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The Criteria of Public Interest as Grounds for the Dissolution of Limited Liability Companies in the Indonesian Legal System

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ABSTRACT – This research discusses the dissolution of limited liability companies due to reasons of public interest and the role of the Prosecutor's Office in such a mechanism based on Law Number 40 of 2007 concerning Limited Liability Companies. The main focus of the research is to analyze the juridical foundation of the existence of limited liability companies and the principle of public interest, the criteria of public interest in the dissolution of limited liability companies, the authority of the Prosecutor's Office in the civil field and the dissolution filing mechanism, as well as the relationship between corporate criminal liability and the dissolution of limited liability companies. This normative legal research uses statutory, conceptual, and comparative approaches with primary and secondary legal materials analyzed qualitatively through grammatical and systematic interpretation. The results of the research indicate that the ambiguity of public interest criteria in the Limited Liability Company Law creates legal uncertainty and has the potential to cause abuse of authority. The authority of the Prosecutor's Office as a state attorney is limited and must be based on a special power of attorney from the government. Corporate criminal liability has a relationship with the dissolution of limited liability companies but requires more integrated regulation. This research recommends the formulation of clearer public interest parameters and the strengthening of control mechanisms in filing for the dissolution of limited liability companies.

Keywords: dissolution of limited liability companies, public interest, Prosecutor's Office, corporate criminal liability, legal certainty.

A. INTRODUCTION

Limited liability companies play a central role in national economic development as the primary vehicle for structured and professional business activity. Their economic contribution is closely tied to how well they are managed internally, since innovative and adaptive internal practices strengthen the value a company generates for the wider economy (Darmawan, 2023). Their existence benefits not only capital owners but also contributes to job creation, economic value added, and the strengthening of the overall economic structure. Under Indonesian law, a limited liability company is recognized as an independent legal subject with rights and obligations separate from its shareholders, allowing it to perform legal acts and bear responsibility for its own conduct (Bunawan, 2025). This recognition provides legal certainty for the business world while protecting the interests of the parties involved in company activities. However, the existence of a limited liability company also carries social and legal responsibility to operate in accordance with prevailing societal values, and this responsibility extends to environmental accountability, moral obligation, and adherence to business ethics as integral parts of corporate conduct (Darmawan, 2022).

The state, as the holder of supreme authority, has the power to intervene in business activities deemed contrary to the public interest, but such intervention must still respect the principles of the rule of law and human rights. Every state action affecting the survival of a limited liability company, including dissolution, must be based on clear reasons, transparent procedures, and measurable parameters. Legal certainty is an absolute prerequisite for state intervention in corporations, so that the business climate remains conducive and investment can grow (Katimin & Bahari, 2024). This certainty also depends on the integrity of the officials carrying out the process, since ethical conduct in legal advocacy is what keeps an adversarial system fair for all parties (Saktiawan et al., 2021). An ideal legal system also provides adequate control mechanisms to prevent abuse of authority by the state in intervening in company business activities. Such a system works best when institutions and the businesses they oversee are able to adjust to regulatory change without losing their footing (Mardikaningsih & Darmawan, 2022).

The lack of clarity in the public interest criteria used as one ground for dissolving a limited liability company creates legal uncertainty and opens the door to abuse of authority by law enforcement officials. The parameters used to assess whether a company has violated the public interest remain abstract and unmeasurable, so their interpretation depends heavily on the subjective judgment of the authorities involved. Judgments made this way run the risk of treating similarly situated parties unequally, since subjective assessment tends to produce inconsistent outcomes across cases (Zahid & Darmawan, 2022). The procedure for filing a dissolution petition by the Prosecutor's Office as the state's attorney still faces obstacles in inter-agency coordination and in the clarity of the legal basis for its authorization (Arta et al., 2024). The gap between the expectation of legal certainty and the reality of state intervention practice calls for a detailed analysis to find the right balance.

Although the 1945 Constitution of the Republic of Indonesia mandates that the national economy be organized as a joint effort based on the principle of kinship, the interpretation of public interest in the context of company dissolution still varies widely. The definition of public interest across various laws and regulations remains general and offers no clear boundaries, giving rise to multiple interpretations among law enforcement officials and academics. Striking that balance is not unlike resolving competing claims among shareholders themselves, where a coherent national regulatory framework is needed to reconcile differing interests fairly (Rahayu et al., 2024). The fundamental question that arises is how to balance the interests of the state and the wider public with the rights of corporations that have been lawfully established in accordance with prevailing provisions. A relationship built on shared values and genuine leadership tends to produce a more harmonious climate between the parties involved, which sits close to the spirit of kinship the Constitution envisions (Mardikaningsih et al., 2022). Clarity regarding the boundaries of public interest is a prerequisite for achieving legal certainty in state intervention against limited liability companies.

