

## The Role of Land Deed Officials (PPAT) in Prevention of Money Laundering Criminal Acts Through The Implementation of the Principle of Knowing Service Users in Land Sales And Purchase Transactions In Pekanbaru City

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**Abstract.** Money Laundering (TPPU) is a crime committed through various sectors, including the land sector, which is often exploited to disguise the origins of illegal funds. In this context, Land Deed Officials (PPAT) have a crucial role because they are directly involved in land sale and purchase transactions and are required to implement the Principle of Recognizing Service Users (PMPJ) as stipulated in Law Number 8 of 2010, Government Regulation Number 43 of 2015, and Regulation of the Minister of ATR/BPN Number 21 of 2022. This study aims to analyze the position of PPAT in preventing TPPU from a legal certainty perspective and examine the role of PPAT in implementing PMPJ in land sale and purchase transactions in Pekanbaru City. This research employs sociological or empirical legal methods through literature review and interviews with Land Deed Officials (PPAT) in Pekanbaru City. Data were analyzed qualitatively using legal certainty theory and authority theory to explain the legal position of PPATs and the implementation of PMPJ in practice. This approach was used to assess the extent to which PPATs act as administrative gatekeepers in preventing the entry of proceeds of crime into land transactions. The research results indicate that PPATs normatively act as administrative gatekeepers through the obligation to identify, verify, and monitor user transactions. However, this position does not fully reflect legal certainty because the PPAT's authority is limited to administrative aspects without the support of investigative instruments. In Pekanbaru City, the implementation of PMPJ has been carried out, but still faces obstacles such as limited reporting facilities, a lack of technical understanding, and concerns about reducing service user comfort. These conditions mean that the PPAT's role in preventing money laundering (TPPU) is suboptimal and requires more comprehensive regulatory support and technical guidance.

**Keywords:** Crime; Laundering; Legal; Money; Purchase.

## 1. Introduction

Advances in science and technology are an inseparable part of today's modern world. These developments have provided numerous benefits to society in various fields. However, criminals exploit this opportunity to strengthen and expand their criminal activities. One crime that has become quite prevalent alongside these developments is money laundering.<sup>1</sup>

Money laundering, also known as TPPU, is a crime aimed at converting the proceeds of crime into assets that appear legitimate. This process involves a series of actions designed to conceal the true origins of the funds. Sources of these funds include trafficking in illicit goods, tax evasion, fraud, corruption, gambling, and involvement in organized crime networks. Money laundering is a very difficult crime to prove due to its complexity and variety of activities.<sup>2</sup>

Experts then divide the money laundering process into three stages: placement, layering, and integration. In the placement stage, the proceeds of crime are introduced into the financial system or invested in high-value assets such as land and buildings. The layering stage involves moving or diverting assets in layers to make them difficult to trace, while the integration stage involves reinserting the proceeds of crime into legitimate economic activities.<sup>3</sup>

The impact of this crime not only poses a serious threat to economic stability and the integrity of the financial system, but also undermines the basic values of society based on Pancasila and the 1945 Constitution. If the state fails to prevent money laundering practices, then illegal funds can easily enter the legitimate economic system, exacerbating social inequality and undermining the legal order.<sup>4</sup>

Money laundering cases have become a global problem because they often involve the transfer of funds between countries. Perpetrators exploit the international financial system to conceal the source of illegal funds, even though international institutions such as the Financial Action Task Force (FATF) have encouraged various countries to improve their anti-money laundering oversight systems. The Indonesian government responded to this threat through Law

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<sup>1</sup>Kartika Kismawardani & Luluk Lusiati Cahyarini, 2023, "The Relevance of Notaries as Reporting Parties in Efforts to Prevent Money Laundering Crimes", *Jurnal Notarius*, Vol.16, No.3, p.1322, <https://ejournal.undip.ac.id/index.php/notarius/article/view/42407>, accessed on April 22, 2025 at 14.35 WIB.

<sup>2</sup>Adrian Sutedi, 2008, *The Crime of Money Laundering*, Citra Aditya Bakti, Bandung, p.12.

