

Notary's Responsibility in Preventing Money Laundering Criminal Acts Regarding Registration of Suspicious Financial Transactions (TKM)

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Abstract. Money laundering is a transnational crime that has serious impacts on economic stability and the integrity of the legal system. One important strategy in preventing it is the involvement of the legal profession, including notaries, in reporting Suspicious Financial Transactions (SFT). Notaries, as public officials who have the authority to make authentic deeds, are in a strategic position to detect and prevent the misuse of legal transactions as a means of money laundering. This study aims to analyze national and international legal regulations regarding the obligations and responsibilities of notaries, evaluate the forms of legal responsibility of notaries according to Law Number 8 of 2010 and the Law on Notary Public Positions, and assess the effectiveness of the existing SFT reporting mechanisms and procedures, whether they reflect the principles of legal certainty, legal protection, and the effectiveness of preventing the crime of money laundering. This research uses a normative juridical method with a legal approach, concepts, and legal theory, and uses secondary data in the form of laws and regulations, official documents, legal literature, and previous research results. The research results show that national and international legal regulations regarding the obligations and responsibilities of notaries in preventing money laundering crimes, particularly regarding the registration of TKM, have been expressly regulated through Law Number 8 of 2010, which makes notaries the reporting party and is strengthened by guidelines from the Financial Transaction Reports and Analysis Center (PPATK) and international standards such as the FATF Recommendations. Notaries are required to report suspicious transactions as part of the national strategy to prevent and eradicate money laundering crimes, although there are still challenges in harmonizing norms and technical implementation at the practical level. The forms of legal responsibility of notaries in relation to TKM reporting include administrative, civil, and criminal responsibilities, as regulated in the TPPU Law and the Notary Law. Notaries can be subject to sanctions in

the form of warnings, revocation of office permits, civil lawsuits due to negligence, and even criminal charges if proven to have deliberately ignored reporting obligations. Thus, this legal responsibility confirms that the notary profession is not only ethically but also legally responsible in supporting efforts to prevent money laundering crimes. The mechanisms and procedures for TKM reporting by notaries as regulated in legislation do not fully reflect the principles of legal certainty, legal protection, and effectiveness. Although normatively there is an adequate legal basis available, in practice there is still technical ambiguity, overlapping norms, low understanding of reporting obligations among notaries, and a weak institutional support system.

Keywords: *Legal Responsibility; Money Laundering; Notary; PPATK; Suspicious Financial Transactions.*

1. Introduction

Within the Indonesian legal framework, notaries play a crucial role in preventing money laundering, particularly through their obligation to register and report Suspicious Financial Transactions (SFTs). This regulation is specifically stipulated in Government Regulation Number 61 of 2021 concerning Amendments to Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering, which serves as the legal basis for implementing programs and reporting suspicious financial transactions by Land Deed Officials and Notaries. According to this regulation, notaries are required to apply the principle of prudence and report any suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK). Agus Rahardjo further explained this, stating that notaries are responsible not only for document authentication but also for monitoring and reporting any indications of money laundering.¹ This reporting obligation is based on specific criteria that notaries must identify in carrying out their duties. These criteria include, but are not limited to, transactions involving unusual amounts of money, transactions lacking a clear economic purpose, or transactions conducted by parties previously known to be involved in illegal activities. In this context, Clara Handini emphasized the crucial

¹Agus Rahardjo, (2018), *Mekanisme Pelaporan Transaksi Keuangan di Indonesia*, Jakarta : Penerbit Rajagrafindo Persada, p. 124

role of notaries in detecting and preventing the misuse of the financial services sector for illegal purposes.²

This regulation also clarifies the reporting mechanisms and procedures that notaries must follow, including the data and information security measures necessary to protect the confidentiality of the reporter and the integrity of the reported information. Furthermore, this regulation provides guidance on how notaries should interact with the Financial Transaction Reports and Analysis Center (PPATK) and other authorities once a report has been submitted. As explained by Rini Suprihartanti, notaries who fail to report TKM can face serious legal sanctions, highlighting the importance of compliance with this regulation.³ The specific regulation requiring notaries to register and report money laundering (TKM) is a crucial part of national efforts to combat money laundering. Through this regulation, notaries play a role not only as business actors in the financial services sector but also as the vanguard in preventing financial crimes that could harm the national economy and the integrity of Indonesia's financial system. The notary code of ethics is an important guideline governing the professional behavior of notaries in carrying out their duties, including protecting the integrity of financial transactions. This code of ethics emphasizes the principles of integrity, objectivity, and fairness that notaries must uphold to ensure that all transactions they authenticate and witness are lawful. As outlined by Ani Purwanti, notaries are required to maintain the confidentiality of client information and avoid conflicts of interest, which are crucial aspects of maintaining transaction integrity.⁴

A notary's professional responsibility in protecting financial transactions also includes verifying the identities of the parties involved and the source of the funds used. This is crucial in preventing money laundering and other illegal activities. Notaries must ensure that all relevant documentation is complete and valid, verify the authenticity of documents, and report any indication of suspicious transactions. As Budi Santoso emphasized, this obligation serves not only to protect the client's legal interests but also to maintain public trust in the integrity of the financial system.⁵ The active role of notaries in protecting the integrity of financial transactions also reflects their crucial position within the legal and economic systems. Notaries, with their access to and authority in document authentication, are in a unique position to detect early signs of money laundering.

