

ABSTRACTION

Notary role today is very important in many fields, especially in the areas of business law, among others, in the form of buying and selling activity, employment contracts, the establishment of the company, lease, import, export and others. The task of a Notary is poured wishes of the parties into an authentic deed. In performing their duties and in accordance with his authority, a notary is also possible can make mistakes. As a result of these errors cause harm to the other party because the deed is experiencing degradation in the strength of the evidence into a deed under the hand or also become null and void. Therefore, the injured party demanding compensation to the Notary, the Notary if not pay the compensation based on Article 12 letter a UUN which states that Notaries may dishonorably discharged from office by the Minister on the proposal of MPP if declared bankrupt by a court ruling has obtained permanent legal force.

Imposition of Article 12 paragraph a of Law Number 30 Year 2004 concerning Notary is not appropriate because the notary is a position and not a businessman who runs a business by borrowing money for venture capital or private persons who borrowed money for his own personal interests. Bankruptcy only lead to the bankruptcy law for the sake of losing its right to act freely and take care of wealth alone, which covers all the wealth that existed at the time of declaration of bankruptcy pronounced or obtained during the bankruptcy, but not lose the right to legal action such as in family law, he remain competent according to the law, such as to file for divorce, including to keep working and carrying out his profession or position.

After the bankruptcy ends, the Notary may apply for the appointment of a notary in accordance with the Regulation of the Minister of Law and Human Rights No. 25 of 2014 About Conditions and Procedures for Appointment, Transfer, Termination, and Extension of Time Notary. Because there are no clear rules on the matter, the appointment of a Notary is considered new or started early again.

Keywords : Bankruptcy, Notary.