



The Obligation of Notary to Prevent and Eradicate Criminal Acts of Money Laundering

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Abstract

Notary as general official and as a trusted person because his office has an obligation that is one of which is stipulated in article 16 paragraph (1) Letter F. The Law of Tenure Notary (*hereinafter referred to UUJN*) namely to keep the contents of the deed and all the information obtained in the making of the deed unless the law determines otherwise. However, in government Regulation No. 43 of 2015 on reporting Parties in the prevention and eradication of Money laundering crimes, notary Public is given the obligation to report to The Financial Transaction Reporting and Analysis Center (*hereinafter referred to PPATK*) regarding suspicious financial transactions conducted by its clients. So there is a conflict of norms on both provisions. This research aims to assess and analyse the arrangements and responsibilities and responsibilities of notary public in the prevention and eradication of money laundering crimes. This method of research uses normative research methods. The approach which is used in this study are the statutory approach and conceptual approach. The results of this research are regulatory obligations of notary in the prevention and eradication of Money laundering crimes against the secret obligation of the position that these two obligations are not contradicted. The notary is obliged to report to the PPATK, if the notary acts for interest or for and on behalf of the service user. If a notary is acting in accordance with the Authority as stipulated in the UUJN, the notary is not obliged to report any suspicious financial transactions made by his clients. Secondly, the obligation and responsibility of the notary in the prevention and eradication of Money Laundering Crimes is legally notarized liable for alleged criminal acts of money laundering when it acts for the benefit of or for behalf of the service user to objects that are required to be reported, by applying the principle of recognizing the service users, the principle of recognizing the benefit owners of corporations and delivering suspicious financial transaction.

Keywords: *Obligation; Notary; Money Laundering*

Introduction

Notary is one of the state officials appointed by the Minister of Justice and Human rights, as an extension of the government for the sake of the state, whose position is very important and needed in people's lives to assist and serve the community who needs an authentic written proof tool on

circumstances, events, or legal acts.¹ Notary in the task and position to cling to the UUJN, the Code of Ethics notary tenure, and the oath of office. In article 4 and article 16 paragraph (1) Letter F UUJN which stated that in carrying out his office, notary mandatory:

"Keep the secret of all things about the deed he made and any information obtained in order to make the deed in accordance with the oath/pledge of office, unless the law determines otherwise."

In general, notary is obliged to keep the contents of the deed and information obtained in the making of notarial deed, unless instructed by the law that notary is not obliged to keep confidential and provide the necessary information relating to the deed, thus the limit is only law that can order a notary to open the secret of the deed and the description/statement known notaries relating to the making of the deed.²

As the time and pace of economic growth, various financial transactions are also experiencing development and improvement, which does not infrequently involve notary in it, this is due to the needs of business people or parties interested in obtaining an authentic written proof tool. One of the evils that are now developing in Indonesia is the Money Laundering Criminal act. The Indonesian government is addressing TPPU by accommodating international standards of Financial Action Task Force on Money Laundering as law number 8 of 2010 concerning prevention and Eradication of Money Laundering (*hereinafter abbreviated UUPPTPPU*).

Money laundering modes are often used by the perpetrators involving notary services among others by means of buying a house property (*real Estate*), in which case the perpetrator uses the name of another person or his relatives as a means of hiding and disguise the ownership assets.³ Another mode so as not to be easily detected by PPATK, for example by investing his daily money in the form of business sectors, namely in the form of shares ownership in the corporation or the company, whether to embed shares in existing limited liability company, or stock investments in the capital market. Money laundering with the purchase mode of shares requires notary service in the case of deed.⁴

Factors that led to the mode of money laundering involving notary is due to not categorized notary in article 17 paragraph (1) PPTPPU LAW as the reporting party. Therefore, the government issued a government Regulation No. 43 of 2015 on the reporting of the prevention and eradication of Money laundering crimes, which is the mandate of article 17 paragraph (2) of PPTPPU LAW. The obligation to report is contained in article 3 letter B Government Regulation number 43 of 2015. Notary is included in the "Reporting party", which is obliged to report to the PPATK against suspicious transactions related to the alleged TPPU. In article 4 Government Regulation number 43 of 2015 stated that as the reporting party, notary obliged to apply the principle of recognizing the service users, to prevent the notary to not be involved as a suspect or participate in the criminal acts of money laundering. Until now, the principles of recognizing the service users for the notary is limited to the authority and obligations of the notary as stipulated in the UUJN, that is, the notary is only obliged to dig matters that are formyl.

