

(INTRODUCTION TO COMMERCIAL LAW)



According to Apeldoorn to give a definition of the “law” is a difficult thing, but nevertheless provides a definition would be very valuable for those who just starting to learn something. One example is the definition of Commercial Code which is contained in the book by Purwosucipto. In his book, Purwosucipto said that the Commercial Law is a special law arising out from the Legal Engagement in the company activities. This severely limits the definition of Commercial Law only on the engagements aspects arising only from the activities of the company. But according to the Authors of this book, explanation about Commercial Law proposed by Purwosucipto needs to be expanded, not just limited to the Legal Engagement, but also covers all legal instrument written or unwritten, that governs all activities in the field of the trade.

This book is divided into five chapters. First chapter explains the concepts and basic principles of commercial law. Commercial Law can be found in various law products such as constitution, government regulations, and so on. One of the important sources of Commercial Law is Wetboek van Koophandel (WvK) unofficially translated into the Book of Commercial Law (Kitab Undang-undang Hukum Dagang). However, for some article about Limited Liability Companies, Law on Corporate Documents, the Law on Banking, are no longer valid and replace with the relevant legislation.

The enforceability the Book of Commercial Law (Kitab Undang-undang Hukum Dagang) as a source of law cannot be separated from the applicability of the Code of Civil Law (Civil Code) as an unofficial translation of Burgerlijk Wetboek (BW). This is stated explicitly in Article 1 which said that the things that discussed in the Book of Commercial Law (Kitab Undang-undang Hukum Dagang) apply also the Civil Code, as long as the all provisions in the Commercial code do not rule out the Civil Code. Besides from the Book of Commercial Law (Kitab Undang-undang Hukum Dagang), the source of Commercial Law is quite scattered in various laws and regulations, adjudication, treaties, doctrines and even to the daily practices.

In chapter two, the book describes about Contract Law which is the basis of most of the business relationship, including trade. This chapter also described the various kinds of contract based on the form and the parties. Important principles in a contract are also presented in this chapter as well as the execution condition and the expiration of a contract. In the end of this chapter described about good faith and in the implementation of the agreement.

In Chapter 3 describes everything about company law, from legislation about corporate forms to the business activities. In this chapter also described

about the establishment of the limited liability company relating to corporate accounting (data collection assets of the enterprise). Following chapter 3, the book describes everything about 'intermediary traders' (pedagang perantara) that is, if the trade occurs not through direct meetings between producers and consumers and the main runway was a contract (agreement) between the parties ordered the job and the parties who encouraged to perform a job. At the end of the book, it discusses about the Securities that can be used as payment in commercial transactions. Various kinds of securities can be classified into two groups, namely securities set forth in the the Book of Commercial Law (Kitab Undang-undang Hukum Dagang) and securities set out KUHD.

This book will certainly enrich the Indonesian legal literature and will be the most updated writing since it is just published in 2014. It will be beneficial to everyone that keen to study commercial law both beginners and those who already become legal practitioners. Further, this book is not only contain substantive discussion but also it attaches some relevant legislation to the matter. Despite all of the positive sides of the book, however, it would have been better if the book also translated in to English so wider audience can be reached.

Title : Pengantar Hukum Dagang
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Pages : viii + 288
Year : 2014
Reviewer : Catur Wulandari, SH