

Establishment of Individual Limited Liability Companies as an Effort for Economic Recovery Due to the Covid-19 Pandemic

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ABSTRACT

Purpose of this study is first, to analyze the establishment of a Limited Liability Company PT Individual. Second, to analyze in the establishment of a Limited Liability Company, an individual PT will support economic progress due to the Covid-19 pandemic. This research uses normative legal research methods. This research concludes, first: The establishment of an Individual Limited Liability Company (PT) can be established by an Indonesian citizen, at least 17 years old, the authorized capital of PT Perseorangan, which is at least 25%, then the proof of payment is submitted to the Minister of Law and Human Rights counting 60 (sixty) days since deed of establishment of the Company for the Company or filling out the Statement of Establishment for an individual Company and this is done electronically. Second: the creation of regulations regarding the establishment of PT. Individuals is expected to be able to support the improvement of the Indonesian economy due to the Covid-19 pandemic, the existence of PT Persorangan targets the middle class, for micro and small businesses.

Keywords: Limited Liability Companies, Covid-19 Pandemic, Economy, Notary

1. INTRODUCTION

Year the world has been hit by the Covid-19 pandemic, as well as Indonesia did not escape the pandemic from the beginning of the first two cases in February 2020. The pandemic has made it very difficult for all countries, the economy is running slowly and even decreasing after being hit by Covid-19, this is not It can be denied that with the covid-19 virus, all humans in the world are expected to comply with the health protocols that have been established by the authorities of their respective countries which refer to WHO (Word Health Organization) standards.

Each country is trying to control the spread of the virus in its country, so as not to continue to increase positive victims of Covid-19 and those who die, both from civil society, health workers and government officials. The decline of both developing and developed countries due to the Covid-19 pandemic has made all countries endeavor to hold back the economic downturn in their country so that there is no crisis that causes trouble in the midst of society, including Indonesia.

One of the efforts made by Indonesia is by making regulations to establish PT. individually, this is done outside the provisions that require the establishment of PT. can be done at least 2 (two) people. The establishment of a business entity in the form of a limited liability company (PT) can be done by individuals. This provision is a mandate contained in Law Number 11 of 2020 concerning Job Creation, this is to support the ease of doing business in Indonesia. The regulations for implementing the establishment of individual PTs are contained in Government

Regulation (PP) Number 8 of 2021 concerning the Authorized Capital of Companies and Registration of the Establishment, Amendment and Disbanding of Companies that Meet the Criteria for Micro and Small Businesses.

In the old provisions, the establishment of a PT was carried out by at least two people and there was a minimum authorized capital limit that was considered to be one of the obstacles for business actors. However, the establishment of an individual PT has procedures and requirements that must be met by business actors. An individual PT can only be established for the criteria of micro and small businesses. The criteria for micro-businesses are determined based on a maximum working capital of IDR 1 billion excluding land and buildings for business premises or a maximum annual sales proceeds of IDR 2 billion (Rizki, 2021).

"With an individual company, business actors can form a limited liability company with only one founder," said Minister of Law and Human Rights Yasonna Laoly in a written statement in Jakarta, Monday, February 22, 2021 (Fajar Pebrianto, 2021). First, to analyze the establishment of a Limited Liability Company PT Perseorangan. Second, to analyze in the establishment of a Limited Liability Company, an individual PT will support economic progress due to the Covid-19 pandemic.

2. RESEARCH METHOD

This research method is normative legal research, so that more than one research approach can be used (Reza Ardiyanto and Moh. Saleh, 2020). The object of this research is "Private Limited Liability Company (PT)." While the collection of this research material is carried out by studying the laws and regulations that have a relationship with the problem, in the form of primary data and secondary data. The main secondary legal material is textbooks because books The text contains the basic principles of legal science and the classical views of highly qualified scholars (Peter Mahmud Marzuki, 2005).

3. RESULTS AND DISCUSSION

The definition of PT in general is a unit or legal entity whose capital is collected from various shares, and each owner has a share of the number of shares owned by each investor (Tn, 2020a). The share sheet which is the capital for the formation of a Limited Liability Company can be traded so that there will be a change in ownership status without having to dissolve the company, because what is owned by investors is only in the form of what percentage of shares are sold by the company concerned and what percentage are purchased and owned by investors. .

Some experts argue that the definition of PT is a form of business entity that carries out capital or share association activities with the ability to manage shares well, in which the shareholders in it have responsibility according to the number of shares they own (Tn, 2020a).