²Clara Handini, *Notaris dan Pencegahan Pencucian Uang*, (2020), Yogyakarta : Penerbit Yustisia, p. 98

³Rini Suprihartanti, (2021), *Hukum Anti Pencucian Uang dan Implementasinya oleh Profesi Notaris*, Semarang : Penerbit Diponegoro, p. 137

⁴Ani Purwanti, (2019), *Etika Profesi Notaris dan Implementasinya di Indonesia*, Jakarta : Penerbit Rineka Cipta, p. 45

⁵Budi Santoso, (2020), *Notaris dan Pencegahan Kejahatan Finansial*, Jakarta : Penerbit Kencana, p. 112

Their expertise in understanding the legal aspects of transactions can be leveraged to verify their validity and compliance with applicable regulations.

Notaries can be the first line of defense in detecting and preventing money laundering by leveraging their expertise in legal documentation.

Essentially, every transaction that passes through a notary's hands provides an opportunity to conduct a thorough assessment of its legality and compliance. According to Lisa Harun, notaries should use this opportunity to implement strict prudential protocols, including conducting extensive background checks on the parties involved.⁶ Furthermore, notaries can play a crucial role in establishing a robust financial transaction reporting system. By training notaries to identify the characteristics of TKM, they can more effectively report to the relevant authorities. This was emphasized by Arifin Badri, who stated that ongoing training and education are crucial to strengthening this role.⁷ Inter-institutional cooperation is also crucial in preventing money laundering. Notaries, as part of a network of legal and financial professionals, must collaborate with banks and other financial institutions to exchange information on suspicious transactions. This coordination can improve the effectiveness of money laundering detection and prevention, as explained by Nova Riyanti Yusuf, who emphasized the importance of inter-sectoral synergy in combating increasingly complex financial crimes.⁸

2. Research Methods

2.1.1. Types of research

This research is normative-juridical in nature, focusing on the study of legal norms in books, legislation, and legal documentation related to the responsibilities of notaries in preventing money laundering. Normative-juridical research is often used in legal research to assess the extent to which current legal theory and practice meet societal needs and to identify possible updates to existing legal regulations.⁹

This research focuses on the legal norms governing the obligations of notaries, such as Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU), Law Number 2 of 2014 concerning the Position of Notary (UUJN), and other implementing regulations. This research aims to

⁶Lisa Harun, (2021), *Pengaruh Notaris dalam Sistem Keuangan*, Yogyakarta : Penerbit Andi, p. 93

⁷Arifin Badri, (2022), *Notaris dan Peran Strategisnya dalam Mencegah Pencucian Uang*, Jakarta : Penerbit Gramedia, p. 157

⁸Nova Riyanti Yusuf, (2023), *Koordinasi Lintas Sektoral dalam Pencegahan Kejahatan Finansial*, Jakarta : Penerbit Erlangga, p. 11

⁹Soekidjo Notoatmodjo, (2017), *Metodologi Penelitian Hukum*, Jakarta : Rineka Cipta, p. 29.

understand the legal basis and responsibilities of notaries in reporting TKM in accordance with applicable provisions.¹⁰

2.1.2. Approach Method

This research uses several approaches:

- a. Statutory Approach: Analyze all regulations related to the duties and obligations of notaries, including the Law on Notaries and regulations on preventing money laundering.¹¹
- b. Conceptual Approach: Understanding legal concepts related to notary responsibilities and money laundering prevention, including the definition and aspects of TKM.
- c. Case Approach: Reviewing relevant previous court decisions to see how the law is applied in real cases relating to notaries and TKM.¹²

2.1.3. Data source

This research relies on secondary data which includes:

- 1) Primary Legal Materials: Laws, Government Regulations, and other regulations that directly regulate the responsibilities of notaries and the prevention of money laundering.
- 2) Secondary Legal Materials: Books, journal articles, and scientific works that discuss notary responsibilities, money laundering, and other related legal aspects.
- 3) Tertiary Legal Materials: Legal encyclopedias and legal dictionaries that can help in understanding terminology.

Secondary data will be collected from existing sources, which helps in building the theoretical context and methodology of the research:

- 1) Academic Literature: Reviewing journals, books, and other publications that discuss money laundering, notary responsibilities, and regulations related to TKM reporting.

¹⁰Soerjono Soekanto, (2014), *Pengantar Penelitian Hukum*, Jakarta : UI Press, p. 14.

¹¹Soerjono Soekanto & Sri Mamudji, (2013), *Penelitian Hukum Normatif suatu Tinjauan Singkat*, Jakarta : Radja Grafindo Persada, p. 47.

¹²Peter Mahmud Marzuki, (2018), *Penelitian Hukum*, Jakarta : Kencana, p. 110.