Another issue concerns company dissolution and the public interest criteria set out in Law Number 40 of 2007 on Limited Liability Companies. Article 146 paragraph (1) letter a of the Company Law grants the Prosecutor's Office the right to file a dissolution petition on the ground of violating the public interest, yet this provision comes with no clear parameters on what forms of violation fall under that category. The absence of such parameters matters most where third parties are exposed, since creditors and minority shareholders need predictable standards to know their rights are protected once dissolution proceedings begin (Ratnawati et al., 2024). The article-by-article elucidation in the law likewise fails to offer adequate guidance on the objective criteria that could serve as a reference in determining whether a company has violated the public interest. Consistent standards of this kind are difficult to sustain without a proper system for accumulating and applying institutional knowledge over time (Darmawan, 2023). This lack of clarity risks producing differing interpretations between the Prosecutor's Office as petitioner and the Court as the deciding body. Such a condition creates legal uncertainty that harms both the corporation and the interests of law enforcement itself, since a dissolution ruling may be regarded as arbitrary if it is not grounded in clear parameters.

The Prosecutor's Office holds authority in civil and state administrative matters as the state's attorney, but this authority is limited, as it must be grounded in a special power of attorney from the government. The mechanism for granting such authority from the government to the Prosecutor's Office to file a company dissolution petition has not yet been regulated in detail, leaving uncertainty about the requirements and procedures that must be fulfilled. The same kind of gap appears in other areas of corporate oversight, where unclear disclosure obligations, such as those around beneficial ownership, can leave enforcement mechanisms without a firm legal footing (Setyastomo et al., 2024). In addition, the process of analysis and review conducted by the Prosecutor's Office before filing a petition also requires clear standards to prevent arbitrariness in its implementation. Carrying out that process well calls for a structured yet adaptable approach, since rigid procedures tend to break down once circumstances shift mid-process (Darmawan, 2021). Clarity regarding the filing mechanism and the limits of the Prosecutor's authority is a prerequisite for achieving legal certainty in the enforcement of company law.

Corporate crime may serve as one ground for dissolving a limited liability company, yet the mechanism linking a criminal ruling to a dissolution petition remains unclear. It is not settled whether every criminal ruling that imposes a sanction on a corporation can serve as a basis for dissolution, or whether only certain offenses directly connected to the corporation's existence and continuity should qualify. The way liability attaches to a business entity has itself shifted under recent reform, as changes brought by the Job Creation Law have reshaped how liability is understood even for simpler business forms (Sujito et al., 2023). Corporate criminal liability under Indonesian law still applies the principle of vicarious liability, whereby the conduct of a corporate organ is attributed to the corporation itself. Clarity regarding the relationship between corporate criminal liability and dissolution is important to prevent overlapping authority and legal uncertainty in law enforcement against corporations.

Based on the description of these problems, this study aims to analyze the juridical foundation of the existence of limited liability companies and the principle of public interest that serves as the basis for state intervention in corporations within the Indonesian legal system. This study also aims to examine the dissolution of limited liability companies and the criteria for public interest regulated in Law Number 40 of 2007 concerning Limited Liability Companies, as well as to identify weaknesses in these regulations. Furthermore, this study aims to analyze the authority of the Prosecutor's Office in the civil sector and the mechanism for filing the dissolution of limited liability companies, including the procedural requirements that must be met in filing an application for dissolution. The final objective of this study is to analyze the principle of corporate criminal liability and its relationship with the dissolution of limited liability companies, as well as to formulate recommendations to improve the regulation of state intervention in corporations.

B. METHOD

This research is a normative legal study focusing on the examination of written legal norms governing limited liability companies, public interest, the authority of the Prosecutor's Office, and corporate criminal liability within the Indonesian legal system. The sources of legal materials used consist of primary legal materials, which include Law Number 40 of 2007 concerning Limited Liability Companies, Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia along with its amendments, the Criminal Procedure Code, Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations, and other statutory regulations related to corporations and law enforcement. Secondary legal materials used encompass business law and corporate law literature, scientific journals, articles in legal journals, prior research results, and official documents discussing the dissolution of limited liability companies, public interest, and the authority of the Prosecutor's Office in the civil field. The collection of legal materials was conducted through library research by tracing various relevant written legal sources originating from both physical libraries and electronic databases possessing academic credibility.