Reporting obligations in the prevention and eradication of Money laundering crimes set out in Government Regulation number 43 of 2015 is a form of obligation as a citizen in assisting the Government to prevent and eradicate money laundering crimes. However, if this obligation is associated

¹ Habib Adjie, *Hukum Notaris Indonesia (Tafsir Tematik Terhadap UU No. 30 Tahun 2004 tentang Jabatan Notaris)*, PT. Refika Aditama, Bandung, 2011, p.14. (Selanjutnya disebut Habib Adjie I).

² *Ibid.*, p.89.

³ Made Riyaldi, et.al., "Urgensi Pengaturan Notaris dan Pejabat Pembuat Akta Tanah sebagai Pihak Pelapor atas Transaksi Keuangan Mencurigakan terkait Tindak Pidana Pencucian Uang", *Jurnal Hukum*, Program Studi Magister Kenotariatan Fakultas Hukum Universitas Brawijaya, Malang, (2014): p.7.

⁴ Andi Khamisah, et.al., "Kewenangan Notaris dalam Pencegahan Tindak Pidana Pencucian Uang melalui Pembelian Saham", *Jurnal Analisis*, Vol. 3 No. 2, Program Kenotariatan Fakultas Hukum Universitas Hasanuddin, Makassar, (Desember 2014): p. 134.

with a special obligation of notary public as a position of trust can indicate the occurrence of opposition because in article 4 and article 16 paragraph (1) Letter F UUJN where the notary is obliged to keep confidential all things relating to the deed made or before the notary and related to the execution of the duties of notary office. The exception to the secret of the notary office as in article 16 paragraph (1) Letter F UUJN is "*unless the law determines otherwise*". It is necessary to study and analyze the arrangement and responsibilities and responsibility of notary public in the prevention and eradication of money laundering crimes so that the future can be obtained certainty and clarity concerning the obligation of a notary in the prevention and eradication of criminal acts money laundering

Methodology

This type of research used in legal research is normative. The approach used in this research are the Statue approach and conceptual approach. The types and sources of legal materials used in this research are primary legal materials are binding legal materials, and consist of statutory regulations. Secondary legal material is a legal material that provides explanations about the primary legal material, such as the draft law, research results, works from the law, and so on.⁵ Tertiary legal materials are materials that provide instruction as well as explanations of primary and secondary legal materials, such as the Great Dictionary of Indonesia and the legal dictionary.⁶ The technique of obtaining legal materials is done through libraries research.⁷ The data collection tools in this study use the study of libraries and document studies. The search for legal materials can be done by reading, listening, or searching through the Internet.⁸

Discussion

Regulatory Obligations of Notary in the Prevention and Eradication of Money Laundering Crimes Against the Department's Secret Obligations

The notary was appointed and dismissed by the Minister as stipulated in article 2 of UUJN, to exercise as a government authority. The notary is carrying out duties and obligations as a public official who nuanced as a state official or government official, where all duties, authorities and responsibilities of the notary are the duties, authorities, and responsibilities of the State in the realm of civil law and the administration of the State (*private and Administration law*). In other words, notary Public is an extension of the government that conducts some of the tasks of the State in the field of civil law that is allowed to use the state emblem as stipulated in article 16 paragraph (1) Letter L. With the authority is given to the notary, there are rights and obligations attached to it. But without authority, rights and obligations will not be attached to it. This concept is in line with the concept or understanding of authority expressed by Bagir Manan, P. Nicolai and Habib Adjie, that in the authority there are, rights and obligations. According to Law No. 2 of 2014, the notary as a general official acquired the authority attributions, because the authority was created and provided by Law No. 2 of 2014 on changes in law No. 30 of 2004 about the Tenure of Notary, so that authority obtained by notary is not from other institutions such as from the Ministry of Law and Human rights.⁹ The notary authority referred to in this provision can be found in article 15 of UUJN. The obligation of a notary public is not only contained in UUJN, but also stipulated in the notary Code of Ethics and the oath of office. In carrying out the clause as notary, Notary has obligations stipulated in article 16 paragraph (1) of UUJN where one of them is:

In conducting the fact, notary is obliged to:

⁵ Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 2006, p. 52.

