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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The Notary as Gatekeeper in Protecting Women and Children from Human Trafficking

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Abstract. *This study aims to analyse the preventive role of the Notary as a gatekeeper in combating human trafficking and in protecting women and children in Indonesia. Trafficking networks routinely abuse legal instruments—company deeds, placement agreements, and other authentic documents—to give a lawful appearance to exploitation, and the Notary, as the public official who authenticates such instruments and who is designated a reporting party under the anti-money-laundering regime, stands at a decisive preventive point. A normative juridical method was used, combining statutory and conceptual approaches based on primary legal materials and peer-reviewed journals. The findings show that the Notary holds two relevant duties: applying the principle of knowing the service user (customer due diligence) and reporting suspicious transactions, alongside the duty to preserve the integrity of authentic deeds. Yet a norm conflict between the Notary Law and the anti-money-laundering framework, together with the duty of confidentiality, weakens this preventive function. Grounded in the value of Pancasila justice, the study concludes that reformulating the Notary Law and strengthening due diligence would make the Notary a more effective guardian protecting women and children from trafficking.*

Keywords: *Customer; Diligence; Gatekeeper; Justice; Trafficking.*

1. Introduction

Human trafficking is an extraordinary crime whose principal victims are women and children, and combating it requires not only punishing offenders after the fact but also preventing the crime at the points where it is enabled. One under-examined point of prevention lies in the legal instruments that traffickers use to disguise exploitation as lawful activity.¹ Where prevention

¹ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, "Reformulasi Undang-Undang Jabatan Notaris dalam Memaksimalkan Peran Pencegahan Tindak Pidana Pencucian Uang," *Jurnal USM Law Review*, Vol. 8 No. 3 (2025), p. 1315, <https://doi.org/10.26623/julr.v8i3.12355>.

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can be built into the formation of those instruments, the law gains a powerful, early line of defence.

The Notary is the public official authorised to make authentic deeds and to perform the other duties assigned by law, a position that places the Notary at the formation of contracts, company deeds, and agreements that structure economic and social life.² Because trafficking networks frequently operate through ostensibly legitimate vehicles, the Notary's desk becomes a place where unlawful purposes may be detected before they are clothed in legal form.

This is especially visible in the trafficking of Indonesian migrant workers. Many victims are moved through non-procedural placement arranged by individuals or brokers, a process that renders them undocumented and acutely vulnerable to exploitation and trafficking, with women and children most exposed.³ The agreements, agency arrangements, and corporate structures behind such placement are exactly the kind of instruments that pass through, or could be checked by, legal professionals.

Indonesia criminalises trafficking through the Anti-Trafficking Law, which defines the offence and protects victims, while the broader effort to deny criminals the fruits of their crimes runs through the anti-money-laundering regime.⁴ Within that regime, the Notary is no longer merely a maker of deeds but also a frontline participant in prevention.

The Notary now carries two anti-money-laundering duties beyond making authentic deeds: applying the principle of knowing the service user—identifying and verifying clients—and reporting suspicious financial transactions to the financial intelligence unit.⁵ These obligations transform the Notary into a gatekeeper whose due diligence can interrupt the flow of illicit purpose into legal form.

The legal basis for this gatekeeper role lies in the designation of the Notary as a reporting party. The regulation on reporting parties expressly includes the Notary among those required to apply the principle of knowing the service user in the prevention and eradication of money

² Article 1 and Article 15 of Law Number 2 of 2014 on the Amendment to Law Number 30 of 2004 on the Office of Notary, State Gazette of the Republic of Indonesia of 2014 Number 3.

³ Moh. Romli and Devi Rahayu, "Perlindungan Bagi Pekerja Migran Indonesia Non-Prosedural Terhadap Tindakan Perdagangan Manusia," *Simbur Cahaya*, Vol. 31 No. 1 (2024), p. 175, <https://doi.org/10.28946/sc.v31i1.3494>.

