

Application For Dissolution of Limited Liability Company Submitted By The Attorney In The Public Interest

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ABSTRACT

This study is motivated by the absence of limitations on the meaning of the phrase public interest in Article 146 paragraph (1) letter a of Law Number 40 of 2007 concerning Limited Liability Companies. Therefore, it leads to a blurring of norms. Furthermore, the objectives of this study are (1) to understand and analyze the authority of the Prosecutor's Office in submitting a request for dissolution of a Limited Liability Company to the District Court; and (2) to understand and analyze the limitations of the meaning of the phrase public interest as intended in Article 146 paragraph (1) letter a of Law Number 40 of 2007 concerning Limited Liability Companies based on Balikpapan District Court Decision Number 457/Pdt.P/2019/PN Bpp. This study was normative juridical research by using a statutory approach and a case approach. Legal materials were analyzed by using prescriptive analysis methods. The study shows that the authority of the Prosecutor's Office to dissolve a company is regulated in Article 146 paragraph (1) letter a UUPT where the Prosecutor's Office is given the authority in order to dissolve a company which is deemed to violate the public interest. However, the criteria for violations of the public interest are not explained. Therefore, there is no clear definition of the meaning of this public interest phrase. In addition, the provisions and meaning of public interest are now very flexible in accordance with relevant regulations.

Keywords:

Prosecutor's
Application, Limited
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Public Interest

INTRODUCTION

A Limited Liability Company (PT) is a legal entity which plays a role in the business implementation process. This business implements a share capital system in which ownership of shares is held distributively by several parties called as shareholders. Furthermore, changes in ownership in a PT can be implemented without having to dissolve the company since the capital owned includes shares that can be traded, including the process of changing ownership of these shares (Samadani, 2013).

In general, PT as a business entity has become an indisputable necessity. One of the factors that entrepreneurs choose PT as a place to conduct business activities, compared to other business entities, is due to the unique characteristics of PT, which has the characteristics of a limited responsibility system. In addition, PT also has several other advantages; for example, limited responsibility for shareholders, a well-organized management structure, and ease of obtaining benefits in the form of credit facilities from banks or other financial institutions.

As a legal entity, PT is defined as a party or legal subject, where the company can be charged with certain rights and obligations like a party. A legal subject is something which has the potential to conduct legal action, or civil action and attempts to produce agreement. Moreover, PT is a legal entity as well as a legal subject, which has limited responsibility for all interested parties, with an amount equal to the shares entrusted by each party to the Company. In order to achieve its objectives, the requirements for establishing a PT as stated in Law Number 40 of 2007 (also known

as UUPT) must be fulfilled. The objectives of each PT's operational activities are not permitted to conflict with existing rules and norms.

On the other hand, the aims and objectives of establishing a PT are required, as well as every program implemented by the company which is stated in the articles of association. The PT sets aims and objectives, so that it can conduct its business operations as well as possible. In addition, the aims and objectives of a PT cannot violate statutory provisions, as stipulated in Article 2 of the Company Law. If a PT does not comply with these provisions, then the PT is labeled "legal defect" which can cause the PT to be "invalid".

When a PT is established by capital owners, they expect that the PT can conduct business activities for a relatively long time and obtain maximum profits. They also expect that PT they founded can survive in economic activities, as stated in the Company's Articles of Association. However, their expectation cannot always be realized. Under certain conditions, a PT cannot continue its activities and must be dissolved (Nadapdap, 2013). PT is established based on a legal process. Therefore, the termination or dissolution of a PT is conducted legally (Harahap, 2001). The process for dissolving a PT is stated in Article 146 paragraph (1) of the UUPT, which is one of the legal references, which states as follows. "The district court can dissolve the Company:

1. a prosecutor's request based on the reason that the Company has violated the public interest or the Company has committed an act that violates statutory regulations;
2. request from an interested party based on the reason that there is a legal defect in the deed of establishment;
3. request from shareholders, directors or Board of Commissioners based on the Company's reasons that it is impossible to continue."

Based on the explanation of the article above, it can be concluded that the type of court which has the authority to dissolve a PT is the district court level. Meanwhile, the authorities submitted requests for the dissolution of the PT, including:

1. Prosecutor's Office

The prosecutor's office has the legal standing "legitima persona standi in iudicio", a right established by law, to submit a request for dissolution if a PT conducts actions which violate the public interest, or if the PT acts in violation of applicable laws and regulations (Harahap, 2001).