<sup>3</sup>Ridho Ilham, et al., 2020, "Application of the Principle of Recognizing Service Users by Notaries in the Prevention and Eradication of Money Laundering Crimes", *Swara Justisia Journal*, Vol.3, No.4, p.391, <https://swarajustisia.unespadang.ac.id/index.php/UJSJ/article/view/126>, accessed on April 22, 2025 at 17.37 WIB.

<sup>4</sup>Dewi Asri Puanandini, Muhammad Syahid Syidiq and Jihan Pasha Noevera, 2023, "Effectiveness of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes", *Journal of Social Politics, Government and Law*, Vol. 2, No. 2, p. 40, <https://jurnal.penerbitwidina.com/index.php/JPS/article/view/1048>, accessed on April 23, 2025 at 12:48 WIB.

Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. This law strengthens the integrity of Indonesia's financial system through transparency and reporting mechanisms. Article 1 paragraph (2) establishes the Financial Transaction Reports and Analysis Center (PPATK) as an institution to monitor and analyze suspicious financial transactions.<sup>5</sup>

The Financial Transaction Reports and Analysis Center (PPATK) recorded 14,259 Suspicious Financial Transaction Reports (LTKM) in January 2025. In the first semester of 2025, this number increased to 85,514, a 32.9% increase compared to the previous year, with the banking sector dominating the report count at 58,327. The property sector, particularly land, is particularly vulnerable to criminal exploitation due to the high-value nature of the assets and the complexity of the transactions.<sup>6</sup>

Several cases demonstrate the vulnerability of the land sector. The Azof Ricar case involved money laundering (TPPU) amounting to Rp915 billion, with some of the assets diverted to property, including land in Pekanbaru City.<sup>7</sup> Another case involved drug dealer Nurhaanah, who had assets worth Rp5.4 billion (approximately US\$5.4 million) consisting of land, shophouses, and vehicles. Even non-money laundering cases, such as fictitious land fraud in Pekanbaru, demonstrate legal loopholes that allow for the concealment of the origin of funds through land transactions.<sup>8</sup>

Land Deed Officials (PPAT) play a crucial role. As public officials, PPATs are authorized to issue authentic deeds for certain legal acts concerning land rights and apartment units through Government Regulation Number 37 of 1998 in conjunction with Government Regulation Number 24 of 2016. This authority makes PPATs not only the party that guarantees the formal validity of transactions

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<sup>5</sup>Dewi Asri Puanandini, Muhammad Syahid Syidiq and Jihan Pasha Noevera, 2023, "Effectiveness of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes", *Journal of Social Politics, Government and Law*, Vol. 2, No. 2, p. 41, <https://jurnal.penerbitwidina.com/index.php/JPS/article/view/1048>, accessed on April 23, 2025 at 12:48 WIB.

<sup>6</sup>Financial Services Authority, "Latest Trends in Money Laundering Modes and Schemes: Identification, Mitigation, and Law Enforcement Strategies," OJK Institute, <https://institute.ojk.go.id/ojk-institute/id/capacitybuilding/upcoming/4962/tren-modus-dan-skema-pencucian-uang-terbaru-strategi-identifikasi-mitigasi-dan-penegakan-hukum> accessed October 25, 2025, 1:14 PM WIB

<sup>7</sup>Riyan Rizki Roshali, "Zarof Ricar's assets in Pekanbaru confiscated, totaling Rp35 billion", *Sindo News*, <https://nasional.sindonews.com/read/1621913/13/aset-zarof-ricar-di-pekanbaru-disita-total-rp35-miliar-1758197345> accessed on October 25 at 14.33 WIB

<sup>8</sup>Rahmadi Dwi Putra, "After being impoverished, Drug Kingpin Mag Gadih will soon be tried in a money laundering case", *Riau Online*, <https://www.riauonline.co.id/kota-pekanbaru/read/2025/10/26/usai-dimiskinkan-gembong-narkoba-mak-gadiah-segera-disidang-kasus-tppu> accessed on October 25, 2025 at 15.05 WIB

but also has the responsibility to prevent the misuse of land transactions as a means of money laundering.<sup>9</sup>