⁴ Article 2 of Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, State Gazette of the Republic of Indonesia of 2007 Number 58.

⁵ Sukirno, "Analisis Yuridis terhadap Prinsip Mengenali Pengguna Jasa Notaris dalam Pencegahan Tindak Pidana Pencucian Uang," *Jurnal Ilmu Multidisiplin*, Vol. 4 No. 6 (2026), p. 4219, <https://doi.org/10.38035/jim.v4i6.1676>.

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laundering.⁶ The Notary's preventive position is therefore not a matter of professional courtesy but of legal duty.⁷

The originality of this study lies in shifting the focus from the criminal-justice response to trafficking toward its preventive, private-law dimension, and specifically toward the Notary as a gatekeeper. Most scholarship treats trafficking as a matter for police, prosecutors, and victim-protection agencies; far less attention is paid to the legal professional who authenticates the very instruments through which exploitation is laundered into legitimacy.⁸ This perspective connects the regulation of the notarial profession—the subject of the author's own field—to the protection of women and children.

It also matters because Indonesia's standing in international anti-trafficking and anti-money-laundering assessments depends in part on the performance of its designated reporting parties. A notarial profession that applies due diligence consistently strengthens the credibility of the national regime; one that does not leaves an exploitable gap at the threshold of legality.⁹

Based on the foregoing, this study aims to analyse the preventive, gatekeeper role of the Notary in protecting women and children from human trafficking—through customer due diligence, the integrity of authentic deeds, and the reform of the Notary Law—grounded in the value of Pancasila justice.

2. Research Methods

This study uses the normative juridical method, examining the legal norms, principles, and doctrines that govern the Notary's office and its intersection with the prevention of human trafficking and money laundering.¹⁰ It applies a statutory approach to the relevant laws and a conceptual approach to the notions of the gatekeeper, customer due diligence, and the integrity of authentic deeds.

Primary legal materials consist of the Constitution, the Notary Law, the anti-money-laundering law and its implementing regulation on reporting parties, the Anti-Trafficking Law, and the law

⁶ Article 3 of Government Regulation Number 43 of 2015 on Reporting Parties in the Prevention and Eradication of the Crime of Money Laundering, State Gazette of the Republic of Indonesia of 2015 Number 113.

⁷ Habib Adjie, 2014, *Hukum Notaris Indonesia: Tafsir Tematik terhadap Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*, Refika Aditama, Bandung, p. 9.

⁸ Sukirno, *Op.Cit.*, p. 4218.

⁹ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1316.

¹⁰ Peter Mahmud Marzuki, 2017, *Penelitian Hukum: Edisi Revisi*, Kencana, Jakarta, p. 133.

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on the protection of migrant workers; secondary materials consist of peer-reviewed journal articles and authoritative legal literature on the office of the Notary.¹¹

3. Results and Discussion

3.1. Human Trafficking, Legal Instruments, and the Vulnerability of Women and Children

The vulnerability of women and children to trafficking is structural. In the migrant-worker context, those who depart through non-procedural channels arranged by brokers lack official documents and protection, and are readily categorised as victims of trafficking even though the placement framework treats their irregular departure as a mere procedural violation.¹²

The same analysis stresses that the absence of documentation and the involvement of unofficial intermediaries are the decisive factors that turn migration into exploitation, leaving women especially exposed to coercion and abuse abroad.¹³ Behind these intermediaries frequently stand agreements and corporate vehicles that lend the arrangement a veneer of legality— instruments whose formation can be scrutinised.

The protective duty owed to these victims is heightened where children and women are concerned. The child-protection framework guarantees children special protection from exploitation and trafficking,¹⁴ and the law on sexual-violence offences reinforces the protection of women trafficked into sexual exploitation.¹⁵

If the legal instruments that disguise exploitation can be intercepted at the moment of their making, prevention moves upstream—from the rescue of victims abroad to the refusal of legitimacy at home. This is the space the Notary occupies.