2. Interested Entities

In general, Indonesian regulations do not determine which entity actually has an interest. However, an application for the dissolution of a PT can be submitted by an entity (or so-called party) who has an interest; especially, if a defect in legal information is found in the deed document; for example, if an error is found in the articles of association for the establishment of a PT, which causes the establishment to become illegal in the eyes of the applicable legal regulations (Supramono, 2007). What is meant by interested parties in this case are founders, shareholders, members of a board of directors, creditors and commissioners (Harahap, 2001).

3. Commissioners, Directors and Shareholders

Article 146 paragraph (1) letter c UUPT provides rights to the board of commissioners, directors and also shareholders. It is conducted to request the implementation of the dissolution of the PT to the agency namely the district court.

A reason which can be submitted to the court, in the application, includes the consideration that "it is impossible for the company to continue".

Based on this description, there are several factors which cause a company to no longer be able to operate. However, these factors are not universally determined. It can be seen from the presence of the words "for example" and "or" which connect each point in the article. Thus, if one article is fulfilled, then the company can be legally dissolved according to applicable law. The court has the right to dissolve a PT based on a request from the Prosecutor's Office since a company does not comply with the public interest and evidence is found that it is contrary to the law. Other requests regarding the dissolution of the company can also be caused by legal defects in the deed of establishment, or requests from shareholders, directors or the Board of Commissioners on the grounds which is impossible for the PT to be maintained.

Therefore, it can be learned that the authority of the Prosecutor's Office to dissolve the PT is not something very innovative since it has been conducted before. In addition, it is stated in Law no. 16 of 2004, Article 32, concerning the Prosecutor's Office of the Republic of Indonesia, or what we call as the Prosecutor's Law, which stipulates:

"In addition to the duties and authorities stated in this Law, the Prosecutor's Office may be entrusted with other duties and authorities based on the Law."

The prosecutor's office has the authority as legal counsel in state affairs in civil and state administrative aspects. It includes efforts to guarantee law enforcement, save state assets, maintain government authority, and safeguard public interests (Prayoga & Sya'roni, 2020). The exercise of this authority is the realization of legal duties, in confirming the direction of development so that it can be conducted in a conducive manner. As an institution, the authority of the Prosecutor's Office as an executive institution, in following up on civil matters, is an aspect in implementing regulations set by the government (Sanusi & Imso, 2019).

In general, the authority of the Prosecutor's Office can be classified into two aspects, which include preventive and repressive aspects. In preventive implementation, the Prosecutor's Office has the authority to act in mediation in a civil problem; for example, in a conflict over unpaid state electricity expenditure rates, which is the authority of the Prosecutor's Office to enter into an agreement regarding the problem, in this case it could be a problem between a State-Owned Enterprise and its collaborating partners (Erna & Gede, 2019). In the repressive aspect, the Prosecutor's Office can act as a petitioner to submit a request for a PT to be dissolved by the district court, based on a joint decision, which is regulated through the UUPT. The act of dissolving a PT is a process to stop all operational actions and existence of the legal entity based on a civil perspective, which is characterized by the revocation of its status as a legal entity, conducted by the state, against the PT.

The dissolution of the PT at the request of the Prosecutor's Office, is based on consideration of the PT's actions which violate the general public interest, whether contained in the Attorney General's Law or UUPT, and there is no clear mention of the provisions regarding the public interest. The limited law only provides legal standing or legitimacy for the Prosecutor's Office to submit a request to the District Court in order to dissolve the PT for the reason that the PT has violated the public interest. However, there is still confusion regarding the implementation of the dissolution of the PT, due to the lack of a definite explanation in order to know whether the provisions are proven to violate the public interest. Thus, there is a bias aspect related to the

meaning of the phrase public interest; especially, Article 146 paragraph (1) letter a UUPT. To date, the definition of public interest has always been dynamic. The mention of public interest and its criteria has an elastic nature, and it has multiple interpretations based on the conditions and perspectives of the interpreter.