Based on Government Regulation Number 43 of 2015, Land Deed Officials (PPAT) are categorized as reporting parties and are required to implement the Principles of Identifying Service Users (PMPJ). PMPJ requires Land Deed Officials to identify, verify, monitor transactions, and report to the PPATK any indications of suspicious transactions. The technical provisions of PMPJ are regulated in Regulation of the Minister of ATR/BPN Number 21 of 2022. However, in practice, many obstacles remain in implementing PMPJ. Several Land Deed Officials admitted to not fully understanding the procedures for identifying and verifying service users. Furthermore, limited technical reporting facilities, lack of government outreach, and concerns about disrupting relationships with service users have made PMPJ implementation less than optimal.<sup>10</sup>

## 2. Research Methods

The type of research used in this study is sociological or empirical legal research. Empirical legal research is used to examine how legal provisions regarding the prevention of Money Laundering (TPPU) by Land Deed Officials (PPAT) are applied in practice, specifically through the application of the Service User Identification Principle (PMPJ) in land sales transactions in Pekanbaru City. The research approach used is a qualitative one. This approach aims to understand legal phenomena based on field data, combining deductive and inductive analysis in accordance with scientific logic. Through this approach, researchers can obtain an in-depth understanding of the implementation of PPAT obligations in implementing PMPJ and the obstacles encountered in practice. This study utilized two types of data sources: primary and secondary data. Primary data was obtained directly from interviews with Land Deed Officials (PPAT) in Pekanbaru City, while secondary data was obtained through library research, which included laws and regulations, legal literature, scientific journals, expert doctrines, and tertiary legal materials such as dictionaries and encyclopedias. Data collection techniques were conducted through interviews and literature review. The collected data were then analyzed qualitatively, namely by grouping, organizing, and linking field data with legal certainty theory and authority theory. This analysis was conducted to obtain answers to the research questions and explain the role

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<sup>9</sup>Cinta Febrianti, et al., 2024, "Legal Responsibility of Land Deed Officials (PPAT) Who Do Not Check the Conformity of Physical and Legal Data in Making Deeds of Sale and Purchase of Journals", *Mangala Journal*, Vol.1, No.9, p. 653, <https://mangalajournal.org/index.php/cendekia/article/view/424/554>, accessed on October 26, 2025 at 11:37 WIB.

<sup>10</sup>Dika Anugrah & Royvaldo, 2024, "Legal Review of Notary and PPAT Protection in the Implementation of PMPJ as an Effort to Prevent Suspicious Financial Transactions", *Surya Kencana Dua Journal*, Vol.11, No.2, p. 178, <https://jurnal.untan.ac.id/index.php/jfh/article/view/56844> accessed on October 26, 2025 at 14.17 WIB.

of Land Deed Officials (PPAT) in preventing money laundering through the implementation of the PMPJ.

### 3. Results and Discussion

#### 3.1. The Position of PPAT in Efforts to Prevent Money Laundering Crimes (TPPU) in the Concept of Legal Certainty

Money laundering is a structured crime, often committed by individuals with the aim of disguising the origin of criminal funds to make it appear as if they were obtained from legitimate business activities. Money laundering prevention efforts are implemented through Law Number 8 of 2010, which requires certain parties to report suspicious financial transactions. According to Article 5 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, suspicious financial transactions include:

- 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 this Law;
- 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.<sup>11</sup>

This mandate was then realized by the government through the issuance of Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering. Based on this regulation, it is stated that the Crime of Money Laundering (TPPU) is a crime committed by the perpetrator by trying to hide or disguise the origin of assets that are the proceeds of crime by various means so that the assets resulting from the crime are difficult to trace by law enforcement. Therefore, the crime of money laundering not only threatens the stability and integrity of the financial and economic systems, but can also endanger the life of the nation and state.<sup>12</sup>

Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes also includes the

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<sup>11</sup>Article 5 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.

<sup>12</sup>Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes.

profession of Land Deed Making Official (PPAT) as a reporting party, as stated in Article 3 which states that:<sup>13</sup>

Reporting Parties other than those referred to in Article 2 also include:

- a. Advocate;
- b. Notary Public;
- c. Land Titles Registrar;
- d. Accountant;
- e. Public Accountant; And
- f. Financial Planner.