The economics of trafficking reinforce this upstream logic. Because every network ultimately seeks profit, it must at some point convert illicit gain into apparently lawful holdings—company shares, property, contractual rights—and those conversions pass through instruments that a

¹¹ Habib Adjie, 2014, *Hukum Notaris Indonesia: Tafsir Tematik terhadap Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*, Refika Aditama, Bandung, p. 12.

¹² Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 180.

¹³ *Ibid.*, p. 183.

¹⁴ Article 59 and Article 66 of Law Number 35 of 2014 on the Amendment to Law Number 23 of 2002 on Child Protection, State Gazette of the Republic of Indonesia of 2014 Number 297.

¹⁵ Law Number 12 of 2022 on the Crime of Sexual Violence, State Gazette of the Republic of Indonesia of 2022 Number 120.

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public official authenticates. Intercepting the instrument is thus a way of intercepting the profit motive that drives the exploitation of women and children.¹⁶

This is why a purely repressive, after-the-fact response is incomplete. Rescuing a victim abroad addresses the symptom; refusing legitimacy to the deceptive placement agreement or the front company addresses a cause. A protective system for women and children should therefore mobilise not only police, prosecutors, and immigration officers but also the legal professionals who stand at the formation of binding instruments.¹⁷ The Notary, by virtue of office, is one such professional.

The conference theme situates this argument within a wider field. Among the recognised approaches to combating trafficking is the use of private law and preventive due diligence to reach exploitation that conventional criminal law struggles to prove. The Notary's gatekeeper function is a concrete instance of that approach, operating before harm crystallises rather than after it.¹⁸

It is also a response proportionate to the scale of the problem. Trafficking in women and children is sustained by networks that are adaptive and well-resourced; defeating them requires closing many doors at once, including the door of apparent legality that authentic instruments can provide. Every diligent refusal to authenticate a suspicious arrangement is one such door closed.¹⁹

3.2. The Notary as a Reporting Party and the Principle of Knowing the Service User

As a reporting party, the Notary must apply the principle of knowing the service user, which at minimum requires the identification and verification of clients and the monitoring of their transactions, implemented in practice through customer due diligence forms and, for higher-risk clients, enhanced due diligence.²⁰

This due-diligence duty is the operational heart of the gatekeeper function, for it obliges the Notary to look behind the requested deed to the identity, beneficial ownership, and purpose of the parties before authenticating the instrument.²¹ Where the parties or the purpose raise

¹⁶ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1318.

¹⁷ Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 176.

¹⁸ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1314.

¹⁹ Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 174.

²⁰ Sukirno, *Op.Cit.*, p. 4221.

²¹ *Loc.Cit.*

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suspicion, the Notary's second duty—to report suspicious transactions to the financial intelligence unit—is engaged.

The framework for this role is set by the regulation on reporting parties, which requires the Notary to apply the principle of knowing the service user, and by the anti-money-laundering law that underpins it.²² Trafficking proceeds are commonly laundered, so a Notary who detects suspicious arrangements contributes directly to disrupting the financial machinery of the crime.²³

Yet the design of these duties is not without tension. A conflict of norms between the Notary Law and the anti-money-laundering framework, particularly around the Notary's duty of confidentiality, creates uncertainty about how far the gatekeeper duty extends and how it is to be reconciled with the secrecy of the deed.²⁴

The principle of knowing the service user is risk-based. For ordinary transactions, basic identification and verification suffice; for clients or arrangements bearing higher-risk indicators—opaque ownership, mismatched purpose, unusual payment flows—the Notary must conduct enhanced due diligence before proceeding.²⁵ This graduated scrutiny lets the Notary concentrate vigilance where the danger of abuse, including trafficking-linked laundering, is greatest.

