

Legal Analysis of Notary's Obligations in Reporting Suspicious Financial Transactions Based on the Principle of Recognizing Service Users in the Establishment of a Limited Liability Company

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Abstract. *Notaries in their profession have obligations that must be obeyed. These notary obligations are stated in Article 16 of the UUJN. One of the notary's obligations is to keep confidential everything regarding the Deed they have made and all information obtained for the purpose of making the Deed. Based on PP No. 43 of 2015 concerning the Reporting Party in the Prevention and Eradication of Money Laundering Crimes, it adds to the obligations of Notaries as reporting parties. This Government Regulation requires notaries to report to the PPATK (Financial Transaction Reports and Analysis Center), regarding suspected money laundering crimes on deeds made by or before a notary as a public official. Notaries as reporting parties are required to implement the Principle of Recognizing Service Users (PMPJ). The method used by the researcher is normative juridical with a statutory approach. The specifications of this study are prescriptive. The type of data used is secondary data sourced from materials obtained from literature studies. Based on the results of the study that 1) Legal implications for the Obligations of notaries as reporting parties who report suspicious financial transactions are regulated in PP Number 43 of 2015, which is a derivative regulation of Law Number 8 of 2010 concerning the Eradication and Prevention of Money Laundering Crimes, adding notary obligations outside the obligations that have been regulated in the Notary Law. This is contrary to the law and triggers a dilemma in terms of its implementation and does not provide legal certainty. 2) Legal protection for notaries as reporting parties who report suspicious financial transactions based on the principle of recognizing service users for the establishment of a limited liability company aims to protect notaries as well as prevent the problem of money laundering crimes, especially those related to the preparation of the deed of establishment of a Limited Liability Company. Violation of these obligations can result in administrative sanctions based on the provisions of the Notary Law and the Eradication and Prevention of Money Laundering Law and its derivative regulations.*

Keywords: *Financial; Notary; Obligations; Reporting; Transaction.*

1. Introduction

The Republic of Indonesia as a state of law based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) guarantees certainty, order, and legal protection for every citizen. To guarantee certainty, order, and legal protection, authentic written evidence is needed regarding acts, agreements, determinations, and legal events made before or by a notary.¹

Notaries as public officials who carry out their profession in providing legal services to the community, need to receive protection and guarantees in order to achieve legal certainty. Guarantees of protection and guarantees of achieving legal certainty for the implementation of notary duties have been regulated in Law Number 30 of 2004 concerning the Position of Notary as amended by the enactment of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (hereinafter abbreviated as UUJN).

Notaries in carrying out their profession have the authority granted by law, the main authority of which is to make authentic deeds. According to article 1868 of the Civil Code, an Authentic Deed is a deed made in a form determined by law or made before an authorized public official at the place where the deed was made. The process of making and signing an authentic deed is carried out before a notary. This authentic deed can help the holder or owner if they are involved in a legal case.

The Civil Procedure Law recognizes several pieces of evidence, as specified in Article 1866 of the Civil Code (KUHPerdara) which include: written evidence; evidence with witnesses; estimates; confession; and swear. A letter is written evidence containing writing in a statement of someone's thinking power which will be used as evidence. A deed is written evidence that is signed and contains events that form the basis of an agreement, or is the basis for rights with provisions from the beginning when this deed was deliberately issued to serve as proof.² A deed as written evidence in certain cases can be used as strong evidence for the parties bound by it. One of the deeds made as valid evidence is an Authentic Deed.

Notaries in their profession also have obligations that must be obeyed. These notary obligations are stated in Article 16 of the UUJN, which obligations include that notaries are required to: act in a trustworthy, honest, fair, independent, impartial manner, and protect the interests of the parties involved in legal acts; make a Deed in the form of a Deed Minute and store it as part of the Notary Protocol; provide services in accordance with the provisions of this Law (UUJN), unless there is a reason to refuse it, and; keep confidential everything regarding the Deed he/she makes and all information obtained for the purpose of making the Deed in accordance with the oath/promise of office, unless the law determines

¹General Explanation of Law No. 2 of 2014

²Komang Ayuk Septianingsih, et al. (2020). Kekuatan Alat Bukti Akta Otentik Dalam Pembuktian Perkara Perdata, *Jurnal Analogi Hukum* Volume 2 No 3 2020. p. 336-337.

otherwise.