The approaches used in this research are the statutory approach, which analyzes in depth the provisions within statutory regulations governing limited liability companies and their dissolution mechanisms, and the conceptual approach, which examines legal concepts related to public interest, the authority of the Prosecutor's Office, and corporate criminal liability. The analysis of legal materials was conducted using legal interpretation methods, specifically grammatical interpretation to understand the literal meaning of every article and phrase in statutory regulations, as well as systematic interpretation to connect these provisions with the overall applicable legal system (Serediuk et al., 2024). The qualitative analysis method is used to thoroughly examine the legal norms regulating the dissolution of limited liability companies, focusing on the identification of problems, norm vagueness, and the potential for regulatory refinement. The results of the analysis are presented in a descriptive-analytical manner to provide a clear and in-depth overview of the juridical foundation for the dissolution of limited liability companies based on public interest reasons and the role of the Prosecutor's Office in such a mechanism, as well as its implications for legal certainty and the business climate in Indonesia.

C. RESULTS AND DISCUSSION

Juridical Foundation of the Existence of Limited Liability Companies and the Principle of Public Interest

A limited liability company is a legal entity that constitutes a capital partnership, established based on an agreement, conducting business activities with authorized capital entirely divided into shares, and fulfilling the requirements stipulated in the law and its implementing regulations, as governed in Article 1 point 1 of Law Number 40 of 2007 concerning Limited Liability Companies (Veronica & Saly, 2023). This provision affirms that a limited liability company possesses the status of a legal entity separate from the personal wealth of its founders, such that the liability of shareholders is limited to the amount of shares they own. The emergence of a company as a legal entity is realized through a legal process in accordance with statutory regulations, which encompasses the requirements for establishment and approval by the government. The legal entity status inherent in a limited liability company entails the consequence that the company can possess its own rights and obligations, perform legal actions, and be sued or sue in court just like an individual legal subject. The existence of limited liability companies within the Indonesian legal system possesses a strong constitutional basis, as mandated in Article 33 paragraph (1) and paragraph (4) of the Constitution of the Republic of Indonesia of 1945, which states that the national economy is organized as a joint endeavor based on the principle of familialism and is conducted based on economic democracy upholding the principles of togetherness, equitable efficiency, sustainability, environmental insight, independence, as well as maintaining a balance of progress and national economic unity.

National economic development needs to be supported by a law governing limited liability companies that can guarantee a conducive business climate (Bunawan, 2025). That climate is difficult to sustain when businesses face regulatory uncertainty, since a company's ability to plan ahead depends on how predictable the legal environment around it remains (Mardikaningsih & Darmawan, 2021). Strengthening national economic development requires robust economic institutions to bring about the welfare of society. Predictability of this kind starts early, even at the point where a business first seeks a license to operate, since how that process is understood by prospective business owners shapes their confidence in the system as a whole (Mardikaningsih & Arifin, 2021). The existence of a limited liability company is directed at the public interest, both in general terms and under statutory provisions, essentially covering the interests of the many, the wider society, and development itself. Public interest is not the same as group interest, because public interest concerns matters affecting the livelihood of many people and functions to serve and meet the needs of society. In carrying out the public interest, government action must be lawful, grounded in law, and directed toward objectives that benefit society, so that the principle of legality (rechtmatigheid) and the principle of expediency (doelmatigheid) stand as two pillars that must be weighed together in every government action taken in the name of the public interest.

Although the public interest is given priority over other interests, this must still take into account the principle of respect for rights and give proper weight to the proportion of interests at stake. Respecting that proportion matters most for the people directly affected, since action taken without regard for their well-being tends to produce outcomes that outweigh whatever benefit was intended (Issalillah & Khayru, 2025). The principle of proportionality in applying the public interest requires that action taken by the state does not exceed what is necessary and still respects the basic rights of the individuals or corporations affected by that action. Corporations, after all, are made up of people whose working relationships and sense of stability can be disrupted when state action against the company is not carefully measured (Darmawan, 2023). "Violating the public interest" must be read as violating regulations connected to the public interest, namely regulations that are binding or imperative in nature (Faujura, 2024). The principle of public interest rests on the state's authority to protect and regulate interests within social life. Applying the principle of public interest in company dissolution must take into account best practices in other countries and internationally recognized legal principles, so that no arbitrary action arises that harms the investment climate.

The meaning of public interest under Article 35 letter c of Law Number 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia carries the sense that public interest is the interest of the state, the nation, and society at large. This provision offers a broad definition that remains unclear in its interpretation, though it needs to be explained more broadly what is meant by the interest of the nation and the state. From the meaning of nation and state, the interest of the nation and state covers every interest belonging to the nation and to the state itself. The interest of the nation and state refers to the interest of the nation and state themselves, in that the state is a vessel housing every interest present within the nation, so the interest of a nation and state amounts to the stability of how a system of government runs within that state and nation. Society, meanwhile, is a grouping of people who share needs, or hold different ones, within a shared framework of social life. When a framework is drawn this broadly, the people actually working within the companies affected are often left uncertain about where they stand, and that uncertainty can weigh on their motivation and satisfaction at work (Irfan et al., 2023). Even less visible groups, such as older employees adjusting to new digital ways of working, deserve to be accounted for when a definition this wide is applied in practice (Darmawan, 2023). The overly broad definition in Article 35 letter c of the Prosecutor's Office Law risks creating problems in its application, because nearly every interest of the state, the nation, and the wider society can be placed under the category of public interest, without any clear boundary on what forms of violation may serve as grounds for dissolving a limited liability company (Faujura, 2024).