In this study, several problem formulations were formulated. The first formulation is, what is the authority of the Prosecutor's Office, in requesting the process of dissolving the PT to the District Court. The second problem formulation is how to limit the meaning of the phrase public interest as intended in Article 146 paragraph (1) letter a of UUPT Number 40 of 2007 based on Balikpapan District Court Decision Number 457/Pdt.P/2019/PN Bpp.

METHOD

This study used a normative juridical method, namely legal research which used literature review as the basis of its research, by exploring various regulations and literature related to the problem being studied (Soekanto & Mamudji, 2001). The approach used can be conceptual, statutory and case in nature, focusing on the regulation of Article 146 paragraph (1) letter a of the PT UUPT, as well as the Decision of the Balikpapan District Court Number 457/Pdt.P/2019/PN Bpp regarding the dissolution of a company which was requested by the Prosecutor's Office since it was deemed to have violated the public interest. This approach is used to analyze the PT dissolution application submitted by the Prosecutor's Office.

The technique for tracing legal materials in this study is conducted by collecting and identifying statutory regulations, and clarifying and systematizing legal materials based on research formulations. Thus, the method of searching for legal materials used is literature study. This study took place through a process of reading, analyzing, recording and reviewing relevant literature material. The material obtained was secondary data, in the form of legal literature; for example, the results of legal research, journals, as well as various comments related to relevant courts (Marzuki, 2005).

The legal material analysis method used was prescriptive analysis. The perspective analysis in question was prepared in an argument from the results of study which has been conducted, to provide a perception or assessment of a regulation, fact or legal event based on the research results then continue with discussed, examined and grouped the legal materials obtained into several parts to be processed and take the form of information.

RESULTS AND DISCUSSION

1. Authority of the Prosecutor's Office in Requesting Dissolution of PT, which is Submitted to the District Court

One of the factors in dissolving a company is based on a decision taken by the district court. It is conducted based on consideration of the existence of a request from an authorized entity. The status of the request for dissolution should meet certain qualifications; for example, submitted by authorized entity acting in that area. An entity which can request dissolution before a district court is limited (not all entities can), and determined enumeratively, based on the provisions of UUPT Article 146 paragraph (1). As an institution which holds this power, the Prosecutor's Office is one of them.

In addition to enforcing the law, the Prosecutor's Office has the authority in order to assist with all aspects of the law, as well as every other legal product, before

the state. It can include state agencies, central and regional governments, as well as business entities acting in the state civil sector. It was established to enforce the law, assist in the recovery of government assets, assist in upholding the government's authority, and serve the community by providing integrated legal services. The implementation effort in enforcing this law is that to give authority to the Prosecutor's Office, as regulated in the UUPT, to request the process of dissolving the PT.

There are legal requirements stipulated by law, and addressed to the entity submitting the claim, in order to request the dissolution of the company before the district court, through several considerations.

1. PT conducts actions which are not in accordance with the public interest.

If the prosecutor requests the dissolution of the company, the law requires him to provide evidence regarding any interests (namely the interests of the general public) which are not complied with by the company, as a consideration that there are indeed provisions of the law that are not complied with by the company.

The process of requesting the dissolution of this PT can be conveyed by the prosecutor; especially, if there are violations of the law and of private businesses or public interests. This request for dissolution can be submitted by the Prosecutor's Office based on the authority granted by the government, related to civil law. Furthermore, the prosecutor's office has functions and authority in civil aspects as regulated in Article 30 paragraph (2) of the Prosecutor's Law, namely a power given to the prosecutor's office to act freely, on behalf of the government. According to Presidential Regulation Number 38 of 2010 concerning the Organization and Work Procedures of the Prosecutor's Office of the Republic of Indonesia, Article 24 paragraphs (1) and (2), in the civil sector, a Deputy Attorney General is entrusted with the function and authority to be responsible for the prosecutor's office; especially, regarding matters related to PT, where the PT committed a violation of the interests of the public community.

As stated by Muhammad Fardan, the Prosecutor's Office is entrusted with work duties and functions, based on the UUPT, as follows;

1. Request the District Court to conduct an investigation on PT, in order to obtain relevant information regarding violations of the public interest by the company.
2. Request the District Court for the dissolution of the PT for the reason that it has committed an act of violation of the interests of the public, or it has done something that is contrary to legal regulations in Indonesia.
3. Request a promotion for the new liquidator, as well as to dismiss the old liquidator, if it is proven that they are not performing their duties in accordance with their responsibilities; especially, if the debts owned by the PT are proven to have exceeded the PT's assets (Fardan, 2015).

