

THE AGE OF ESTABLISHMENT OF THE COMPANY AFTER THE ENACTMENT OF THE JOB CREATION LAW**Yalid, Irawan Harahap, Riantika Pratiwi**

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Abstract

This study examines the conflict of age proficiency norms related to the establishment of the company since the post-enactment of the job creation law. As is known, the establishment of an individual company according to Article 6 paragraph (2) letter A of Government Regulation Number 8 of 2021 can be carried out by Indonesian citizens who are 17 years old and legally competent. The age of establishment of the individual company is clearly not in sync with the age of proficiency norms in the Civil Code. The problem will occur if later the individual company is converted into a Limited Liability Company while the age of its founder has not reached 21 years, while converting an individual company into a Limited Liability Company must be done through an agreement. The research method is carried out in a normative manner, with the approach of legislation, Court decisions, legal concepts and comparisons, using legal materials and analyzed and interpreted comprehensively. The results of this study proficiency in establishing the company the author chose the ideal concept only option. Some countries use the 18-year-old adult age benchmark in some laws using the 18-year-old size and some experts agree that the 18-year-old adult size is thus the size of an 18-year-old adult is an appropriate size for the skills of people related to establishing a company.

Keywords: Ability, Age, Company, Job Creation**INTRODUCTION**

A limited liability company is a form of company that is known in the business world Pratama & Priyanto, (2020) which has elements including being a legal entity, established based on an agreement, carrying out business activities, authorized capital divided into shares and meeting the requirements in accordance with laws and regulations.

The regulation of limited liability companies used to be incorporated in the Commercial Law Code (KUHD), since 1995 it has been regulated in a separate law through Law Number 1 of 1995. The next development of Law Number 1 of 1995 was replaced by Law Number 40 of 2007 which has been partially amended based on Law Number 11 of 2020 concerning Job Creation. Then in the next development, Law Number 11 of 2020 concerning Job Creation was replaced with Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.

Although Law Number 11 of 2020 concerning Job Creation has been declared revoked and invalid based on Article 185 of Law Number 6 of 2023, Government Regulation Number

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8 of 2021 at the time this study was carried out is still in force. The enactment of Government Regulation Number 8 of 2021 is affirmed in Article 184 letter a of Law Number 6 of 2023 concerning Job Creation, which reads: "All implementing regulations of the Law that have been amended by this Government Regulation in Lieu of Law are declared to remain valid as long as they do not conflict with this Government Regulation in Lieu of this Law". Based on the mandate of Article 109 of Law Number 6 of 2023, the definition of a Limited Liability Company other than a legal entity due to a capital partnership and born on the basis of a partnership is also added to an individual legal entity that meets the criteria for Micro and Small Enterprises.

Observing the changes in the Company's regulations in the Job Creation Law *in conjunction with* its implementing regulations, the author observes the conflict, norms, and contradictions of regulations related to Individual Companies and Companies that Meet the Criteria for Micro and Small Enterprises. The conflict of norms in question includes the age of legal competence and the existence of the General Meeting of Shareholders (GMS).

Regarding the age to establish an Individual Company, according to Article 6 paragraph (2) letter a of Government Regulation Number 8 of 2021, it is determined that the establishment of an Individual Company can be done by an Indonesian Citizen who has reached the age of 17. Then in Companies that Meet the Criteria for Micro and Small Enterprises, the GMS is still regulated. Meanwhile, Companies that Meet the Criteria for Micro and Small Enterprises are allowed to be established by only 1 person as stipulated in Article 109 of Law Number 6 of 2023.

The provision of the age of proficiency for the establishment of an Individual Company is not in sync with the age norm of proficiency in the Civil Code (KUHPerdata). The age of proficiency in Article 1330 of the Civil Code mentions people who are not capable of making agreements, namely "persons who are immature (have not reached the age of 21)". The problem will occur if later the Individual Company is converted into a Limited Liability Company while the age of its founder has not reached 21 years old, while converting an Individual Company into a Limited Liability Company must be done through an agreement (Aziz & Febriananingsih, 2020). The norm that regulates the establishment of a Limited Liability Company is carried out through an agreement, while the ability to enter into an agreement in the context of the Civil Code after the age of 21 years.

