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LEGAL PROTECTION FOR NOTARIES IN IMPLEMENTING THE KNOW YOUR COSTUMER (KYC) PRINCIPLE TO PREVENT MONEY LAUNDRING AND TERRORISM FINANCING

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Abstrak

Penelitian ini membahas konflik aturan antara kewajiban notaris menjaga kerahasiaan klien menurut Undang-Undang Jabatan Notaris (UUJN) dan kewajiban melaporkan transaksi mencurigakan kepada PPATK berdasarkan Permenkumham No. 9 Tahun 2017. Tujuan penelitian ini untuk menganalisis perlindungan hukum bagi notaris dalam melaksanakan prinsip mengenali pengguna jasa serta melihat adanya konflik antara Permenkumham No. 9 Tahun 2017 dan UUJN. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konsep, dan studi kasus. Hasil penelitian menunjukkan notaris berada dalam posisi sulit karena di satu sisi diwajibkan melaporkan transaksi mencurigakan untuk mencegah pencucian uang dan pendanaan terorisme, namun di sisi lain terikat untuk menjaga rahasia klien sesuai UUJN, yang dapat menimbulkan sanksi jika dilanggar. Permenkumham No. 9 Tahun 2017 yang tidak didukung aturan jelas dalam undang-undang menimbulkan ketidakpastian hukum. Penelitian ini menyarankan agar aturan hukum diselaraskan, termasuk UU PPTPPU, Permenkumham No. 9 Tahun 2017, dan UUJN, agar kewajiban pelaporan tidak bertentangan dengan prinsip kerahasiaan. Disarankan juga perlindungan hukum yang lebih baik dan pelatihan bagi notaris agar dapat melaksanakan tugasnya dengan baik.

Kata kunci: *Notaris; Pelaporan Transaksi Mencurigakan; Kerahasiaan Jabatan; Perlindungan Hukum; Prinsip Mengenali Pengguna Jasa.*

Abstract

This study discusses the legal conflict between notaries' obligation to maintain client confidentiality under the Indonesian Notary Position Act (UUJN) and the obligation to report suspicious transactions to the Financial

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Transaction Reports and Analysis Center (PPATK) as mandated by Ministerial Regulation No. 9 of 2017. The purpose of this research is to analyze legal protection for notaries in implementing the Know Your Customer principle and to examine the conflict between Ministerial Regulation No. 9 of 2017 and the UUJN. This study uses a normative legal approach with statutory, conceptual, and case study methods. The findings show that notaries are in a difficult position, being required to report suspicious transactions for the prevention of money laundering and terrorism financing, but also bound to keep client confidentiality according to the UUJN, with possible sanctions for breaches. Ministerial Regulation No. 9 of 2017, which lacks clear legal support from higher regulations, creates legal uncertainty. This research suggests harmonizing the regulations, including the Anti-Money Laundering Law, Ministerial Regulation No. 9 of 2017, and the UUJN, so that the reporting obligation does not contradict confidentiality principles. It also recommends stronger legal protection and training for notaries to perform their duties properly.

Keywords: Notary, Money Laundering, Terrorism, Suspicious Transaction Reporting, Confidentiality Principle.

INTRODUCTION

In the development of law and the needs of modern society, the role of notaries is increasingly complex and important, especially in ensuring legal certainty in various legal and economic transactions. Notaries are positioned as public officials who have the authority to make authentic deeds and provide legal advice that can be relied upon (Ningsih et al., 2022, p. 173). Through Law Number 30 of 2004 concerning the Notary Position, which was later amended by Law Number 2 of 2014 (UUJN), the state legitimized the position of notaries as officials who perform public functions (Indonesia, Pemerintah Pusat, 2014). In carrying out their functions, notaries must act honestly, independently, and prudently. The notary must verify the truth of the documents and statements of the parties before they are written into the deed (Indarwati, 2023, p. 41). In fact, notaries have an obligation to keep confidential all information obtained in the process of making a deed, known as the right of denial or *verschoningsrecht*, as stipulated in Article 170 of the Criminal Procedure