- 2) Regulations and Policies: Collect and analyze relevant legal documents, such as the Notary Law, PPATK regulations, and other related policies that govern the obligations of notaries in preventing money laundering.
- 3) Reports and Statistics: Using reports from government agencies, international bodies (such as the FATF), and relevant case studies to understand more about the scale of the problem and the effectiveness of existing policies.
- 4) Previous Studies and Research: Reviewing previous research that has been conducted on the role of financial institutions in preventing money laundering, particularly regarding the role of notaries, to build a theoretical basis and identify research gaps that still need to be explored.

2.1.4. Data collection technique

Data for this study was collected through:

a. Document Study

Collect secondary data from legal literature, legislation, and relevant journals.¹³ Conduct an extensive review of the legal literature and relevant legal documents, including legislative texts, expert commentaries, and other scholarly literature.

b. Content Analysis

Sort and analyze the contents of legal documents related to this thesis to gain a deep understanding of the research subject.¹⁴

2.1.5. Data analysis

The collected data will be analyzed using the following methods:

- a. Qualitative Analysis: Interpreting the collected legal data to draw conclusions regarding the effectiveness of current regulations and the role of notaries in implementing them.
- b. Normative Interpretation: Assessing the suitability between existing legal norms and the legal objectives to be achieved, particularly in the context of preventing money laundering by notaries.¹⁵

¹³Moleong, Lexy J., (2018), *Metodologi Penelitian Kualitatif*, Bandung : Remaja Rosdakarya, p. 127.

¹⁴Sutopo, H. B. (2022), *Metodologi Penelitian Kualitatif*, Surakarta : Sebelas Maret University Press, p. 48.

¹⁵*Ibid*, p. 56.

3. Results and Discussion

3.1. Legal Regulations on Notary Responsibilities in Preventing Money Laundering Crimes Related to the Obligation to Report and Register Suspicious Financial Transactions (TKM)

One of the quite complex normative challenges in the implementation of the obligation to report Suspicious Financial Transactions (TKM) by notaries is the tension between the principle of professional confidentiality and the reporting obligation. The principle of confidentiality is an essential part of the notary professional ethics as regulated in Article 16 paragraph (1) letter f of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries, which requires notaries to keep confidential all information obtained in the performance of their duties, unless statutory regulations determine otherwise. On the other hand, the obligation to report TKM as regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes requires notaries to disclose information that is actually confidential to the PPATK. This duality creates a significant ethical and legal dilemma for notaries.

This dilemma can pose professional and reputational risks for notaries, particularly if the reported party feels aggrieved and takes legal action against the reporting notary. Although regulations guarantee that reporting TKM is not considered a violation of the obligation to maintain professional confidentiality, in practice this tension remains a psychological and legal barrier. As Anindya Prameswari points out in her journal, the conflict between the principle of confidentiality and the obligation to report has the potential to hinder the effectiveness of reporting if not accompanied by strong legal enforcement and adequate ethical understanding within the notary profession itself.¹⁶

To address this dilemma, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes has provided legal protection for notaries as reporters, as stipulated in Articles 28 and 29. This protection includes a guarantee that TKM reporting is not considered a violation of professional confidentiality and that the reporter cannot be prosecuted criminally or civilly for reports submitted in good faith. This guarantee is an important basis for notaries to carry out their reporting obligations without fear of adverse legal consequences. Thus, this legal protection provides certainty and courage to notaries in supporting efforts to eradicate money laundering crimes.

Furthermore, this legal protection also reflects modern legal principles that prioritize the active role of the legal profession in the justice system, not merely

¹⁶Anindya Prameswari, "Konflik Asas Kerahasiaan Profesi dan Kewajiban Pelaporan Tindak Pidana Pencucian Uang oleh Notaris," *Jurnal Hukum Pro Justitia*, Vol. 7, No. 1, 2022, p. 112.

as an administrative servant. According to R. Soesilo in his writing, providing legal protection to whistleblowers is a form of state responsibility in strengthening the participation of the legal community, including notaries, in preventive law enforcement against economic crimes.¹⁷ Without protection, the notary profession will be reluctant to engage in reporting, which will ultimately weaken the effectiveness of the overall anti-money laundering system.

However, legal protection alone is not enough. Legal reform and strengthening of the notary profession's capacity are needed to better prepare them, both normatively and technically, to face the challenges of reporting TKM. Currently, many notaries still lack a thorough understanding of the reporting mechanisms, TKM indicators, and their legal implications. Therefore, revisions to implementing regulations, particularly the PPATK regulations and the Minister of Law and Human Rights Regulations, are needed to make them more technically sound, clear, and responsive to the dynamics of notarial practice. These updates should also include alignment between the INI code of ethics and Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering to avoid regulatory conflicts.

Furthermore, capacity building for notaries through training and continuing education is essential. Professional organizations such as the Indonesian Notaries Association (INI) are expected to be more active in conducting anti-money laundering training, TKM reporting workshops, and case handling simulations. Training materials should also involve the Financial Transaction Reports and Analysis Center (PPATK) and economic criminal law experts to provide comprehensive understanding. This way, notaries will not only have the legal basis but also the technical competence to carry out reporting professionally and legally.