Furthermore, regarding the GMS in Individual Companies, the existence is regulated as stipulated in Articles 153C, 153G of Law Number 6 of 2023. The arrangement of the GMS in an Individual Company is a *contra dictio interminis with the arrangement of the* Individual Company itself, namely the shareholder is only 1 (one) person. For what is the purpose of regulating the existence of a GMS, while to establish an Individual Company, it is enough to state with the statement of its founder, in accordance with the provisions of Article 6 paragraph (3) of Government Regulation Number 8 of 2021.

Relevant to these legal issues, the author will conduct research in stages according to the direction of the *research roadmap*, the first focus on the issue of age proficiency in establishing the Company, the next stage continues with the issue of the existence of RPUS in Individual Companies.

The results of the literature search can be said that research related to the issue of age proficiency in establishing the Company after the enactment of the Job Creation Law has never been touched by other authors. Based on the search and inventory of literature, there are indeed several similar studies, but they do not examine the age proficiency in establishing a company after the enactment of the Job Creation Law, such as the research of Maman Suherma and J. Satrio in 2010 who wrote about the explanation of the age limit law related to

the age limit and act based on the age limit maman Suherman & Satrio, (2010), However, there is no connection with the issue of age proficiency in establishing a company after the enactment of the Copyright Law. Anggraeny Arief and Rizki Ramadani's research in 2021 examined the *Omnibus Law on Job Creation* and its implications for the basic concept of limited liability companies. The results of his research explained that it has expanded the meaning of Limited Liability Company by presenting the Individual Company model which gives birth to a number of contradictions in the basic concept of Limited Liability Company, in addition to also removing the Company's minimum capital limit which is feared to cause vulnerability to business continuity (Arief & Ramadani, 2021). Then the research of Desak Putu Dewi Kasih et al in 2022 researched individual companies after the Job Creation Law. The results of the research of Desak Putu Dewi Kasih et al explained the expansion of the concept of Limited Liability Companies, namely the establishment of Individual Companies for micro and small businesses established by 1 (one) person. This concept is not new and can be used as a reference in establishing an Individual Company for business actors (Kasih, 2022). The research of Siti Thali'ah Atina et al in 2022 examined the legal dualism of the establishment of limited liability companies after the enactment of the Job Creation Law. The results of his research show that the promulgation of the Job Creation Law itself does not result in legal dualism in the establishment of Limited Liability Companies because the Job Creation Law itself is an amendment to the Limited Liability Company Law, but is made using the concept of *omnibus law* (Athina, Purnama, & Efendi, 2022). Finally, Nasrullah and Syahrullah's research in 2022 examined the existence of individual businesses after the birth of the Job Creation Law. The results of his research show that the existence of individual businesses in Indonesia is quite significant in efforts to develop the national economy, especially since it has been strengthened by the Job Creation Law which gives force as a legal entity (Nasrullah, 2022).

Paying attention to the previous research, it is clear that it has nothing to do with the issue of age proficiency in establishing the Company because this research is something different so that it really produces *novelty*. The problems in this study: *First*, how is the age proficiency regulation in establishing a company after the enactment of the Job Creation Law? *Second*, what is the concept of ideal age skills in establishing a company? The purpose of this research is aimed at the development of corporate law which will be useful as an external input for the government in updating the company's laws.

RESEARCH METHOD

This type of research is normative legal research related to the issue of normative conflict and *intermittent contra dictio* in establishing a company after the enactment of the Job Creation Law. According to Peter Mahmud Marzuki, legal issues in the legal dogmatic space arise when: *First*, "the parties to the lawsuit or those involved in the debate put forward different or even contradictory interpretations of the text, regulations because of the ambiguity of the regulations because of the ambiguity of the regulations themselves; *Second*, there is a legal vacuum; and *third*, there is an interpretation of the facts" (Purwati, 2020). To conduct this normative research, several approaches (methods) are used, namely the statute approach, historical *approach*, conceptual *approach*, and case approach (*case approach*) that are relevant to the problem being studied. The data needed in normative legal research in the form of legal materials are obtained from libraries both manually and online and so on. The types of legal materials for this research consist of primary, secondary and tertiary legal

materials. Data analysis is carried out comprehensively and is a holistic, which is carried out by interpreting all laws and regulations related to the issues discussed, evaluating laws and regulations related to the issues being researched and assessing legal materials related to the issues discussed. The final result of this study is drawn conclusions using the deductive thinking method, namely drawing conclusions from things that are general, to things that are special.