Code and Article 1909 paragraph (3) of the Civil Code (Prasstumi, 2022, p. 214)

However, since the enactment of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (PPTPPU Law), notaries have also been included as one of the reporting parties to PPATK (Oktaviany et al., 2022, p. 47). This role was later reaffirmed through Government Regulation Number 43 of 2015 and Minister of Law and Human Rights Regulation Number 9 of 2017 concerning the Application of the Principle of Recognizing Service Users for Notaries. In this regulation, notaries are required to identify, verify, and monitor service user transactions, as well as report suspicious transactions that lead to criminal acts of money laundering and terrorism financing (Ilham et al., 2020, p. 390). On the one hand, this provision demonstrates the trust and strategic role of notaries in helping the state fight financial crime. But on the other hand, this obligation creates a potential conflict with the notary's obligation to keep the client's secret as affirmed in Article 4 and Article 16 paragraph (1) letter f of UUJN (Sari, 2022, p. 75). The notary's oath of office emphasizes that he/she is obliged to maintain the confidentiality of the contents of the deed and information obtained during the performance of duties (UUJN). In fact, Article 322 of the Criminal Code provides criminal penalties for notaries who intentionally disclose professional secrets (Ratnawati, 2020, p. 109)

The problem arises when Permenkumham No. 9/2017 as a legal product at the level of ministerial regulation requires notaries to disclose certain transaction information to the authorities, while UUJN which is a law does not provide such explicit provisions (Maulina, 2025, p. 2064). This creates a conflict of norms, because hierarchically ministerial regulations cannot negate legal obligations in the law. The additional administrative burden, the unclear reporting mechanism, as well as the risk of criminal and administrative sanctions attached if the notary is wrong in applying the principle of recognizing service users, indicate an urgent need for balanced legal protection. Therefore, this study considers it important to analyze the conflict of norms and formulate the ideal form of legal protection for notaries in carrying out their dual roles.

The problem in this study stems from the norm conflict between the legal obligations attached to the notary profession and its new role as a



reporting party in the regime of preventing money laundering and terrorism financing. On the one hand, notaries are required to apply the know your customer principle as stipulated in Permenkumham No. 9/2017, which includes the obligation to report suspicious financial transactions. However, on the other hand, notaries are legally bound by the obligation to keep the secrets of their office as stipulated in the Law on Notarial Position (UUJN) and their oath of office. The problem arises when the obligation to disclose information as stipulated in Permenkumham which is a regulation under the law has the potential to override the right of renunciation guaranteed by UUJN, thus creating legal uncertainty for notaries. Therefore, this research needs to answer two main questions: first, what is the appropriate form of legal protection for notaries in applying the principle of recognizing service users; and second, whether the reporting obligation is normatively contradictory to the principle of confidentiality which is the foundation of the ethics and law of the notary profession.

This research focuses on exploring in depth the legal protection mechanisms that can be provided to notaries in implementing the principle of recognizing service users, especially in the context of preventing money laundering and terrorism financing. The analysis is directed at how existing regulations can ensure legal certainty for notaries who carry out the role of reporting parties without compromising the principle of professional confidentiality which is the ethical and juridical foundation of the office of notary. In addition, this research aims to critically examine the potential conflict of norms between Permenkumham No. 9/2017, which requires the reporting of suspicious transactions, and the Notary Position Law, which regulates the obligation to keep secrets. Through a normative approach, this research targets the formulation of a solution that is not only in line with the principle of hierarchy of laws and regulations, but also maintains a balance between the interests of crime eradication and the protection of the professionalism of the notary position.