Public interest is defined as matters concerning the livelihood of many people, functioning to serve and meet the needs of society, where matters of control, tariffs, profit distribution, and ownership are regulated through regional bylaws. This definition shows that public interest carries a local dimension alongside a national one, so that dissolving a limited liability company on public interest grounds can be pursued by either the central or the regional government according to their respective authority. Environmental stewardship sits within that same wide net of concerns, since fostering behavior that protects the environment within organizations is itself a way of serving interests that extend beyond any single company (Mardikaningsih & Wardoyo, 2025). This includes the interest of the nation and state as well as the shared interest of the people, with attention paid to social, political, and psychological dimensions grounded in the principles of National Development while observing National Resilience and the Archipelagic Outlook. Public interest, viewed from the perspective of a unitary state, covers every aspect of national life that goes beyond sectoral or group interests, placing its determination within the authority of the government as the state's representative. This constitutional foundation gives the state legitimacy to intervene in the business activities of a limited liability company deemed contrary to the public interest, though such intervention must still respect corporate rights and the principles of the rule of law.

Dissolution of Limited Liability Companies and Public Interest Criteria in the Limited Liability Company Law

Dissolution is an action that results in the cessation of the existence of a limited liability company and the permanent discontinuation of its business activities. Dissolution can be carried out through two approaches, namely without going through the court, such as when the validity period has expired as stipulated in the articles of association, and through the court with a petition filed by the Prosecutor, shareholders, board of directors, and board of commissioners of the limited liability company. Dissolution through the court represents an extreme form of state intervention in the existence of a corporation, thus requiring strong reasons and strict procedures to avoid abuse of authority (Paramadani, 2023). The explanation of Article 146 paragraph (1) letter a of Law Number 40 of 2007 concerning Limited Liability Companies does not provide a concrete explanation or boundary regarding the public interest intended within the law, thereby creating ambiguity concerning the forms of public interest referred to in Article 146 paragraph (1) letter a of the Limited Liability Company Law. The norm vagueness in the explanation of Article 146 paragraph (1) letter a of the Limited Liability Company Law has the potential to cause legal uncertainty and differing interpretations between the Prosecutor as the petitioner and the Court as the party deciding the dissolution petition.

Dissolving a company upon the Prosecutor's petition on the ground that the company has violated the public interest is a process for which neither the Prosecutor's Office Law nor the Company Law clearly regulates the criteria of public interest. If an activity has already come into being and it turns out its benefit cannot be felt by society, then the concept of public interest, besides having to meet its designated purpose, must also be capable of delivering a benefit that people can actually feel. To this day, there is no single agreed understanding of what public interest means. The term public interest and its criteria are inherently elastic, since they can be interpreted in various ways depending on the circumstances and the perspective of whoever is doing the interpreting (Harahap et al., 2025). That same elasticity shows up wherever regulation struggles to keep pace with how business itself is changing, as seen in how competition law is still being worked out for startup companies operating in fast-moving digital markets (Mustafa et al., 2025). The lack of clarity in the criteria for public interest within statutory regulations risks creating legal uncertainty and differing interpretations in its application, so a more concrete arrangement is needed to prevent arbitrariness in filing a petition to dissolve a limited liability company.

That legal basis becomes the ground for public interest whenever the continued existence of a company is no longer possible, as affirmed in the elucidation of Article 146 paragraph (1) letter c of the Company Law, because the company has not carried out business activity for three years or more, as evidenced by a notification letter submitted to the tax authority; because most shareholders can no longer be located despite having been summoned through a newspaper advertisement, making a General Meeting of Shareholders impossible to hold; because the balance of share ownership within the company is such that the General Meeting of Shareholders cannot reach a valid decision, for instance when two blocs of shareholders each hold fifty percent of the shares; or because the company's assets have diminished to such an extent that, with what remains, the company can no longer continue its business activity. The elucidation of Article 146 paragraph (1) letter c of the Company Law provides several objective indications that can serve as parameters for the Prosecutor's Office in filing a dissolution petition, though these parameters are not explicitly stated as criteria of public interest, so further interpretation is still needed. Turning those indications into a workable parameter is not unlike the challenge of translating oversight into fair accountability elsewhere, where monitoring mechanisms need to be applied carefully so they measure genuine responsibility rather than punishing normal business conduct (Mardikaningsih et al., 2024). The provision of Article 146 paragraph (1) of Law Number 40 of 2007 grants the Prosecutor's Office the right to file a petition to dissolve a limited liability company on the ground of violating the public interest or violating statutory provisions. Apart from a dissolution petition on the ground that a violation of the public interest has occurred, a company may also be dissolved for violating statutory provisions. In addressing limited liability companies, the Prosecutor's Office of the Republic of Indonesia files a dissolution petition on the ground of violating the public interest and/or violating statutory regulations, which is then submitted to the District Court (Salsabilla & Suryono, 2024).