These legal reforms and capacity building will strengthen the legitimacy of the notary's role in the national financial oversight system. In the long term, this will also increase public trust in the integrity of the notary profession and strengthen their contribution to maintaining legal and financial stability in the country. With a strategic position and adequate regulatory and educational support, notaries can optimally fulfill their role as the vanguard in preventing money laundering.

From the perspective of positive legal theory as developed by John Austin, law is viewed as a command of the sovereign that is binding and must be obeyed, regardless of the morality or justice of the law's contents. This theory emphasizes that valid law is law created by an authorized institution in accordance with the applicable legal system. Based on this approach, legal norms regarding the obligations and responsibilities of notaries in reporting Suspicious Financial Transactions (SFT) must be analyzed from the perspective of the formality of their

¹⁷R. Soesilo, (2021), *Perlindungan Hukum terhadap Pelapor dalam Sistem Hukum Indonesia*, Jakarta : Penerbit Sinar Grafika, p. 89.

formation and their position within the hierarchy of national laws and regulations as well as their acceptance within the international legal system.

In Indonesia, notaries' obligations to report TKM are formally regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU). Articles 17 through 23 stipulate that notaries are included among the "Reporting Parties" required to report TKM to the Financial Transaction Reports and Analysis Center (PPATK). From a positive legal perspective, this provision is valid and binding because it was established by the legislative body (the House of Representatives (DPR) and the President, which has the authority under the 1945 Constitution.

Furthermore, further technical regulations are outlined in the PPATK Regulation, which is a valid implementing regulation issued by an institution mandated by law. Therefore, the obligation for notaries to report TKM is a valid positive legal norm within the national legal system.

In the international context, the obligation of the legal profession, including notaries, to participate in the money laundering prevention system is based on the Financial Action Task Force (FATF) Recommendations, specifically Recommendations 22 and 23, which stipulate that Designated Non-Financial Businesses and Professions (DNFBPs), including notaries, are required to implement Know Your Customer (KYC) principles and report suspicious transactions. Although the FATF recommendations are not laws in the strict sense, many countries, including Indonesia, have adopted them into their national legal systems. Therefore, in positive legal theory, this international norm gains validity through adoption and harmonization in legitimate national regulations, such as the Anti-Money Laundering Law.

Based on the analysis of John Austin's positive legal theory, it can be concluded that the notary's obligation to report TKM is a legal norm that has juridical validity because it is formed by a legitimate authority, in accordance with specified procedures, and is placed in the hierarchy of statutory regulations systematically.

There is no conflict between the Money Laundering Law and the Notary Law, as the Money Laundering Law provides an exception to the principle of professional confidentiality in reporting TKM (Articles 28 and 29), thus maintaining the legal validity of this obligation. Therefore, within the positive legal framework, notaries, as reporting parties, have a strong, clear, and binding legal basis to report TKM as part of efforts to prevent money laundering in Indonesia.

3.2. Legal Responsibilities of Notaries in Preventing Money Laundering Crimes Related to the Obligation to Report and Register Suspicious Financial Transactions (TKM)

Notaries' perceptions of the obligation to report TKM vary widely, depending on their level of legal understanding, practical experience, and the availability of training related to money laundering prevention. Some notaries consider TKM reporting an additional burden that violates the principle of professional confidentiality, while others view it as part of their professional responsibility, in line with the spirit of maintaining the integrity of legal transactions. Research by A. Kurniawan shows that positive perceptions of the reporting obligation are strongly correlated with an understanding of regulations and consistent application of professional ethics.¹⁸

However, in general, notaries' readiness to implement TKM reporting still faces several practical obstacles. One is the lack of technical training on how to recognize suspicious transactions and how to prepare reports that comply with PPATK standards. Furthermore, many notaries lack an adequate internal documentation system to support an efficient and secure reporting process. This challenge is exacerbated by limited coordination between PPATK and professional organizations such as the Indonesian Notaries Association (INI), which should act as a liaison in disseminating information about reporting obligations.

Nevertheless, there is a positive trend: more and more notaries, especially those practicing in urban areas or handling high-value business transactions, are beginning to recognize the importance of reporting money laundering. They are developing internal protocols and building team awareness to detect suspicious transactions early. These efforts demonstrate that preparedness can be fostered through the right approach, namely ongoing training, clear technical regulatory support, and concrete legal protection for whistleblowers. If strengthened, the role of notaries as the vanguard in preventing money laundering will become more visible and effective.

The theory of legal responsibility is based on the principle that every legal subject who commits a legal act has legal consequences for their actions, whether in the form of rewards or sanctions if a violation occurs. In the context of the notary profession, legal responsibility covers civil, criminal, and administrative matters, depending on the nature and level of the violation committed. This theory assumes a causal relationship between the perpetrator's actions or omissions and the resulting legal consequences. Therefore, if a notary ignores the legal obligations stipulated in Law Number 8 of 2010 concerning the Prevention and

¹⁸Kurniawan, A., "Persepsi Notaris terhadap Kewajiban Pelaporan Transaksi Mencurigakan dalam Perspektif Etika Profesi," *Jurnal Etika Profesi Hukum*, Vol. 5, No. 2, 2022, p. 94.

