

The Role of Notaries in Preventing Money Laundering Crimes Through the Obligation to Report Suspicious Financial Transactions

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Abstract. *Notaries hold a strategic position as public officials directly involved in the preparation of legal deeds of high economic value, thus potentially being misused as a means of money laundering. In line with the development of the Anti-Money Laundering and Prevention of Terrorism Financing (APU-PPT) regime, notaries are normatively designated as reporting parties based on Law Number 8 of 2010 concerning Money Laundering. However, in practice, the implementation of this reporting obligation still faces various normative, technical, and ethical challenges, particularly related to conflicts between the reporting obligation and the principle of confidentiality of notary positions as specified in the Notary Law. The purpose of this study is to analyze the basis and urgency of notary involvement in preventing money laundering, identify factors influencing the implementation of a notary's role as a reporting party, and formulate an ideal legal framework to ensure legal certainty for notaries. The research method used is normative legal research with a statutory and conceptual approach, through an analysis of relevant laws and regulations, legal doctrine, and scientific literature. The results indicate that notaries play a highly strategic role in preventing money laundering, acting as gatekeepers, ensuring that legal acts outlined in authentic deeds are truly based on legitimate, transparent, and legally accountable transactions.*

Keywords: *Crime; Laundering; Money; Notary; Suspicious.*

1. Introduction

The prevention and eradication of money laundering (TPPU) is a global issue that demands the involvement of various legal and financial professions. One such sector holds a strategic position, as notaries are frequently involved in drafting

deeds related to important legal acts, such as the establishment of business entities, the transfer of assets, and large-scale civil transactions.¹In this case, the Notary not only functions as a general official who makes deeds, but also plays a role as a guardian of national legal and financial integrity, especially when the transactions carried out have the potential to be used as a means of money laundering.

In Indonesia, the legal framework that forms the basis for controlling and taking action against the crime of money laundering has been specifically formulated in Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.²This law stipulates that certain parties are required to report any financial activity suspected of being irregular to the Financial Transaction Reports and Analysis Center. Furthermore, through Government Regulation Number 43 of 2015 concerning Reporting Parties in efforts to prevent and address money laundering, notaries are designated as reporting subjects. The regulations were subsequently updated through Government Regulation Number 61 of 2021 to accommodate developments in professional practices and the modern financial system. This affirmation demonstrates the state's recognition of the existence of vulnerable points for money laundering within the notary profession that must be legally protected.³

This reporting obligation was further emphasized through the issuance of Regulation of the Minister of Law and Human Rights Number 9 of 2017, which regulates the application of the principle of user identification in notarial practice. This regulation places notaries in a central position in identifying, verifying, and monitoring service users and beneficial owners of legal acts. With the PMPJ, notaries are required to be more proactive in understanding the profiles of their service users in order to be able to recognize unusual transaction patterns. This serves as the primary basis for notaries to determine whether a transaction falls into the category that must be reported to the Financial Transaction Reports and Analysis Center (PPATK) as a suspicious transaction.⁴

As it develops, the suspicious transaction reporting system in Indonesia now uses goAML, an electronic-based platform developed by the Financial Transaction

¹Siahaan, RDS, & Ilvira, ML (2023). Notary Accountability in Reporting Suspicious Financial Transactions Through the GoAML Application in an Effort to Prevent and Eradicate Money Laundering. *Jurnal Mimbar Ilmu Hukum (MIH)*, 1(1), 57-71.

²Al Qindy, FH, & Raodah, P. (2023). Notary Responsibilities in Preventing Money Laundering Crimes. *Notary Public Relations Journal*, 4(2).

³Siska, EAA (2022). The role of notaries in preventing money laundering crimes in the digital era through the Go Anti Money Laundering (goAML) application. *Jurnal Hukum to-ra: Law to Regulate and Protect Society*, 8(3), 275-292.

⁴Valiandra, RR, Fakhirah, EL, Mayana, RF, & Budhijanto, D. (2022). The Existence Of Notaries In Supporting Electronic Transaction Security Systems Related To Money Laundering And Terrorism Financing In Indonesia. *Journal of Positive School Psychology*, 6(9).

Reports and Analysis Center (PPATK) to simplify, standardize, and secure reporting by reporting parties, including notaries. Through PPATK Regulation Number 3 of 2021 concerning Procedures for Submitting Suspicious Financial Transaction Reports through the goAML Application for Professionals, every notary is required to register and submit reports digitally. This regulation revokes the previous regulation and emphasizes that reporting is no longer manual, but rather based on information technology that supports transparency and a clear audit trail.⁵

As public officials, notaries must ensure that their legal actions are not exploited to disguise or conceal the origins of criminal assets. Failure to comply with reporting obligations can potentially face serious consequences, including administrative sanctions and the risk of legal action. This emphasizes the importance of reporting through goAML as a tool for accountability and legal protection for notaries. With the active role of notaries, the potential for misuse of the legal and financial systems for illegal purposes can be reduced, while strengthening Indonesia's credibility in international cooperation against transnational financial crime.