⁶ Peter Mahmud Marzuki, *Penelitian Hukum*, Cetakan ke-12, Kencana Prenada Media Group, Jakarta, 2016, p. 133.

⁷ Mukti Fajar ND & Yulianto Ahmad, *Dualisme Penelitian Hukum Normatif & Empiris*, Pustaka Pelajar, Yogyakarta, 2013, p. 187.

⁸ *Ibid.*, P. 160.

⁹ Habib Adjie, *Hukum Notariat Indonesia*, Cetakan V, PT. Rafika Aditama, Jakarta, 2018, p. 78. (Selanjutnya disebut Habib Adjie II).

- f. Keep confidential everything about the deed, and any information obtained in order to make the deed in accordance with the oath/pledge, unless the law determines otherwise.

In the explanation of article 16 paragraph (1) Letter F UUJN explained that the obligation to keep confidential anything related to the deed and other letters is to protect the interests of all parties related to the deed. The secret of the notary office is the contents of the deed, sentences in the deed, the entire deed and all that is discussed in preparation for making the deed must be kept confidential because it is in the series of deeds. The secret cannot be opened to anyone, too. Notary is a position of trust therefore the notary is obliged to keep confidential and uphold this belief, the obligation to keep confidential all what is told to him in that position.¹⁰ In determining how far the secret range of positions from the notary public must be at the point of obligation for notary public, not to talk about the contents of the act, in a good sense as it is stated in the deed as well as the one told to him because of his office, even if not included in the deed, except in the event that there is a higher interest or in the things that are therefore notarized by applicable law, it can be unequivocally discharged from the secret oath of office. So that based on the above explanation can be concluded that the secret concept of notary office adheres to the relative secret theory or *nisbi*, meaning that it can be released when there is a higher interest that is for the public interest or the country along the exception open the secret position is governed firmly in the law, as the mandate of article 16 paragraph (1) Letter f UUJN.

The strong banking institutions in Indonesia have resulted in money laundering, seeking other ways by establishing legal businesses, purchasing property such as homes, land, and other possessions that cannot easily be hidden by law enforcement officials. Directly or indirectly these modes use a notary means to achieve the purpose of "washing" the money haram into halal money. One of the factors that led to the mode of money laundering involving a notary is because it is not categorized as notarized in article 17 paragraph (1) PPTPPU LAW as the reporting party. Based on it, therefore, the government regulation number 43 of 2015 about the reporter in the Prevention and Eradication of Money laundering criminal that entered the notary as a reporter who has the obligation to enforce the principle of recognizing service users (article 4 UUPPTPPU) and obliged to submit reports to the center of Financial Transaction Reporting and Analysis (*PPATK*) to suspicious financial transactions (article 7 UUPPTPPU).

When a notary entered as a reporter in the prevention and eradication of Money laundering crimes, and has the obligations as stated above, especially in the reporting when there is a suspicious financial transaction raises a dilemma for a notary as a profession that has a secret obligation of the Department. When viewing the provisions of government regulations number 43 of 2015 which obliges the profession in particular notary to submit suspicious financial Transaction report to *PPATK*, it is actually never regulated in the law of notary public. Unless UUJN himself obliged the notary to keep the contents of the deed as stated in the provisions of article 4 *Jo*. Article 16 paragraph (1) Letter f UUJN. When the notary office feels that GOVERNMENT REGULATION number 43 of 2015 contradicts the principle of maintaining client confidentiality in UUJN. Thus the author argues that we must first pay attention to the principle of law in legislation. Based on the theory of the Norms hierarchy (*Stufenbau Theory*), the legislation in the lower level should not contradict the legislation that is at higher levels, and so on in accordance with the hierarchy of norms and legislation (*Lex superior derogate lex inferior*).

