



## The role of notaries in the application of know your service user (PMPJ) principles as the implementation of the precautionary principle

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### Abstract

Lately the number of Money Laundering Crimes (TPPU) in Indonesia has been increasing, both in terms of quantity and quality. The perpetrators tried various ways to find a safe position in committing TPPU, even by utilizing the services of a notary. The vulnerability of TPPU which involves the services of a notary in an effort to hide the origin of assets obtained through a crime is the main cause of the application of the Principle of Recognizing Service Users (PMPJ) for Notaries. So that notaries must be extra careful in serving their clients as service users, this is as stipulated in Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (UU PPTPPU) and Government Regulation (PP) No. 2 of 2016 concerning Procedures for Submission of Data and Information by Government Agencies and/or Private Institutions in the Prevention and Eradication of Money Laundering Crimes. According to these provisions, a Notary is one of the reporting parties who has the obligation to submit a report on suspicious financial transactions. So it is necessary to conduct a study on the role of a notary in implementing PMPJ as an implementation of the precautionary principle.

**Keywords:** Notaries, Principles of Recognizing Service Users, Principles of Prudence

### 1. Introduction

Humans as social beings must always live in a society, which are interconnected and interact with each other in their groups to fight for and fulfill the interests of their daily life. <sup>[1]</sup> So that sometimes in this interaction there is a conflict of interest between fellow human beings. This happens because human needs are not limited, while the means of satisfying their needs are in a limited state. Therefore, to prevent this conflict of interest, agreements are made, both written and unwritten agreements, which contain the rights and obligations of each party <sup>[2]</sup>.

However, "because humans have different needs and interests, in addition to feelings, stances or opinions that are also different or because of certain circumstances, often the agreements that have been mutually agreed upon are violated, violated or not obeyed. Moreover, if the agreement is not made in written form, so that it cannot be proven that there was such an agreement. Therefore, an institution is needed that can make these agreements and has strong evidence. So that the parties to the agreement receive legal certainty and protection <sup>[3]</sup>.

The institutions that can provide legal certainty and legal protection for the agreements referred to above are notary institutions. According to GHS. Lumban Tobing, "notarial institutions are one of the social institutions that develop and arise because of the community's need to obtain evidence relating to civil law relations that occur between community members" <sup>[4]</sup>.

<sup>1</sup> Suhaimi, *Ilmu Sosial Budaya Dasar*, Diktat Kuliah, UPT-MKU Universitas Syiah Kuala, Banda Aceh, 2023, hlm. 5 - 6.

<sup>2</sup> Tujuan Membuat Perjanjian, <https://www.legalakses.com/tujuan-membuat-perjanjian/>, accessed on 4 January 2023.

<sup>3</sup> Della Rafiq Utari, Akibat Hukum Kevakuman Jabatan Majelis Pengawas Wilayah Notaris (MPWN) Aceh Terhadap Pengawasan Notaris, *Tesis*, Magister Kenotariatan Fakultas Hukum Universitas Syiah Kuala, Banda Aceh, 2021, hlm. 2.

<sup>4</sup> GHS. Lumban Tobing, *Peraturan Jabatan Notaris*, (Jakarta: Erlangga, 1999), hlm. 2.

In this regard, Supriadi stated that, "Notaries have the authority to make agreements or stipulations that give rise to rights and obligations for the parties and can provide legal certainty for evidence for an agreement, so that the parties involved in it obtain legal protection<sup>[5]</sup>. In this case it is clear that the presence of a notary is indeed something that is desired by the rule of law in order to help and serve the public who need authentic written evidence regarding a situation, event or certain legal actions"<sup>[6]</sup>. As an authentic deed, a deed drawn up by a notary is perfect evidence and does not require other means of proof and is one of the tools to obtain legal rights<sup>[7]</sup>.

When a notary makes a deed, where the deed has perfect evidentiary power and does not require other means of proof, the notary in making a deed must be based on the applicable laws and regulations. In addition, notaries are also charged with a number of obligations that must be obeyed, so that notaries in carrying out their duties and positions are truly carried out properly and with full responsibility<sup>[8]</sup>.

