

THE LEGAL CONSEQUENCES OF HIGHT COURT NUMBER: 554/Pdt/2019/PTMDN AGAINTS NIAP KEROSENE AGENCY: 11.4.100

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Abstract: Based on the law number 2 year 1986 amendments to law number 8 year 2004 and the second amendment to law number 49 year 2009 concernig General Courts. In Article 51 Section (1) of the law aquo, as a comparative court, the Hight Court in charge and authorized to prosecute a criminal and civil case against the verdict imposed by fiert-level court. Apple was an ordinary legal effort against the decision of the District Court by civilian parties who felt dissatisfied and did not accept the decision of the district Court. Kerosene agents are limited liability companies, cooperatives, business entities that carry out kerosene distribution activities to kerosene bases for household consumers and small business. Case of Kerosene Agency Dispute Case Number: 554/Pdt/2019/PTMDN, the niap kerosene agency 11.1.100 which is converted to Niap: 11.4.100 then converted into CV Deras Gas and converted to PT Amora Deras Gas. The emergence of disputes in a case object was caused by the tort law. Lawfinding over here the understanding of the founding by the judge in plays an important role as an efforts to manifest the supremacy of law and justice. Consideration judge is a process of the formation of the law by the judge in charge of the effort to enforce measures. this system brings a benefit to the law certainty on the society rights from the judge. This is if reviewed from the legal provisions or actions of Civil Law, legal relations between directors, commissioners, and other defendants with the plaintiff in terms of keronese agency related to the emergence of losses for those who feel disadvantaged. The tort law is regulated in Article 1365 of Civil law, that is, "every act of contempt of court, which brings losses to others, requires, people who are due to issuing the loss, replacing the loss".

Key Words: Jurisprudence, Hight Court, Kerosene Agency.

1. INTRODUCTION:

Decision Case Number: 544/Pdt/2019/PTMDN the parties who have established Amora Deras Gas have involved a notary to make an authentic letter against the establishment of the company, as evidenced by the initial establishment with UD with a business license, then increasing with CV with the existence of cooperation with the parties, and finally established in the form of PT so that the company PT Amora Gas has a legal entity.

PT Amora Deras Gas runs its business as an Agent of 3 Kg LPG is a line of business that was established with the personal capital of the founders of PT Amora Deras Gas, including all the assets it owns, and has nothing to do with the business capital of the NIAP oil agency license 11.4,100 due to a permit. a kerosene agency cannot be used as the basis or capital to establish a limited liability company, and a kerosene agency business license granted to a business entity or company is a gift given by an authorized agency after fulfilling the administrative requirements proposed by a business entity or company to an agency or company. relevant agencies after passing the feasibility test.

2. THEORITICAL FRAMEWORK:

a. Theory of Judges' Consideration

Besides the existence of evidence according to the law, the judge's conviction is also determined based on good moral integration.

b. Legal Certainty Theory

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[1]

c. Law Discovery Theory

Legal discovery is mainly carried out by judges or other state apparatus assigned to apply regulations to concrete events.

3. LITERATURE REVIEW:

If in a civil case decided by the district court it is not accepted by the defeated party, because they feel that the decision that has been decided by the judge in the trial does not reflect justice, then the defeated party in a case can submit an appeal to the high court. This appeal is one of the legal remedies against a judge's decision at the first level or district court.

Judging from the history of the birth of agency institutions in Indonesia, it can be seen from the implementation of Law Number 6 of 1968 concerning Domestic Investment, then the government issued implementing regulations, namely Government Regulation Number 36 of 1977 concerning Termination of Foreign Business Activities in the trade sector, which stipulates that companies Foreigners whose period of activity has ended may continue to carry out their trading business by appointing a national trading company as a distributor or agent by drawing up a letter of agreement.

Organizations or legal entities that are profitable or pursuing business profits are called business entities or companies [2].