When viewed through Gustav Radbruch's legal certainty framework, the appointment of a Land Deed Official (PPAT) as a reporting party can be seen as strengthening formal legal certainty within the money laundering prevention system. This regulation provides clarity regarding who is obligated to report, which transactions fall within the scope of supervision, and to whom reports must be submitted. This allows parties in land transactions to understand and anticipate the legal consequences of conducting transactions that deviate from the norm.<sup>14</sup>

When linked to the concept of material legal certainty, these regulations only guarantee certainty at the normative level, not fully at the practical level. This is evident in the continued laxity of the use of nominees, the disguise of beneficial owners, and the manipulation of transaction values, which can be formally outlined in deeds but substantially have the potential to obscure the origin of assets. In other words, Land Deed Officials (PPATs) are not yet fully equipped with the instruments to guarantee material legal certainty regarding the origin of the parties' funds. Their status as public officials requires PPATs to maintain high ethical standards and integrity. This is because the deeds issued are not merely administrative documents, but rather perfect evidence that impacts the protection of the public's civil rights. Therefore, the position of PPAT is based on public trust, a neutral attitude, and non-partisanship. Integrity in the PPAT position is not only interpreted as administrative compliance, but also as a guarantee that the deed drafting process does not become a means to disguise or use the proceeds of crime. In the context of anti-money laundering regulations,

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<sup>13</sup>Article 2 of Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes

<sup>14</sup>Yunus Husein, 2018, Anti Money Laundering: Theory and Practice, Raja Grafindo Persada, Jakarta, p. 112

the role of PPATs has shifted from legal drafters to gatekeepers, who are required to examine the reasonableness of user profiles and transactions.<sup>15</sup>

Theoretically, the existence of public officials such as Land Deed Officials (PPAT) can be positioned as a state instrument in creating formal legal certainty (certainty by law). Gustav Radbruch emphasized that the law must provide certainty, justice, and benefit, and although ideally all three go hand in hand, legal certainty is often the main focus in a modern state, because without certainty, norms cannot be implemented consistently. Within this framework, PPATs carry out their legal certainty function through three main pillars:<sup>16</sup>

- 1) Ensure that the legal actions of the parties are formulated in the form of a valid deed according to the provisions of statutory regulations,
- 2) Establish certainty regarding the date, identity of the parties, subject and object of the legal act, and
- 3) Affirming the legitimacy of the state in every event of transfer of civil rights.

The concept of legal certainty aligns with Hans Kelsen's view that law is a hierarchically structured system of norms (*Stufenbau des Rechts*). According to Kelsen, a norm can only be effectively enforced if it is positioned appropriately within the hierarchy of norms, has a clear formulation, and provides predictable guidelines for action by legal subjects. Thus, legal certainty is determined not only by the existence of written rules, but also by the clarity of the relationship between higher-level norms and the operational norms below them. If lower-level norms, such as implementing regulations, do not provide adequate instruments or implementation guidelines, then they cannot function effectively, even if they are formally valid. Therefore, legal certainty in the context of PPAT as the reporting party can only be realized if their authority, obligations, and implementation mechanisms are formulated firmly and consistently within the normative structure governing the TPPU prevention system.

The designation of Land Deed Officials (PPAT) as reporting parties expands the role of PPATs from merely creating authentic deeds to becoming part of the money laundering reporting system. However, PPATs are not authorized to trace or assess the origin of funds, so their role lies not in the realm of assessing criminal elements, but rather in ensuring administrative compliance in the transfer of rights. The role of PPATs in money laundering is formal and preventative, namely submitting reports based on the results of administrative examinations, not

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<sup>15</sup>Bayu Adi Wibowo and Fitri Yani, 2025, "Responsibilities of Land Deed Officials (PPAT) in the Process of Making Sale and Purchase Deeds That Are Not Transparent and Accountable", Vol.19 No.4, p. 1777.

