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Dissolution af a Limited Liability Company: What is the Authority of The State Prosecutor?

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Abstract: As a legal entity with rights similar to those of a person, a limited liability company (PT) is also obligated to operate in accordance with the rules and regulations that have been established. If these laws are broken, the offending PT will naturally accept the resulting repercussions, which might range from the imposition of criminal fines to the imposition of a "death sentence" in the form of the dissolution of the PT. The Prosecutor's Office is the state entity with the power to request the dissolution of a PT, and historically, the Prosecutor's Office, as represented by the State Attorney (JPN) through the Civil and State Administration Division, has used this power on multiple occasions. The Prosecutor's Office only dissolved less than 10 (ten) PTs during the decades that this ability was granted. In order to raise the following issues: 1. What legal foundation does the State Attorney's proposal to dissolve a Limited Liability Corporation have? 2. What challenges does the State Attorney face when requesting the dissolution of a Limited Liability Company? This issue will be investigated using the Empirical Juridical method of legal study, which is research that examines how normative law is really applied or implemented in practise. legal analysis of any particular legal events that take place in society and the adoption or application of normative legal provisions. . The author draws the following conclusions from the study's findings: 1. The State Attorney's authority to propose the dissolution of a Limited Liability Company, as specified in Article 146 paragraph (1) letter an of the PT Law, is based on the grounds that the Company violates laws and regulations and/or the public interest, 2. The JPN encounters a number of challenges when attempting to exercise its authority to submit a request for the dissolution of a Limited Liability Company. These challenges are primarily brought on by the lack of additional regulations that would specifically govern the Prosecutor's Office's PT dissolution procedures, as well as the JPN's inability to optimise its functionalization in doing so.

Keywords: LimitedLiability Company, Prosecutor's Office, StateAttorney

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INTRODUCTION

The Republic of Indonesia's 1945 Constitution, which stipulates that all government and citizen actions must always be subject to the law as it is applied in the state, contains the idea of Indonesia as a State of Law. In other words, the law is the highest foundation and the limitation of the State of Law (Palguna, 2013).

The rule of law consists of the construction of legal instruments that function as a system that ensures the implementation of legal order in the life of society, nation and state. Law does not only regulate humans as legal subjects, but also legal entities (rechtspersoon). Legal Entity (rechts persoon) is a collection of humans who jointly carry out legal acts such as making agreements that are poured into agreements, owning wealth independently, and so on. Legal entities are divided into 2 (two), namely **Public Legal Entities, namely** government agencies that carry out the main tasks and functions of the government labeled with the status of a legal entity, while **Private Legal Entities** are legal entities established with urgency related to the Personal Interest of the founders and their members, based on Civil Law, consisting of Limited Liability Companies (PT), Cooperatives, Foundations (Harahap, 2011).

"Limited liability companies (PT) as legal subjects have rights similar to those of humans and are also required to carry out activities and/or policies that are governed and constrained by laws and regulations. If these provisions are broken, there are, of course, legal repercussions that the PT in question will accept, ranging from the imposition of criminal fines to the imposition of the "death penalty" in the form of PT Dissolution".

Historically, the State Attorney's Office, represented by the State Attorney (JPN) through the Civil and State Administration Division, has exercised its authority several times in the dissolution of PT, including in 2018 in the dissolution of PT Wijaya Cipta Perdana and most

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recently in 2021 in the dissolution of PT Gemilang Sukses Garmindo. In this paper, the author will examine the submission of an application for the dissolution of PT Harapan Indah Jaya by the East Kotawaringin District Attorney to the Palangkaraya District Court in 2019.

However, over the decades the authority to dissolve PTs has been given to theAttorney General's Office, and only less than 10 (ten) The Attorney General's Office has disbanded PTs, despite the fact that this power is intended to have a deterrent effect on PTs that break the law or act against the public interest. (Prayoga, 2020).

Based on the background above, it is important to examine how Legal basis of the State Attorney in conducting the dissolution of PT and Problems faced by the State Attorneyin conducting the dis solution of PT (Wafi, 2020).

