

ABSTRAK

Pendirian yayasan di Indonesia sebelum adanya undang-undang yayasan hanyalah berdasarkan hukum kebiasaan / yurisprudensi dalam praktiknya yang berkembang dimasyarakat. Pendirian yayasan sendiri terkadang menyimpang dari tujuan semula yaitu sebagai lembaga yang nirlaba bertujuan sosial, keagamaan, dan kemanusiaan, tapi justru dalam perjalanan kedepan tidak jarang pendiri serta pembina dari suatu yayasan berkeinginan mendapatkan laba/keuntungan dari usahanya itu.

Penulis sengaja mengambil studi kasus yayasan rumah sakit yang merubah badan hukum beserta asetnya menjadi PT, yakni penulis berkeinginan untuk dapat mengetahui sejauh mana peran dan tanggung jawab notaris, serta siapa saja para pihak yang terkait dalam proses peralihan badan hukum beserta aset yayasan rumah sakit yang berubah menjadi PT tersebut, serta bagaimana pula mengenai perihal itu apabila ditinjau dari sudut pandang peraturan perundang-undangan yayasan dan juga undang-undang PT, apakah termasuk perbuatan melawan hukum apakah tidak, dan dapat pula mengetahui bagaimana contoh pembuatan akta pendirian yayasan yang benar sesuai dengan ketentuan Peraturan Perundang-Undangan Nomor 28 Tahun 2004 tentang Yayasan.

Penulis dalam melaksanakan penelitian studi kasus ini, menggunakan metode yuridis normatif yaitu dengan cara menelaah teori serta konsep, dan juga asas-asas hukum serta peraturan perundang-undangan yang berhubungan dengan penelitian. Hasil dari penelitian dapat ditarik kesimpulan oleh penulis bahwa merubah badan hukum dari yayasan menjadi PT, merupakan perbuatan melanggar hukum, karena bertentangan dengan peraturan perundang-undangan yayasan maupun peraturan perundang-undangan PT.

Kata kunci : Peralihan Aset, Yayasan, Rumah Sakit.

ABSTRACT

The establishment of a foundation in Indonesia before the foundation law was only based on customary law / jurisprudence in practice that developed in the community. The establishment of the foundation itself sometimes deviates from its original purpose, namely as a non-profit copper company with social, religious and humanitarian purposes, but in the future, it is not uncommon for the founders and coaches of a foundation to want to get profit / profit from this business.

The author deliberately took a case study of hospital foundations that changed legal entities and their assets into PT, namely the author wishes to be able to find out the extent of the roles and responsibilities of notaries, as well as who are the parties involved in the process of changing legal entities and hospital foundation assets that changed. to become a PT, as well as how about the expert when viewed from the point of view of the foundation's laws and regulations and also the PT law, whether it is an act against the law or not, and you can also find out how the example of making the correct foundation deed in accordance with the provisions Laws and Regulations Number 28 of 2004 concerning Foundations.

The author in carrying out this case study research, uses normative juridical methods, namely by examining theories and concepts, as well as legal principles and laws and regulations related to research. The results of the research can be concluded by the author that changing the legal entity from a foundation to a PT is an act against the law, because it is against the laws and regulations of the foundation and the laws of PT.

Keywords: *Asset Transfer, Foundation, Hospital.*