It is conducted on the basis of Article 138 UUPT which delegates the task to the prosecutor's office in submitting a request to examine the PT. If the results obtained show that there was an action conducted by the PT that caused losses, then the prosecutor's office can submit a request for dissolution of the company.

The prosecutor's office can request that a legal entity be dissolved in the public interest; especially, if these interests are not properly complied with. This is the authority of the Prosecutor's Office, namely to ensure that the interests of the community are safeguarded. If a PT commits a violation, it is allowed to be dissolved. If there are allegations of actions which are contrary to the law and cause losses to

third parties or interested parties which result in the PT experiencing losses, as well as shareholders or other parties involved, then a request can be submitted by the Prosecutor's Office, whose jurisprudence includes the location of the PT, to Immediately follow up and conduct an investigation process with the PT, in order to obtain further information. This matter is also stipulated in UUPT Article 138 paragraphs (1), (2), and (3).

The authority of the Prosecutor's Office in requesting the process of dissolving a PT, is a part or effort of action in enforcing applicable law, which is an element of security which is permanent and consistent. Thus, the state means that these elements of action must be strengthened continuously, so that the government's objectives can be achieved properly. If all these aspects are not fulfilled, the government will weaken, and people will no longer trust their own government. An example of action to enforce national resilience is by enforcing the law (Hermawan, 2014). This authority is a government effort in order to enforce the law in the field of business activities, through efforts to ensure that PT can conduct its operations based on existing regulations, in order to encourage national resilience. Therefore, the prosecutor's office becomes the party that enforces the law and functions as a prosecutor to dissolve the PT.

In addition to enforcing the law, the Prosecutor's Office has the authority to assist with legal matters, whether discussed or other legal products, before the government, which includes state institutions, government agencies, BUMN/BUMD in the civil sector and state administration, so that state assets can be recovered. Therefore, efforts are needed to uphold government authority and provide legal services in a conducive manner. An example of implementing this law enforcement is through the granting of authority according to the UUPT in terms of proposing the dissolution of a PT.

2. Limitations on the meaning of the phrase public interest in Article 146 paragraph (1) letter a of Law Number 40 of 2007 concerning Limited Liability Companies based on Balikpapan District Court Decision Number 457/Pdt.P/2019/PN Bpp

The dissolution of a PT can be requested by the Prosecutor's Office if an action occurs that violates the interests of the public, as well as applicable regulations, conducted by the PT. The dissolution requested based on these considerations was conveyed by the Prosecutor's Office in accordance with the power of attorney granted by the government. It is conducted in an effort to enforce the constitution in the civil realm. This request was made because of a proven incident, and it is intended to anticipate the widespread risk of losses occurring. The concept of public interest is based on Article 35 letter c of the Prosecutor's Law, which states:

"Public interests are the interests of the nation and state and/or the interests of the wider community." Gunanegara identified 6 requirements of public interest, namely as follows;

- a. These interests are state ownership.
- b. It is not possible to use it in the realm of personal interests. It is related to state ownership and control, namely for the welfare of society at large, not for personal interests.

- c. It is not possible to do corporate business. Every public task, whether directly or indirectly, with the aim of the common good, should not be used for personal gain.
- d. In the environmental aspect, it is stated that the government's public good can not only be used for the benefit of society, but also for every human being universally. Therefore, public good must be maintained so that in conducting its actions, the government prioritizes the interests of the community.
- e. With the aim of building houses of worship in accordance with the law. The state established places of worship in accordance with the mandate of the 1945 Constitution, which states that worship is the right of Indonesian citizens. Therefore, efforts to build houses of worship are aimed at the public interest.
- f. Law is established so that there is legitimacy that the activity is carried out on the basis of the public interest as stated in the law. Regulations cannot apply interest regulations since their position is under the law (Gunanegara, 2008).