Eradication of Money Laundering (TPPU) and the Notary Law, they may be held legally accountable in various forms.

In civil law, a notary can be held liable based on the principle of unlawful act as regulated in Article 1365 of the Civil Code, if their negligence or abuse of authority in reporting Suspicious Financial Transactions (TKM) results in losses for third parties. For example, if a notary negligently fails to report a transaction that is later proven to be part of a money laundering scheme, the parties harmed by the seizure of assets or cancellation of the transaction by the state can sue the notary for compensation. In the theory of legal responsibility, this form of liability reflects accountability for the legal rights and interests of others who are harmed due to negligence in carrying out legal obligations.

In the criminal realm, notaries may be held liable if they intentionally ignore their TKM reporting obligations and are proven to have participated in or assisted in money laundering, directly or indirectly. Based on Articles 5 and 6 of Law No. 8 of 2010, any party who is aware of suspicious transactions but fails to report them may be subject to imprisonment and/or a fine. In this regard, the theory of legal responsibility explains that violations of legal obligations not only have consequences for individuals but also have broad impacts on the public interest and the integrity of the state's financial system, making criminal law enforcement an important instrument in providing a deterrent effect.

Meanwhile, in administrative terms, notaries can be subject to reprimands, organizational sanctions, temporary suspension, or even revocation of their official permits if they fail to fulfill their reporting obligations in accordance with applicable regulations. Based on the theory of legal responsibility, this form of administrative responsibility is an internal and corrective oversight mechanism aimed at maintaining professional standards and preventing more serious violations. In the context of reporting TKM, this mechanism also reflects that law enforcement efforts against TPPU are not only carried out repressively, but also through preventive measures in the form of guidance and supervision of legal officials, such as notaries. Thus, the theory of legal responsibility provides a comprehensive conceptual framework for understanding and analyzing notaries' obligations in reporting TKM as part of a legal system aimed at preventing and eradicating money laundering effectively.

3.3. Mechanisms and Procedures for Reporting TKM by Notaries in Reflecting the Principles of Legal Certainty, Legal Protection, and Effectiveness in Preventing Money Laundering

Legal protection for notaries as reporters of Suspicious Financial Transactions (SFT) is expressly regulated in Articles 28 and 29 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU). Article 28 states that the reporter cannot be sued in civil or criminal proceedings for SFT reports submitted in good faith.

Meanwhile, Article 29 emphasizes that the confidentiality of the reporting party's identity is guaranteed by the Financial Transaction Reports and Analysis Center (PPATK). This provision is crucial given the vulnerability of notaries to pressure from clients or parties who feel aggrieved by the reporting. With this protection, the law guarantees professional protection for notaries who carry out their duties in accordance with statutory provisions.

This protection demonstrates the state's full support for notaries as part of the national financial oversight system. In practice, this legal protection aims to alleviate the concerns of whistleblowers, particularly those from the legal profession, so they can continue to perform their duties optimally without fear of being prosecuted by those they report. As Siti Rahayu explains in her book, the provisions of Articles 28 and 29 represent the state's affirmation of the principle of legal immunity in reporting TKM, as long as the reporting is conducted objectively and professionally.¹⁹

The provisions of Article 28 of the Money Laundering Law grant notaries legal immunity from all forms of legal action—both criminal and civil—as long as the report is submitted in good faith, meaning it is done honestly, based on objective professional judgment, and not due to personal grudges or other motives beyond the authority of the law. This protection is very important because without it, notaries will tend to avoid reporting for fear of legal retribution from clients. Furthermore, the existence of this protection also fosters a sense of security for notaries in carrying out their compliance and oversight functions regarding suspicious transactions involving financially and legally interested parties.

Article 29 complements this protection with a guarantee of confidentiality of the reporter's identity, which is a crucial aspect of the TKM reporting system. In the context of notaries, maintaining the confidentiality of the reporter's identity not only protects the notary's reputation but also prevents potential intimidation from parties suspected of money laundering. According to Widodo, this confidentiality guarantee implements the principle of whistleblower protection, which is

¹⁹Rahayu, Siti. (2020), *Perlindungan Hukum terhadap Pihak Pelapor dalam Rezim Anti Pencucian Uang*, Jakarta : Penerbit Sinar Grafika, p. 77.

standard in anti-money laundering regulations in various countries, including Indonesia.²⁰

Although legal protection for reporting notaries has been regulated, there are certain limitations that must be considered. This protection only applies if the report is made in good faith. This means that if the report is found to be reckless, contains elements of slander, or lacks a clear basis, legal protection may be lost. In this case, the notary can still be prosecuted for negligence or willful misconduct. Therefore, it is important for notaries to fully document the reasons, indicators, and evidence underlying the TKM report to demonstrate that the action was based on professionalism and prudence.