A dissolution petition on that ground is filed by the Prosecutor's Office based on a power of attorney from the government, as part of a law enforcement action within the civil law domain. That petition is filed because of a legal event that has already factually occurred, with the aim of preventing losses from spreading further. A power of attorney from the government is an absolute requirement for the Prosecutor's Office to file a dissolution petition in the civil domain, because without that authorization the Prosecutor's Office has no legal standing to act as petitioner. A violation of the public interest forms part of the government's own interest, so the interpretation of that condition rests entirely with the government as the party granting authority to the Prosecutor's Office to file the dissolution petition. In essence, in carrying out that authority, the Prosecutor's Office is implementing the state's interest, putting its political policy into practical effect through a judicial mechanism (Jayalantara et al., 2024). Carrying out that role well depends on the same ethical grounding that keeps any exercise of authority accountable, since leadership guided by integrity is what sustains a culture where power is not misused (Mardikaningsih et al., 2022). The Prosecutor's Office does not hold the position of interpreting a violation of the public interest committed by a company as the ground for dissolution; that interpretation belongs to the government as the party granting authority. That kind of division of labor works only when the parties involved are able to cooperate with genuine mutual understanding, much as cooperation and empathy sustain any working relationship between people carrying out a shared task (Putra et al., 2024). The separation of roles between the government as the grantor of authority and the Prosecutor's Office as the executor of that authority reflects a mechanism of checks and balances in civil law enforcement, in which the government sets policy and the Prosecutor's Office carries out that policy through the judicial mechanism.

After the state or government analyzes the potential risk arising from a condition of single-shareholder ownership in a company, and concludes that continuing losses would result if that condition persists, the state will take action by granting authority to the Prosecutor's Office to act as petitioner for dissolution before the District Court in the relevant jurisdiction, on the ground of public interest. Single-shareholder ownership of a company cannot by itself serve as a ground for dissolution; it must be connected to an actual or potential loss to the public interest resulting from that condition (Sembiring et al., 2025). Drawing on various statutory provisions and the reasoning of legal scholars, when a condition significantly affects the owner, employees in particular, and society at large, failing to deliver a sense of justice, benefit, and welfare for three years or more, and even affects economic stability across various sectors of development, the District Prosecutor's Office may file a petition with the local District Court to dissolve that limited liability company. The weight given to employees in that assessment makes sense, since keeping people engaged and building their capacity is itself part of what keeps a company functioning as intended (Darmawan, 2024). The impact on employees and the wider society, as well as on economic stability, stands as an important consideration in determining whether a company should be dissolved on public interest grounds, so that dissolution is not based solely on the government's interest but also on the interest of the broader society. Fair treatment within the workplace is part of that same concern, since how a company manages equality among its employees says something about whether it is truly operating for the public's benefit (Darmawan, 2024). A company's stability likewise rests on how well it manages the range of people working within it, since a workforce that functions well together tends to perform and innovate more consistently (Darmawan, 2024). The provision of Article 146 paragraph (1) letter a of the Company Law, which grants the Prosecutor's Office the right to file a dissolution petition on the ground of violating the public interest, without being equipped with clear parameters, risks creating legal uncertainty and differing interpretations between the Prosecutor's Office as petitioner and the Court as the party deciding the dissolution petition.

Authority of the Prosecutor's Office in the Civil Field and the Mechanism for Filing the Dissolution of Limited Liability Companies

The Prosecutor's Office is a law enforcement tool as well as a protector and guardian of the community that has the obligation to maintain the upholding of law in Indonesia. Law enforcement carried out by the Prosecutor's Office institution encompasses the criminal, civil, and state administrative fields. This is in accordance with Article 30 of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia and Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which explicitly regulates the duties and authorities of the Prosecutor's Office in these three fields. The duties and authorities of the Prosecutor in the criminal, civil, and state administrative fields, as well as in the field of public order and tranquility, can be seen based on Article 30 of the Prosecutor's Office Law. Both in Law Number 16 of 2004 and Law Number 11 of 2021 concerning the Prosecutor's Office, there are no substantial changes in this regard. Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia remains in effect and has been amended by Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which strengthens the position and role of the Prosecutor's Office in exercising state power in the field of prosecution as well as other authorities based on law.