If viewed by Indonesia already implemented the legal norm Hierarki (*Stufenbau Theory*), which was triggered by Hans Kelsen and developed by Hans Nawiasky. In Indonesia there is a sequence of legislation that has been specified in article 7 paragraph (1) of Law No. 12 of 2011 on the establishment of legislation. In this case government regulation number 43 of 2015 can be considered contrary to UUJN, because UUJN is a higher legislation of the position than government regulation number 43 of 2015, so the principle applies *lex superior derogate lex inferior*. In UUJN, it is explained that there is an

¹⁰A. Kohar dalam Eka Putri Tanjung Sari, "Penegakan Hukum Terhadap Pelanggaran Rahasia Jabatan Notaris", (Tesis, Magister Kenotariatan, Universitas Indonesia, 2012), p. 32.

exception to the secret of the notary office as long as it is determined by other laws, so that apply *lex superior derogate lex inferior*. In UUPPTPPU there is no listed profession (*including notary*) as the reporting party, so that in this case UUPPTPPU based on hierarchy theory of legislation can not be said as *Lex specialis* to waive the secret obligations of the position set in UUJN and government regulation number 43 of 2015 based on hierarchy theory of legislation can not override UUJN as a higher regulation.

On the other hand, the authors have the view that first, we must look at the hierarchy of rules ordered to be issued government regulation number 43 of 2015. Then the basis of the issuance of government regulation number 43 of 2015 is Article 17 paragraph (2) UUPPTPPU, where UUPPTPPU is hierarchically aligned with UUJN. If referring to article 12 of LAW No. 12 of 2011 on the establishment of statutory regulations, it is governed that:

"The content of the government regulation contains material to enforce the law accordingly."

In the article explanation above, stated that:

The meaning of *"running the law accordingly"* is the determination of the Government regulation to carry out the law order or to enforce the law as long as necessary by not deviating from the material governed by the applicable law.

According to Maria Farida Indrati Soeprapto, government regulation can conduct further arrangements of other provisions in the Regulation which is governing although it does not refer it firmly. If a problem in the Regulation requires further arrangement, while in the conditions do not mention explicitly to be regulated with government regulation, then government regulation can arrange further as long as it is further implementation of the regulation.¹¹ If linked to article 12 of LAW 12 of 2011, the opinion of Maria Farida above, and the articles in UUPPTPPU, implicitly it can be stated that the notary and other professions stipulated in government regulation No. 43 year 2015 do not contradict UUJN. In article 41 paragraph (1) of letter a UUPPTPPU govern that:

"In carrying out the function of prevention and eradication of Money laundering crimes referred to in article 40 letter A, PPATK is authorized to request and obtain data and information from government agencies and/or private institutions that have the authority to manage data and information, including from government agencies and/or private institutions that receive reports from certain professions. "

In the explanation of this chapter, it is mentioned that:

"..... The meaning of "private institutions" include the Association of Advocates, notary associations, and accountant associations..... "

Accordingly, pursuant to article 41 paragraph (1) letter a and its mandatory explanation, it can be said that the notary is obliged to provide the information requested by the PPATK if necessary. It can be seen that notary is a very important profession because it has the data and information needed in the effort to eradicate money laundering crimes as well as suspicious financial transactions, even though UUPPTPPU does not expressly and explicitly establish a notary as a reporter party. This perspective is the basis of the setting of the profession advocate, notary, land deed official, accountant, public accountant, and financial planner as the reporting party. Because of the vulnerability of the profession, further regulation is required even in the provisions of the Law is not expressly stated in order to be regulated with government regulation, as the mandate of article 17 paragraph (2) UUPPTPPU and recommendations of the Financial Action Task Force (FATF).