Furthermore, although the Anti-Money Laundering Law (AML) guarantees the confidentiality of whistleblowers, the potential for whistleblower identities to be leaked remains an unavoidable risk, particularly in investigations and court proceedings involving multiple law enforcement agencies. In some cases, whistleblower identities can be revealed through witness testimony or through requests for information from the accused party's attorney. This poses a particular concern for notaries, as it can pose the risk of threats, counterclaims, or even physical violence. Therefore, in addition to normative protection, a system of institutionally-based protection is also needed, including legal assistance and physical protection, if necessary.

The effectiveness of notaries' reporting of Suspicious Financial Transactions (SFTs) in preventing money laundering is greatly influenced by their understanding of the reporting mechanisms established by law. In practice, there remains a gap between existing regulations and their implementation. Many notaries do not fully understand the indicators of suspicious transactions, the procedures for preparing reports, or the procedures for submitting them to the Financial Transaction Reports and Analysis Center (PPATK). A study by Wahyuni (2021) found that only a small proportion of notaries actively report SFTs, while the majority expressed confusion about the reporting techniques and concerns about the legal repercussions if errors occur in reporting.²¹

This lack of understanding stems from the lack of specific and in-depth training on TKM reporting in notarial education curricula, at both undergraduate and postgraduate levels. Even notaries already actively practicing often do not receive information or regular regulatory updates from official institutions. Consequently, there is a perception among notaries that TKM reporting is solely the responsibility of financial institutions, not the responsibility of the legal profession. This

²⁰Widodo, Arif. "Urgensi Perlindungan Identitas Pelapor dalam Pencegahan Tindak Pidana Pencucian Uang," *Jurnal Hukum dan Pembangunan Nasional*, Vol. 5, No. 2, 2021, p. 139.

²¹Wahyuni, E. R., "Efektivitas Peran Notaris dalam Pelaporan Transaksi Keuangan Mencurigakan," *Jurnal Kenotariatan dan Etika Profesi Hukum*, Vol. 4, No. 2, 2021, p. 101.

potentially undermines the effectiveness of the TKM reporting system as a primary tool for early detection of money laundering.

The role of the Financial Transaction Reports and Analysis Center (PPATK), as the primary authority in the TKM reporting system, is crucial in supporting the effectiveness of notary reporting. PPATK has issued several technical guidelines and conducted outreach programs regarding reporting procedures for non-financial professionals, including notaries. However, the intensity and scope of this outreach are considered limited and not evenly distributed across Indonesia. Therefore, increased collaboration between PPATK and notary professional organizations, such as the Indonesian Notaries Association (INI), is crucial to ensure effective and sustainable delivery of information and guidance regarding TKM reporting obligations.²²

Professional organizations like INI also play a strategic role in strengthening their members' understanding and readiness regarding TKM reporting regulations. INI can develop specialized training modules, establish reporting assistance units, and collaborate with the Financial Transaction Reports and Analysis Center (PPATK) to ensure its members have access to the latest information. Furthermore, INI is expected to act as a liaison between notaries and policymakers in order to improve the reporting system, both from a regulatory and technical perspective, as well as from a legal protection perspective for reporting notaries.

Based on the PPATK's Annual Statistical Report, reporting trends by non-financial professions, including notaries, remain relatively low compared to the financial sector, such as banking. For example, in the 2022 report, the number of TKM reports originating from notaries only accounted for less than 2% of the total reports received by the PPATK. This figure indicates that the effectiveness of reporting by notaries still needs to be improved. This reinforces the findings of academic studies that suggest that the involvement of the legal profession as reporters is suboptimal, both due to a lack of technical understanding and the ethical and psychological challenges notaries face when dealing with their clients.

Furthermore, several jurisprudence studies have revealed that the involvement of notaries in transactions that lead to money laundering can create legal loopholes if reporting is not carried out properly. In some cases, notaries cannot prove that they have implemented prudential principles and KYC principles, thus placing them vulnerable to legal action. This evaluation indicates that the notary reporting system for TKM is not yet fully effective as a financial crime prevention tool, necessitating a systemic approach involving regulatory improvements, ongoing training, and institutional strengthening.

²²Ramadhan, M. H., (2022), *Peran PPATK dan INI dalam Meningkatkan Kualitas Pelaporan Transaksi Mencurigakan oleh Notaris*, Bandung : Penerbit Mandar Maju, p. 88.

One of the main problems in notaries' implementation of the reporting obligation for Suspicious Financial Transactions (TKM) is the lack of technical clarity in the regulations and the potential for duplication of norms between various laws and regulations. Although Law No. 8 of 2010 has normatively designated notaries as reporting parties, not all implementing regulations provide sufficiently detailed technical guidance on how notaries should carry out such reporting. The Regulation of the Head of the Financial Transaction Reports and Analysis Center (PPATK) does provide a reporting framework, but often uses terms or concepts more relevant to financial institutions, rather than to legal professions such as notaries. This leaves many notaries confused about adapting reporting standards to suit the characteristics of their work.

