

## ABSTRAK

Pencabutan Undang-Undang No. 1 Tahun 1995 tentang Perseroan Terbatas dan peraturan pelaksanaan Undang-Undang tersebut dengan Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas, mengakibatkan perubahan pengaturan mengenai larangan permohonan nama PT yang identik dengan merek terkenal. Perubahan pengaturan yang dimaksud adalah semula dilarang pada Undang-Undang No. 1 Tahun 1995 tentang Perseroan Terbatas, namun Pada Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas secara eksplisit tidak dilarang. Perubahan pengaturan ini juga turut berdampak bagi Notaris, dimana notaris dapat berdasarkan kuasa dari pendiri PT dapat mengajukan permohonan nama PT. Namun dalam tataran praktik sering ditemukan pelaksanaan pemberian kuasa yang tidak sempurna, dimana pemberian kuasa ini dilakukan secara tertulis dalam akta pendirian PT terkait, padahal proses permohonan nama PT dilakukan terlebih dahulu daripada proses penandatanganan akta pendirian. Hal ini menyebabkan notaris bertindak diluar kewenangannya sehingga berdasar Pasal 1801 dan Pasal 1365 Kitab Undang-Undang Hukum Perdata, notaris memiliki resiko dituntut pertanggungjawaban untuk mengganti biaya, rugi dan bunga bila ada kerugian dari pihak ketiga. Berkaitan dengan hal itu, notaris sebagai pemberi jasa hukum, sejatinya akan tetap mendapatkan perlindungan hukum apabila menjalankan profesinya sesuai dengan kewenangan yang diberikan

**Kata Kunci: Perlindungan Hukum, Notaris, Nama Perseroan Terbatas, Merek Terkenal**

**ABSTRACT**

*The revocation of Law Number 1 of 1995 on Limited Companies and Its implementing regulation with Law Number 40 of 2007 on Limited Companies, has changed the regulation on the application of Limited Companies name that are identically to well-known brands. This change was referred to whether such application were prohibited or not, since it was prohibited on Law Number 1 of 1995, but not explicitly prohibited on Law Number 40 of 2007. This change also affect notary on whether they can or can't submit application for the Limited Companies name based on the authority given by the founder of the limited company. However in the current legal practice, imperfection are often found in the process of authorization, where the authority were given to the notary on the limited companies deed of establishment, while the limited companies name request must be done first prior to the signing of the limited companies deed of establishment. This cause notary to act beyond their scope of notary authority and therefore they can be held accountable for reimbursing cost, losses, and interest if a third party suffer any losses, according to Article 1801 jo. Article 1365 of Indonesian Civil Code. Because of that, notary as a provider of legal services must be protected by law while performing their profession according to the authority given to them.*

**Keywords: Law Protection, Notary, Company Name, Well-Know Brand.**