¹¹ Maria Farida Indrati Soeprapto, Ilmu Perundang-Undangan Dasar-Dasar dan Pembentukannya, Kanisius, Yogyakarta, 1998, p. 116.

Reporting obligations by applying the principle of recognizing service users that apply to the notary as stipulated in article 8 government regulation 43 of 2015 *Jo* Article 2 paragraph (3) Minister f Law and Human Rights Regulation number 9 of 2017 concerning application of the principles of recognizing service users, mentioned that:

Notary is obliged to submit a report suspicious financial transaction to PPATK for the benefit of or for and on behalf of service users include:

- a. Purchase and sale of property;
- b. Management of money, securities, and/or other financial services products;
- c. Management of current accounts, savings accounts, deposit accounts, and/or securities accounts;
- d. Operation and management of the company; and/or
- e. Establishment, purchase, and sale of legal entity.

Based on the analysis above, the author can draw a conclusion that the notary position as the reporting party in the criminal act of money laundering is different from his position as a state official representing the country in the making of the authentic deed. As a general official, notary does not act to represent or for and on behalf of the service user. Based on UUJN, notary is a neutral profession, so it is required to be independent, impartial or acting to the benefit or on behalf of the service user as with the advocate. If the notary is acting in accordance with the Authority as stipulated in the UUJN, the notary is not obliged to report suspicious financial transactions as set out in government regulation number 43 of 2015 *Jo*. Minister f Law and Human Rights Regulation number 9 of 2017. However, if the notary is acting for interest or for and on behalf of the other party, then the notary is obliged to report it.

Notary Obligations and Responsibilities in the Prevention and Eradication of Money Laundering Crimes

With the categorizing of notary as the reporting party of suspicious financial transactions related Money Laundering Crimens provides such great benefits to the country, the community, even to the notary public itself. The notary is required to apply the prudence principle in carrying out the profession, so that when the notary is aware of suspicious financial transactions, the notary must report to the PPATK. Please note that reporting by a notary related to a suspicious financial transaction that a service user has performed to PPATK does not necessarily imply a criminal offence through the making of the money laundering. It is the obligation of PPATK, based on its analysis, to conclude a transaction that is deemed to deviate from the profile or particularity of service users is a reasonable transaction and use legitimate money. Notary wants a clear rule regarding the notary authority in terms of prevention of criminal acts of money laundering. If there is no clear limitation on the notary authority to prevent or overcome money laundering crimes then the notary public is not measured. The authority of this profession to be determined later based on other rules of law that will appear later in the day (*ius constituendum*) must be in the form of legislation.

With the inclusion of notary as a profession that is obliged as a reporter in the Criminal of money laundering, as stipulated in various laws above, the notary has the following obligations:

1. Principle of recognizing service users

The entry of notary public as a reporter in the prevention and eradication of Money laundering crimes, made the needs of the extent that the notary was actually instrumental in the prevention and eradication of money laundering crimes. This restriction can then actually be seen in article 4 government regulation number 43 of 2015 stating that the reporting party must apply the principle of recognizing the service user.

Regarding the principle of recognizing service users that should be established by the Board of Trustees and regulators (*article 18 paragraph (1) UUPPTPPU*), but if the board of trustees and regulators have not established the principle of recognizing the service users can be governed by the Regulation of the Head of PPATK. To further govern the application of the principle of recognizing service users for notary public, the government established the Minister of Justice and Human rights Regulation No. 9 of 2017 on the application of principles to recognize services users for notary. What is meant by the application of the principle to recognize service users as regulated can article 2 paragraph (2) Minister of Law and Human Rights Regulation number 9 of 2017 least load user identification Services, service user verification, and monitoring of financial transactions.

But based on the results of the study, notary does not have the authority to determine the material correctness of the identity of the Roadblock, notary only has the obligation to determine the formal requirement with the known/introduction of the The Appearers to the notary. In addition, regarding the monitoring of transaction User Services set forth in article 21 Minister of Law and Human Rights Regulation number 9 of 2017, it is not clearly regulated regarding the fairness of the obligations of the transaction in question, because during this notary to inquire the origin of the transaction funds only is very rare and taboo to do, given the role of notary only as a neutral party in the task of job title.