Furthermore, there is potential for duplication and overlap between the provisions of the Notary Law and the Money Laundering Law, particularly regarding the principle of confidentiality and reporting authority. For example, the Notary Code of Ethics and the Notary Law mandate the protection of client confidentiality, while the Money Laundering Law requires transparency in reporting any suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK). This not only causes confusion but can also raise legal doubts in the performance of duties, due to the lack of clarity regarding which norms should be prioritized in certain practices.²³

The tension between the principle of professional confidentiality and reporting obligations is a classic issue that continues to hinder notaries in fulfilling their legal obligations. As stipulated in Article 16 paragraph (1) letter f of Law No. 2 of 2014, notaries are required to maintain the confidentiality of all information obtained in the course of their duties. On the other hand, the Money Laundering Law mandates notaries to report suspicious transactions, even if the information is confidential. This tension creates an ethical and legal dilemma because notaries could potentially be considered to have violated the law if they make the wrong choice about which obligation should take precedence.

In practice, many notaries hesitate to report misconduct for fear of being accused of leaking client confidentiality. This dilemma is exacerbated by the lack of ethical guidelines specifically explaining how notaries should behave when faced with a conflict between these two legal principles. Research by Dewi Kartika shows that the majority of notaries tend to avoid reporting misconduct to maintain client trust, even though they understand the legal obligation to report.²⁴ This shows that the normative conflict between confidentiality and reporting still requires

²³Suryandari, R. L., (2021), *Konflik Norma dalam Kewajiban Pelaporan Transaksi Keuangan Mencurigakan oleh Notaris*, Bandung : Penerbit Mandar Maju, p. 63.

²⁴Kartika, Dewi., "Dilema Etik Notaris dalam Kewajiban Pelaporan Tindak Pidana Pencucian Uang," *Jurnal Hukum dan Etika Kenotariatan*, Vol. 4, No. 1, 2022, p. 92.

systemic solutions and affirmation through technical regulations and professional ethics.

In addition to normative issues, administrative barriers also pose a serious obstacle to notaries' compliance with reporting obligations. Reporting TKM requires adequate administrative infrastructure, including a documentation system, client database, and internal procedures governing the classification of risky transactions. Unfortunately, most notary offices, especially small-scale or regional ones, lack adequate administrative systems to support the reporting process. As a result, TKM reporting not only feels burdensome but also poses a risk of administrative violations if incompletely implemented.

Another equally significant obstacle is the lack of technical training and effective outreach for notaries. Although the Financial Transaction Reports and Analysis Center (PPATK) has issued guidelines, the distribution and implementation of this information are uneven. Most notaries have never received specific training on reporting suspicious transactions, either from the PPATK or the Indonesian Notaries Association (INI). This lack of training leaves many notaries unaware of suspicious transaction indicators, reporting procedures, and the associated legal protection mechanisms. This results in low reporting effectiveness, despite the crucial role of notaries in early detection of money laundering in the non-financial sector.

One urgent improvement in the implementation of Suspicious Financial Transaction (TKM) reporting by notaries is updating technical regulations and reporting guidelines. Currently, existing regulations, such as Regulation of the Head of the Financial Transaction Reports and Analysis Center (PPATK) Number 11 of 2016, are still considered too general and are aimed more at financial institutions than at legal professionals such as notaries. Therefore, more specific and applicable derivative regulations are needed for notaries, including procedures for risk identification, report completion, and communication mechanisms with the PPATK. The technical ambiguities still found in field implementation indicate that existing regulations need to be revised to align with the characteristics and needs of the notary profession.²⁵

New reporting guidelines also need to consider the integration of legal norms and professional codes of ethics. This harmonization can be achieved through the development of Ethical Guidelines for Reporting TKM by Notaries, which will serve as a standard reference for handling suspected suspicious transactions. These guidelines could be issued through a collaboration between the Financial Transaction Reports and Analysis Center (PPATK), the Ministry of Law and Human Rights, and the Indonesian Notaries Association (INI). With clear and

²⁵Asmara, Siti, (2020), *Penguatan Sistem Pelaporan Tindak Pidana Pencucian Uang oleh Profesi Hukum*, Jakarta : Penerbit Mitra Wacana Media, p. 113.

comprehensive guidelines, notaries will not only understand their reporting responsibilities from a normative perspective but also have practical guidance that can prevent unintentional ethical violations or procedural errors.

In addition to regulatory reforms, strengthening legal protection for notaries who report TKM is also a key agenda item to foster reporting confidence. Although Articles 28 and 29 of the Money Laundering Law guarantee that notaries cannot be sued in civil or criminal proceedings for good-faith reporting, in practice, concerns remain among notaries about the possibility of being reported back or criminalized by clients. Therefore, legal protection instruments need to be strengthened, including rapid monitoring mechanisms, accompanying lawyers from professional organizations, and emergency reporting protocols for high-risk cases.²⁶

Furthermore, the Indonesian Notaries Association (INI) can initiate a structural legal and technical assistance system through the establishment of a regional TKM reporting task force. This task force will assist notaries experiencing confusion in reporting or facing legal pressure from the reported party. With such an assistance system, notaries will feel more secure in carrying out their reporting obligations without feeling isolated in facing legal risks. This will also increase notaries' active participation in TKM reporting nationally.