One of the obligations of a notary is to keep confidential everything regarding the Deed he/she makes and all information obtained for the purpose of making the Deed. The position of notary is a position of trust, so that those who carry out the duties of the notary's position are people who can be trusted. In accordance with the oath of office and can keep secrets. This confidentiality is important in making a deed, because the manifestation of the deed itself is the will of the parties. It can be said that a notary is a person who is given trust by the parties who will make the deed, so that everything related to interests, will, identity, and other requirements must be kept confidential by the notary.

Notaries who violate the obligation to maintain confidentiality, based on the provisions of Article 16 paragraph 11 of the UUJN, state that notaries who violate these provisions are threatened with sanctions in the form of a. written warning; b. temporary dismissal; c. honorable dismissal; or d. dishonorable dismissal.

Based on Government Regulation of the Republic of Indonesia Number 43 of 2015 concerning the Reporting Party in the Prevention and Eradication of Money Laundering Crimes as amended by Government Regulation of the Republic of Indonesia Number 61 of 2021 concerning Amendments to Government Regulation Number 43 of 2015 concerning the Reporting Party in the Prevention and Eradication of Money Laundering Crimes (hereinafter abbreviated as PP Prevention of PTPU), the obligation of Notaries as reporting parties is added to the provisions of Article 3 of the PP Prevention of PTPU. Furthermore, in Article 4, Notaries as Reporting Parties are charged with the obligation to implement the Principle of Recognizing Service Users (PMPJ).

The Principle of Recognizing Service Users (PMPJ) is regulated as one of the principles to prevent money laundering according to Article 18 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (UU TPPU). The core of the Principle of Recognizing Service Users in the TPPU Law is implemented covering three activities, namely (a) Identification of Service Users, (b) Verification of Service Users, and (c) Monitoring of Service User Transactions.³

Money Laundering (TPPU) is a crime committed by the perpetrator by trying to cover up or keep secret the source of wealth that is the result of a crime with various tricks so that the wealth from the crime is difficult to trace by law enforcement officers. TPPU, in addition to threatening the consistency and credibility of financial forms and economic forms, can also endanger the joints of national and state life.⁴

³ Go Lisanawati, (2019). *Memahami Prinsip Mengenali Pengguna Jasa dalam Hukum Anti Pencucian Uang dan Kewajiban Pelaporan, dalam Perspektif Hukum Bisnis di Indonesia Kumpulan Catatan Kritis*, Yogyakarta: Genta Publishing. p. 23-38.

⁴General Explanation of PP Number 43 of 2015

The provisions of Article 1 number 8 of the PP on Prevention of PTPU state that the following are categorized as Suspicious Financial Transactions:

- 1) Financial Transactions that deviate from the profile, characteristics or transaction pattern habits of the Service User concerned;
- 2) Financial Transactions by Service Users which are reasonably suspected of being carried out with the aim of avoiding reporting of the relevant Transactions which must be carried out by the Reporting Party in accordance with the provisions of laws and regulations governing the prevention and eradication of money laundering crimes;
- 3) Financial transactions carried out or cancelled using assets suspected of originating from criminal acts; or
- 4) Financial transactions requested by the PPATK to be reported by the Reporting Party because they involve Assets suspected of originating from criminal acts.

Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes Article 8 Paragraph (1) confirms that: Reporting Parties as referred to in Article 3 are required to submit reports of Suspicious Financial Transactions to the PPATK for the benefit of or for and on behalf of Service Users, regarding the purchase and sale of property, management of money, securities, and/or other financial service products, management of checking accounts, savings accounts, deposit accounts, and/or securities accounts, operation and management of companies; and/or establishment, purchase, and sale of legal entities.

This Government Regulation requires notaries to report to the PPATK (Financial Transaction Reports and Analysis Center), regarding suspected money laundering crimes on deeds made by or before a notary as a public official. If this reporting obligation is not carried out by the notary, and the deed he made is related to money laundering crimes, according to Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, will be subject to criminal sanctions and fines.⁵

The position of notary is normatively present with the enactment of Law Number 30 of 2004 concerning the Position of Notary. This law has regulated the obligations of notaries, one of which is the obligation to keep confidential everything related to the making of deeds in accordance with the oath or promise of his position.