The position of a notary is also known as "Officium Nobile", which is a noble profession. In this case, the notary in carrying out his duties and positions does not look at ethnic background, skin color, and socio-economic conditions, and the origins of social groups, including the political ideology of a client, but solely because of work relations involving duties and positions between Notary Public. That's why the profession of a notary is called "Officium Nobile"<sup>[9]</sup>. The same thing was also stated by Maheksi Diah Ayu Saraswati, who stated that "a notary in carrying out his profession as a public official must always uphold his dignity as a notary, and requires accuracy by prioritizing the principle of prudence, being objective towards any client, so as to make the notary an independent profession<sup>[10]</sup>.

Meanwhile, on the other hand, notaries in carrying out their profession or providing legal services or services to the public need guarantees and protection from the state or government, in order to achieve legal certainty and legal protection for notaries. In this case, in addition to obeying and complying with the applicable laws and regulations, especially UUJN, be careful and apply the precautionary principle. One of the precautionary principles here is to identify service users before a notary provides services to his client. Notaries are required to apply the precautionary principle in transactions, in which notaries are required to report to the Financial Transaction Reports and Analysis Center (PPATK) if there are suspicious financial transactions.

The notary's obligations as referred to above stem from the

issuance of Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (UU PPTPPU) and its implementing regulations, namely Government Regulation (PP) No. 2 of 2016 concerning Procedures for Submission of Data and Information by Government Agencies and/or Private Institutions in the Prevention and Eradication of Money Laundering Crimes. In this case, according to these provisions, the Notary is one of the parties that has the obligation to submit a report to the PPATK regarding suspicious financial transactions<sup>[11]</sup>, which is referred to as the Reporting Party.

According to the provisions of Article 18 paragraph (2) of the PPTPPU Law it is stated that the Reporting Party is obliged to apply the PMPJ stipulated by each Supervisory Agency and Regulatory Agency. The reporter referred to here according to the provisions of Article 3 PP No. 43 of 2015 including notaries. So that Notaries are also required to implement PMPJ. Furthermore, the application of PMPJ by a Notary is regulated in Article 24 of the Regulation of the Minister of Law and Human Rights (Permenkumham) No. 9 of 2017 concerning Application of the Principle of Recognizing Service Users for Notaries.

The notary has a significant role in identifying service users and reporting them to PPATK, if the service user refuses to comply with the Principles of Recognizing a Service User (PMPJ) or the notary doubts the correctness of the information provided by his client as a service user and knows that there is a suspicious transaction<sup>[12]</sup>. This is included in one of the legal protections for notaries in carrying out their duties and positions.

The notary's obligation to apply PMPJ to clients (service users) is explicitly stated in Article 2 paragraph (1) of Permenkumham No. 9 of 2017, which reads: Notaries are required to apply PMPJ. This shows that in preventing money laundering, the notary is obliged to apply PMPJ to his client as a service user.

In the practice of implementing PMPJ, it was found that there were notaries who were included in the high-risk category, because there were service users who indicated high risk in dealing with (using the services of) the notary. One of them is what happened in the jurisdictional area of the Regional Office (Kanwil) of the Ministry of Law and Human Rights (Kemenkumham) West Papua, where a notary was found belonging to the high risk category, so it is necessary to carry out supervision in the form of a PMPJ Audit or Direct Compliance Audit (*On- Site*) against a notary in Sorong City<sup>[13]</sup>.

<sup>5</sup> Cut Novadilla Halid, *et al.*, A Ban on Notary Self Promotion as Public Official in Notary and Ethical Code Act, *International Journal of Multicultural and Multireligious Understanding*, Volume 10, Issue 1, January 2023, p. 65.

<sup>6</sup> Supriadi, *Etika dan Tanggung Jawab Profesi Hukum Di Indonesia*, (Jakarta: Sinar Grafika, 2006), hlm. 20.

<sup>7</sup> Nina Khadijah Maulidia, Gde Made Swardhana, Kewenangan Notaris Dalam Mengenali Pengguna Jasa dan Perlindungan Hukum Jika Terjadinya Tindak Pidana Pencucian Uang, *Acta Comitatus: Jurnal Hukum Kenotariatan*, Vol. 5, No. 2, Agustus 2020, hlm. 275.