PROBLEM FORMULATION

Referring to the description that has been presented in the background above, theauthor raises 2 (two) main problems that the author will formulate in the research, namely:

a. Basis for the Authority of the State Attorney(JPN) in proposing the Dissolution of a Limited Liability Company
b. Constraints of the State Attorney in filing an application for the dissolution of a Limited Liability Company

RESEARCH METHODS

The research methodology employed in this study is empirical jurisprudence, or legal research on the adoption or application of normative legal provisions to each specific legal event that takes place in society (Abdulkadir, 2004). This research also focuses on Legal Effectiveness which discusses how the law operates in society in terms of factors that can influence the law to function in society, namely: 1) the rule of law/ regulation itself; 2) officers / law enforcers; 3) means or facilities used by law enforcers, 4) public awareness (Zainuddin Ali, 2016).

RESULTS AND DISCUSSION

Basis for the Authority of the State Attorney (JPN) in proposing the Dissolutionof a Limited Liability Company

In order for the effectiveness of the law to be implemented effectively, ideally a JPN must act in accordance with laws and regulations that can be used as guidelines for action so that the objectives of the law can be achieved (Delbrück, 2003).

The basis of authority for the JPN in proposing the dissolution of a Limited Liability Company is as follows:

1) Article 142 paragraph (1) letter c Dissolution of a PT occurs based on a Court Stipulation, then Article 146 paragraph (1) letter a of the PT Law which states "The District Court may dissolve the Company at the request of the Attorney based on the reason that the Company violates the public interest or the Company commits an act that violates laws and regulations"
2) Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia (Prosecutor's Office Law) Article 1 paragraph (1) states: The Public Prosecutor's Office is a government institution whose functions are related to judicial power that exercises state power in the field of prosecution and other powers based on the Law; Article 30 paragraph (2) of the Public Prosecutor's Office Law states: "In the field of civil and state administration, the Public Prosecutor's Office with special powers can act both inside and outside the court for and on behalf of the state or government"
3) Article 24 of Presidential Regulation Number 38 of 2010 concerning the Organization and Work Procedures of the Attorney General of the Republic of Indonesia as amended by Presidential Regulation Number 29 of 2016 concerning Amendments to Presidential Regulation Number 38 of 2010 concerning the Organization and Work Procedures of the Attorney General of the Republic of Indonesia states:

– "The Deputy Attorney General for Civil and State Administration has the duty and authority to carry out the duties and authority of the Attorney General's Office in the field of Civil and State Administration";
– "The scope of the Civil and State Administration as referred to in paragraph (1) includes law enforcement, legal assistance, legal considerations and other legal actions to the state or government, including state institutions / agencies, central and regional government agencies / institutions, State / Regional Owned Enterprises in the field of Civil and State Administration to save, restore state assets, uphold the authority of the

government and the state and provide legal services to the community";

4) The Appendix to Regulation of the Attorney General of the Republic of Indonesia Number: Per- 007/A/JA/12/2021 concerning Guidelines for the Implementation of Law Enforcement, Legal Assistance, Legal Consideration, Other Legal Actions and Legal Services in the Civil and State Administration (Perja 07) regulates as follows (Arifin, 2020):

- "Chapter I General Definition Number 8 regulates Law Enforcement is the activity of the State Attorney to file a lawsuit or application to the court in the civil field or certain other actions in accordance with the provisions of laws and regulations in order to maintain legal order, legal certainty and protect the interests of the state and government and the civil rights of the community".
- "Chapter III Letter A General Provisions Number 1 states that the State Attorney conducts Law Enforcement through a lawsuit or application to the court or certain other actions, one of which is a request for examination and/or dissolution of a Limited Liability Company";
- "Chapter III Letter B which states that the State Attorney conducts Law Enforcement through Lawsuits / Requests to the Court on Legal Issues, among others:

1. The State Attorney submits an Application for the Dissolution of a Limited Liability Company on the following grounds: 1) The company violates the public interest or commits an act that violates laws and regulations; 2) Within a maximum period of 6 (six) months after the company obtains the status of a legal entity, the shareholders become less than 2 (two) persons; 3) A company that does not adjust its articles of association within 1 (one) year of the enactment of the PT Law;
2. The submission of a petition for the winding up of a Limited Liability Company on the grounds that it has violated laws and regulations that carry criminal penalties requires the existence of a decision that has permanent legal force stating that the Limited Liability Company has violated the applicable laws and regulations.
3. Submission of an application for the winding up of a Limited Liability Company on the grounds that it violates laws and regulations that do not carry criminal penalties requires a decision from the competent authority.
4. Information on the existence of a Limited Liability Company that violates the public interest or commits acts that violate laws and regulations is obtained from the relevant agencies, the public or the Internal Prosecution Service.
5. Based on this information, the Head of the Work Unit determines whether the Prosecutor's Office will make an Application for the Dissolution of a Limited Liability Company.
6. An application for the winding up of a Limited Liability Company shall be filed with the District Court at the domicile of the Limited Liability Company.
7. The State Attorney may propose a Liquidator who will administer the company's assets in liquidation".

From the description above, it can be concluded that the legal basis underlies the Authority of the Prosecutor's Office through the State Attorney to conduct the Dissolution of PT, where the submission of the PT Dissolution Application can only be done limitatively with several reasons as specified in the Legislation.

Constraints of the State Attorney in filing an application for the dissolution of a Limited Liability Company

In order to identify the obstacles experienced by JPNs in conducting efforts to dissolve PT (Provost, 2022), the author summarizes the results of the author's interview with Mr. Lilik Haryadi as JPN of the East Kotawaringin Prosecutor's Office in the dissolution of PT Kotawaringin Timur, and Mrs. Anggia Yusran as Head of the Civil and State Administration Section of the West Jakarta District Court Prosecutor's Office in the dissolution of PT Gemilang Sukses Garmindo. Based on the results of the interview, the author gets several obstacles along with the solutions found by the relevant JPN so that it can be used as additional literacy for JPNs who will conduct the dissolution of PT which is likely to experience the same obstacles, some of these obstacles are as follows:

a) Obstacles in terms of the rule of law / regulation itself

There is legal ambiguity in the definitions contained in Perja 07 especially in Chapter III Letter B related to :

Definition or Limitation of Violating Laws and Regulations

That as has been described in the legal basis above, that

In a limitative manner, the submission of a request for the dissolution of a Limited Liability Company by the Public Prosecutor's Office (Hermanto, 2020) can only be carried out in the event that the PT concerned violates the Laws and Regulations with criminal penalties and is proven by a Decision that has been Inkracht Van Gewijsde which agrees that the PT concerned is legally and convincingly proven to have violated the applicable laws and regulations.

That means that it has been required in Regulation 07 that in order to classify that the PT concerned has indeed committed a violation of the Laws and Regulations, there must be a Court Decision that has been Inkracht Van Gewijsde.

As an implementation in the dissolution of PT Harapan Indah Jaya (PT HIJ) by the Kotawaringin District Attorney's Office, which in the case of the dissolution of PT HIJ begins with the existence of the Supreme Court Decision Number: 512K/PID.SUS/2018 dated June 4, 2018 Juncto Palangkaraya High Court Decision Number: 19/Pid.Sus- TPK/2017/PT.Plk dated January 4, 2018 Juncto Corruption Court Decision of Palangkaraya District Court Number: 41/Pid.Sus-TPK/2017/PN.Plk dated October 26, 2017 which has been legally binding (inkracht) with the Defendant Sumarno, ST. In this regard, there is a debate whether the District Court decision used as the basis for the request for dissolution of the PT on the grounds of violating laws and regulations must be a decision with the PT as a convicted person or whether it is permissible if in the decision the PT concerned is only a party who participates in helping to pass the criminal act of the convicted person (Rivo, 2021).

In this case there are parties who argue that in the decision the PT must be the main convict, because where can we determine the limitations that the PT has indeed committed violations of laws and regulations if not through the basis of an inkracht court decision.

On the other hand, there are also parties who argue that it is not a problem if the PT is not the convicted person referred to in the verdict, as long asthe verdict shows the involvement of the PT concerned in passing the criminal act of the convicted person.

The facts that occurred in the field in the process of preparing the HIJ PT application by the Kotawaringin Prosecutor's JPN team were also inseparable from this debate, considering that the court decision used as the basis for submitting the PT application was a decision with the convict Sumarno, ST and not a decision against PT HIJ.