In the field of criminal law, the Prosecutor's Office carries out duties and holds authority including conducting prosecution, executing judges' determinations and court rulings that have obtained final and binding legal force, supervising the execution of those rulings, investigating special criminal offenses as regulated under legal provisions, and completing certain case files, for which it may conduct supplementary examination before the case is submitted to court, carried out in coordination with investigators (Nurita et al., 2025). The Prosecutor's Office's authority in the criminal field is dominant, since it is the sole institution authorized to conduct prosecution and execute court rulings that have obtained final and binding legal force. In the civil and state administrative domain, the Prosecutor's Office, acting under special power of attorney, may act both in and out of court for and on behalf of the state or government. It also holds authority in the field of public order and tranquility, namely raising public legal awareness, securing law enforcement policy, supervising the circulation of printed materials, monitoring belief movements that could endanger society and the state, preventing the misuse or defamation of religion, and conducting legal research and development along with criminal statistics. This kind of broad institutional mandate has to keep pace with how business itself keeps changing, much as competition law is still being worked out for startup companies operating in a fast-moving digital economy (Mustafa et al., 2025). The Prosecutor's Office's authority in the civil and state administrative domain is limited, since it can only be exercised under special power of attorney from the state or government, meaning the Prosecutor's Office cannot act independently without such authorization from the competent party.

One of the authorities of the Prosecutor's Office of the Republic of Indonesia is to file a petition with the District Court for the dissolution of a limited liability company. This authority is grounded in Article 146 paragraph (1) of Law Number 40 of 2007 on Limited Liability Companies, which grants the Prosecutor's Office the right to file a dissolution petition on the ground of violating the public interest or violating statutory provisions. The Prosecutor's Office, in this regard, has grounds to give effect to the state's objectives, petitioning for the dissolution of a company where that company has violated the public interest or statutory provisions. The Prosecutor's Office's function in filing a dissolution petition with the District Court is that of State Attorney. Acting as State Attorney, the Prosecutor's Office represents the interest of the state and the government in civil judicial proceedings, so its authority to file for the dissolution of a limited liability company must be grounded in a special power of attorney from the government (Latuconsina, 2024). How the state exercises that kind of authority against a company matters beyond the courtroom too, since a dissolution action inevitably touches how that company is perceived, and managing reputation has become its own challenge for businesses operating under public scrutiny in the digital age (Darmawan, Mendonca & de Jesus Isaac, 2022). The Prosecutor's Office, in essence, regulates that the exercise of this authority is an action taken for and on behalf of the government; in other words, the Prosecutor's Office cannot file a dissolution petition without having obtained special power of attorney from the government. This dependence on special power of attorney from the government confirms that the Prosecutor's Office's position in a dissolution petition is that of the government's legal representative, not that of a party holding a direct, independent interest.

The mechanism for filing a company dissolution petition can proceed through two approaches. The first approach applies where the company is suspected of having committed an unlawful act, and the second applies where the violation is found directly by the local District Prosecutor's Office following a process of analysis and review based on statutory provisions, expert opinion, and the examination of witnesses, including owners, commissioners, directors, and employees, along with an assessment of the impact resulting from the grounds for dissolution and from the dissolution itself. Employees carry particular weight in that examination, since their engagement and commitment to their work often reveal how a company is actually functioning day to day, beyond what formal documents show (Darmawan & Mardikaningsih, 2022). The relationship between management and employees is itself worth close reading in this kind of review, since that relationship tends to shift as companies adjust to new digital and literacy-driven ways of working (Darmawan et al., 2023). The in-depth process of analysis and review conducted before filing a dissolution petition represents an application of the precautionary principle that the Prosecutor's Office must observe, to ensure that the dissolution petition is genuinely necessary and grounded in strong, objective reasons. Keeping that review careful and well-documented is itself a form of oversight, in the same sense that monitoring mechanisms elsewhere are meant to capture genuine responsibility rather than produce hasty conclusions (Mardikaningsih et al., 2024). The

Prosecutor's Office processes a company dissolution petition after receiving information that a company has violated the public interest, whether from relevant agencies, the public, or its own internal sources (Katimin & Bahari, 2024). Dissolution of a company for violating statutory provisions carrying a criminal threat is petitioned by the Prosecutor's Office once a court ruling with final and binding legal force has clearly determined that a corporate crime has occurred as regulated under statutory provisions. Indonesian regulations have set out criminal provisions applicable to companies or corporations, including under Supreme Court Regulation Number 13 of 2016 on Procedures for Handling Criminal Cases Committed by Corporations, which regulates the mechanism of corporate criminal liability and still serves as a guideline for courts in handling criminal cases involving corporations.