<sup>8</sup> Della Rafiqi Utari, Azhari, Syarifuddin, The Implementation of Supervision of Notaries during the Vacuum of Office of the Aceh Notary Regional Supervisory Council (MPWN), *International Journal of Multicultural and Multireligious Understanding*, Vol. 8, Issue 6, June 2021, hlm. 535.

<sup>9</sup> Frans H. Winarta, Apakah Profesi Mulia Ini Dapat Dinamakan Sebagai Officium Nobile?, <https://jdih.banyuwangikab.go.id/anjungan-buletin/artikel/detail/apakah-profesi-mulia-ini-dapat-dinamakan-sebagai-officium-nobile>, accessed on 05 January 2023.

<sup>10</sup> Maheksi Diah Ayu Saraswati, "Disparitas Putusan Majelis Pengawas Pusat Notaris Yang Memiliki Kekuatan Hukum Mengikat Dalam Penjatuhan Sanksi Administratif Notaris (Studi Kasus Putusan No. 03/B/MPPN/X/2018 dan Putusan No. 13/B/MPPN/XII/2017)", *Otentik's: Jurnal Hukum Kenotariatan*, Vol.3(1) Januari 2021, hlm.39.

<sup>11</sup> Lihat Pasal 1 Angka 11, Pasal 17 Undang-Undang No. 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Pasal 2 ayat (2) serta Penjelasannya Peraturan Pemerintah No. 2 Tahun 2016 tentang Tata Cara Penyampaian Data Dan Informasi Oleh Instansi Pemerintah Dan/Atau Lembaga Swasta Dalam Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang

<sup>12</sup> Nina Khadijah Maulidia, Gde Made Swardhana, *Op. Cit.*, hlm. 279.

<sup>13</sup> Pentingnya Penerapan PMPJ, Kanwil Kemenkumham Pabar Laksanakan Audit Kepatuhan Langsung (*On-Site*) Notaris Kota Sorong, <https://papua-barat.kemenkumham.go.id/berita-kanwil/berita-utama/3704-pentingnya-penerapan-pmpj-kanwil-kemenkumham-pabar-laksanakan-audit-kepatuhan-langsung-on-site-notaris-kota-sorong>, accessed on 31 December 2022.

Likewise, in the legal area of the Aceh Regional Office of the Ministry of Law and Human Rights, a Notary was found who indicated a high risk. Particularly in the City of Banda Aceh and Aceh Besar District the Regional Office of the Ministry of Law and Human Rights has conducted On-Site Compliance Audits of several notaries who fall into the high risk category. So it would be interesting if this problem were studied in more depth about the Role of Notaries in Applying the Principle of Recognizing Service Users (PMPJ) as an implementation of the precautionary principle.

### Research Methods

This research can be categorized as empirical legal research, because this research seeks to examine and study the legal norms that are currently in effect and see how they actually apply in society. These legal norms are the object of this research and its application is seen in daily practice. Referring to the opinion expressed by Suharsimi Arikunto, that empirical legal research as a field research, seeks to examine the legal provisions that are currently in force and how they are in reality in society.<sup>[14]</sup> This is as stated by Bambang Waluyo, that empirical juridical research is "a study conducted on real conditions in society, in order to find out and find the desired facts and data, then after the data is collected the data is identified leading to problem solving".<sup>[15]</sup> In this study, primary data was obtained by conducting direct interviews with respondents and informants, which were then analyzed through a qualitative approach.

### Results and Discussion

As previously stated, notaries in carrying out their profession or providing legal services or services to the public need guarantees and protection from the state or government, in order to achieve legal certainty and legal protection for notaries, where notaries must obey and comply with applicable regulations, especially UUJN., be careful and apply the precautionary principle.

One of the precautionary principles that must be implemented by a notary is to identify service users before a notary provides services to his client. The application of the precautionary principle by notaries in providing services to their clients, in practice is carried out in various ways depending on each notary. This is greatly influenced by things that the notary doubts or does not believe in regarding service users or the parties who appear before him. For example, when the parties go to a notary to draw up a deed, where one of the parties' identity is doubted, such as an identity card (KTP) whose reading is no longer clear (has been blurred, smudged, photo of the KTP holder is no longer clear, and so on), then The notary suggested that the person concerned go to the Population and Civil Registry Office to replace his KTP. After that, the person concerned returns to the Notary's Office to make the deed in accordance with the intention or what he wants. If this is not done, then the notary is not willing to make the intended deed. It is feared that one day the deed made by the notary will be problematic, especially regarding the identity of the KTP holder <sup>[16]</sup>.