The formulation of the research problem is the role, weaknesses, and solutions of the role of the deed-making official in efforts to suppress money laundering practices by carrying out the responsibility for reporting on financial activities that are indicated as abnormal.

2. Research Methods

This research adopts a normative-juridical strategy with a legislative approach combined with a conceptual approach. Data were obtained from legal documents, relevant regulations, academic literature, and law books. The data were analyzed using qualitative normative analysis to determine whether existing regulations are sufficiently effective in regulating the role of notaries as reporting parties or whether they still require improvement.

3. Results and Discussion

Notaries hold a strategic position in the Indonesian legal structure because they act as state officials with the official authority to document various legal actions, agreements between parties, and decisions that have legal consequences into valid deeds with full evidentiary force in accordance with the wishes of the parties. However, this authority has undergone dynamics since the enactment of Law Number 8 of 2010, the function of notaries has expanded from merely implementing civil law to becoming part of the state's financial monitoring and

⁵ Fitriyani, A., & Setiawan, IKO (2024). Legal Efforts to Overcome Notaries' Difficulties in Recognizing Suspicious Financial Transactions in Deed Preparation. *Sasana Law Journal*, 10(2), 76-92.

reporting system. Based on Article 3 letter b of Government Regulation Number 43 of 2015 in conjunction with Government Regulation Number 61 of 2021, notaries are explicitly categorized as "reporting parties," namely non-financial professionals burdened with the legal responsibility to submit reports on financial activities that are indicated as irregular to the authoritative institution authorized to collect and analyze financial transaction information, namely the Financial Transaction Reports and Analysis Center. This provision marks the transformation of the notary profession as part of the national regime that regulates preventive and countermeasures against the practice of obscuring the origins of illegal funds and efforts to finance terrorist activities in the territory of the Unitary State of the Republic of Indonesia, which functions to close legal loopholes in the misuse of professional services by perpetrators of economic crimes.

Notaries hold a strategic position in the money laundering prevention system because they act as public officials and are the first party in formal legal and economic transactions, including business establishment deeds, property sales and purchase deeds, power of attorney, and other transactions that could potentially be used for money laundering. In this regard, the obligation to report suspicious financial transactions (TTM) is a key instrument for preventing the flow of funds originating from criminal activity into the official legal and economic systems.⁶The role of a notary is not only administrative, but also has a preventive and strategic oversight dimension, because each deed they make can reveal the ownership structure of beneficial owners, sources of funds, and indications of unusual or suspicious transactions, thus providing an opportunity to detect money laundering practices early. The reporting obligation carried by notaries stems from their status as one of the designated non-financial businesses and professions (DNFBP) according to Law No. 8 of 2010 concerning Money Laundering Crimes and PPATK regulations.⁷This obligation requires notaries to conduct customer due diligence (CDD) on clients, assess their risk profiles, and report suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK). However, this reporting obligation must be carried out carefully to avoid violating the principle of professional confidentiality stipulated in the Notary Law. Therefore, reporting suspicious financial transactions requires a balance between legal compliance with AML-CFT regulations and the protection of professional confidentiality, so that notaries can continue to perform their functions as public officials without incurring personal legal risks.

⁶Kismawardani, K., & Cahyarini, LL (2023). The Relevance of Notaries as Reporting Parties in Efforts to Prevent Money Laundering Crimes. *Notarius*, 16(3), 1321-1332.

⁷Ansori, GS (2022). The Role of PPATK in Preventing and Eradicating Money Laundering Crimes. *Unira Law Journal*, 1(1), 37.

In practice, the role and responsibilities of notaries as reporting parties require a balance between public legal interests and client interests. Based on research by Shania Khesly (2025), notaries still face significant challenges, such as a lack of training on the GOAML electronic reporting system used by the Financial Transaction Reports and Analysis Center (PPATK), as well as minimal legal protection for notaries who report in good faith. Furthermore, most notaries still consider TKM reporting an additional burden because it has not been fully integrated into the structure of the Notary Law (UUJN). Therefore, the role and responsibilities of notaries as reporting parties require systemic support in the form of regulatory harmonization and increased professional capacity to optimally carry out preventive and detective functions in preventing money laundering crimes.