<sup>16</sup>Satjipto Rahardjo, 2006, *Legal Studies*, Citra Aditya Bakti, Bandung, p. 23



assessing or proving the presence or absence of criminal elements in a transaction.<sup>17</sup>

The land sector is inextricably linked to the risk of money laundering. The problem lies not only in regulations or oversight, but also in the nature of the transactions themselves, which allow for difficult-to-trace practices. Unlike banking, where all activities are recorded, structured, and easily traced through digital systems, land sales and purchases often involve the use of other people's names, the disguise of beneficial owners, and the manipulation of transaction values. In this context, the role of Land Deed Officials (PPAT) becomes crucial, as they are the parties directly dealing with legal subjects during legal events.<sup>18</sup> Money laundering in the non-financial sector often hides behind administrative processes. While all documents appear to meet formal requirements, the origin and flow of funds escape thorough scrutiny at the initial stage. This situation demonstrates that oversight of money laundering prevention in the land sector cannot rely solely on the validity of land documents, but also requires vigilance regarding transaction patterns and the profiles of the parties.<sup>19</sup>

The position of Land Deed Officials (PPAT) in preventing money laundering crimes cannot be separated from their basic role as public officials who issue authentic deeds that guarantee legal certainty in every transfer of land rights. The determination of PPAT as a reporting party through Government Regulation Number 43 of 2015 and the imposition of PMPJ obligations through Ministerial Regulation of ATR/BPN Number 21 of 2022 essentially position PPAT as part of the state instrument to prevent the misuse of the land sector as a medium for money laundering. However, the limited authority of PPAT which is only administrative, without adequate access to trace the origin of funds, poses a challenge to the realization of substantive legal certainty in the TPPU prevention regime.

### **3.2. The Role of PPAT in Preventing Money Laundering Crimes (TPPU) through the Principle of Recognizing Service Users (PMPJ) in Land Sale and Purchase Transactions in Pekanbaru City**

Efforts to strengthen the Land Deed Official (PPAT) function in preventing money laundering (TPPU) are further clarified through Minister of ATR/BPN Regulation

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<sup>17</sup>Putri Indrawati Utama, et al., 2024, "The Role of Notaries/Land Deed Officials in Combating Money Laundering Crimes with the Know Your Customer Principle," *International Journal of Educational Research & Social Sciences*, Vol. 5 No. 2, p. 282, <https://ijersc.org/index.php/go/article/view/801/749> accessed on November 10, 20:14 WIB

<sup>18</sup>Zhafira Aulia Rahmi, 2019, "Obligations of Land Deed Officials in Reporting Suspicious Financial Transactions Related to Money Laundering Crimes by Clients", Vol.4 No.1, p.201, <https://journal2.um.ac.id/index.php/jppk/article/view/10483/4725>, accessed on November 10, 20225 at 22.01 WIB

<sup>19</sup>Devi & Moody Rizqy Syailendra, 2023, "Notary and PPAT Efforts Against Money Laundering Crimes in Land and Property Purchases", *Multidisciplinary Journal*, Vol.2, No.10, p. 3498, <https://jmi.rivierapublishing.id/index.php/rp/article/view/680> accessed on November 10, 2025 at 22.45 WIB.



Number 21 of 2022 concerning the Implementation of the Principle of Identifying Service Users (PMPJ). This regulation imposes on PPATs not only administrative obligations but also the obligation to identify, verify, and assess the reasonableness of service users' profiles and transactions before issuing deeds. This concept essentially aligns with the principle of customer due diligence in the anti-money laundering regime, which aims to prevent the misuse of the legal system as an instrument for storing or disguising illegal assets.<sup>20</sup>

The implementation of the User Identification Principle (PMPJ) places Land Deed Officials (PPAT) in a crucial position in preventing money laundering (TPPU) because they are directly involved in the initial stages of land transactions, which are vulnerable to misuse to disguise illegal assets. However, the implementation of PMPJ by Land Deed Officials (PPAT) is not only related to fulfilling administrative obligations, but also relates to the limits of legitimate actions within the PPAT's capacity as a public official. Therefore, the effectiveness of the PPAT's role in preventing money laundering (TPPU) is not solely measured by the presence or absence of normative obligations, but also by the extent to which these practices can be carried out within the framework of legally authorized official duties.