LITERATURE REVIEW

In legal research that focuses on legal issues faced by notaries in implementing the principle of recognizing service users, especially in the context of reporting obligations that have the potential to conflict with the



principle of professional confidentiality, the theoretical basis serves as a conceptual footing and analytical tool to understand and critically assess applicable legal provisions, both from a normative and practical perspective (Arifuddin et al., 2025, p. 121). In this case, the three main theories used as a framework are Legal Protection Theory, Legal Certainty Theory, and Hierarchy of Legislation Theory.

Legal Protection Theory

Legal protection is an important foundation in examining how the state should provide guarantees to notaries in carrying out their duties. Legal protection serves to protect the rights and interests of individuals or groups from potential threats, both from the arbitrary actions of state officials and from multiple interpretations of legal norms. In the context of notaries, this protection is relevant considering that notaries are faced with the obligation to report suspicious transactions as stipulated in Permenkumham No. 9/2017, but at the same time are bound by the oath of office to maintain client confidentiality in accordance with the Notary Position Law (UUJN). According to Philipus M. Hadjon, legal protection can take preventive and repressive forms: the first provides space for participation and control before decisions are made, and the second resolves violations or disputes after they occur (Prayoga et al., 2023, p. 191). The need for legal protection arises so that notaries do not become victims of norm uncertainty and do not bear legal risks due to regulatory clashes.

Legal Certainty Theory

Legal certainty is used to assess the extent to which existing regulations provide clarity and certainty for notaries in carrying out their new obligations. In a good legal system, every individual must be able to predict the legal consequences of every action, including in this case the obligation to report and maintain confidentiality. Gustav Radbruch emphasized that legal certainty is one of the main objectives of law, along with justice and expediency (Kurniawan, 2024, p. 44). The unclear position of the notary between two conflicting legal obligations will create a gray area that raises doubts in the performance of duties and can weaken the legitimacy of the notary's role in the legal system.



Theory of Hierarchy of Laws and Regulations

The Hierarchy of Laws and Regulations Theory becomes an analytical tool to answer the issue of norm conflict between UUJN and Permenkumham No. 9 Year 2017. This theory, developed by Hans Kelsen and Hans Nawiasky, states that every legal norm must be in a multilevel structure and the norms below must not conflict with the norms above it (Sati, 2020, p. 837). In this case, UUJN as a law product has a higher legal position than Permenkumham which is a ministerial regulation. However, to resolve this potential conflict, the principle of *lex specialis derogat legi generali* can be used, where more specific rules can override more general rules. This is important because Permenkumham No. 9/2017 specifically regulates actions in the context of preventing money laundering and terrorism financing. However, the application of this principle must still be accompanied by a protection mechanism for the rights and obligations of notaries so as not to contradict the spirit of legal protection and legal certainty itself.

By combining these three theories, this research has a strong analytical framework to examine the position of notaries in Indonesia's dynamic legal system, as well as to seek an ideal formulation so that the reporting obligation does not undermine the integrity and security of the notary profession.

RESEARCH METHODS

This research method uses normative legal research, which focuses on literature study of relevant laws and regulations, legal principles, doctrines, and legal theories (Soerjono Soekanto, 2014, p. 63). This normative research is used because the main problem discussed concerns the conflict of norms between the obligation of notaries to report suspicious financial transactions and the obligation to maintain client confidentiality as stipulated in laws and regulations of different levels (Agustina, 2024). The choice of normative approach is also based on the absence or lacuna of specific regulatory norms, especially related to legal protection for notaries in carrying out their new obligations as reporting parties that have the potential to sacrifice the principle of professional confidentiality.