A company's dissolution may also be petitioned by the Prosecutor's Office where a violation of statutory provisions has occurred that carries no criminal sanction. A dissolution petition on that ground is filed after obtaining a determination and authorization from a specific institution within a state body or agency, a central or regional government institution or agency, or a state-owned or regionally owned enterprise, tasked with supervising the company's business activities, confirming that a violation has occurred (Aprillia & Yulianingsih, 2024). That kind of supervisory role fits within a wider expectation that institutions overseeing a company should also look after its environmental and human resource practices, since a company kept on a sustainable footing tends to perform better across the board (Hariani, Mardikaningsih & Essa, 2022). For violations that carry no criminal sanction, a determination from the competent supervisory institution is required before the Prosecutor's Office may file a dissolution petition, so the decision to dissolve a company does not rest solely on the Prosecutor's Office's own assessment. That kind of shared decision-making works only when the institutions involved are able to cooperate with genuine mutual understanding, much as cooperation and empathy sustain any working relationship between parties carrying out a shared task (Putra et al., 2024). This provision is regulated more specifically under Chapter II B.2 letter (f) of Attorney General Regulation Number 025 of 2015, which was later revoked and replaced by Prosecutorial Regulation of the Republic of Indonesia Number 7 of 2021. This change to the Attorney General's regulation reflects a refinement of the Prosecutor's Office's internal rules in carrying out law enforcement in the civil and state administrative domain, a development that must be taken into account in the practice of filing petitions to dissolve limited liability companies.

Principle of Corporate Criminal Liability and Its Relationship with the Dissolution of Limited Liability Companies

Criminal violations committed by limited liability companies are commonly referred to as corporate crimes. The definition of corporate crime according to Article 1 point 8 of Supreme Court Regulation of the Republic of Indonesia Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations is a criminal offense for which criminal liability can be imposed upon a corporation in accordance with laws regulating corporations. A criminal offense can have liability imposed upon a corporation if it is committed by corporate organs and representations in order to maintain and preserve the functions of the corporation, even under conditions where the corporation does not receive direct benefits. The corporation must also have an employment relationship relating to its duties and responsibilities, the corporation allows it and makes no prevention efforts, and even accepts benefits, thus it can be applied to the corporation (Subaidi & Bahreisy, 2024). The principle of corporate criminal liability adopted in Supreme Court Regulation Number 13 of 2016 is the principle of vicarious liability, wherein the actions of individuals acting for and on behalf of the corporation can be attributed to the corporation, allowing the corporation to be held legally accountable.

The relationship between an act carried out by a person acting by or on behalf of a corporation and the corporation's own liability is examined through the vicarious liability approach, under which, if it can be proven that the criminal act committed by that individual is connected to the corporation's interest, the state of mind attached to the person who committed the offense can be attributed to the corporation itself. In other words, a criminal act committed by an individual "by" or "on behalf of" a corporation also becomes an act committed by the corporation, so the corporation can be held legally liable. This kind of attribution matters most where the people acting for the corporation are its own workforce, since how a company treats the workers carrying out its operations, including those hired through outsourcing arrangements, says a great deal about whose interest that workforce is truly serving (Arrosyid et al., 2024). The application of the vicarious liability principle in corporate criminal law allows a corporation to be sentenced even though, as a legal entity, it has no physical consciousness of its own, because the awareness of a corporation's organs or management is treated as the corporation's own awareness (Kurniawan & Hapsari, 2022). That same reasoning extends naturally to how a corporation conducts itself more broadly, since holding a company accountable for the conduct of its people fits within a wider expectation that its operations, including its supply chain, remain responsible toward society (Barzani et al., 2022). Supreme Court Regulation Number 13 of 2016 on Procedures for Handling Criminal Cases Committed by Corporations remains in force and serves as a guideline for courts in handling criminal cases involving corporations. This regulation matters because it provides procedural certainty in processing corporate criminal liability, which can then become the basis for a company dissolution petition.