RESULT AND DISCUSSION

Age Proficiency Regulation in Establishing a Company After the Enactment of the Job Creation Law

As already mentioned, based on the mandate of Article 109 of Law Number 6 of 2023, the definition of a Limited Liability Company other than a legal entity due to a capital partnership and born on the basis of a partnership is also added to an individual legal entity that meets the criteria for Micro and Small Enterprises.

In accordance with the mandate of Article 109 of Law Number 6 of 2023 concerning Job Creation which was followed up with the issuance of Government Regulation Number 8 of 2021 concerning the Company's Authorized Capital and Registration of Establishment, Amendments, and Changes to Companies that Meet the Criteria for Micro and Small Businesses.

Regarding the age to establish an Individual Company according to Article 6 paragraph (2) letter a of Government Regulation Number 8 of 2021, it is determined that the establishment of an Individual Company can be done by an Indonesian Citizen who is 17 years old and legally competent. In the explanation of Article 6 paragraph (2) letter a of Government Regulation Number 8 of 2021, it does not explain the age and legal capacity in question. Therefore, the age proficiency regulation in establishing an Individual Company can be established by someone who is 17 years old or legally competent.

Proficiency comes from the root word "cakap", which means being able to do something; can; get; have the ability and intelligence to do something (Language, n.d.). One of the standards that is often used to assess the limitations of proficiency, especially related to engagement, is as contained in Book III of the Civil Code Article 1330, which states that "Incompetent are those who are immature, under custody, and women who are bound by marriage".

Immaturity, which is used as a measure of incompetence, refers to the provision of Article 330 of the Civil Code, which outlines that "Immature persons are those who have not reached the age of twenty-one years and have not been married before". If the marriage is dissolved before they reach the age of 21, they do not return to immature status. Thus, the age limit is one of the foundations used to determine the size of an adult or immature, which then becomes one of the factors that affect proficiency.

Based on the above analysis, the age of proficiency for the establishment of an Individual Company is not synchronized with the age of proficiency norm in the Civil Code. As mentioned in the introduction, problems will occur if later the Individual Company is converted into a Limited Liability Company while the age of its founder has not reached 21

years, while converting an Individual Company into a Limited Liability Company must be done through an agreement (Aziz & Febrianingsih, 2020). The norm that regulates the establishment of a Limited Liability Company is carried out through an agreement, while the ability to enter into an agreement in the context of the Civil Code after the age of 21 years.

As a result of an act committed by a person who does not have authority due to the age requirement not being met, as stipulated in Article 1320 jo Article 1330 of the Civil Code, it will have an impact on the agreement made to be sued for cancellation. However, when referring to Article 1331 of the Civil Code, it is stated that "Therefore, persons who in the previous article *are declared incapable of making consent*, may demand the annulment of the agreement they have made in terms of the power to do so, not exempted by law. Those who are capable of binding themselves cannot at all make a denial on the basis of the incompetence of an immature child, those who are placed under the custody, and the women who are married." That is, no one else has the right to cancel the incompetent person. That is, if there is no cancellation, the agreement remains valid.

The Concept of Ideal Age Skills in Establishing a Company

Conceptually, age proficiency (*bekwaam*) is related to a person's condition based on physiological and psychological elements so that the meaning of proficiency is related to age, attached to those who are no longer "*minderjarig*", that is, after being considered to have entered the final stage of maturity or called *adulthood*, namely 21 years (Article 330 of the Civil Code) (Nuryanto & Eryandi, 2020). This is related to the common sense and mental capacity of a person who consciously knows the impact or consequences of his actions. Of course, it is difficult to determine one's skills, because each person's circumstances are different, due to the influence of psychological and physiological factors as well as the environment. However, to obtain legal certainty, there must be a standard for assessing the limits of a person's proficiency.

As is known, the establishment of an Individual Company according to Article 6 paragraph (2) letter a of Government Regulation Number 8 of 2021 stipulates that the establishment of an Individual Company can be carried out by Indonesian Citizens who are 17 years old and legally competent. The age of incorporation of an Individual Company is clearly not in sync with the age norm of proficiency in the Civil Code. Problems will occur if later the Individual Company is converted into a Limited Liability Company while the age of its founder has not reached 21 years old, while converting an Individual Company into a Limited Liability Company must be done through an agreement (Schwindt, 1996). Meanwhile, the norms governing the establishment of a Limited Liability Company are carried out through an agreement, while the ability to enter into an agreement in the context of the Civil Code after the age of 21 years.