The approach used in this research consists of three types of complementary legal approaches. First, the statutory approach (Marzuki,



2017, p. 93). is used to examine various positive legal regulations that form the basis of the authority and obligations of notaries, such as Law No. 2 of 2014 on the Position of Notary, Law No. 8 of 2010 on the Prevention and Eradication of the Criminal Acts of Money Laundering, Government Regulation No. 43 of 2015, and Permenkumham No. 9 of 2017. This approach is important to understand the normative framework that regulates the position and legal responsibilities of notaries. Second, a conceptual approach is used to explore relevant legal principles and principles, such as the principle of *lex specialis derogat legi generali*, the principle of legal protection, and the principle of legal certainty, which form the basis of argumentation in parsing norm conflicts between applicable regulations (Efendi & Rijadi, 2022, p. 188). Third, a case approach is applied to examine practices in the field, especially in cases that show how notaries face conflicts between reporting obligations and obligations to maintain client confidentiality, so as to obtain a concrete picture of the implementative impact of the norms studied (Arliman, 2018, p. 114). This approach was chosen to provide a complete analysis, both from the normative, theoretical, and practical sides in the context of legal protection for notaries.

The types and sources of legal materials in this research consist of three main categories. Primary legal materials (Marzuki, 2017, p. 181) include relevant laws and regulations such as the Notary Office Law, the Money Laundering Crime Law, as well as implementing regulations, including jurisprudence and binding legal norms. Secondary legal materials are used to support normative analysis, in the form of scientific literature, journal articles, theses, and expert opinions that provide explanations of primary legal materials (Rizkia & Fardiansyah, 2023, p. 20). Meanwhile, tertiary legal materials, such as legal dictionaries and encyclopedias, are used as tools to clarify legal concepts and terms used in research (Firmanto et al., 2024, p. 94). The collection of all legal materials was carried out through systematic and directed library research on authoritative sources. In analyzing the legal materials, two main approaches were used: first, legal interpretation, which includes grammatical and systematic interpretation to understand the text and structure of the norm as a whole (Susanti, 2021, p. 86); and second, content



analysis, which is a conceptual approach that aims to identify, evaluate, and interpret the substantive meaning of the legal norms studied (Efendi & Rijadi, 2022, p. 192).

RESULTS AND DISCUSSION

Forms of Legal Protection for Notaries in the Application of the Principle of Recognizing Service Users in the Prevention of Money Laundering and Terrorism Financing

In the context of preventing money laundering and terrorism financing, notaries play a strategic role as public officials responsible for ensuring the validity of legal transactions. This role is strengthened by the provisions in the Minister of Law and Human Rights Regulation No. 9/2017 which requires notaries to apply the principle of recognizing service users (Know Your Customer/KYC) (Dharsana & Kresnadjaja, 2023, p. 20). Through service user identification and verification, notaries are expected to detect and report suspicious financial transactions to the Financial Transaction Reports and Analysis Center (PPATK), as stipulated in Article 3 of Government Regulation No. 43/2015. This obligation is not only a form of regulatory compliance, but also a preventive effort to prevent the misuse of notary services in money laundering practices. Research by Dharsana et al. (2023) emphasizes that reporting by notaries of suspicious transactions does not violate the principle of confidentiality of office, but rather is an implementation of the precautionary principle that must be carried out by notaries in carrying out their duties (Dharsana et al., 2023, p. 168)

However, the implementation of this reporting obligation poses its own challenges for notaries, especially in relation to the potential conflict between the obligation to maintain the confidentiality of the office and the obligation to report suspicious transactions. Although the Notary Position Law regulates the obligation of notaries to maintain the confidentiality of information obtained in the course of their duties, provisions in the Anti-Money Laundering Law and its implementing regulations provide exceptions to this obligation in the context of suspicious transaction reporting. This shows the existence of a hierarchy of legal norms where higher regulations can override lower regulations in the event of a norm conflict. Research by Prawati et confirms that the reporting obligation by notaries is a form of legal protection given to notaries to avoid involvement



in money laundering crimes, as well as an effort to harmonize between various applicable legal provisions (Prawati et al., 2024, p. 294)

1. The Role and Position of Notary in Implementing the Principle of Recognizing Service Users in the Prevention of Money Laundering and Terrorism Financing.