As a reporting party, the Notary also enjoys legal protection for fulfilling these duties. The protection extends both to the preventive application of due diligence and to the act of reporting suspicious transactions, shielding the good-faith Notary from liability for performing a public obligation.²⁶ Without such protection, the duty would collide with the Notary's fear of breaching confidentiality; with it, the gatekeeper can act.

The reporting mechanism connects the Notary to the national financial-intelligence architecture. A suspicious-transaction report transmitted to the financial intelligence unit can be analysed, linked to other reports, and forwarded to law enforcement, so that a single notary's

²² Article 2 of Government Regulation Number 43 of 2015 on Reporting Parties in the Prevention and Eradication of the Crime of Money Laundering, State Gazette of the Republic of Indonesia of 2015 Number 113.

²³ Article 2 paragraph (1) of Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering, State Gazette of the Republic of Indonesia of 2010 Number 122.

²⁴ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1320.

²⁵ Sukirno, *Op.Cit.*, p. 4220.

²⁶ Sukirno, *Op.Cit.*, p. 4223.

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vigilance feeds a larger investigative picture.²⁷ The Notary is thus a sensor at the edge of a system, not an isolated actor.

This systemic role explains why consistency matters so greatly. If due diligence is applied unevenly, networks simply migrate to the least vigilant practitioners; only a uniformly observed standard across the profession removes the weak point that traffickers seek. Uniformity, in turn, depends on clear rules and on protection for those who comply.²⁸

3.3. Preventing the Abuse of Authentic Deeds: Placement and Corporate Vehicles

The instruments most exposed to abuse in the trafficking context are those that organise the movement and employment of people. Non-procedural placement of migrant workers, arranged through brokers and unofficial agencies, is the channel through which many victims are exploited, and the agreements and agency structures behind it are precisely where due diligence can bite.²⁹

The law on the protection of migrant workers establishes the lawful framework for placement and the duties of placement entities, so that arrangements falling outside it—unlicensed agents, fictitious placement agreements—are red flags that a diligent Notary can recognise.³⁰ Corporate vehicles compound the risk, since shell or front companies can be incorporated to give trafficking operations a lawful face.

Company deeds are authenticated within the framework of the company law, which the Notary administers in establishing legal entities; a Notary alert to beneficial ownership and to the genuineness of a company's stated purpose can deny incorporation to vehicles intended for exploitation.³¹ In each case the integrity of the authentic deed is the safeguard, and that integrity depends on the Notary's diligence.³²

Beneficial ownership is the crux. Trafficking and laundering networks rely on layers of nominee ownership to obscure who truly controls a company or an arrangement; a Notary who insists on

²⁷ Article 23 and Article 25 of Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering, State Gazette of the Republic of Indonesia of 2010 Number 122.

²⁸ Sukirno, *Op.Cit.*, p. 4219.

²⁹ Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 178.

³⁰ Article 49 and Article 57 of Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers, State Gazette of the Republic of Indonesia of 2017 Number 242.

³¹ Article 7 and Article 8 of Law Number 40 of 2007 on Limited Liability Companies, State Gazette of the Republic of Indonesia of 2007 Number 106.

³² Habib Adjie, *Op.Cit.*, p. 45.

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identifying the beneficial owner, and who declines to authenticate where ownership cannot be honestly established, removes a key tool of concealment.³³ Due diligence on beneficial ownership is therefore not bureaucratic friction but a substantive safeguard.

The integrity of the authentic deed is the value being protected throughout. An authentic deed carries perfect evidentiary force precisely because it is presumed to reflect a true and lawful transaction; if that presumption can be purchased by traffickers, the institution of the authentic deed is itself corrupted.³⁴ Guarding the deed against abuse is thus simultaneously a service to the victims and a defence of the Notary's own institution.