The provisions of Article 1 number 1 of Law Number 40 Year 2007 concerning Limited Liability Companies confirm that "Limited Liability Companies, hereinafter referred to as a company, are legal entities which are capital partnerships, established based on an agreement, conducting business activities with authorized capital which is entirely divided into shares and meet the requirements stipulated in this law and its implementing regulations. "

Usually, this limited company or PT is formed by a minimum of two or more people by means of an agreement known by a notary that will produce a company deed. Then, the deed must be ratified by the Ministry of Law and Human Rights so that later the company will officially become a Limited Liability Company or PT business entity, this is confirmed in Article 7 of the Limited Liability Company Law.

The establishment of a PT was carried out by the founders and known to the notary public later in the "Deed of incorporation containing the articles of association and other information relating to the establishment of the Company" (Article 8 paragraph (1) of the PT Law). The idea of forming and regulating PT for UMK which can be established by one person cannot be separated from two legal forms, namely a limited liability company (PT). Company companies are also known as *sole proprietorship* or *sole trader*. This form of business is the simplest form of business to create (Muhammad Faiz Aziz, 2020). When faced with progress in economic growth in Indonesia, efforts are made to continue to grow for the better, the government in this case makes an innovation which is another option in the establishment of a Limited Liability Company (PT). The drafting of a rule in Law Number 11 of 2020 concerning Job Creation which is then implemented in Government Regulation number [8](#) of 2021 concerning the Authorized Capital of the Company and the Registration of the Establishment, Amendment and Disbanding of Companies that Meet the Criteria for Micro and Small Businesses. The PP is made for the establishment of an individual PT which is made without having to use a Notary Deed, such as the establishment of a PT at least 2 (two) founders.

Procedure for the Establishment of a Limited Liability Company PT Perseorangan

Limited companies as legal entities are supported by the existence of various kinds of laws and regulations which are also an indication of the government's participation or involvement in supporting the world economy as the foundation for the growth and development of a country (Devie Lambe, 2011).

Judging from the implementation, the establishment of PT Individuals is aimed at people who want the establishment of micro and small businesses which in practice do not use large

capital like the establishment of PT in general. By not involving a Notary in the making of the Deed of Establishment of a PT, this causes the Deed of Establishment of PT. Individuals to become an Deed under the hands and not an Authentic Deed as in the establishment of PT in general, this is confirmed in Article 7 paragraph (1) of the PT Law "The company was founded by 2 (two) or more persons by notarial deed made in Indonesian".

Organ PT consists of "The Company's organs are the General Meeting of Shareholders, the Board of Directors and the Board of Commissioners." The General Meeting of Shareholders, hereinafter referred to as the GMS, is an organ of the Company which has the authority not given to the Board of Directors or the Board of Commissioners within the limits specified in this law and / or the articles of association. The Board of Directors is the Company's organ which is authorized and fully responsible for the management of the Company for the interests of the Company, in accordance with the aims and objectives of the Company and represents the Company, both inside and outside the court in accordance with the provisions of the articles of association. The Board of Commissioners is the Company's organ that is tasked with conducting general and / or specific supervision in accordance with the articles of association and providing advice to the Board of Directors. " (Article 1 figures 2,3,4,5 and 6 of the PT Law).

The characteristics attached to a business entity can be analyzed whether the business entity is classified as a Limited Liability Company unit or not. In general, the characteristics of a PT are as follows: (Devie Lambe, 2011)

1. A PT is established for profit
2. A PT has a commercial function as well as an economic function
3. The PT company capital is obtained from shares sold and bonds.
4. The PT company does not get any facilities from the state
5. The GMS or General Meeting of Shareholders will determine the highest authority of the company PT.
6. Each shareholder has as much responsibility for the company as the invested share capital.
7. Shareholders will benefit from shares in the form of dividends
- . 8. Directors are the main leaders of the company.. The

PT establishment of PT. Individuals. Of course there is a difference from PT in general, this is confirmed in its understanding in Article 1 number 1 PP No. 8 of 2021 concerning the Authorized Capital of the Company and the Registration of the Establishment, Amendment and Disbanding of Companies that Meet the Criteria for Micro and Small Businesses. "Limited Liability Company, hereinafter referred to as the Company is a legal entity which is a capital partnership, established based on an agreement, conducting business activities with authorized capital which is entirely divided into shares or individual legal entities that meet the criteria of

micro and small businesses as regulated in the statutory regulations concerning micro and small businesses. "

The establishment of PT. Individuals is established by one Indonesian citizen with a minimum age of 17 years, which is confirmed in Article 1 point 2 PP No. 8 of 2021, namely "Statement of Establishment is the format for the establishment of an individual Company established by 1 (one) person electronically". Zainal Asikin and Wira Pria Suhartana define an individual company as a company that is carried out by one entrepreneur (Zainal Asikin and Wira Pria Suhartana, 2016).