2. Suspicious financial transaction reporting obligations

Notarized as the reporter in article 3 Government Regulation number 43 of 2015, in accordance with article 8 of the Government regulation, notary is obliged to submit a report if there is suspicious financial transaction to the financial transaction reporting and Analysis Center (PPATK). And that is meant by suspicious financial transactions set out in article 1 numeral 5 UUPPTPPU and article 1 numeral 8 Government Regulation number 43 of 2015. For the profession, the reporting of suspicious financial transactions on the PPATK must be reported by the notary is for the benefit of or for and on behalf of the service user, in accordance with article 8 paragraph (1) of government Regulation No. 43 of 2015. With the fifth Perka PPATK number 11 of 2016 in article 5 explained that the profession which belongs to the reporting party in Government Regulation number 43 of 2015 has an obligation to:

(1) Must disconnect the business relationship with service users if:

- a. Service users refuse to adhere to the principle of recognizing service users; Or
- b. The profession of doubt the correctness of information submitted by service users.

(2) The profession is obliged to report it to PPATK regarding the act of termination of business relationship

3. To perform the reporting to the PPATK, the profession is obliged to register and fill the report, whose conditions are governed further in the provisions of article 6 Perka PPATK 11/2016:

- a. Establish reporting officers, as provided for in article 7.
- b. Register through the application GRIPS, as stipulated in article 8.
- c. Reporting to PPATK.

Notary who does not carry out registration obligations on the GRIPS application under the joint announcement of the Ministry of Justice and Human rights cq. Directorate General of General Law administration, PPATK and Indonesian Notary Association stated that when passing the deadline for registration, notary has not registered, will be imposed sanctioned the closure while access to the General Legal Administration Online account

Notary is obliged to submit reports to the financial transaction reporting and Analysis Center, so that if the notary does not execute the obligation then the notary will get sanctions as stipulated in article 13 PPATK number PER-14/1.02/PPATK/11/14. Sanctions are administrative sanctions in the form of:

- a. Written reprimand;
- b. Announcements to the public regarding action or sanctions; and/or
- c. Administrative fines.

In addition to the above administration sanctions, notary can also get criminal sanctions if the notary does not report suspicious financial transactions and there is a crime, a notary can face a criminal threat Article 5 UUPPTPPU about passive money laundering crimes, as well as article 55 the Criminal Code (*hereinafter referred to KUHP*) which is participating and article 56 the Criminal Code that actively participated in assisting the crime.

4. The principle of recognizing corporate benefit owners

In connection with the prevention and eradication of Money laundering crimes, then the notary who is part of the key in establishing a corporation both legal entity and not a legal entity, then the notary not only acts as the power of the applicant to ratification the legal entity but also as the power of the corporation to convey the information of the owner of the corporation to the authorized authorities. Therefore, the Government through its legal policy has set the application of the principle to recognize the benefit owners of corporations by issuing presidential Regulation No. 13 of 2018 on the application of principles to recognize the benefit owners from corporations in order to prevent and eradicate criminal acts of money laundering and criminal acts of funding. Thus, since the issuance of Presidential Decree No. 13 of 2018 which entered into force on March 5, 2018 this provides the consequences for all types of corporations in the process of establishing mandatory also convey information or with the statement of ability to provide information on the application of the principle of recognizing the benefit of corporations.

Article 24 Presidential Decree No. 13 of 2018 sanctioned the parties who do not perform its provisions as intended in article 3 (*Determination of the beneficiaries*), article 14 (*Application of the principle recognizes the owner of the benefit*), and article 18 up to article 22 (*obligation to submit*) may be penalized in accordance with the provisions of legislation. The existence of related clause "... *Sanctioned in accordance with the rules of The Law*", according to the author's saving for each corporation or the appointed party in the Presidential Decree No. 13 of 2018 which violates the provisions of the articles may have been ensnared with UUPPTPPU and the Terrorism Financing Act, as contained in the main title of Presidential Decree No. 13 year 2018.