Based on the theory of authority, Land Deed Officials (PPAT) exercise attributive authority. This means that the source of authority is derived from the law, not from the delegation of authority from another institution. Therefore, the legitimacy of PPATs in carrying out their duties has a legal basis directly derived from the formation of the law. PPATs carry out their duties in public service through their authority to draft authentic deeds that have full legal force in land administration and guarantee legal certainty. This function aligns with the principles of legality, certainty, and transparency in the national legal system. Therefore, PPATs play a strategic role as gatekeepers in the transfer of land rights, making them a crucial pillar in maintaining order and certainty of land ownership rights.

This concept emphasizes that authority cannot arise or be transferred freely, but only by an organ that has obtained a legitimate basis for authority according to positive law. Therefore, the formation of authority is always based on a hierarchical structure of norms, starting from the constitutional mandate, then detailed through laws and subsequent operational regulations. Therefore, the authority of the Land Deed Official (PPAT) in carrying out its role as a PMPJ for the prevention of money laundering cannot be considered to exist automatically, but must be explicitly formulated through regulations that provide attributive authority and its limits. The authority of the PPAT in the prevention of money laundering is attributive, because the position of PPAT is a general position whose

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<sup>20</sup>Felix Lawira, 2024, "Application of the Principle of Recognizing Service Users by Ppat in the Context of Preventing Money Laundering Crimes", Tanjungpura Acta Borneo Journal, Vol.3 No.1, p.64, <https://jurnal.untan.ac.id/index.php/tabj/article/view/87034/75676603591> accessed on November 10, 2025 at 23.59 WIB.

authority is granted directly by the state through legislation, not through delegation from other organs. Therefore, the implementation of the PMPJ function by the PPAT can only be carried out within the limits of norms that have been expressly determined, both in regulations in the land sector and in the TPPU prevention regime.<sup>21</sup>

According to Article 2 paragraph 1 of the Regulation of the Minister of ATR/KBPN Number 21 of 2022, it is stipulated that "PPAT is obliged to apply the Principle of Recognizing Service Users consistently and continuously based on this Ministerial Regulation", then regarding Article 2 on the principle of recognizing service users as referred to in paragraph (1), which at least contains:<sup>22</sup>

- 1) Identification of service users
- 2) Service user verification
- 3) Monitoring of service user transactions

As stipulated in Article 3, the application of the Principle of Recognizing Service Users by PPAT requires the fulfillment of the following obligations:

- 1) Have policies and procedures to manage and mitigate the risks of money laundering and/or terrorism financing identified in accordance with the risk assessment; and
- 2) Conduct risk assessments and group Service Users based on the level of risk of money laundering and/or terrorism financing crimes.

The obligation to apply the principle of recognizing service users for PPAT is regulated in Article 2 paragraph (3) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Application of the Principle of Recognizing Service Users for PPAT, which is carried out when:<sup>23</sup>

- a. Conducting business relations with Service Users;
- b. There are Financial Transactions in Rupiah and/or foreign currency with a value of at least or equivalent to IDR 100,000,000 (one hundred million Rupiah);

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<sup>21</sup>Hamidah Nur'Ainiyah, et al., 2022, "The Role of Land Deed Officials (PPAT) and the National Land Agency (BPN) in Preventing Land Mafia", Sultan Agung Notary Law Study, Vol.4 No.3, p.887, <https://www.proquest.com/openview/48b5507ffca5bcfeb1e9d2b46ec7e6d0/1?pq-origsite=gscholar&cbl=2026366&diss=y> accessed on November 9, 2025 at 14.39 WIB.

<sup>22</sup>Article 2 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

<sup>23</sup>Article 2 Paragraph (3) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

- c. There are suspicious financial transactions related to money laundering and/or terrorism financing; or
- d. The reporting party doubts the truth of the information reported by the Service User.