Of course, in practice at that time the JPN team had a strong basis for consideration why it did not ensnare the actions of PT HIJ with the crime of Corruption even though it was obvious that there was an act of PT HIJ lending its company (borrowing the flag) to the Convict Sumarno, ST which was ultimately misused to commit the Crime of Corruption, as for these considerations the author summarizes as follows:

Option to impose criminal liability on the organs of the PT.

In this case the organ in question is the President Director of PT HIJ Mr. Julius Suil Udang Leman. However, due to the fact that the person concerned was physically unwell (sick), and the goodwill of the person concerned after learning that the work was involved in a corruption case, to return the fee for the flag borrowing agreement he received from Sumarno's brother, St in the amount of Rp.80,000,000 which was then confiscated and used as evidence.

Considering the Theory of Legal Objectives put forward by Gustav Radbruch, namely Certainty, Benefit, and Justice. If the President Director of PT HIJ Br. Julius Suil Udang Leman is also made a suspect in the Corruption case, the purpose of legal expediency which wants the law to be aimed at something that is useful or has benefits is not fulfilled. So that on the authority of Dominus Litis owned by the Prosecutor handling the case, a decision was made not to make Br. Julius Suil Udang Leman as President Director of PT HIJ as a suspect with considerations of Humanity and not achieving the goal of legal expediency.

Option to impose criminal liability on corporations.

That in the Anti-Corruption Law, as stipulated in Article 20 Point 7 of the Anti-Corruption Law (Simon, 2011), the main punishment that can be imposed on corporations is only a fine and additional punishment as stipulated in Article 18 paragraph (1) letter c in the form of closure of all or part of the company for a maximum period of 1 (one) year. The

consideration that arises then is whether the imposition of fines and temporary closure of the company will have a deterrent effect on PT HIJ and whether it will be a guarantee that PT HIJ will not repeat its actions of lending flags to other parties, considering the fact that the act of PT HIJ lending flags is not the first time but has been done repeatedly before, so it is felt that the imposition of criminal is not the right option to be imposed on PT HIJ, therefore the civil path.
Based on the description above, the actions of PT HIJ violate the laws and regulations in the form of :

- Violating the provisions of Article 87 paragraph (3) of the Presidential Regulation of the Republic of Indonesia Number 54 of 2010 concerning Government Procurement of Goods / Services, namely not working on the project in accordance with the contract but being transferred as a whole to another party that is not part of the company in the case of the construction of a 2,170 m long north side drainage at H.Asan Sampit airport.
- Violating the provisions of Article 2 paragraph (1) Jo Article 18 paragraph (1) of Law of the Republic of Indonesia Number 31 of 1999 Jo Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Jo Article 55 paragraph (1) to 1 Criminal Code, namely being involved in acts that cause losses to state finances or criminal acts of corruption because in the development there was a loss of state finances of Rp.1,304,803,375.99 (one billion three hundred four million eight hundred three thousand three hundred seventy-five rupiah nine cents).
- Violating and ignoring its obligations as stipulated in the provisions of Article 2 of the PT Law which states "The Company must have a purpose and objective and business activities that do not conflict with the provisions of laws and regulations, public order, and/or decency".

Definition or Limitation of Violating the Public Interest

In the Explanation of Article 35 Paragraph (1) Letter C of the Prosecutor's Office Law, what is meant by Public Interest is the interest of the nation and state and/or the interest of the wider community.

If the JPN uses the Public Interest reason in requesting the dissolution of the PT, then the JPN must be able to prove that there is a Public Interest that has been violated here. Because the Law has given the Attorney General's Office the limitative authority to submit a request for the dissolution of a PT by first proving that there are actions or deeds for which the PT is responsible as a Legal Subject in the form of a Corporation that result in harm to the Public Interest.

In practice, it is debatable what boundaries are used to determine that a PT has violated the Public Interest. In other words, what level of public interest is the parameter, whether at the district, provincial or national level. The definition provided by the AGO Law is still relatively broad and full of multiple interpretations, so it needs to be reviewed from other laws and regulations and expert opinions.

There is no regulation that specifically regulates the procedure for dissolution of PT by the Prosecutor's Office in a technical procedural manner.