In essence, the money of notary public is covered by the truth of the deed which is made. Notary is not responsible for the untruth of the content of the deed made in his presence based on information of the parties. The notary is responsible for the formal form of the authentic deed as it is enacted by the Law. However, notary is not to be negligent and must be careful in pouring all evidence of formyl into the deed. The concept of responsibility is also expressed by the founder of the Pure Law theory *Hans Kelsen*. According to Hans, the responsibilities are closely related to the obligation, but not identical. These obligations arise due to the rules of law governing and providing obligations to legal subjects. The concept of this accountability when associated with the notary office, the notary can be held accountable for his mistakes and negligence in the execution of his duties and positions (*based on fault of liability theory*).

If the appearer has fulfilled all of these conditions, then it is sufficient to be the basis of a notary legal act. However, when there are doubts and peculiarities of the documents that are the condition

for the making of the The Appearers deed, then the notary should seek the truth materically on the the Appearers document or notary should refuse to create an authentic deed, to achieve the principles of prudence to know the the appearers and not to be a dispute in the present day.¹²

But if studied further related to the expansion of notary concept as Money Laundering Crimes reporter with the above obligations, then this is also a problem related to the authority of the institution governing the two different jurisdictions where the profession of notary public enters the civil law that is subject to the UUJN while the money laundering enters the jurisdiction of the law that is subject to Money Laundering Crimes rules. Therefore, the author hopes that the government to make legislation in the form of legislation that specifically and expressly governs the obligation of the profession (*which in this case notary*) as the reporting party in the criminal acts of money laundering.

Nevertheless, to protect the interests of the country is much greater (*social ultimate goal*) then either the Government or the legal profession in which case it is notary, and the public should still be subject to the provisions of notary as a Money Laundering Crimes reporter and apply the principle of recognizing service users to their services users. Based on the obligations, sanctions, and explanations above, in the event that notaries carry out its obligations in the prevention and prevention of Money Laundering Crimes, notary can not be held accountable in a profession as stipulated in the pursuant to Article 28 and article 45 UUPPTPPU explained also that the implementation of the reporting obligations by reporting excluded from the confidentiality provisions that apply to the profession both governed by law and based on the article, the notary report that reported suspicious financial transactions carried out to the PPATK pursuant to the provisions of article 29 and article 87 UUPPTPPU, i.e. notaries cannot be prosecuted both civil and criminal for the reports he gave to PPATK and during this reporting obligation there is no substance abuse authority. However, the notary public may be subject to administrative responsibilities if it does not fulfill its obligations in the prevention and eradication of Money Laundering Crimes as described in the description of the notary obligations above.

Conclusion

Regulatory obligations of notary in the prevention and eradication of Money laundering crimes against the secret obligation of the Department that in fact in the UUPPTPPU implicitly have entered the notary as the reporting party as stipulated in article 41 paragraph (1) UUPPTPPU. Then the basis of the issuance of government regulation number 43 of 2015 IS is Article 17 paragraph (2) UUPPTPPU, where UUPPTPPU is hierarchically aligned with UUJN. And pursuant to article 8 Government Regulation number 43 of 2015 *Jo.* Minister of Law and Human Rights Regulation Number 9 of 2017 it is seen that the notary public as the reporter in the Money Laundering criminal act is different from his position as a state official representing the country in the making of the authentic deed.

The obligation and responsibility of the notary in the prevention and eradication of criminal acts is mandatory is legally notarized liable for alleged criminal acts of money laundering when it acts for the benefit of or for and on behalf of the service user to objects required to be reported. To carry out its responsibilities, the notary is required to apply more in-depth principles to its services users, among others, the principle of recognizing service users, the principle of recognizing the benefits owners of corporations and delivering suspicious financial transaction reports to the PPATK through the *GRIPS* application.

¹² Achmad Arif Kurniawan, "Pertanggungjawaban Pidana Notaris dalam Hal Pekerja Notaris Melakukan Tindak Pidana Pemalsuan Surat", Jurnal, Universitas Brawijaya, p 12.

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