When conducting business relations with service users, PPATs are required to understand the profile, intent, and objectives of the business relationship, including transactions conducted by both the Service User and the Beneficial Owner through an identification and verification process. Furthermore, PPATs are required to assess and categorize service users according to their risk level for money laundering and terrorism financing, taking into account their profile, business activities, country of origin, and product characteristics.<sup>24</sup>

Identification by Land Deed Officials (PPAT) is carried out through information gathering activities regarding service users, including individuals, corporations, and other forms of legal arrangements. Referring to Article 9 of the Minister of ATR/BPN Regulation Number 21 of 2022, PPATs are required to identify service users.<sup>25</sup> The Land Deed Official (PPAT) is also obligated to verify the information and documents submitted by the Service User. During this process, the PPAT may request additional information to ensure the formal accuracy of the documents; and if there is any doubt, the PPAT has the right to request other supporting documents from the authorized agency. Verification must be carried out before the business relationship is established. Monitoring of service user transactions by the PPAT must be carried out within the scope of the business relationship that is part of the PPAT service. This monitoring includes reviewing payment methods, both cash and non-cash, the parties making the transaction, the transaction value, and supporting documents if there are changes. This monitoring is part of the PPAT's efforts to ensure the fairness of the transaction.

When linked to the construction of authority according to HD van Wijk Williem Konijnenbelt, the PMPJ obligation imposed on PPAT through the Minister of ATR/BPN Regulation Number 21 of 2022 is a form of expansion of the implementation of PPAT attribution authority, not the creation of new authority. Ministerial regulations cannot create authority beyond the attribution already stipulated in laws and government regulations, so all PMPJ obligations must still be understood as part of the implementation of PPAT's administrative authority in the land sector, not as investigative authority as possessed by law enforcement

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<sup>24</sup>Daniella Herera Yosifany Hutagalung, 2020, "Legal Protection for Notaries and Ppat as Reporting Parties in Money Laundering Crimes", Jatiswara, Vol.35 No.1, p.106, <https://jatiswara.unram.ac.id/index.php/js/article/view/225> accessed on November 13, 2025 at 09.43 WIB.

<sup>25</sup>Article 9 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

officers. Thus, theoretically, this Ministerial Regulation adds a normative burden, but does not change the essence of PPAT's authority as an administrative official.

According to Philipus M. Hadjon, the effectiveness of a regulation depends not only on the formulation of its norms, but also on the availability of adequate facilities, infrastructure, and implementing instruments. Without adequate institutional support and operational mechanisms, administrative provisions often cannot be implemented effectively.<sup>26</sup> This is in line with the opinion of Prajudi Atmosudirdjo who emphasized that the implementation of public authority requires concrete legal and administrative instruments as implementing tools (instrumentarium).<sup>27</sup>

Based on the provisions of the Minister of ATR/BPN Regulation Number 21 of 2022, Land Deed Officials (PPAT) have been assigned to implement a series of concrete administrative steps as part of preventing money laundering. These steps establish an initial security system to prevent the transfer of land rights from being used as a means to disguise the origin of funds. First, PPATs are required to verify the identity and formal validity of all documents of all parties, including ID cards (KTP), Taxpayer Identification Numbers (NPWP), proof of legal relationship, and other supporting information.<sup>28</sup> Second, the PPAT must ensure in-person attendance or online meetings to verify the physical conformity, signature, and identity data of the service user.<sup>29</sup> Third, the PPAT is also obliged to clarify the basis of the legal relationship and the purpose of the transaction, as part of efforts to ensure that the transaction is in accordance with the fairness profile of the parties.<sup>30</sup> Fourth, the PPAT must assess the fairness of the transaction value, including by comparing the agreed price with the NJOP or market price.

Fifth, if there is doubt regarding the source of funds or if there are indications of high risk, the PPAT can request additional documents, including a statement regarding the origin of the funds as a risk mitigation measure.<sup>31</sup> Sixth, the entire identification, verification and monitoring process must be supported by complete

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<sup>26</sup>Philipus M. Hadjon, 2011, *Introduction to Indonesian Administrative Law*, Gadjah Mada University Press, Yogyakarta, p. 45.

<sup>27</sup>Prajudi Atmosudirdjo, 2002, *State Administrative Law*, Ghalia Indonesia, Jakarta, p. 57.