Notaries are public officials authorized by law to make authentic deeds and perform other functions in accordance with statutory provisions. In carrying out their duties, notaries are required to be professional, honest, and independent, as well as maintain the confidentiality of all information obtained during the performance of their duties, as stipulated in Article 4 and Article 16 paragraph (1) letter f of the Notary Position Law (UUJN). This provision is strengthened by criminal sanctions in Article 322 of the Criminal Code and administrative threats in the form of dismissal from office if the notary intentionally discloses secrets (Article 16 paragraph (11) of UUJN).

However, since the enactment of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering (Anti-Money Laundering Law), as well as Government Regulation No. 43 of 2015 (jo. Government Regulation No. 61 of 2021), notaries are designated as reporting parties. This is clarified in Permenkumham No. 9/2017 which requires notaries to apply the principle of recognizing service users, including identification, verification, and monitoring of financial transactions (Prayitno, 2017, p. 118). The provision requires notaries to actively report suspicious transactions to PPATK, as part of the state's efforts to eradicate money laundering (Naufaldy & Bonaparta, 2023, p. 4805)

The application of the know your customer principle has dual implications for the responsibilities of notaries. On the one hand, notaries play an important role as part of the suspicious financial transaction monitoring system, which if applied appropriately can provide legal protection for themselves and also the interests of the wider community (Badriyah & Simangunsong, 2024, p. 2798). On the other hand, this obligation may conflict with the principle of confidentiality of office as stipulated in the UUJN, thus creating a normative and ethical dilemma for notaries (Nurjannah & A, 2023, p. 367)



2. Challenges and Obstacles of Notary in Implementing the Principle of Recognizing Service Users in the Prevention of Money Laundering and Terrorism Financing Crime

The application of the Know Your Customer (KYC) principle is an important element in the prevention of money laundering and terrorism financing. Notaries, as public officials, have the obligation to not only ensure the validity of legal transactions, but also detect and report suspicious financial transactions (Siddiqiyah et al., 2024, p. 900). However, in practice, this obligation poses a number of serious challenges that impact workload, efficiency and legal certainty. One of the main obstacles is the increased administrative burden. The implementation of KYC principles requires additional documentation covering the process of identification, verification, and monitoring of transactions, which demands considerable time and resources. In this context, the implementation of electronic reporting systems such as GRIPS (Gathering Report Information Processing System) by PPATK adds administrative complexity because notaries are required to understand the use of applications and adjust to the digital system (Tunggadewi et al., 2021, p. 184)

Another challenge comes from the potential conflict between the reporting obligation and the principle of confidentiality of the notary office as stipulated in the Notary Office Law. On the one hand, notaries are obliged to protect client information, but on the other hand are required to report suspicious transactions. This creates an ethical and legal dilemma, especially when the suspicious transaction indicators are interpretative. According to Article 4 of Permenkumham No. 9/2017, notaries must also establish risk mitigation policies and categorize service users based on risk levels (Ibrahim & Sudiro, 2022b, p. 633). However, this identification process is susceptible to multiple interpretations and demands high accuracy, as reporting errors can trigger administrative sanctions. Not only that, the financial challenges are also significant as additional costs include software procurement, human resource training, and technological infrastructure capacity building (Rusli et al., 2024, p. 1077). Moreover, the risk of sanctions due to negligent reporting is also a factor that adds to the burden of legal responsibility. Adjustment to digital systems such as GRIPS is not always easy, especially for notaries who are not familiar with technological systems. Lack of access to technological infrastructure,



especially in remote areas, as well as the risk of data leakage due to cybercrime increase the complexity of KYC implementation (Agustini et al., 2022, p. 1595)

In facing this challenge, government support is needed in the form of more technical regulations, simplified reporting systems, and technology-based training for notaries. In addition, adaptation to the latest technologies such as blockchain and digital legal information systems must also be introduced in notarial education so that notaries not only understand the legal aspects, but also have adequate digital competencies. Thus, the application of the principle of recognizing service users is not only an administrative obligation, but also a strategic tool in protecting the integrity of the notary profession while systematically supporting the eradication of transnational financial crimes.