According to the legal system view formulated by Lawrence M. Friedman, the success or failure of the law enforcement process is determined by the functioning of a system that is composed of three main elements, namely the legal enforcement institutional apparatus as a structure, norms and regulations that regulate as substance, and patterns of attitudes, values and public awareness as legal culture.⁸ Likewise in exploring the weaknesses in the regulation of the obligation to report suspicious financial transactions by notaries. First, weaknesses based on legal substance, namely normative weaknesses in the regulation of the obligation to report suspicious financial transactions by notaries are rooted in the lack of synchronization between the notary legal regime and the legal regime for preventing money laundering. The provisions in Law Number 2 of 2014 which revised Law Number 30 of 2004 concerning the Position of Notaries emphasize the existence of a professional obligation for notaries to maintain the confidentiality of all information obtained during the exercise of their authority, as explicitly stated in Article 16 paragraph (1) letter f. This provision reflects the principle of confidentiality as the main foundation of the notary profession. However, in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, notaries are designated as one of the reporting parties who have the obligation to submit reports of suspicious financial transactions to the Financial Transaction Reports and Analysis Center (PPATK). This dualism of regulations creates a conflict of norms that has not been resolved firmly in normative terms, thus giving rise to legal uncertainty for notaries in carrying out their reporting obligations.

Second, weaknesses based on legal substance, namely in the implementation of the obligation to report suspicious financial transactions by notaries of various institutions, the Financial Services Authority (OJK), other financial institutions, the Ministry of Law and Human Rights, and the Notary Council, the Corruption Eradication Commission (KPK), the Police, and the Financial Transaction Reports

⁸Muhib, Nidzom & Gultom, Elfrida Ratnawati. (2023). Solving the Problem of Reputation Piggybacking on Famous Brands According to Friedman's Theory. *Jurnal Enskolopedia*, 5(4), 554.

and Analysis Center (PPATK) are expected to increase the effectiveness of supervision and detection of suspicious transactions. However, coordination between these institutions has not been running effectively, resulting in overlapping authority and confusion in the mechanisms of supervision and action. Integrated work between institutions in responding to money laundering crimes has not been solidly formed. Although notaries are in contact with various state institutions, ranging from the Financial Services Authority, financial entities, the Ministry of Law and Human Rights, the Notary Council, the Corruption Eradication Commission, the Police, to the Financial Transaction Reports and Analysis Center, the practice of handling them is still colored by differences in perspectives and mechanisms for resolving cases.⁹

Third, weaknesses based on legal culture.¹⁰In this regard, the legal provisions governing prevention mechanisms and reporting obligations for illegal money laundering practices are dynamic and frequently adjusted in line with the increasingly varied patterns and strategies used by perpetrators of financial crimes. This situation requires notaries to continually update their knowledge of applicable regulations to ensure they remain current. On the other hand, differences in interpretation and unclear normative meaning within certain regulations have the potential to raise professional doubts when notaries must determine their stance on suspicious transactions. The situation becomes even more complex when notaries are faced with intervention from external parties, particularly clients with dominant positions, economic power, or social influence. This intervention often manifests itself in the form of pressure to not report a transaction, which can ultimately erode the notary's independence and objectivity in carrying out their authority and responsibilities.

Notaries are not only positioned as public officials who make authentic deeds, but also as gatekeepers who play a strategic role in filtering and detecting transactions that have the potential to be used as a means of money laundering. Therefore, the solutions offered cannot be partial, but must include regulatory updates, strengthening professional capacity, improving reporting systems, and providing adequate legal protection for notaries as reporting parties. The most fundamental normative solution is the harmonization of laws and regulations between the Notary Public Law and Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. There needs to be an explicit affirmation that the obligation to report suspicious financial transactions is a legitimate exception to the obligation to maintain the confidentiality of the notary's position as regulated in Article 16 paragraph (1) letter f of the Notary

⁹Willyams, Flugencius Janssen & Yusuf, Hudi. (2024). The Role of the Financial Services Authority in Preventing Banking Crimes and Money Laundering in Indonesia. *JLIC: Jurnal Intelek Insan Cendikia*, 1(9), 5300.

¹⁰DM, Moh Yusuf et al. (2022). The Role of Culture and Culture in Indonesia from a Sociological Legal Aspect. *Journal of Legal Studies "The Juris"*, VI(1), 276.

Public Law. This affirmation is important to eliminate normative conflicts and provide legal certainty for notaries so that they are no longer in a dilemma between compliance with public law and professional ethical obligations.

4. Conclusion

Referring to the description and analysis presented in the previous section, it can be concluded that notaries occupy a crucial position in efforts to suppress the practice of money laundering, particularly through the implementation of the obligation to submit reports on financial activities indicated as suspicious. The position of notaries as public officials with special authority to create authentic deeds places them in a position vulnerable to misuse as a means of legalizing the proceeds of crime. Therefore, the involvement of notaries in the money laundering prevention regime is not only administrative, but also substantive, namely as gatekeepers who function to ensure that legal actions outlined in authentic deeds are truly based on legitimate, transparent, and legally accountable transactions. This study shows that although the obligation to report Suspicious Financial Transactions has been regulated normatively, its implementation still faces various obstacles, including normative, technical, administrative, and ethical. The conflict between the reporting obligation and the principle of confidentiality of the notary's position, limited understanding of the anti-money laundering regime, and technical obstacles in the reporting mechanism are factors that influence the effectiveness of the notary's role in preventing money laundering.

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