For this reason, the author will discuss the concept of ideal skills in establishing a company through interpretation of practice in court, legal studies, expert views, and comparisons with other countries.

One's proficiency in court products

Some of the court determinations/decisions that the author has explored are not court products that outline the definition and limits of a person's skills. The court moved on to the application of the law of adult regulation or "not being a minor", then it was understood that if the adult element has been fulfilled or "no longer a minor", it is considered legally competent. Therefore, when it does not meet the adult element or is "underage", it becomes incapable of acting within the law. For such a condition, the parent or guardian will represent and be charged with legal responsibility due to his or her actions. The judge's considerations regarding a person's proficiency in court products are described as follows:

a. Based on a person's ability, the age limit is 21 years old

Cases of lawsuits for unlawful acts, for example the Decision of the Madiun District Court Number 14/PDT.G/1992/PN.Kb.Mn. dated November 26, 1992 jo the Decision of the East Java High Court in Surabaya Number 423/PDT/1993/PT. SBY. December 2, 1992 in conjunction with the Supreme Court of the Republic of Indonesia Decision No. 262K/PDT/1994 dated October 5, 1994. The panel of judges argued that although guided by Article 47 of Law Number 1 of 1974, it can be interpreted that a person over the age of 18 is no longer under the authority of his parents, but it cannot be interpreted as an adult. Therefore, referring to the provisions of Article 1367 of the Civil Code, defendant II is responsible for losses due to the actions of his son, namely defendant I because he is a minor (minor). The decision of the panel of judges was not careful to apply Article 47 of Law Number 1 of 1974. Because if a person is not under the authority of his parents, according to the law he is considered to be able to fully account for each of his actions. Therefore, a situation is created in which the person is capable of doing in the law. If the judge considers that the age limit of a person is declared to be 21 years old, then the judge should not adhere to Article 47 of Law Number 1 of 1974. Although it is not expressly stipulated in Article 47 of Law Number 1 of 1974 that an adult or not a minor must be 18 years old, but by stating that he is no longer under the authority of his parents, he becomes capable according to the law.

Then in the case of the petitioner, for example, the Determination of the Barabai District Court Number 18/Pdt.P/1985/PN.Brbb dated August 30, 1985, the panel of judges considered the measure of assessing a minor (immature) child as a minor who is not yet 21 years old. Despite the legal considerations, the judge elaborated Article 50 paragraph (1) of Law Number 1 of 1974, which formulates a child who has not reached the age of 18 years or has never been married, who is not under the authority of parents/guardians, but in the next consideration the judge is of the opinion that the definition of a child is that he has not reached the age of 21 years and has never been married. This determination shows the inconsistency of the judge in setting the age limit for a person who is immature or still a minor. The judge's consideration shows that there is a legal void for someone over 18 years old and under 21 years old. How can a person who is no longer under the authority of a guardian (or his parents), but is still considered immature?

Furthermore, the case of an application to perform a legal act on behalf of a minor, for example the Determination of the South Jakarta District Court Number

69/Pdt.P/2009/PN. South Jakarta on April 16, 2009. The judge determined that the applicant was a widow with 2 (two) sons, aged 16 years and 13 years. The panel of judges stated that the two children were still minors guided by Article 330 jo 1330 of the Civil Code.

b. Based on a person's proficiency, the age limit is 18 years old

Compensation lawsuits related to child labor, for example, the decision of the Medan District Court Number 271/Pdt.G/1997/PN. MDN dated February 19, 1998 jo Decision of the North Sumatra High Court in Medan Number 221/Pdt/1998/PT. MDN dated August 3, 1998 in conjunction with the Supreme Court of the Republic of Indonesia's Decision No. 1735 K/Pdt/1999 dated February 24, 2005, the panel of judges held that the plaintiff's child (aged 17 years and 6 months) who worked with defendant II over defendant I was still classified as a young worker, i.e. 14 years old or older, but not yet 18 years old (see Article 1 paragraph (1) letter c of Law No. 12 of 1948). Based on labor law, the plaintiff's son is not yet capable of making a written or oral employment agreement. Based on the facts at the trial, it was revealed that the plaintiff took his child to work, therefore the plaintiff was considered to have the consent of the plaintiff to bind his child in an employment agreement. The panel of judges considered Article 47 of Law Number 1 of 1974 concerning Marriage in determining the condition of minors, namely children who have not reached the age of 18 years or have not yet entered into marriage. Therefore, the plaintiff's child is still under the power of the plaintiff. In the *aquo* case, the plaintiff was considered unsuccessful in proving that his child's departure from work did not have parental permission, so his lawsuit was rejected. The judge's consideration of the condition of minors or minors based on Law Number 1 of 1974 concerning Marriage is appropriate.