A dissolution petition filed by the Prosecutor's Office must be grounded in a court ruling that has obtained final and binding legal force, declaring that a corporate crime has occurred (Tsani & Sugiyanto, 2025). If that ruling does not state that the corporation was involved as the perpetrator of the criminal act, the Prosecutor's Office has no legal authority to file a dissolution petition. In addition, that action by the Prosecutor's Office must also obtain special power of attorney from a state institution or body, a central or regional government institution or agency, or a state-owned or regionally owned enterprise, as the basis for acting to file the dissolution petition. The requirement of a court ruling with final and binding legal force before a dissolution petition can be filed shows that this mechanism is accessory to the criminal ruling, so dissolution cannot proceed separately without a preceding ruling. Keeping that sequence intact reflects a kind of caution that matters most when conditions are uncertain, since acting on a company's fate before the legal picture is settled is exactly the sort of risk sound crisis management is meant to guard against (Arifin & Darmawan, 2022). The state has a duty to build a prosperous society, to guarantee, and to create regulations that provide assurance and a sense of security for members of society. Under Article 2 of Law Number 40 of 2007 on Limited Liability Companies, a company must have a purpose, objectives, and business activities that are not contrary to statutory provisions, public order, or morality, whose business must not damage natural resources in a way that endangers society, and whose business must not run contrary to values prevailing in society. Staying within those bounds is easier when a company keeps investing in how it operates, since integrating sound digital practice into daily work is itself part of running a business that remains productive without drifting from its lawful purpose (Darmawan & Eddine, 2024).

A petition to dissolve a company for violating statutory provisions, in other examples, has arisen because a company's articles of association did not comply with the Company Law, or because of money laundering offenses and environmental crimes with a convicted corporation. Dissolution on the ground of public interest, meanwhile, has not yet been applied in practice, so caution is required, with attention paid to the principle of respect for rights and consideration of the company's various aspects as well as its impact on employees and society. Weighing that impact carefully calls for flexibility on the company's side too, since a company able to adjust its own structure tends to cope better when facing legal or environmental pressure of this kind (Darmawan & Mardikaningsih, 2023). Applying the public interest ground in company dissolution requires a higher degree of caution compared with the ground of statutory violation, because the public interest ground is more abstract in nature and lacks clear parameters, unlike a statutory violation (Fitriani et al., 2024). That degree of caution rests on the same foundation that keeps any exercise of authority accountable, since decisions of this weight call for the kind of ethical grounding that sustains a fair and lasting organizational culture (Mardikaningsih et al., 2022). The existence of a limited liability company should be carried out within a national economy organized on the basis of economic democracy, upholding the principles of togetherness, equitable efficiency, sustainability, environmental awareness, and independence, while maintaining a balance between national economic progress and unity, and needs to be supported by robust economic institutions to bring about the welfare of society. Considering the people who carry out a company's daily work is part of that same picture, since keeping employees engaged even in highly routine, automated tasks is part of what keeps a company functioning as intended (Darmawan, 2024a). Its existence also serves to further advance national economic development while providing a solid foundation for the business world in facing the development of the global economy and the advancement of science and technology in the era of globalization in the years ahead. How fairly a company treats its own people is part of being ready for that future, since how technology reshapes gender equality within a workplace says something about whether a company is progressing in step with the times (Darmawan, 2024b). The same forward-looking need applies to how a company manages the diversity of its own workforce, since teams that draw on a wider range of people and perspectives tend to innovate and perform more consistently (Darmawan, 2024c). Reorganizing work itself is part of that same forward motion, since the way companies reconfigure their human resource practices for a more flexible, digitally driven era will shape how they are perceived as employers going forward (Mardikaningsih, 2025). This shows that the existence of a limited liability company is not solely for the interest of capital owners, but also carries a broader social and economic function within national development, so that a company's dissolution must be carried out with caution, taking into account the various interests connected to it.

D. CONCLUSIONS

The regulation regarding the dissolution of limited liability companies due to reasons of public interest in Law Number 40 of 2007 concerning Limited Liability Companies still contains norm ambiguity because it is not equipped with objective and measurable parameters. The Prosecutor's Office has the authority to file a petition for the dissolution of a limited liability company as a state attorney, but this authority is limited and must be based on a special power of attorney from the government. The mechanism for filing the dissolution of a limited liability company requires clarity of procedures and inter-institutional coordination to prevent abuse of authority and legal uncertainty. Corporate criminal liability has a close relationship with the dissolution of limited liability companies, but more integrated regulation regarding the requirements and procedures that must be met before dissolution can be carried out is needed.

The implication of this study is the necessity of formulating clearer and more objective parameters regarding the public interest that can be used as grounds for dissolving a limited liability company, either through amendments to the law or through binding implementing regulations. Policymakers need to consider more detailed regulations regarding the mechanism of granting power of attorney from the government to the Prosecutor's Office to file dissolution petitions, including the substantive and procedural requirements that must be met. The strengthening of control and supervisory mechanisms over the exercise of the Prosecutor's Office's authority in filing for the dissolution of limited liability companies becomes highly necessary to prevent the occurrence of abuse of authority. Synergy between the Prosecutor's Office, supervisory agencies, and the government in the dissolution process of limited liability companies needs to be enhanced through structured and regular coordination, in order to guarantee legal certainty and the protection of corporate rights and the public affected by such dissolution.

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