The placement of migrant workers offers the clearest illustration of how authentic instruments may be misused. Where a placement company exists only on paper, or where an agreement is drafted to disguise an exploitative arrangement as lawful employment, the deed becomes a passport for trafficking; a Notary who verifies the licensing of the placement entity and the genuineness of the arrangement closes that passage.³⁵

The protective framework of the migrant-worker law supports this verification by setting out who may lawfully place workers and on what terms, so that departures from it are detectable. Read together with the company law, it equips the diligent Notary with the legal benchmarks against which suspicious arrangements stand out.³⁶ Prevention thus depends on the Notary reading the deed against the substantive law, not merely certifying its form.

A further category of vulnerable instruments concerns children directly. Arrangements presented as adoption, guardianship, or child-placement can be misused to move children into exploitation under a lawful guise, and notarial or related authentic instruments may be sought to lend them legitimacy. A Notary alert to the best-interests standard and to the statutory safeguards surrounding children is positioned to detect and refuse such abuse.³⁷

Here the gatekeeper duty acquires its most sensitive form, because the victim is a child and the instrument purports to act in the child's interest. Diligence in verifying the genuineness of consent, the identity and motive of the parties, and the lawfulness of the arrangement is, in this

³³ Sukirno, *Op.Cit.*, p. 4221.

³⁴ Habib Adjie, *Op.Cit.*, p. 52.

³⁵ Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 181.

³⁶ Article 49 of Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers, State Gazette of the Republic of Indonesia of 2017 Number 242.

³⁷ Article 59 of Law Number 35 of 2014 on the Amendment to Law Number 23 of 2002 on Child Protection, State Gazette of the Republic of Indonesia of 2014 Number 297.

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setting, a direct contribution to the protection of the most vulnerable.³⁸ The integrity of the authentic instrument becomes, quite literally, a safeguard of a child's freedom.

3.4. Professional Responsibility, Prudence, and the Integrity of the Notary

The authentic deed derives its evidentiary force from the Notary's adherence to the formal requirements of the office; where the Notary is negligent, that force is undermined and the Notary may bear administrative, civil, or criminal responsibility.³⁹

Prudence is therefore not an optional virtue but a professional obligation. The same authority underscores that the Notary must satisfy the formal conditions of the deed and act with care in ascertaining the identity and capacity of the parties, for it is through these formalities that the deed acquires its public trust.⁴⁰ Professionalism, in this sense, is the practical expression of the gatekeeper duty.

The code of ethics of the Notary profession reinforces these obligations, binding the Notary to honesty, independence, and the careful exercise of the office in the service of the public interest.⁴¹ Ethical prudence and statutory due diligence converge: both demand that the Notary know the party before the pen touches the deed.⁴²

Responsibility and protection must be balanced. A Notary who acts diligently and in good faith should not be punished if a determined fraudster nonetheless deceives the verification process; conversely, a Notary who closes their eyes to obvious red flags cannot hide behind formality. The line between the two is drawn by the standard of prudence the office demands.⁴³

Training and institutional support give this prudence practical content. Notaries need clear guidance, accessible risk typologies, and supervisory backing so that the duty of care does not dissolve into uncertainty at the desk; capacity-building is as important to prevention as the rule that commands it.⁴⁴ A well-supported Notary is a more effective gatekeeper than one left to navigate conflicting duties alone.

³⁸ Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 182.

³⁹ Habib Adjie, *Op.Cit.*, p. 58.

⁴⁰ *Ibid.*, p. 61.

⁴¹ Code of Ethics of the Indonesian Notary Association (Kode Etik Notaris Ikatan Notaris Indonesia).

⁴² Sukirno, *Op.Cit.*, p. 4222.

⁴³ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1322.

⁴⁴ Sukirno, *Op.Cit.*, p. 4224.

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The duty of confidentiality, often invoked as an obstacle, is in truth a bounded one. It protects the legitimate privacy of lawful transactions, not the concealment of crime; properly understood, it does not shield a client whose arrangement the Notary has reasonable grounds to suspect is connected to trafficking or laundering.⁴⁵ Reconciling confidentiality with the reporting duty is therefore a matter of drawing the boundary correctly, not of choosing one duty over the other.