4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on legal research methods that seek to see the law in a real sense or it can be said to see, research, how the law works in society.[3]

5. DISCUSSION:

The task of judges in general is to carry out the law in cases where there are concrete claims of rights, namely actions aimed at obtaining legal protection provided by the Court to prevent "*eigenrechting*" or self-judgmental acts.[4]

Examination at the appeals level is also known as retrial.[5] In respect of civil decisions handed down in the District Court, the parties may request that the case examination be repeated at the High Court in accordance with *relative jurisdictions* their respective

The lawsuit submitted to the High Court is a form of dissatisfaction from the appellate party or the appealed against the decision of the District Court.[6]

Oil and gas are strategic non-renewable natural resources controlled by the state and are vital commodities that play an important role in the supply of industrial raw materials, meeting domestic energy needs and important foreign exchange earnings.

6. ANALYSIS:

A. Settlement of the dispute against the Kerosene Agency with Niap: 11.1.100 which was changed to Niap: 11.4.100 which was converted to CV Deras Gas converted again to PT Amora Deras Gas

The decision in the District Court in favor of the plaintiff to control the object of the case with the argument that the action the parties who previously controlled the object of the case had committed an unlawful act (*onrechtmatigedaad*).

B. Basis for judges' considerations in resolving cases Number: 544/Pdt/2019/PTMDN

The Panel of Judges is of the opinion and has concluded that the kerosene agency with a value of 11.1,100 which was converted to a value of 11.4,100 was then converted into CV. Deras Gas and finally converted to PT Amora Deras Gas, thus PT Amora Deras Gas is the inheritance of H. Mara Endah Siregar and Purto Harahap who are parents of Alex Jimmy Aladin Siregar who are parents of Alfian Mora Siregara, so it can be concluded that The kerosene agency is an innate desire of Alfian Mora Siregar so that the plaintiff is entitled to the object of the case.

The lawsuit filed is not about the issue of the distribution of inheritance, but about the actions of the comparators who control the object of the case which is the latent property. Alfian Mora Siregar obtained from

his father, Jimmy Aladin Siregar, which does not belong to the appellants/defendant without rights and against the law which results in the appellant or the plaintiff suffering losses.

C. Legal consequences of Decision Number: 544/Pdt/2019/PTMDN against Kerosene Agency with Niap: 11.1,100 which has been converted to Niap: 11.4,100 which was converted to CV Deras Gas converted again to PT Amora Deras Gas

One of the parties who became the pivot The concern in the company is the directors who are also shareholders and the commissioners who are elected by the directors. The commissioner who occupies this position still has a family line from the board of directors, so that in his competence he is not independent and free in carrying out his obligations. Disputes that occur that attract commissioners, directors, and then personally are the result of losses suffered by the plaintiff or the appellant who is a biological child and has rights to the innate property of the late. Thus, in this case, the defendants/appealers and the plaintiffs/appellate must accept and carry out whatever decisions have been issued by the court.

7. CONCLUSION :

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The settlement of disputes, especially in this case, is the case of the kerosene agency of up to 11.4,100 which requires an effort to resolve it, both through the court. There are efforts made before being submitted to the Court, namely by prioritizing compromise, one of the ways provided is by subpoenaing the parties to the dispute.
- 2) The difference of opinion from Member Judge I (*Dissenting Opinion*) between the presiding Judge and Judge II, so that Member Judge I gave legal considerations in accordance with the facts revealed in the trial. The consideration of judge member 1 as explained in the facts of the trial is clear from the fault of the Appellant/Plaintiff in determining Absolute Competence.
- 3) The point in the exception is that the Padangsidempuan District Court is not authorized to examine and hear this case. The Plaintiff's claim is not yet filed or it is too early (*premature*). The object of the lawsuit is *Error In Persona*. In the interlocutory decision, judge I did not state or argue that the plaintiff's claim had wrongly filed a lawsuit with the Padangsidempuan district court and continued the case until finally there was a decision that was binding on both parties, both the defendant and the plaintiff.

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