c. Based on the category "minor" or "adult" without age restriction parameters

The case of a lawsuit for compensation due to unlawful acts is for example the Decision of the Magelang District Court Number 06/1994/Pdt.G/PN. MGL dated December 1, 1994 jo Decision of the Central Java High Court in Semarang Number 584/Pdt/1995/PT.Smg dated December 5, 1995 jo Decision of the Supreme Court of the Republic of Indonesia Number 3203 K/Pdt/1996 dated August 8, 2001. The panel of judges argued that the plaintiff as a parent can represent the interests of his child who is still a minor, in filing a lawsuit for compensation for his child as a victim of unlawful acts. In the judge's consideration, there was no age limit for stating the condition of being a minor or immature, and there was no legal basis for his consideration of declaring the condition of being a minor or immature.

Based on court practice, there are differences in the views of judges, including differences in legal basis considerations. Therefore, to avoid legal uncertainty in the judge's decision, it should be necessary to harmonize laws and regulations related to the ability and authority to act based on age limits. The development of age limit regulation in several laws is as follows:

d. A person's proficiency in laws and regulations

Based on the provisions of Article 330 of the Civil Code, the legal capacity is determined to be 21 years old or married. In Law Number 13 of 2003 concerning

Manpower in Article 69, it is determined that the ages of 13-15 can work, with restrictions/conditions. Based on Article 1 number 26 of Law Number 13 of 2003 does not expressly say at what age maturity begins, including the ability to work. Then Law Number 1 of 1974 concerning Marriage in Article 7 paragraph (1) stipulates that women are 16 years old, men are 19 years old. This provision only states the minimum age for marriage, not maturity. Law Number 23 of 2002 concerning Child Protection in Article 1 paragraph (1) does not regulate 18 years. Article 1 number 5 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons, does not regulate the competence/authority to act. In Law Number 30 of 2004 concerning the Notary Position in Article 39 paragraph (1) it is determined that the age is 18 years old or married. This provision is imposed on the audience. In Article 39 paragraph (1) it is stated that the applicant must meet the following conditions: a at least 18 (eighteen) years old or married; capable of performing legal acts.

This raises questions about the meaning of *cakap* in letter b, considering that the meaning of *cakap* in the Civil Code includes age, which is 21 years old, while in the explanation of Law Number 30 of 2004 concerning the Notary Position it is only mentioned quite clearly. The authority to act (*recht bevoegdheid*) is related to certain legal acts based on the authority to act, while the ability (*handelings bekwaanheid*) means a person's ability to consider the consequences of the law of their actions. Although there are measures of each in assessing the authority to act and proficiency, at least there is a parameter equation, namely the age limit.

Even though they have the same size limit, namely age, the authority to act cannot be equated with proficiency. In some conditions, a person who has reached a certain age has the authority to act as well as have the ability. However, it cannot be interpreted that every person who has the authority to act is certain to be competent in the law, or that every person who is capable in the law must also have the authority to act.

In the perspective of laws and regulations, age determines the authority to act variously, not depending on a specific legal terminology. Age in determining proficiency in a broad sense is influenced by the terminology of "adult" (it can also be interpreted as not being "underage"). This can be found in the regulation of proficiency in Article 1330 of the Civil Code, which does not specify a specific age, but only refers to the terminology of "adult", in other arrangements such as Article 330 of the Civil Code, it is stipulated that an adult (in the sense of not being a minor) has reached a certain age (21 years). Therefore, the age limit of authority acts directly to a certain age, while the age limit determines the ability as referred to in Article 1330 of the Civil Code related to the age limit of adulthood. However, if guided by the provisions of Articles 47 and 50 of Law Number 1 of 1974 concerning Marriage, it can be found that the regulation of proficiency is no longer associated with the limit of "adult" or "not under the minor", but refers to a certain age limit.