That in both external and internal laws and regulations of the Prosecutor's Office, there is nothing that regulates in detail the procedures for the dissolution of PT so that often in its application it is still full of interpretations of each JPN, including also in Perja 07, only outlines the Authority of the Prosecutor's Office in the Dissolution of PT, so that the standard or standard procedure has not yet been issued. Questions that arise during the process of dissolving a PT include:

Related to Special Power of Attorney (SKK)

That what can be used as a legal basis for the implementation of the authority of the Prosecutor as a State Attorney in carrying out the Main Duties and Functions of Legal Aid is essentially divided into 2 (two), namely based on a Special Power of Attorney and based on Legislation.

First, based on the SKK, it is true that in principle the duties and authority of the Prosecutor as a State Attorney can only be carried out as long as there is a Power of Attorney from the Head of the Department, Central and Regional Government High institutions.

Based on article 1792 of the Civil Code, SKK is an agreement in which a person gives power regarding a certain interest or more to

another person who accepts for and on his behalf to carry out an affair.

In practice, when an agency will submit a case to the prosecutor's office, it will begin with the submission of the SKK to the head of the Local Prosecutor's Office, who will then appoint a JPN to handle the case further. For the JPN, the SKK is very important as a legal basis for all legal actions that will be taken in handling the case of the attorney once in order to provide clear limits on what can and cannot be done in handling the case.

Second, based on Legislation, where in some situations, there is a role of the prosecutor's office that is given by Legislation and is attributive, meaning that in this case the prosecutor's office performs its functions because of the position as mandated and determined by Legislation.

As stipulated in the PT Law, in the case of filing for the dissolution of a PT that has violated the public interest and laws and regulations, the Attorney General's Office, represented by the JPN, acts on behalf of the public interest based on the inherent authority mandated by the laws and regulations. However, in practice, as stated by the State Attorney of the East Kotawaringin District Attorney's Office, Mr. Lilik Haryadi, when filing an application for the dissolution of a PT with the Palangkaraya District Court, the judge requested a Special Power of Attorney (Surat Kuasa Khusus). SKK is a letter that contains the granting of power for and on behalf of the State or government to act both inside and outside the court. In the prosecutor's office itself, the SKK (S-1.G) is commonly made when there are government parties / agencies that want to request legal assistance, assistance, consideration, other legal actions to the Prosecutor's Office, for example SKK given by the Regional Government to the Chief State Prosecutor, then the Chief State Prosecutor will issue a Special Power of Attorney Substitution (S-1.G.1) to the JPN to follow up as a plaintiff or applicant in law enforcement.

But then the question arises in the event that the JPN represents the public interest and the wider community, then who gives the SKK to the Prosecutor's Office when in fact the authority is inherent and attributively determined by the Legislation, which in this case is the PT Law itself so that in the author's opinion even without the SKK, the authority of the Prosecutor's Office in representing the public interest is clearly inherent as an official function that has been mandated by the Legislation. However, as a way out, the East Kotawaringin JPN team at that time made a SKK on behalf of the Head of the East Kotawaringin State Prosecutor's Office to represent the Public Interest, giving substitution power to the JPN team to act either individually or jointly before the Palangkaraya District Court as an applicant to apply for the establishment of a PT, and this SKK was accepted by the Judge (Felicia, 2021).

Regarding the appointment of a Liquidator

The PT Law does not specifically regulate the specific requirements for a party to be appointed as a liquidator, and the requirements for the appointment of liquidators are so general that the position of liquidator can be carried out by anyone regardless of their educational or professional background as long as they are deemed capable by the party who appoints them. Technically, UU PT does not position the liquidator as a definitive profession, but this does not mean that the liquidator can be carried out by parties who do not have knowledge of the work and business activities of the PT being liquidated (Prayoga, 2021).

This means that in the case of the dissolution of a PT conducted by the Public Prosecutor's Office, in the application which also includes the appointment of a Liquidator, the JPN has the authority to determine the Liquidator who is considered competent to carry out the Liquidation or the JPN can also request that the Judge determine the appointment of the Liquidator in the ruling, for example in the application for the dissolution of PT HIJ in 2019, the JPN did not appoint a Liquidator and in the ruling the Judge appointed the President Director of PT HIJ as Liquidator. In another example in the request for the dissolution of PT Gemilang Sukses Garmindo by the West Jakarta District Attorney in 2021, the JPN team appointed the internal JPN Team itself as Liquidator and this request was granted by the judge.