<sup>28</sup>Article 6-10 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

<sup>29</sup>Article 9 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

<sup>30</sup>Article 2 paragraph (4) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

<sup>31</sup>Article 20 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

documentation before submitting a name change to the land office, as regulated in the PMPJ data monitoring and administration obligations.<sup>32</sup>

The practice of PMPJ by Land Deed Officials (PPAT) in Pekanbaru City still faces various obstacles. According to Pupung Mulyantini, SH, a Notary/PPAT in Pekanbaru City, the implementation of PMPJ by PPAT still faces various obstacles. She emphasized that although PPATs have a normative obligation to implement PMPJ, its implementation in practice does not always run smoothly. This occurs because the PPAT position is essentially focused on providing authentic deeds and not on investigative functions like law enforcement officers. In practice, requests for clarification or additional documents often draw objections from service users because they are considered to violate privacy or raise suspicion. To avoid such situations, PPATs prefer to require parties to prepare a written statement stating that the transaction is not related to money laundering.<sup>33</sup>

The statement further emphasized that substantive investigations into transactional aspects are almost never conducted, as Land Deed Officials (PPATs) lack the authority or instruments to assess the origin of funds or trace the financial flows of service users. Further clarification efforts risk creating tension in service relationships, as some service users may perceive such inquiries as a sign of suspicion or distrust. Consequently, the implementation of PMPJ at the Land Deed Official (PPAT) level tends to be minimal and limited to administrative stages only.<sup>34</sup>

The limitations of Land Deed Officials (PPAT) in implementing the PMPJ can be understood from the perspective of public authority. In administrative law doctrine, every authority granted through attribution must be accompanied by adequate implementation instruments to be implemented effectively. In the case of PPAT, the PMPJ provisions do impose legal obligations, but they are not yet equipped with supporting instruments such as reporting systems, verification facilities, or technical guidance. This aligns with Philipus M. Hadjon's opinion, which asserts that authority without implementation means is ineffective. Consequently, the implementation of PMPJ by PPATs is largely formal because the supporting instruments have not been facilitated by the Ministry of ATR/BPN as the supervising agency.<sup>35</sup>

These normative and institutional limitations have implications for the limited ability of Land Deed Officials (PPAT) to detect indications of money laundering in

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<sup>32</sup>Article 20 paragraph (3) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for PPAT

<sup>33</sup>Interview with Pupung Mulyantini, SH (Notary and PPAT in Pekanbaru City), March 8, 2025.

<sup>34</sup>Interview with Pupung Mulyantini, SH (Notary and PPAT in Pekanbaru City), March 8, 2025.

<sup>35</sup>Philipus M. Hadjon, 2011, Introduction to Indonesian Administrative Law, Gadjah Mada University Press, Yogyakarta, p. 27.

practice. In carrying out their duties, PPATs generally do not find direct signs of transactions related to money laundering. This is because the scope of PPATs is limited to the preparation of deeds and the administrative processing of title transfers at the land office, not to tracing the origin of funds. Suspicions of money laundering through land assets usually only emerge after the assets have changed hands several times over a long period of time. Thus, PPATs are not in a strategic position to thoroughly investigate the motives or sources of funds, but rather to ensure that the documents and data of the parties are complete and comply with administrative requirements.<sup>36</sup>

This condition shows that in practice, the role of PPAT in preventing TPPU through the implementation of PMPJ has not yet been implemented as expected by the provisions of laws and regulations.

#### 4. Conclusion

Land Deed Officials (PPAT) hold a crucial position as public officials who issue authentic deeds, guaranteeing legal certainty in every transfer of land rights. They are also designated by Government Regulation No. 43 of 2015 as reporting parties in the prevention of money laundering crimes, thus becoming part of the state's oversight system in the land sector, which is vulnerable to misuse for money laundering. However, because PPAT's authority is only administrative and does not include tracing the origin of funds, the preventive function they carry out tends to be formal and has not yet touched on substantive aspects. In Pekanbaru City, the implementation of PMPJ by PPAT is legally regulated through the obligation to identify, verify, and monitor service user transactions, but in practice it is still limited to administrative checks and requests for statement letters without in-depth investigation into profiles or fund flows. Limited authority, the absence of supporting instruments, minimal socialization, and concerns about disrupting service relationships have led to PMPJ has not been running optimally, so that the role of PPAT in preventing TPPU remains more formal than substantive.

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<sup>36</sup>Interview with Pupung Mulyantini, SH (Notary and PPAT in Pekanbaru City), March 8, 2025



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