Although the authority to act and the ability to act have their own place, in practice it is difficult to determine the boundary between the authority to act and the ability. In addition, Indonesian legal arrangements are spread across various regulations, making it more difficult to harmonize between a regulatory concept among other regulations. In practice, this can

certainly cause problems, if it is associated with the application of the law, especially through court decisions, considering that there is no systematization of court decisions in Indonesia.

A person's proficiency according to experts

Ter Haar in Djojodigoeno sees the prowess or *Volwassen* related to a condition of being married and living separately from his parents. The subject writes that the person who makes an agreement must be competent according to the law. In the essay, every person who is an adult or puberty and has a healthy mind is capable according to the law. Cakap, according to Subekti, is interpreted as understanding something that is done and being aware of the impact of his actions and being accountable for it (Utami & Raharjo, 2021). J. Satrio argue that the ability to carry out legal acts in civil law, it can be concluded that those who can legally carry out legal acts with perfect legal consequences are those who have grown up (Satrio, 1993).

According to R. Setiawan, a person is incapable if he is generally based on the provisions of the law and is not able to make agreements with perfect legal consequences. With the understanding of incompetence, it can be concluded that a person's ability to make an agreement can be interpreted as the person's ability to make and carry out an agreement on his own with all its legal consequences, with an age limit of more than 18 years is considered to have (Chandra, 2005).

Imam Soepomo considers a person to be an adult if he is able to work alone, which means that it is enough to carry out all associations in community life and take responsibility and take care of his property and other needs (Haq, 2020).

Based on the approach of court practice, the study of laws and regulations and the views of experts, the skills of people are very varied, so it is difficult to harmonize the skills of people related to establishing a company. Here the concept is only a choice, therefore the skill in establishing a company the writer chooses the ideal concept is only a choice.

Some countries use a 18-year-old age benchmark, such as the Netherlands (Article 233 of the Dutch Civil Code), United States. 2001). We ourselves use the 18-year-old in the Marriage Act, which is meant to apply nationally—as mentioned above—has given way to using the 18-year-old as a general standard of majority. Moreover, the Notary Position Law—which is relatively new—in Article 39 also stipulates that people who have reached the age of 18 can appear before a Notary for the preparation of an authentic deed. Some authors also approve of an adult size of 18 years. Purwoto Gandasubrata, even said "... The age limit of maturity is 21 years old can no longer be maintained (Rahman, 2019), thus the adult size of 18 years is an appropriate measure of the proficiency of the person involved in establishing the company.

CONCLUSSION

The age of proficiency in establishing a company after the enactment of the Job Creation Law can be done by Indonesian citizens who are 17 years old and legally competent. One of the standards that is often used to assess the limitation of proficiency, especially related to engagement, is as contained in Book III of the Civil Code Article 1330, which regulates people who are not capable of making agreements, namely people who are

immature (not yet 21 years old). Problems will occur if later the Individual Company is converted into a Limited Liability Company while the age of its founder has not reached 21 years old, while converting an Individual Company into a Limited Liability Company must be done through an agreement. The norm that regulates the establishment of a Limited Liability Company is carried out through an agreement, while the ability to enter into an agreement in the context of the Civil Code after the age of 21 years. Based on the approach of court practice, the study of laws and regulations and the views of experts, the skills of people are very varied, so it is difficult to harmonize the skills of people related to establishing a company. Here the concept is only a choice, therefore the skill in establishing a company the writer chooses the ideal concept is only a choice. Some countries use an adult age benchmark of 18 years, such as the Netherlands (Article 233 of the Dutch Civil Code), the United States. (2001). Some authors also agree that the adult size of 18 years old is an appropriate measure of the ability of the person related to establishing the company. Regarding the regulation of age proficiency in establishing a company after the enactment of the Job Creation Law, it can be done by Indonesian citizens who are 17 years old and legally competent, so in order not to cause inconsistency, the government should revise or change the regulation by choosing the most appropriate approach among the laws and regulations that currently vary in regulating the age of proficiency. To revise the age proficiency norm in establishing a company if it is based on a court practice approach, a study of laws and regulations and expert views, it is clear that people's skills are very varied, here the concept is only a choice, therefore the author agrees to use the size of 18 years as a general benchmark for the adult age of people related to establishing a company as well as recommending that the benchmark in the future be standardized in all Laws and Regulations.

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