According to Habib Adjie, a notary as a public official in carrying out his duties, should be independent or autonomous and not bound by anyone and by any agency. Independent is related to the freedom of a public official or public official

⁵Article 5 of Law No. 8 of 2010

from intervention or influence of other parties or receiving tasks from other institutions.⁶

Article 41 paragraph (1) letter a of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering states that in carrying out the prevention and eradication of the crime of money laundering as referred to in Article 40 letter a, the PPATK has the authority to request and obtain data and information from government agencies and/or private institutions that have the authority from government agencies and/or private institutions that receive reports from certain professions.

The norms of Article 40 letter a, and Article 41 paragraph (1) of the TPPU Law are understood to mean that the PPATK has the authority to intervene with notaries in carrying out their obligations as public officials in accordance with the UUJN. In this case, the PPATK has the authority to request data and information related to service users who are suspected of having suspicious transactions.

3. Research Methods

The term Method according to the Great Dictionary of the Indonesian Language is interpreted as a regular way used to carry out a job so that it is achieved according to what is desired; a systematic way of working to facilitate the implementation of an activity in order to achieve the specified goals. In practice, the attitude of a group of scholars towards language or linguistics, for example, prescriptive and comparative methods.⁷

The term research or research in English is called research, is an activity of "re-searching" for the truth. The search for truth in question is a human effort to understand the world with all the secrets contained in it to find solutions or a way out of every problem faced.⁸

The word research is also traced to come from Latin, namely "Reserare" which means to reveal. Thus, literally, research or research or research can be interpreted as a search again. Research or research means finding answers to a problem. Therefore, what is called a research method is in principle a method (or way, steps, and/or procedures) that must be taken, in order to find an answer that is considered correct (in the sense of true, not or not always in the sense of right or just) to provide an answer to a particular problem.⁹Through research, people search for new findings, in the form of true knowledge, which can be used to

⁶Teuku Ulya Murtadha. (2019). Kewajiban Notaris Melaporkan Transaksi Mencurigakan Dalam Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang, *Syiah Kuala Law Journal* Vol 3(3) December ISSN: 2580-9059 (online). P. 365.

⁷Big Indonesian Dictionary Online VI <https://kbbi.kemdikbud.go.id/entri/metode> Accessed on 02 December 2024 at 13.35 WITA

⁸Muhaimin. (2020). *Metode Penelitian Hukum*, Mataram: Mataram University Press, p. 17.

⁹Soetandyo Wigjosoebroto, (2002). *Hukum: Paradigma, Metode, dan Dinamika Masalahnya*, Jakarta: Elsam & Huma. p. 123

answer a question or solve a problem.

According to Irwansyah, a research method is a guideline or standard procedure that contains a series of stages, processes, or systematic ways used to achieve certain goals precisely, in accordance with principles, and efficiently, and based on a sequence of regular and systematic steps. The method literally describes a way or procedure, or a certain path that is chosen and followed to achieve a goal. Approaching a field methodically means understanding or fulfilling it according to plan, arranging various pieces or stages logically and producing as many relationships as possible.

3. Results and Discussion

3.1. Legal Implications of Notary's Obligation to Report Suspicious Financial Transactions Against Notary's Obligation to Keep Confidential the Contents of Deeds

1) Notary's Obligations to Report Suspicious Financial Transactions According to Statutory Regulations

Legal Implication refers to a legal consequence or effect that arises from an act, action, event, or decision that has legal relevance. Legal implications can be positive or negative impacts on legal subjects, and can cover various aspects, such as rights and obligations, sanctions, or changes in legal status.

Indonesia is a country of law, namely as a country where the actions of the government and its people are based on law to prevent arbitrary actions from the government and actions of the people carried out according to their own will. As a country of law as mandated by the constitution, every aspect of social, national, and state life in Indonesia is organized based on law. In terms of the formation of laws and regulations, legal products in the form of laws and regulations are legal guidelines that serve as instruments for implementing Indonesia as a country of law.

A notary is a state official who acts as a representative of the government for the interests of the state. The position of a notary is very important and necessary in social life to help and serve the community who need legal and authentic written documents as evidence. In carrying out their duties and responsibilities, notaries are guided by the Notary Law (UUJN), the Notary Code of Ethics, and the Oath of Office they take.

Notaries have an obligation to maintain the confidentiality of deeds and information received during the making of Notarial deeds. However, this obligation is exempted if there are provisions in the law that require Notaries to disclose and provide relevant information in connection with the making of the deed. The only applicable limitation is the provision in the law that requires Notaries to disclose the confidentiality of deeds and related information that they

know.