The effectiveness of notary reporting on money laundering (TKM) depends heavily on the technical capacity of both individuals and institutions. Therefore, mandatory ongoing training should be provided to all notaries, both newly appointed and long-serving. Training materials should cover not only substantive legal aspects of money laundering, but also reporting practices, transaction risk analysis, and TKM report preparation techniques. This training should be conducted regularly with direct support from the Financial Transaction Reports and Analysis Center (PPATK) and involve professional instructors in finance, economic criminal law, and information technology.

In addition to training, an integrated information system is needed between notaries and the Financial Transaction Reports and Analysis Center (PPATK) to enable faster, safer, and more accurate reporting. This system could take the form of a dedicated legal profession portal integrated with the PPATK reporting system, making it easier for notaries to submit reports, receive feedback, and obtain regulatory updates. A robust information system will also create a digital trail of reporting, which can be used as evidence if notaries need to defend themselves in the future. With such an integrated system, reporting effectiveness will improve not only in terms of quantity, but also in terms of quality and accountability.

²⁶Setiawan, Budi, "Urgensi Reformasi Perlindungan Hukum bagi Pelapor Tindak Pidana Keuangan", *Jurnal Legislasi Indonesia*, Vol. 18, No. 1, 2021, p. 57.

From the perspective of the legal system theory proposed by Lawrence M. Friedman, the effectiveness of a legal system depends not only on the written content or legal norms, but also on three main components: legal structure, legal substance, and legal culture. These three elements must support each other so that the law can function optimally in society. In the context of reporting Suspicious Financial Transactions (TKM) by notaries, the application of this theory can be used to assess whether the existing mechanisms reflect the principles of legal certainty, legal protection, and effectiveness in preventing money laundering (TPPU).

From a legal perspective, Indonesia already has an institution responsible for the TKM reporting system, namely the Financial Transaction Reports and Analysis Center (PPATK). Furthermore, the Notary Supervisory Board and professional organizations such as the Indonesian Notaries Association (INI) oversee and provide guidance to notaries.

However, the effectiveness of these institutions remains limited, particularly in terms of technical assistance, regular training, and easily accessible electronic reporting systems for notaries. The legal structure does not fully support the efficient implementation of TKM reporting obligations, due to the lack of an integrated information system between notaries and the Financial Transaction Reports and Analysis Center (PPATK), and the suboptimal function of INI in providing institutional support.

In terms of legal substance, the mechanism for reporting TKM by notaries has an adequate legal basis, namely in Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU), as well as several technical regulations issued by the Financial Transaction Reports and Analysis Center (PPATK). Furthermore, the Notary Law and the professional code of ethics complement the legal basis for the profession.

However, there remains overlapping norms, particularly regarding the tension between the obligation to maintain the confidentiality of client information (the Notary Law) and the obligation to report (the Money Laundering Law). This misalignment creates ambiguity that has the potential to undermine legal certainty and create legal dilemmas for notaries in taking action.

Meanwhile, legal culture, specifically notaries' awareness and readiness to carry out their role as TKM reporters, remains a major challenge. Many notaries lack a thorough understanding of TKM indicators, reporting procedures, and the legal protections provided by the state. Consequently, despite the existence of clear regulations and authorized institutions, TKM reporting by notaries remains very low. This indicates that the legal culture among notaries does not fully support the principle of legal effectiveness in preventing money laundering.

Thus, based on the analysis of Friedman's legal system theory, it can be concluded that the TKM reporting mechanism by notaries does not fully reflect the principles of legal certainty, legal protection, and effectiveness, because there are still weaknesses in the institutional structure, disharmony of norms, and low professional awareness of its preventive role in the legal system.

4. Conclusion

National and international legal regulations regarding the obligations and responsibilities of notaries in preventing TPPU, particularly regarding the registration of TKM, have been strictly regulated through Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, which makes notaries the reporting party and is strengthened by guidelines from the PPATK and international standards such as the FATF Recommendations. Notaries are required to report suspicious transactions as part of the national strategy in preventing and eradicating money laundering crimes, although there are still challenges in harmonizing norms and technical implementation at the practical level. The legal responsibilities of notaries regarding TKM reporting include administrative, civil, and criminal liability, as stipulated in the Money Laundering Law and the Notary Law. Notaries can be subject to sanctions such as reprimands, revocation of their licenses, civil lawsuits for negligence, and even criminal charges if proven to have deliberately ignored their reporting obligations. Thus, this legal responsibility confirms that the notary profession is not only ethically but also legally responsible in supporting efforts to prevent money laundering. The mechanisms and procedures for reporting TKM by notaries as stipulated in laws and regulations do not fully reflect the principles of legal certainty, legal protection, and effectiveness. Although a sufficient legal basis is provided normatively, in practice, technical ambiguities, overlapping norms, poor understanding of reporting obligations by notaries, and weak institutional support systems remain. Therefore, regulatory reform, strengthened legal protection, and ongoing training are needed to ensure that TKM reporting by notaries can be carried out effectively and accountably.

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