In the establishment of a PT Individual, it requires authorized capital in its establishment, which is needed as capital in running the company's business. Article 4 paragraph (1) and (2) PP No. 8 of 2021 confirms "(1) The authorized capital of the Company as referred to in Article 3 must be issued and fully paid at least 25% (twenty five percent) as evidenced by valid proof of payment; (2) A valid proof of deposit as referred to in paragraph (1) must be submitted electronically to the Minister within 60 (sixty) Days from the date of:

- a. deed of establishment of the Company for the Company; or
- b. filling out the Statement of Establishment for an individual company. "

The process of establishing PT Individuals is carried out independently by the founders, without involving a notary, and is directly submitted to the Minister of Law and Human Rights electronically.

Establishment of a Limited Liability Company PT Individuals Will Support Economic Progress Due to the Covid-19 Pandemic

The Covid-19 pandemic since its appearance at the end of 2019 in Wuhan, and in February 2020 in Indonesia, has made all countries worse off in their economic sector. There are many aspects of the economy that have an impact due to this pandemic, one of which is in the business sector that has collapsed so that many entrepreneurs have gone out of business and are losing money due to lack of income from the business they are running. However, Indonesia through its working copyright law which at the beginning of its appearance created controversy among the public and economic and political observers, however, the government together with the House of Representatives of the DPR of the Republic of Indonesia continue to push the work copyright law while still paying attention to input from the public, labor unions and businessmen.

Through Law Number 11 of 2020 concerning Job Creation, the government has made a rescue for the economic downturn in Indonesia, not only from the macro business sector which has large capital but, from the micro sector and small businesses that have small capital, so that people who want to starting a business can establish a business on the basis of Government Regulation (PP) Number 8 of 2021 concerning Company Authorized Capital and Registration of the

Establishment, Amendment and Disbanding of Companies that Meet the Criteria for Micro and Small Businesses. With the hope that this regulation will raise the Indonesian economy and raise the interest of the community to open and establish micro and small businesses without having to question the difficult bureaucracy and do not require the involvement of a notary in making the deed of establishment, not the same as the establishment of a PT in general.

Creating a business entity is an important basis if you are going to build your own business. The establishment of a business entity that is a legal entity in a company, whether small, medium or large, will protect the company from all claims due to activities carried out by the company itself.

A business entity is a juridical and economic unit or an organizational unit consisting of production factors for profit-seeking purposes. Business entities are economic households that aim to seek profit with production factors (Tn, 2020).

A business / business itself can be said to be a legal entity if it has a "Deed of Establishment" which is legalized by a notary accompanied by a signature on a seal and seal (Tn, 2020). Meanwhile, each individual company is usually only owned by one owner. The responsibilities assumed by the owner are unlimited in nature. The characteristics of an individual company are: (Mr, 2020)

1. The business is owned by individuals
2. The form of management is very simple
3. The capital issued is relatively small
4. Business continuity depends on the owner himself
5. Sales value and also added value produced relatively smaller.

When viewed from the form of management, a business economy is indeed divided into two parts, namely the part of an economic enterprise that is managed independently or individually, and which is managed by a group of companies. The following is an interpretation of each of these economic businesses (Tn, 2020).

With the making of regulations in the establishment of PT. Individuals, it is hoped that it will encourage the progress of the Indonesian economy which has been slumped by the Covid-19 pandemic, so that the welfare of the people which also affects the pandemic can be restored, because with the establishment of PT. Individuals it is targeted that the middle community can establish Micro and Small businesses. .

4. CONCLUSION

The issuance of Law Number 11 of 2020 concerning Job Creation, although there are still pros and cons at this time, the government is trying to provide the best for its people in economic

matters, so that Government Regulation (PP) Number 8 of 2021 concerning the Company's Authorized Capital is made. As well as registration of the establishment, amendment and dissolution of companies that meet the criteria for micro and small enterprises. Even though it does not use the Notary Deed as the deed of establishment and requires a not so large amount of authorized capital, it is hoped that the existence of this Limited Liability Company PT Perseorangan can regenerate the Indonesian economy which was deteriorated due to the Covid-19 pandemic, as well as improve the welfare of the middle class by boldly establishing PT Persorangan with regulations. which has been made as a legal certainty and legal protection for the community.

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