According to Article 1 number 10 of the Notary Code of Ethics, obligations refer to attitudes, actions, or activities that must be carried out by individuals or members of a group who hold the position of notary so that the integrity of the Notary Institution can be maintained and preserved and the noble values contained therein can continue to be preserved. If we look at the provisions of the PP TPPU which require suspicious financial transaction reports to be submitted by the profession, especially Notaries, to the PPATK, this has actually never been regulated in the Notary Law (UUJN). Except for the contents of the deed which are required to be kept confidential by Notaries as stipulated in Article 4 concerning the Notary Oath/Promise of Office and Article 16 paragraph (1) letter f UUJN.

The formulation of the Notary's Oath/Promise of Office as stated in the provisions of Article 4 paragraph 2 of the UUJN reads:

"I swear/promise:

that I will obey and be loyal to the Republic of Indonesia, Pancasila and the 1945 Constitution of the Republic of Indonesia, the Law on Notary Public and other laws and regulations. that I will carry out my office with integrity, honesty, thoroughness, independence and impartiality.

that I will maintain my attitude, behavior, and will carry out my obligations in accordance with the code of professional ethics, honor, dignity, and my responsibilities as a Notary. that I will keep the contents of the deeds and information obtained in the implementation of my position confidential.

"That in order to be appointed to this position, either directly or indirectly, under any name or pretext, I have never and will not give or promise anything to anyone."

The provisions of Article 9 paragraph (1) letter d of the UUJN, a Notary can be temporarily dismissed if he/she violates the obligations and prohibitions of the position and the Notary's code of ethics.

Including the obligation as a reporting party in reporting suspicious financial transactions as one of the obligations of a notary outside of those listed in the UUJN, based on the provisions above, should have serious consequences for the notary's position, because it is not explicitly stated in the articles of the UUJN. The dilemma that arises for a notary is when the notary firmly upholds the confidentiality of the deed from the client/user, but on the other hand violates the obligation to report suspicious financial transactions to other parties, in this case the PPATK.

When it is felt by the Notary that Government Regulation Number 43 of 2015 (PP TPPU) is contrary to the principle of maintaining client confidentiality in UUJN. Therefore, the legal principles in legislation must be considered first. In the

author's opinion, in relation to the hierarchy of legal norms, Hans Kelsen put forward a theory regarding the level of legal norms called *Stufenbau theorie*.

Kelsen argues that legal norms are tiered and layered in a hierarchical structure, where a lower norm applies, originates from, and is based on a higher norm, and so on until a norm that cannot be traced further and is hypothetical and fictitious, namely the basic norm (*Grundnorm*). The basic norm which is the highest norm in the norm system, is no longer formed by a higher norm but the norm is first determined by society as a basic norm which is a hanger for the norms below it, so that a basic norm is said to be presupposed.¹⁰

The order of legislation that has been set out in Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation in Indonesia, places the position of Government Regulations (PP) below the Law. Government Regulation Number 43 of 2015 can be considered to be in conflict with UUJN, because UUJN is a law that has a higher position, so that the principle of *lex superior derogate lex inferior* applies. In UUJN it is explained that there are exceptions to the secrecy of the Notary's position as long as it is determined in other laws and regulations, so that *lex superior derogate lex inferior* applies.

Professions (including notaries) are not listed as reporters in the TPPU Law, so in this case, based on the theory of the hierarchy of laws and regulations, the TPPU Law cannot be said to be *Lex specialis* which overrides the obligation of official confidentiality regulated in the UUJN, and based on the theory of the hierarchy of laws and regulations, Government Regulation Number 43 of 2015 also cannot override the UUJN as a higher law and regulation.

Based on this, according to the author, the notary's obligation as a reporting party is not regulated in the law and is only regulated in government regulations, where the government regulations are hierarchically below the law (the Notary Position Law and the TPPU Law), which is contrary to the law and triggers a dilemma in terms of its implementation, namely whether to carry out the obligation to keep the deed confidential or act proactively as a reporting party in reporting suspicious financial transactions.

