects of State Administrative Decisions. With that being said, the authority of the court that can annul the fixated decision is the State Administrative Court. However, after the cancellation of the Establishment Deed of a Limited Liability Company with husband and wife joint shares, the Kemenkumham Decree does not necessarily have its legal function fully.

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Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

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