Violations of the public interest are part of the government's interests. Thus, the interpretation of this condition is fully within the authority of the government as the party that authorizes the Prosecutor's Office. Basically, in order to exercise its authority, the prosecutor's office also carries out the state's interests in implementing political policies judicially. It can be said that the prosecutor's office is not a party that has the authority to interpret violations of the public interest committed by PT as a reason for its dissolution, but it is the domain of the government as the party giving authority. The prosecutor's office processes the application after receiving information that the PT has been found to have violated the public interest or conducted actions that are contrary to the laws and regulations of the relevant institution, the community, or within the prosecutor's office.

There are several ratios of the authority of the Prosecutor's Office which are in line with the state's goal of realizing the mandate of the preamble to the 1945 Constitution, namely "to realize public welfare, public order and lasting peace", so that the Prosecutor's Office can act as a government lawyer who has the authority to request the dissolution of a PT from the district court if the PT commits a violation which could make it difficult for the country to achieve its goals. This study also discusses the criteria for public interest violations conducted by PT according to the Prosecutor's Office, which include actions that could hamper the interests of the state, society and the interests of the nation. Prosecutors are required to conduct careful searches and understand the criteria for violations according to applicable law. The crucial problem experienced by the Prosecutor's Office is that the formulations in the legal regulations are still general in nature so that their meaning tends to be ambiguous. The concept of the role of the Prosecutor's Office in UUPT is to submit a request for dissolution to the district court due to violations of the public interest. Thus, a prosecutor must really know the criteria for violating the public interest.

One example of a request for the dissolution of a PT submitted by the Prosecutor's Office to the District Court can be seen in the Decision of the Balikpapan District Court Number 457/Pdt.P/2019/PN Bpp. The Petitioner in this case the Head of the Balikpapan District Prosecutor's Office while the Respondent PT. Semayang Mulyasejati, Budi Irawan, Susilowati, and Husni Limantoro. In this case, the Petitioner with an Demand letter dated October 31st 2019 which was received and registered at the Registrar's Office of the Balikpapan District Court on November 5th 2019 with Number 457/Pdt.P/2019/PN Bpp, has submitted the following application.

It started with a request for legal assistance by PT Pelabuhan Indonesia IV Persero, Balikpapan branch, which was intended for the applicant as a state attorney to collect a service receivable from the port from PT Semayang Mulyasejati which had been owed and not yet paid amounting to Rp. 848,793,788,- which was informed by a General letter Manager of PT Pelabuhan Indonesia IV Persero Balikpapan branch Number: I/HK.302/I/BPP-2019 dated 04 February 2019 Subject: Application for Legal Assistance.

Furthermore, in order to resolve the debt and receivable problem, the General Manager of PT Pelabuhan Indonesia IV Persero Balikpapan branch authorized the applicant as state attorney, through a Special Power of Attorney with Substitution Rights Number: 2/HK.306/I/BPP-2019 dated 04 February 2019 (Exhibit P-2). Moreover, the Petitioner granted Substitution Power of Attorney to the State Attorneys through Substitution Power of Attorney Number: SK-02/Q.4.10/Gp.2/2/2019 dated 11 February 2019 (Exhibit P-3) to collect receivables from PT. Semayang Mulyasejati is indebted to the port.

According to the statement of Mr. HUSNI LIMANTORO, as Director of PT. Semayang Mulyasejati, as stated in the Statement Letter dated April 29 2019, at number 5, since around 2013, PT. Semayang Mulyasejati no longer conducts its business activities since the loading and unloading activities have been taken over by PT. Pelindo Balikpapan Branch.

It is in accordance with the Letter from the General Manager of PT. Pelindo IV (Persero) Balikpapan Branch Number: 9/HK.306/I/BPP-2019 dated August 26th 2019 Subject: Invoice Data and Business Activity Information of PT. Semayang Mulyasejati, who basically explained that PT. Semayang Mulyasejati last carried out activities using Port Services organized by PT. Pelindo IV (Persero) Balikpapan Branch, on August 19 2013.