3. Forms of Legal Protection for Notaries in Implementing the Principle of Recognizing Service Users in the Prevention of Money Laundering and Terrorism Financing Crime

In carrying out their role as public officials authorized to make authentic deeds, notaries have an obligation to apply the principle of recognizing service users (Know Your Customer/KYC) as part of efforts to prevent and eradicate criminal acts of money laundering and terrorism financing. The appointment of a notary as a reporting party for suspicious transactions carries its own risks, including the potential for intimidation, pressure, or lawsuits from parties who feel aggrieved by the report (Ibrahim & Sudiro, 2022a, p. 195). Therefore, the existence of a legal protection system is important to ensure the security and independence of notaries in carrying out these obligations.

Theoretically, legal protection is divided into two forms, namely preventive and repressive. Preventive legal protection aims to prevent disputes from arising by ensuring that notaries perform their duties in accordance with applicable procedures and norms. This can be achieved through guidance and supervision by the Notary Supervisory Council, application of the precautionary principle, and strengthening professional knowledge of service users (Pramadanty et al., 2024, p. 239). Meanwhile, repressive legal protection is provided if the notary faces legal problems, such as lawsuits or criminal charges, as long as the notary carries out



reporting obligations in accordance with the law. This form of protection includes assistance from professional organizations such as the Indonesian Notary Association (INI) and protection in the judicial process (NNP, 2016)

In the normative aspect, Law No. 8/2010 on the Crime of Money Laundering (Anti-Money Laundering Law) explicitly contains various forms of legal protection for whistleblowers, including notaries. Article 83 stipulates that the identity of the reporter must be kept confidential by PPATK, investigators, public prosecutors, and judges. If this identity is divulged, the whistleblower or their heirs have the right to claim compensation. Article 84 strengthens the protection by stipulating that every whistleblower is entitled to security guarantees from threats to self, life, property, and family. Furthermore, Article 85 prohibits the mention of the whistleblower's identity in court proceedings, while Article 86 extends protection to witnesses who give testimony in money laundering cases. Finally, Article 87 states that whistleblowers or witnesses cannot be prosecuted, either civilly or criminally, for the reports they submit, unless proven to have given false testimony (Indonesia, Pemerintahan Pusat, 2010)

The provision shows that the state not only encourages active participation in suspicious transaction reporting, but also provides a comprehensive guarantee of legal protection for notaries who carry out these obligations properly. This protection includes aspects of identity, personal and family security, and legal immunity for reports reported in good faith (Dhaneswara, 2020, p. 175). Thus, this form of legal protection for notaries as whistleblowers not only strengthens public trust in the function of notaries, but also becomes an integral part of the national legal system in dealing with financial crimes.

Notary's Obligation to Report Suspicious Financial Transactions in Minister of Law and Human Rights Regulation No. 9/2017 on the Implementation of the Principle of Recognizing Service Users for Notaries contradicts the obligation of notaries to keep secrets in UUJN.

In the context of the application of the principle of recognizing service users (PMPJ) by notaries, there is a tension between the obligation to report suspicious financial transactions as stipulated in the Minister of Law and Human Rights Regulation (Permenkumham) No. 9/2017 and the obligation to maintain confidentiality as stipulated in the Notary Position



Law (UUJN). Permenkumham No. 9/2017 requires notaries to report suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK), while UUJN affirms the obligation of notaries to maintain the confidentiality of information obtained in carrying out their duties. This conflict creates a legal dilemma for notaries in determining priorities between compliance with reporting regulations and maintaining client trust.