Seen this way, the prudent Notary harmonises the two duties in daily practice: maintaining secrecy for the ordinary client while applying heightened scrutiny, and where necessary reporting, for the client whose arrangement bears the marks of abuse. This everyday balancing is the lived form of professional responsibility.⁴⁶

3.5. Reformulating the Notary Law to Strengthen the Preventive Role

The principal obstacle to a fully effective gatekeeper role is the unresolved conflict between the Notary Law and the anti-money-laundering framework. Harmonising these instruments—so that the duty to apply customer due diligence and to report suspicious transactions sits coherently alongside the duty of confidentiality—requires a structural reformulation of the Notary Law.⁴⁷

Such reformulation should proceed through vertical and horizontal harmonisation, integrating the Notary's obligations into the national anti-money-laundering and counter-terrorism-financing regime while preserving the legitimate confidentiality of the deed, so that the Notary is neither paralysed by conflicting commands nor exposed to liability for fulfilling a public duty.⁴⁸

Reform of this kind aligns with the broader purpose of the Notary's office as defined in the Notary Law: to guarantee legal certainty, order, and protection for society through authentic deeds.⁴⁹ A Notary law that clearly authorises and protects preventive due diligence turns that guarantee into an active shield against trafficking.

Concretely, reformulation might insert into the Notary Law an explicit recognition of the Notary's due-diligence and reporting duties, a corresponding carve-out from the confidentiality obligation for good-faith reporting, and a guarantee of legal protection for the reporting Notary.

⁴⁵ Habib Adjie, *Op.Cit.*, p. 64.

⁴⁶ Sukirno, *Op.Cit.*, p. 4220.

⁴⁷ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1325.

⁴⁸ *Ibid.*, p. 1330.

⁴⁹ Article 15 and Article 16 of Law Number 2 of 2014 on the Amendment to Law Number 30 of 2004 on the Office of Notary, State Gazette of the Republic of Indonesia of 2014 Number 3.

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These additions would dissolve the present conflict of norms rather than leaving it to be resolved case by case.⁵⁰

The aim of such reform is not to convert the Notary into an investigator but to clarify and protect a preventive role the Notary already bears. A coherent legal mandate, aligned with the anti-money-laundering regime and consistent with the dignity of the office, would let the Notary perform that role with confidence instead of hesitation.⁵¹ The result would be a profession that contributes to combating trafficking without sacrificing the trust on which the authentic deed depends.

Reform should be accompanied by institutional measures: continuing education on trafficking and laundering typologies, supervisory guidance from the notarial council, and secure channels for reporting that respect the dignity of the office. Law on paper achieves little without the facilities and culture that make compliance practicable in daily practice.⁵² A reformulated text and a supported profession together would convert the Notary's latent preventive capacity into a reliable safeguard.

3.6. Pancasila Justice and the Protection of Women and Children

The Notary's preventive duty finds its deepest foundation in Pancasila justice. The second principle, a just and civilised humanity, and the fifth principle, social justice for all, oblige every state institution and public official to defend human dignity against exploitation and to ensure that the law serves the weakest.⁵³ A Notary who refuses legitimacy to instruments of exploitation gives concrete effect to these constitutional values.

Read through this lens, the gatekeeper duty is more than regulatory compliance; it is an expression of the state's constitutional commitment to protect women and children, whose vulnerability the Pancasila order specially recognises. The professionalism that the Notary owes the public is thus inseparable from the justice that Pancasila commands.⁵⁴

This foundation also resonates with the objectives of Islamic law, which place the preservation of life (*hifz al-nafs*) among the highest aims and condemn the acquisition of benefit through forbidden and harmful means. The Notary who prevents the abuse of legal instruments to traffic

⁵⁰ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1327.

⁵¹ Sukirno, *Op.Cit.*, p. 4222.