In the application for the dissolution of PT Mega Berlian Indonesia by the Kotabumi District Attorney in 2015, the JPN proposed BHP (Balai Harta Peninggalan) as the Liquidator and was granted by the Kotabumi District Court judge, but against this decision of the Kotabumi District Court, The Professional Association of Indonesian Liquidators (PPLI) argues that although the PT

Law does not regulate the requirements for parties that can be appointed as liquidators, it is a basis for consideration that all parties can be appointed as liquidators, for example, BHP, which has specific duties that have the authority to become a liquidator specifically for liquidation due to dissolution that occurs because the bankruptcy estate is in a state of insolvency (a state where the company is unable to pay debts / financial obligations on time) based on the Bankruptcy Law and has been appointed as a curator by the commercial court through a bankruptcy decision, In other words, for liquidations carried out other than for reasons of dissolution due to insolvency, for example due to the decision of the GMS or a court decision, BHP cannot be appointed as liquidator, then PPLI filed a petition to review Article 142 paragraph (2) letter A and paragraph 3 of the PT Law to the Constitutional Court with the argument that the applicant requested that each Liquidator must have a certificate of expertise in liquidating the company, be independent, and not be a director of the PT in liquidation. And in the Constitutional Court Decision Number: 29 / PUU-XVI / 2018 dated February 14, 2019 the Constitutional Court rejected the applicant's application in its entirety, thus the Liquidator returned to the meaning as stated in the PT Law, namely Liquidation can be carried out by anyone regardless of professional background.

So from the explanation above, it can be concluded that the JPN can appoint a Liquidator in the petition for dissolution of the PT submitted to the Court either appointing the JPN Internal Team as liquidator or BHP, besides that the JPN can also ask the Judge to appoint a Liquidator in his decision.

Related to the form of JPN Report after the request for dissolution of PT was granted by the District Court

As stipulated in Article 151 Paragraph 1 of the PT Law states "In the event that the liquidator is unable to carry out his obligations as referred to in Article 149, at the request of an interested party or at the request of the prosecutor's office, the chairman of the district court may appoint a new liquidator and dismiss the old liquidator". From the provisions of this article, it is implicitly implied that the AGO has an obligation to monitor and supervise the course of the Liquidation process by the Liquidator, which is the Continuation Stage after the determination of the granting of the petition for dissolution of the PT, related to the report that the petition for dissolution of the PT has been granted, related to the implementation of the function of supervision and monitoring of the liquidation process until the dissolution of the legal entity of the PT concerned how the format of the JPN Report to structural officials in stages has not been regulated in Kepja 157 of 2012 concerning Administration of Civil Cases and State Administration or other regulations, so that the JPN at the Kotawaringin District Attorney's Office makes a report with a format that is made independently.

Limited Budget for Civil and Administrative Affairs at the District Attorney's Office

As stated in the interview that the budget for the Datun Sector only ranges from Rp. 6,000,000 per year, to obtain comparative data related to this information, the author conducted additional interviews with the Treasurer staff of the South Minahasa District Attorney's Office, Mr. M. Syahwal, and he confirmed that the Datun Sector budget only ranges from Rp. 7,200,000 to Rp. 6,000,000 per year, which is relatively small compared to the budgets of other fields such as General Crimes, Special Crimes, or Intelligence.

Budget limitations in the Datun field certainly have implications for the smooth running of the duties of the JPN concerned, considering that the activities of the JPN per year are quite varied, including law enforcement, legal assistance, legal aid, other legal actions, legal services. So that this budget limitation is also an obstacle for JPN's efforts in applying for the dissolution of PT which of course in the process requires a lot of money, both in the process of mobilization, bringing in experts, and other operations.

Constraints in terms of Officers/Law Enforcers

There is still a lack of optimization of JPN functionalization in exercising the authority to dissolve PTs that violate laws and regulations and the public interest, where Prof. Barda Nawawi Arif states that Criminal Law Functionalization can be interpreted as an effort to make criminal law function, operate or work and materialize concretely.