Permenkumham No. 9/2017 is designed to strengthen efforts to prevent money laundering and terrorism financing by involving notaries as reporting parties. However, this obligation may conflict with the principle of confidentiality held dear by the notary profession. In international practice, there is debate over the extent to which legal professionals, including notaries, should be involved in suspicious transaction reporting without violating the principle of client confidentiality. Some jurisdictions emphasize the importance of maintaining confidentiality to protect the rights of individuals, while others emphasize the active role of legal professionals in detecting and reporting illegal activities (Valvi, 2022, p. 31). This tension demonstrates the need for a balance between law enforcement efforts and the protection of individual rights, as well as the need for a clear legal framework to direct the actions of notaries in these situations.

1. Notary's Obligation to Report Suspicious Financial Transactions in Suspected Money Laundering and Terrorism Financing Crimes

As part of the national effort to eradicate financial crime, notaries are appointed as reporting parties for suspicious financial transactions in the context of preventing money laundering and terrorism financing. This is clarified in Government Regulation No. 43 of 2015 jo. PP No. 61 of 2021 which emphasizes that professions such as notaries are obliged to report transactions that are suspiciously derived from criminal acts. This obligation is strengthened by the presence of PPATK Head Regulation No. 11 of 2016 which regulates the procedures for reporting by professions using the GRIPS application, which was later updated with the goAML system (PPATK, 2025). In this case, notaries must report if there are allegations that the transactions carried out use assets from criminal offenses or related to terrorism activities.



Permenkumham No. 9/2017 specifically assigns notaries to apply the principle of recognizing service users when encountering suspicious transactions, large transactions, or doubts about the validity of service user data. In the event that a transaction is found that deviates from the client's profile or normal transaction pattern, the use of suspicious identities, or transactions that are economically unreasonable, the notary is obliged to report to PPATK without waiting for a court decision. This obligation is a form of preventive approach to detect illegal activities early on (Fadila et al., 2021, p. 213).

In total, there are around 27 provisions in Permenkumham No. 9/2017 that regulate the obligations of notaries in implementing KYC principles (Suriadiredja & Putra, 2022, p. 110). One of them, Article 17 paragraph (1), even requires notaries to conduct in-depth identification of service users or beneficial owners with a high risk of this function resembling an investigative role such as preliminary investigation, placing notaries in a fairly heavy position because it involves verifying the identity and legal background of service users. This raises new challenges related to the competence and role of notaries in distinguishing between administrative functions and detective functions.

In its implementation, the reporting obligation is also accompanied by technical challenges, especially in the use of electronic reporting applications such as GRIPS or goAML. Not all notaries are technically or resource-ready to conduct digital reporting, especially in areas that do not have adequate technological infrastructure. Therefore, it is important that state policies encourage technical training and intensive assistance for notaries as reporting parties (Parapat et al., 2024, p. 112)

Despite the added administrative burden and responsibility, mandatory reporting by notaries brings great benefits in maintaining the integrity of the legal and financial systems. Suspicious transaction reporting by notaries can close the gap for criminals in utilizing legal services to hide the proceeds of crime or fund terrorism activities. In other words, the active participation of notaries as reporting parties is an important part of the national strategy for sustainable and accountable financial law enforcement.



2. Legal Antinomy between Permenkumham No. 9/2017 and UUJN: Between Notary's Obligation to Report Suspicious Financial Transactions and Keeping Secrets

Legal antinomy is a condition in which there is a conflict between legal norms that regulate similar objects, but with opposite orders or prohibitions (Mochtar, 2015, p. 319). In the context of this research, the antinomy arises between the provision in Permenkumham No. 9/2017 that requires notaries to report suspicious financial transactions, and the provision in UUJN that requires notaries to keep the deeds and information obtained in the performance of their duties confidential. This tension creates a legal dilemma in notarial practice and poses a potential risk of sanctions for notaries, both if they report and if they do not.

