

# **The Legal Status of An Individual Company Based On The Copyright Law**

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## **ABSTRACT**

One of the relatively dominant business entities in economic activity is the type of business entity in the form of a Limited Liability Company. In the case of sustainable development, one of the establishments of a PT which is establishment of a PT is at least 2 (two) people as stated in Article 7 paragraph (1) of the PT Law. It becomes a problem when a PT arrangement can be establishment by one person and then how is the responsibility for shareholders as in an individual company in the mandate of the Job Creation Act. The formulation of the problem proposed by the author is the legal ratio of individua in the Job Creation Act and the legality of the establishment of a limit liability company. The reseatch conducted by the author uses normative legal research using a staturory approach and a conceptual approach ana historical approach. The result of the discussion area ratio legis the birth pf Company individuals in Indonesia is to provide convenience for the development of micro and small business activities to run their business in the form of a leal entity and the establishment of an individual company in Indonesia is legal and legal if all the procedures for establishment are in accordance with those stipulated in Government Regulation 9 of 2021 concerning the authorized capital of the company and registration the establishment, amandment, and dissolution of a company that meets criteria for micro and small businesses.

**Key Words :** Company, Individual, Job Creator

## **1. INTRODUCTION**

One of the relatively dominant business entities in economic is a limited company of Limited Enterprises (PT). Many companies are currentyly changing the status of its legal entity to be limited ability (Peters, 2016). Factors that drive against changes in other form status to be a limited liability company because the limited form of the company is a business container that conducts the separation of the rights and obligations of the entrepreneurs in the transfer of doors with the register and liabilities of the company (Indriani, n.d.).

The most basic legal consequences in the limited liability company as a legal entity is the separation of wealth (Fauzi, 2018). The limited liability capital of the shareholders is the wealth that has been separated rom the share of personal shareholders. With the separation of wealth, then all the wealth owned by the company is not necessary to belong to the shareholders agains, but becomes a wealth of limited liability (Gegen, 2021).

Individuals also in the common Law legal system have been know to the type of single trading business or sole trader, there is only one party acting as a merchant or traders (Yuniningsih et al., 2017) . Single traders generally provide capital originating from its own personalized savings or loans from banks (Nindyo Pramono, 2012) . Individual enterprise capital is also known as in



United Kingdom (UK) and United Europe (EU) and is apply also in some other countries (Aziz Muhammad Faiz, 2020).

This Single shareholder develops as a trend of legal development of the company in the world that is now adopted that is facilitate the Indonesian people who want to try to establish an effort as the road reaches wellbeing.

The government considers this new breakthrough as gift of ease, protection and empowerment on MSMEs and perpitation. But the truth is to be what the responsibility of the shareholders in the company's individuals. This is interesting, because in a limited responsibilities are a fundamental thing that distinguished it with other business entities, where limited responsibilities is a condition in which shareholders or shareholders from a company are only responsible for the number of shares they have in the company (Sisman et al., n.d.).

## **2. RESEARCH METHOD**

The reserach conducted is a normative legal research, which is research conducted by reviewing applicable Laws or applied to a particullar problem. Normative research is often called a doctrinal research. The object of research job is the document of legislation and library materials.

## **3. RESULTS AND DISCUSSION**

### **The legion ratio of the Company's indivuals in the Copyright Law**

The very striking difference between the legal form of business and the legal from business, looks once from the establishment of the business entity (Markova & Reilly, 2007). To establish a legal entity, absolute required by the goverment's estoment, for example in terms of establishing PT absolutely necessary to esteema deed of the establishment and the underlying compulsory by the goverment ( Minister of Law and Humanrights Directorate of civil). while the form of business is not-in-law, the requirement of the depreciation of establishment by the goverment is not required. For example to establish CV although established in an Notary deed, register in the rural courtship, but there is no instituaion that is of the Law for HumanRights (Roesli et al., 2017).

The setting of PT for UMK's can be founded by one person not separated from two other forms of business Law of Indivual company and limited company (PT). Indivual company is also knows as terms of *sole proprietorship or sole trade r.* this form of business is the simplest form of business to make Zainal Alickin and Suirastana who difines an individual company as a company conducted by one employer (M. Zainal Asikin & Wira PriaSuhartana, 2016).

In Law number 40 year 2007 on limited liabilty company, PT is a legal entity which is capital fellowship, established under the agreement, conducting business activities which basic

capital that is entirely divided into stock and meets the requirements established by this Law and the implementation regulation. PT is a business entity with limited responsibility for its shareholders. PT individuals corporate shaped legal company with limited responsibilities founded by one person and led by one person director (Carter, 1987).

KUHD Indonesia was first giving birth of PT setting only regulating PT with a dwelling model of two people or more, but not to restrict the definition of the company and the PT itself. The intent of the absence of this definition of provider is a chustrike is already accustomed to the form of a variety of efforts and will be submitted to the world of scientific and jurisprudence. This is considered better that regarded with strict limits because the company's understanding can develop in accordance with the dynamics (Soekardono, 1982).

