

ABSTRACT

Tina Amelia. LIMITED LIABILITY OF STATE OWNED ENTERPRISE HOLDING COMPANY FOR STATE OWNED ENTERPRISE SUBSIDIARY COMPANY PRE AND POST DECISION OF THE CONSTITUTIONAL COURT NUMBER 01 / PHPU-PRES / XVII / 2019, Under the guidance of Prof. Dr. Ade Saptomo, S.H., M.Si. as the Adviser, and Dr. St. Laksanto Utomo, S.H., M.Hum. as Co Adviser,

Status of State Owned Enterprise Subsidiaries in Supreme Court Decision No. 21 / HUM / 2017 states that the status of a State Owned Enterprise subsidiary is a State Owned Enterprise. But with the Constitutional Court Decision Number 01 / PHPU-PRES / XVII / 2019 which confirms that the State Owned Enterprise subsidiary has no State Owned Enterprise status resulting in a discrepancy between *das sein* (in fact) and *das sollen* (properly), where in fact in terms of operations the subsidiary is still very reflects the involvement of the parent company as a State Owned Enterprise, and this will also affect the corporate liability system of the holding company towards State Owned Enterprise subsidiaries in the concept of Limited Liabilities. The problem examined in this dissertation is: 1) What are the responsibilities of the Parent Company towards the Subsidiaries according to the prevailing laws and regulations before and after the Decision of the Constitutional Court Number 01 / PHPU-PRES / XVII / 2019?; 2) What are the juridical implications for the limited liability of the Parent Company for State Owned Enterprise Group Subsidiaries after the Decision of the Constitutional Court Number 01 / PHPU-PRES / XVII / 2019?.

This study uses a normative legal research method with a normative empirical approach, and in carrying out the analysis not only in a normative-qualitative manner, but must first make efforts to determine the criteria for identification, classification and systematization as well as to the discovery of the law whether in the form of legal interpretation or construction the law to give birth to a legal argument.

The result showed that first, in the case of the responsibilities of the Parent Company to the Subsidiaries according to the applicable laws and regulations before and after the Decision of the Constitutional Court that Number remains the same where the parent company has the authority to be the central leader that controls and coordinates the subsidiary companies in an economic unit. Second, the juridical implication of the status of a Subsidiary of a State Owned Enterprise similar to a Limited Liability Company is generally considered to be the absence of interference from the participation of capital from the State, so that the Subsidiary will not be subject to the State Finance Law, but in fact raises legal issues namely regarding the profits of an absolute Subsidiary is the right of the Subsidiary itself and the lack of state intervention in managing the State Owned Enterprise Subsidiary in applying the principles of Good Corporate Governance.

Keywords : Holding Company, limited liability, subsidiary.