The reporting obligation by notaries was first introduced through Government Regulation No. 43 Year 2015 (amended by Government Regulation No. 61 Year 2021), as a derivative of Article 17 paragraph (2) of the PPTPPU Law which is delegative in nature. In its implementation, Permenkumham No. 9/2017 then details the implementation of the principle of recognizing service users for notaries, including the obligation to identify, verify, and report suspicious transactions. However, on the other hand, UUJN, which is the legal basis of the notary profession, contains an explicit command in Article 16 paragraph (1) letter f jo. Article 4 paragraph (2), which obliges notaries to maintain the confidentiality of the contents of the deed and information from the parties, unless otherwise ordered by "law". Sanctions for violation of this obligation are even emphasized in Article 322 of the Criminal Code and Article 16 paragraph (11) of the UUJN, including administrative sanctions in the form of dismissal.

To analyze this conflict, the hierarchical theory of legislation is used with the principles of *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and *lex posterior derogat legi priori* (Irfani, 2020, p. 305). In the context of *lex superior*, UUJN as a law has a higher position than PP and Permenkumham. So that the obligation to keep secrets in the UUJN must take precedence over the reporting orders that only appear in PP No. 43 of 2015 and Permenkumham No. 9 of 2017. Meanwhile, the *lex specialis* principle cannot be applied because the main requirement of this principle



is that special and general norms must come from the same type of regulation (Rafiqi, 2024, p. 55). Likewise, the *lex posteriori* principle, because although Permenkumham and PP are newer, but their position is lower in the national legal structure (Safira et al., 2023, p. 2722)

Thus, normatively, the obligation to keep secrets by notaries has higher legal force than the obligation to report. The obligation to disclose secrets can only be overridden by "law", not by PP or Permenkumham as confirmed in Article 16 letter f of UUJN (Hermawan & Sugiarto, 2022, p. 10). Therefore, if a notary discloses information to PPATK only based on Permenkumham or PP, then he actually violates legal obligations and can be subject to sanctions as stipulated in the Criminal Code and UUJN (Qonitah Annur Aziza et al., 2022, p. 301)

This antinomy leads to the conclusion that notaries are currently in a legally vulnerable position. On the one hand, there is pressure from the state to participate in the prevention of money laundering, but on the other hand, there is a great legal risk if the notary violates the principle of confidentiality. Therefore, there needs to be harmonization of legal norms through revisions to the PPTPPU Law or the JN Law to provide clarity on the role of notaries, including explicitly providing a strong legal basis if notaries are required to disclose deed information in the public interest and the eradication of financial crime.

CONCLUSION

This research shows that although notaries have an important role in preventing money laundering and terrorism financing through reporting obligations and the application of the principle of recognizing service users as stipulated in Permenkumham No. 9/2017, these obligations normatively pose a potential legal antinomy with the Notary Position Law (UUJN), especially regarding the principle of confidentiality. On the one hand, Permenkumham requires notaries to disclose information to PPATK, while UUJN emphasizes the obligation to keep client secrets as a form of legal protection of the notary profession. This problem confirms the importance of harmonizing norms between regulations, because the placement of notaries as reporting parties without reinforcement at the statutory level creates legal uncertainty. These findings indicate the urgency to provide a stronger and more balanced legal basis to protect notaries in carrying out



their strategic functions, without compromising the integrity of the profession or the effectiveness of law enforcement against financial crimes. Harmonization of laws and regulations is needed by revising the PPTPPU Law to explicitly stipulate notaries as reporting parties, while at the same time establishing a mechanism for the exclusion of the principle of confidentiality of office in a proportional manner. The government and lawmakers also need to review Permenkumham No. 9/2017 so as not to cause overlapping norms with the JN Law, and ensure that notary obligations in reporting are carried out with adequate legal protection. In addition, there is a need to increase the capacity of notaries through technical training and the preparation of official guidelines from PPATK so that the implementation of the principle of recognizing service users does not become an administrative burden that is counterproductive to the main task of notaries as authentic deed officials.

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