Based on the concept of functionalization above, it can be concluded that the concept of functionalization of the Authority of the Prosecutor's Office in the field of civil and state administration is an effort to optimize the duties and functions of the Civil and State

Administration Sector at the Prosecutor's Office so that it can run effectively and efficiently.

In its application, the functionalization of the authority of the Prosecutor's Office in the field of civil and state administration has not been carried out optimally, especially related to the authority of the Prosecutor's Office in the dissolution of PT is still very minimal. As data obtained by the author during the decades of this authority given to the Prosecutor's Office, there were less than 10 PTs that had been dissolved by the Prosecutor's Office.

No.	Year	PTName	Disbandedby
1.	2021	PT Gemilang Sukses Garmindo	West Jakarta District Attorney
2.	2019	PT Harapan IndahJaya	East Kotawaring in District Attorney
3.	2018	PT Wijaya Cipta Perdana	Bengkulu High Prosecutor's Office
4.	2016	PT Kakas Karya	Papua High rosecutor's Office
5.	2016	PT Mega Berlian Indonesia	Kotabumi District Attorney

Source: Data Summarized

Whereas as stated by the late Deputy Attorney General, Dr. Arminsyah in 2017, when he was still serving as Deputy Attorney General for Special Crimes in the handling of the Corruption Crime case of PT Indonesia Mega Media, the Attorney General's Office will provide a deterrent effect for corporate actors involved in Corruption Crimes by imposing punishment and civil appeals. This is because when viewed from the provisions of the Anti-Corruption Law, the types of punishment that can be imposed on corporations are only fines and suspension of operations. However, if a civil application is made, the perpetrator of corporate corruption can be dissolved (Rahmani, 2017).

Therefore, the authority of the Prosecutor's Office in dissolving PTs is a very strategic and appropriate authority in presenting a deterrent effect for PTs that violate laws and regulations and harm the public interest, which is important to be optimized and functionalized in the future.

CONCLUSION

Based on the discussion that has been presented by the author in the chapters as mentioned above, conclusions can be drawn, namely:

The basis of the authority of the State Attorney in proposing the dissolution of a Limited Liability Company as stipulated in Article 146 paragraph (1) letter a of the PT Law is on the grounds that the Company violates laws and regulations and / or violates the public interest, so that in submitting a request for dissolution of PT. JPN must be able to prove to the judge the existence of public interests that are violated by PT, the definition of public interest used by the Attorney is the interests of the state, the interests of the nation, the interests of society, the interests of development or interests that must take precedence over other interests. The JPN must also be able to prove that the PT has violated laws and regulations as evidenced by a decision that has permanent legal force which explains that the PT has violated laws and regulations. The reason for the East Kotawaringin District Attorney's Office to apply for the dissolution of PT Harapan Indah Jaya is because PT Harapan Indah Jaya violated the laws and regulations by participating in a criminal act of corruption, then violated the public interest because it resulted in disruption of efforts to realize the pace of acceleration, economic growth in the East Kotawaringin district and these actions caused the construction of H. Asan Sampit Airport infrastructure facilities to not function properly, thus disrupting the interests of the public as users of air transportation and even these actions have the potential to endanger flights and the safety of the people who use air transportation. That there is a need for further regulations that specifically regulate the authority of the Prosecutor's Office in conducting the dissolution of PT, especially regarding the criteria for violating laws and regulations and violating the public interest.

That in exercising its authority in submitting applications in an effort to dissolve Limited Liability Companies that violate the Public Interest and Laws and Regulations, there are several obstacles faced by the JPN which are largely caused by the absence of further regulations that specifically regulate the procedures for the dissolution of PT by the Prosecutor's Office, and the lack of optimal functionalization of the JPN in exercising the authority to dissolve PTs that violate laws and regulations and the public interest. It is important to conduct external socialization so that the public knows that this authority is owned by the Prosecutor's Office, besides that it is also necessary to conduct internal in-house training for the Prosecutor's Office related to the Authority of the State Attorney in proposing the Dissolution of Limited Liability Companies that violate the Public Interest and Legislation so that in the future this authority can be further functionalized to increase the role of the Prosecutor's Office, especially in the fields of Civil and State Administration.

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