Establishment of PT. Semayang Mulyasejati, was started with bad intentions from its founder, as well as PT. Semayang Mulyasejati is currently no longer conducting business activities, and the domicile of PT. Semayang Mulyasejati in Balikpapan was also no longer found. In addition, until recently carrying out activities using Port Services organized by PT. Pelindo IV (Persero) Balikpapan Branch, is still proven to be in debt to PT. Pelindo IV (Persero) Balikpapan Branch. Thus, the Prosecutor's Office assessed that PT. Semayang Mulyasejati has violated the public interest, which is based on the explanation of Article 2 paragraph (2) of Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations, and states:

"What is meant by "public interest" is the interest of the nation and state and/or the interest of the wider community; such as,

- a. The debtor runs away;
- b. The debtor embezzles part of the assets;
- c. Debtors owe debts to State-Owned Enterprises or other business entities that collect public funds;
- d. The Debtor's debt originates from the collection of funds from the wider community;
- e. The debtor does not have good intentions, or is not cooperative in resolving debts and receivables that are past due; or
- f. In other cases, according to the prosecutor's office, it is in the public interest."

PT. Semayang Mulyasejati is considered to have violated the public interest; particularly, Article 2 paragraph (2) letter c of the statutory regulations since he has a debt to one of the BUMNs, namely PT. Pelindo IV (Persero) Balikpapan Branch, and did not pay it on time.

In the Balikpapan District Court Decision Number 457/Pdt.P/2019/PN Bpp, the Panel of Judges expressed their considerations as follows;

Considering that regarding the application submitted by the Head of the Balikpapan District Prosecutor's Office, who acts to conduct all legal actions (*rechtsmiddelen*) for and on behalf of BUMN PT. Pelabuhan Indonesia IV (Persero) Balikpapan branch, requested to PT. Semayang Mulyasejati, as a Special Power of Attorney with Substitution Rights from the General Manager of PT. Pelabuhan Indonesia IV (Persero) Balikpapan Branch to the Head of the Balikpapan District Prosecutor's Office Number: 2/HK.306/I/BPP-2019 dated 04 February 2019, while the BUMN complies with the provisions of Article 1 number 1 of the Law of the Republic of Indonesia Number 19 of 2003 concerning BUMN namely "a business entity whose capital is wholly or largely owned by the state through direct participation originating from separated state assets" so that the Judge believes that the Petitioner has the right to submit his petition, and the Balikpapan District Court has the authority to hear and grant a determination on this petition. Therefore, the Judge will continue to examine the main points of the Petitioner's petition;

Considering that, because it has been acknowledged or at least not denied, according to the law, it is considered proven that:

- a. That it is true that PT. Pelabuhan Indonesia IV (Persero) Balikpapan Branch, including a branch of the state-owned company PT. Pelabuhan Indonesia IV (Persero), which operates in the port services sector in Balikpapan City;
- b. That it is true that PT Semayang Mulyasejati is one of the users of port services provided by PT. Pelabuhan Indonesia IV (Persero) Balikpapan Branch;
- c. That it is true that the port services provided by PT. Port Indonesia IV (Persero) Balikpapan Branch is subject to port service fees;
- d. That is true based on the Letter from the General Manager of PT. Pelindo IV (Persero) Balikpapan Branch Number: 2/KU.101/I/BPP-2019 dated 02 January 2019 Subject: Confirmation of Receivables, PT. Semayang Mulyasejati still owes a debt which has not yet been paid to PT. Pelindo IV (Persero) Balikpapan Branch;
- e. That it is true that there is a request for legal assistance from PT. Pelabuhan Indonesia IV (Persero) Balikpapan branch, to the applicant as state attorney general, to collect receivables from PT. Semayang Mulyasejati is the one who owes this debt.

Considering it, the Judge will next consider the main points of the Petitioner's petition, namely the Dissolution of PT. Semayang Mulyasejati;

Considering, that "public interest" is not explained further in Law Number 40 of 2007 concerning Limited Liability Companies, but in the Elucidation of Article 2 paragraph (2) of Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations, it is still related to the matter of this application.

Therefore, the Panel of Judges only stated that PT. Semayang Mulyasejati has acted in violation of the public interest. Thus, the Panel of Judges granted the request for dissolution of PT. Semayang Mulyasejati based on Article 146 paragraph (1) letter a UUPT.

The issue of the importance of the public interest is very significant when actions are taken, the benefits of which are clearly not good in the view of society. Therefore, the public interest should be in accordance with its objectives and utilization (in the realm of public interest). In order to achieve the benefits, people need to experience it directly which means that an activity should go through an integrated assessment. However, the understanding of public interest is still different. The words public interest and its provisions are words that have multiple interpretations since they can be interpreted contextually based on the point of view of their interpretation.