3.2. Dilemma of Implementing Notary Obligations as a Party Reporting Suspicious Financial Transactions with Notary Obligations to Keep Deeds Confidential

Often the authority of a notary in making authentic deeds is misused by unscrupulous service users. Notary deeds are used by unscrupulous service users who have committed a crime to validate transactions obtained from an unlawful act. Notary deeds are used as a tool by unscrupulous perpetrators of money laundering to disguise profits from criminal acts, so that they appear to be

¹⁰Maria Farida Indrati(2007). *Ilmu Perundang-undangan 1*, Yogyakarta: Kanisius.p. 41.

legitimate and lawful transactions so that they can avoid the clutches of the law.

This mandatory confidentiality can be misused so that the identity and transactions of perpetrators of money laundering are hidden. Parties involved in money laundering are given legal protection through confidentiality clauses that cover their identities and transactions, in accordance with applicable laws and codes of ethics. Notaries tend to be used as gatekeepers by perpetrators of criminal acts in order to achieve their goals with Notary Services being used as a new strategy that is very efficient in hiding illegal activities. Their identities can be protected behind confidentiality provisions that cover the data of the parties in the notarial practice.¹¹

Money laundering methods involving the services of a Notary, one of which is by purchasing ownership rights to a house (real estate). In this situation, the perpetrator uses the identity of another person or his relatives to hide and disguise the ownership of his assets. The perpetrator's daily money is invested in the form of a business field to avoid detection by the PPATK, such as controlling shares in a business entity or business entity, either by investing in an existing limited liability company or through share participation in the capital market. Notary services are needed in making a deed for money laundering with the mode of purchasing shares.

The money laundering mode involving notaries occurs because notaries are not included in the category of parties required to report as regulated in Article 17 Paragraph (1) of the Law on the Prevention and Eradication of Money Laundering. The reporting obligation is stated in Article 3 letter B of Government Regulation Number 43 of 2015. "Reporting Party", which includes Notaries, is required to report suspicious financial transactions related to suspected TPPU to PPATK. Article 4 of Government Regulation Number 43 of 2015 states that as a reporting party, the principle of recognizing service users must be applied by notaries to avoid the involvement of notaries as suspects or as parties playing a role in money laundering crimes. The principle of recognizing notary service users has so far only been limited to the authority and obligations of notaries as regulated in the UUJN, where the notary's responsibility is limited to tracing formal aspects.

There is a clash between the role of a notary as an informant when committing a money laundering crime and the confidentiality of the position that must be adhered to by a notary. The notary's obligation to keep the secret of his position is often used inappropriately by money launderers to cover up the origin of the

¹¹Eliya Al-Afrida Siska. (2022). Peran Notaris Dalam Pencegahan Tindak Pidana Pencucian Uang di Era Digital Melalui Aplikasi Go Anti Money Laundering (Goaml), *Jurnal Hukum to-ra: Hukum Untuk Mengatur dan Melindungi Masyarakat* 8(3): 275–92. doi:10.55809/tora.v8i3.148.

wealth derived from the crime.¹²

The obligation to report in efforts to prevent and take action against the crime of money laundering as regulated in Government Regulation Number 43 of 2015 is considered as one type of responsibility that must be complied with by citizens in order to support the Government's efforts in preventing and eradicating the crime of money laundering. This obligation, if associated with the special obligations of notaries as a position of trust, can indicate a conflict, because in Article 4 and Article 16 paragraph (1) letter F of the UUJN, everything related to deeds made or before a notary, as well as related to the implementation of the duties of the notary's office, must be kept confidential by the notary.

Notary as a position of trust, then confidentiality must be maintained by the notary, who is obliged to uphold this trust and keep confidential everything that is told to him in this position. The scope of the notary's official secret must be determined as far as the notary's obligation not to discuss the contents of the deed, both those stated in the deed and those notified to him because of his position, even though it is not stated in the deed, except in the case of a higher interest or matters regulated by applicable laws, which can release the notary from the oath of office which is confidential. Based on the description above, it can be concluded that the concept of the notary's official secret adheres to the theory of relative or relative secrecy, which means that the secret can be released if there is a higher interest, namely for the public or state interest, as long as the exception to revealing the secret of the position is expressly regulated in the law, as mandated in Article 16 paragraph (1) letter f UUJN.¹³

Notaries as reporting parties are not included in the provisions of the articles in the Law on the Prevention and Eradication of Money Laundering Crimes (UU TPPU), especially in Article 17 paragraph (1). Notaries as reporting parties were only included when Government Regulation Number 43 of 2015 concerning Reporters in the Framework of the Prevention and Eradication of Money Laundering Crimes (PP TPPU) was enacted.