In some countries, the PT model is such a existence as well as the *Single -Member Private Limited Liability Company* di EU and UK , *Sendirian Berhad (sdn Bhd )* in Malaysia , and *Private Limited Company ( Pte Ltd )* in Singapura ." in fact, countries such as Uganda, Ethiopia, and Pakistan have known and have regulations of individuals PT.

So that the Legislation ratio that can be concluded through the birth of the company's individual in Indonesia is to provide ease for the development of micro and small business activities. The presence of the company's individual is also intended to improve the ease of engineering endibud so that global community has no hesitant to invest in Indonesia.

### **Legality of the establishment of an individual company**

The presence of Individuals can mutimize the existing public situaton that PT is usually founded by two people but in reality only run or controlled by one person. Other shareholders are passive in order to meet the minimum requirements of two shareholders. Individualis PT can avoid the risk of dispute between the shareholers. With this PT model, shareholders can make decision over its business quickly and efficiently.

In the context of the founder or shareholders, the founder of individuals PT can only be done by person or individuals. Individuals PT should not be founded by the legal entity. This is given that PT is intended for micro and small business (Roesli et al., 2019). This is also in line with the micro and small business category in Law number 20 of 2008 on UMKM that determines that micro and small business is not a group of medium and large companies. In the case of individuals PT to establish an endeavor or become a shareholders of other PT, It should be allowed. However, the established business and stock are not allowed to be in the form of individuals PT again. This is consistent with the proposal on the founders of individuals PT who come from persons.

Associated with the capital deposit, individuals PT should be required to complete the corresponding capital to the amount of capital determined by itself when the establishment. Capital

deposit is done by founders or companies to the bank. This paid up capital can be a “deposit” or “guarantee” when there is a third party demand to individualis PT. For enterprise and protection operations provide a balance for third parties, against individuals PT nneed to be set a certain percentage that may be able to create such balance. In relation to the management of this guarantee or deposit, it is necessary to establish a special institution, whether under the Ministry of Law and Human rights and the Ministry of Cooperative and small and medium enterprises, for example in the form of a public service agency or whether an independent public legal entity. This public legal entity can act like a Deposit Insurance Corporation that can pay claims to third parties when there is a dispute or lawsuit from a third party. To support this implementation, financial institution such as banks have an obligation to participate in accepting deposits or guarantees and then depositing them to the public service agency or public legal entity that manages individuals PT deposits or guarantees.

Individual company has met the criteria as a legal entity. Although there is similarity to the tarde business of the ownership of the ownership of single, but in terms of establishment requires the uncertainty of authorities authorized so that the company’s individual as a legal entity so that the attitudes of the legal entity is there are limited responsibilities and have separate wealth with owners and organs in it. The limited liability of individual company shareholders has also been explicitly stated in article 153 J of the work copyright Law which states that “ (1) Company shareholders for micro and small business are not personally responsible for the engagement made on behalf of the company and are not responsible for the loss of the company exceeds the shares owned”. so that if there is a loss for all actions carried out by the individual company. The shareholder are only asked to be responsible for the shares included or owned in the individual company.

The process of establishing and institutionalization of individuali PT legal entities is easier than the establishment of PT with the order for MSME’s and established by one shareholder, the establishment of this PT can be done by making a statement of establishment and filling out the form directly online through the website pages platform or mobile phone application. This establishment can also be done by establishing ministry offices or related ministry offices for obtaining assistance for establishment services. In fact, third party help should also open to accomodate the actors of MSME. The process of law effectives agency should be fast (in hours of a hour or a maximum of one day ) after the entire form of froms and documents that are required to complete and have made the payment of the establishment fee. The actors are utilized responsible for the truth of the information delivered in the form of the form submitted.

#### 4. CONCLUSION

Ratio Legis the birth of an individual company in Indonesia is to provide convenience for the development of micro and small business activities to run their business in the form of a legal entity. The regulation regarding individual companies is also intended to increase Indonesia's ease of doing business ranking so that the global community does not hesitate to invest in Indonesia.

The establishment of an individual company in Indonesia is legal and legal if all the establishment procedures are in accordance with what has been determined in government regulation number 8 of 2021 concerning the authorized capital of the company and the registration of establishment, change, and dissolution of the company that meets the criteria for micro and small business. An individual company obtains status as a legal entity after obtaining a registration certificate from the minister.

#### Suggestion

Extensive socialization is needed to provide information to the wider community who want to develop their business that at this time there is a limited liability company that can only be established by one person and it is still necessary to refine the regulations governing individual companies, in particular, which confirms the composition of the organs in individual companies and the differences between them and the organs of limited liability companies in general.

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