⁵² *Ibid.*, p. 4223.

⁵³ The 1945 Constitution of the Republic of Indonesia and Pancasila, the second and fifth principles.

⁵⁴ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1333.

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human beings serves, in both the Pancasila and the Islamic frame, as a guardian of human dignity.

Taken together, the value of Pancasila justice, the constitutional duty of protection, and the Notary's professional obligations converge on a single conclusion: the Notary is not a passive scribe but a gatekeeper whose diligence can keep the instruments of law from becoming the instruments of exploitation.

Pancasila justice also supplies a standard for evaluating reform. A reformulated Notary Law that protects the good-faith reporting Notary, that clarifies due-diligence duties, and that keeps confidentiality within just limits would embody the balance between order and protection that the fifth principle envisions. Justice here is not abstract; it is the concrete assurance that the machinery of law cannot be turned against the vulnerable.⁵⁵

Finally, this foundation dignifies the profession itself. To see the Notary as a guardian of human dignity, rather than a mere certifier of signatures, elevates the office and aligns it with the constitutional and religious values on which Indonesian legal life rests. The professionalism that the author's own field seeks to strengthen finds, in the protection of women and children, one of its highest expressions.⁵⁶

The protection of women and children, finally, gives the principle of social justice its sharpest application. Those most often trafficked are those least able to protect themselves, and a legal order founded on social justice must direct its institutions toward their defence. The Notary, positioned at the formation of binding instruments, is one such institution, and the diligence demanded of the office is the form that solidarity takes in notarial practice.⁵⁷

In this sense the argument returns to the regulation of the notarial profession itself. A profession whose entry, training, and standards are designed to produce competence, integrity, and prudence is better able to discharge the gatekeeper duty; strengthening the regulation of the profession and strengthening its contribution to combating trafficking are, ultimately, the same project.⁵⁸

⁵⁵ Richard Al Khalik, Rosita Candrakirana, and Diana Lukitasari, *Op.Cit.*, p. 1335.

⁵⁶ Habib Adjie, *Op.Cit.*, p. 60.

⁵⁷ Moh. Romli and Devi Rahayu, *Op.Cit.*, p. 185.

⁵⁸ Habib Adjie, *Op.Cit.*, p. 70.

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4. Conclusion

Human trafficking exploits the appearance of legality, moving women and children through non-procedural placement and behind agreements and corporate vehicles that wear a lawful face. The Notary, as the public official who authenticates such instruments and as a designated reporting party under the anti-money-laundering regime, occupies a decisive preventive position: through the principle of knowing the service user, the reporting of suspicious transactions, and the integrity of the authentic deed, the Notary can deny legitimacy to the instruments of exploitation before they take effect. This gatekeeper role, however, is weakened by the conflict between the Notary Law and the anti-money-laundering framework and by the unresolved tension with the duty of confidentiality. Grounded in the value of Pancasila justice and the constitutional duty to protect the vulnerable, the reformulation of the Notary Law—harmonising due-diligence and reporting duties with the legitimate secrecy of the deed, and strengthening professional prudence—would make the Notary a more effective guardian protecting women and children from human trafficking.

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The 1945 Constitution of the Republic of Indonesia.

Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons.

Law Number 40 of 2007 on Limited Liability Companies.

Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering.

Law Number 2 of 2014 on the Amendment to Law Number 30 of 2004 on the Office of Notary.

Law Number 35 of 2014 on the Amendment to Law Number 23 of 2002 on Child Protection.

Government Regulation Number 43 of 2015 on Reporting Parties in the Prevention and Eradication of the Crime of Money Laundering.

Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers.

Law Number 12 of 2022 on the Crime of Sexual Violence.

Code of Ethics of the Indonesian Notary Association (*Kode Etik Notaris Ikatan Notaris Indonesia*).

The Notary as Gatekeeper in Protecting ...
(Ahmadiano Saputro)