The consequence of including notaries as reporting parties in the PP TPPU is to increase the obligations of notaries themselves in addition to the obligations already stipulated in the Notary Law. The addition of obligations to notaries as reporting parties cannot be immediately applied without considering the laws and regulations, especially the UUJN itself.

¹²Ike Nurjanah. (2023). Peran Serta Notaris Dalam menjalankan Tanggung Jawab Guna pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang, Jurnal Hukum Vol. 20, No. 2(2023) ISSN: 1829-8117

¹³Ichsan Aulia & Kholis Roisah, (2025). Implikasi Kewajiban Pelaporan Notaris dalam Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang: Antara Kerahasiaan Jabatan dan Kewajiban Hukum, *Jurnal Ilmu Hukum, Humaniora, dan Politik* Vol 5 No 3 January, Dynasty Review, Universitas Diponegoro. P. 2496.

The concept of a state of law as put forward by Julius Stahl, requires that the government must be based on laws and regulations. The consequence of Indonesia as a state of law, then all actions of the government and its people are based on applicable laws and regulations that must be obeyed. Notaries as a public office representing the government in the authority to make authentic deeds should be a legal mouthpiece whose daily duties must be in accordance with applicable laws and regulations, and must not conflict with the law. Conflicts with these laws will have sanctions that can harm notaries in their positions.

The conflict of obligations as referred to in UUJN with the provisions in Government Regulation Number 43 of 2015 creates legal uncertainty. Whereas one of the important objectives of the law itself is to provide certainty. Normative legal certainty is when a regulation is made and enacted with certainty because it regulates clearly and logically. Clear in the sense of not causing doubt (multiple interpretations) and logical. Clear does not clash or cause normative conflicts. Legal certainty refers to the implementation of clear, permanent, consistent and consequent laws whose implementation cannot be influenced by subjective circumstances. Certainty and justice are not merely moral demands, but factually characterize the law.

The implementation of notaries as reporting parties in reporting suspicious financial transactions essentially has a positive impact on law enforcement, especially, the community, the state and the notaries themselves. Notaries in their daily work can contribute to the enforcement of TPPU law and on the other hand prevent themselves as notary office holders from being exploited by perpetrators of TPPU crimes.

The expansion of the concept of a notary as a reporter in Money Laundering Crimes with existing obligations can give rise to problems related to the authority of institutions that regulate two different jurisdictions, where the position of a notary is subject to the civil law jurisdiction that follows the UUJN, while the crime of money laundering is subject to the legal jurisdiction that regulates Money Laundering Crimes.

The author believes that in the future, a revision is needed to Law Number 8 of 2010 concerning the Eradication and Prevention of Money Laundering Crimes, by including regulations related to the reporting party in the law so that it does not conflict hierarchically with the Notary Law. Strict regulations are needed to provide legal certainty and strengthen the position of notaries in the prevention and handling of TPPU, because if it is not regulated clearly, the notary's authority will be immeasurable and has the potential to violate the law.

The author hopes that the government can create legislation that specifically and firmly regulates the obligations of professionals, such as Notaries, as reporters in money laundering crimes.

4. Conclusion

Legal implications for the Obligations of Notaries as reporting parties who report suspicious financial transactions are regulated in Government Regulation Number 43 of 2015, which is a derivative regulation of Law Number 8 of 2010 concerning the Eradication and Prevention of Money Laundering Crimes, adding notary obligations outside the obligations regulated in the Notary Law. This is contrary to the law and triggers a dilemma in terms of its implementation and does not provide legal certainty. So if there are provisions in the law that require Notaries to disclose and provide relevant information in connection with the making of the deed. The only applicable limitation is the provision in the law that requires Notaries to disclose the secret of the deed and related information that they know, Legal protection for notaries as reporting parties who report suspicious financial transactions based on the principle of recognizing service users for the establishment of limited liability companies aims to protect notaries as well as prevent the problem of money laundering crimes, especially those related to the preparation of deeds of establishment of Limited Liability Companies. Violation of these obligations can result in administrative sanctions based on the provisions of the Notary Law and the Law on the Eradication and Prevention of Money Laundering and its derivative regulations.

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