The term public interest is a general concept, there is no explicit definition, and there is no more detailed operation of the word. According to language, public interest consists of two words that are "interest" and "people". Moreover, according to KBBI, the word "interest" comes from the root word "important" which means very necessary, very important and very valuable. Meanwhile, the word "general" means the whole thing, all of it, for everyone, the human audience and society at large. Even though the definition above can be understood linguistically, it cannot be a legal definition based on the phrase public interest.

According to Mertokusumo, public interests are related to the interests of the state and wider society and/or development. Meanwhile, John Salindeho defines the public interest based on the concept of national development, the interests of the state, and the common interests of the people in order to provide national readiness and a vision for the country. The public interest is a vague concept (*waj begrif*). Therefore, this concept cannot be used as a legal principle, if such is the case, it would result in a vague order of norms (*waj kriteria*).

Public interests and group interests are different. The public interest is the government's interest, although it does not necessarily include the public interest. In order to realize the public interest, the government acts legally or on the basis of law (*rechtmatig*), and in the interests of society (*doelmatig*). In this case, the government should adhere firmly to respecting the rights and interests of society, even though the public interest may prioritize them over other interests. Violations of the public interest can be seen as violations related to the public interest, namely that regulations are mandatory.

There are 3 principles that serve as criteria for whether an action is truly conducted in the public interest:

- a. Activities are conducted and owned by the government. In this case, it is impossible for the private sector and individuals to conduct activities in the public interest;
- b. Implementation and management of activities are only conducted by the government. In this case, the process of implementing and managing activities in the public interest can only be conducted by the government; And
- c. Not looking for profit. This matter has the character of placing limits on the function of activities in the public interest, so that they really do not have anything in common with the private sector whose aim is to gain profit (Sugianto & Leliya, 2017).

However, these three principles can be explained in more detail, covering the form, nature and characteristics of the public interest. Thus, the public interest is fair, certain and acceptable to society. Sugianto and Leliya define public interest through the following theories.

- a. Security Theory, a safe and prosperous life including the main interests of society;
- b. Prosperity Theory, the main interest of every society is welfare, namely all the needs of society in the form of health, clothing, food, and good job opportunities;
- c. Life Efficiency Theory, society's main interest is to live efficiently. This is an effort to encourage productivity and prosperity in all aspects;
- d. Shared Prosperity Theory, social life is concerned with prosperity and happiness. Problems experienced during life in society should be resolved as best as possible.

Therefore, based on this explanation, public interest means interests related to the desires of many people, which fulfill and serve the needs of society. In the event that the Prosecutor's Office submits a request to dissolve the PT as analyzed, the request is submitted to the District Court. The explanation of article 146 paragraph (1) letter a of the PT UUPT does not explain concretely the limitations of public interests as intended by the law so that it causes uncertainty in the form of public interest as intended by Article 146 paragraph (1) letter a of the UUPT. However, judges or laws determine the definition of public interest according to the criteria which have been explained.

CONCLUSION

Based on the results of this discussion, it can be concluded firstly, the prosecutor's authority to dissolve a company has been regulated in the UUPT. The reason the Prosecutor's Office requested the dissolution of a PT based on the UUPT is because the Prosecutor's Office has the authority to dissolve a company which is deemed to violate the public interest. This request for dissolution was submitted by the Prosecutor's Office with authority from the government, in the field of lawyers in the field of civil law. The duties and authority of the Prosecutor's Office in the field of civil and state administration based on Article 30 paragraph (2) of the Prosecutor's Law, is that "the prosecutor with special powers can act, both inside and outside the court, for and on behalf of the state or government". However, after the PT is dissolved, its legal entity status does not disappear automatically. In addition, there are several actions which need to be fulfilled in the event of dissolution of a PT, both by the liquidator and by the PT itself.

The criteria for violations of the public interest in statutory regulations; especially, UUPT, are not explained, so that the criteria for limiting the meaning of the phrase public interest are not clearly regulated. The definition of public interest conditions is now dynamic, and interpreted according to circumstances and interpretive perspectives. In addition, according to research findings, the fulfilment of the criteria for violations of the public interest that is usually used is if an activity conducted does not bring benefits, or actually has a negative impact; especially, in the interests of the nation and state and the wider community.

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