Thus, what is done by the notary is a form of implementing

the notary's precautionary principle. This is to prevent unwanted things or legal consequences that occur in the future. If this is not done, one day the person concerned or a third party related to the making of the deed may dispute the making of the deed, or report the notary to the Regional Supervisory Council (MPDN) and even take it to court.

Another form of application of the notary's precautionary principle is the notary's unwillingness to make a deed if one of the parties gives power of attorney to another party, meanwhile the authorizing party cannot face the notary directly in granting the power of attorney, because the notary is currently at work. Outside the province of Aceh. In this case the notary will suggest to the principal to visit a notary in the area where the attorney lives, to then sign the power of attorney to the attorney. Then the power of attorney sends the power of attorney to the residence of the power of attorney in Aceh Province, to be signed by the power of attorney <sup>[17]</sup>. This is so that the deed made is actually signed by the attorney, and the power of attorney is truly valid and has legal force. Therefore, the power of attorney must be signed in front of a notary as an official who is authorized to do so, so that it is authentic and has perfect evidentiary power.

Likewise with the implementation of the precautionary principle related to PMPJ, where Notaries are required to apply the precautionary principle in transactions. In this case, the Notary is obliged to report to the PPATK in the event of a suspicion of a suspicious financial transaction. Because the Notary is the place where the parties make transactions (so that their transactions are valid and have legal force), if the Notary finds suspicions that the transaction indicates money laundering, the notary is charged with the obligation to submit a report to the PPATK regarding the suspicious financial transaction <sup>[18]</sup>. The notary in this case is referred to as the Reporting Party, namely the one who reports to the PPATK the presence of suspicious financial transactions.

In order to find out whether or not a suspicious transaction exists, a notary must really identify the parties involved in the transaction. This is called the Principle of Recognizing Service Users (PMPJ), where the notary must recognize his client as a service user. Recognizing the service user does not mean that a notary must really know his client, such as having to know where the client lives, whether he is married or not, who his parents are, who his wife is, how many children he has, what his job is, where he works, how much he earns and so on. That's not what it means to recognize a service user, but whether the transaction carried out should be suspected or not. For example, this suspicion is due to the fantastic value of the financial transaction, so that the notary must apply PMPJ. The application of PMPJ here can be in the form of asking where the source of the money used for the transaction came from.

Thus it is clear that Notaries are required to apply the precautionary principle in transactions known as PMPJ. PMPJ is actually the government's effort to prevent and eradicate transnational crimes, namely money laundering

<sup>14</sup> Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, Rineka Cipta, Jakarta, 2012, hlm. 126.

<sup>15</sup> Bambang Waluyo, *Penelitian Hukum Dalam Praktek*, Sinar Grafika, Jakarta, 2002, hlm. 15.

<sup>16</sup> Erika Herawati, Salah Seorang Notaris di Provinsi Aceh.

<sup>17</sup> Cut Era Fitriyeni, Salah Seorang Notaris di Provinsi Aceh.

<sup>18</sup> Lihat Pasal 1 Angka 11, Pasal 17 Undang-Undang No. 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Pasal 2 ayat (2) serta Penjelasannya Peraturan Pemerintah No. 2 Tahun 2016 tentang Tata Cara Penyampaian Data Dan Informasi Oleh Instansi Pemerintah Dan/Atau Lembaga Swasta Dalam Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang



crimes<sup>[19]</sup>. According to UU PPTPPU and PP No. 2 of 2016, Notaries are included in one of the Reporting Parties, namely parties who have the obligation to submit reports to PPATK on suspicious financial transactions<sup>[20]</sup>.

The suspicious financial transactions referred to are financial transactions as referred to in the PPTPPU Law and also as referred to in the Law on the Prevention and Eradication of Criminal Acts of Terrorism Financing. So these suspicious financial transactions are like money obtained from criminal acts of corruption, narcotics crimes and also to carry out funding for terrorism.

As a reporting party in the application of PMPJ, the notary is required to verify, identify and monitor to obtain certainty that the transactions made by the service user are in accordance with the profile of the service user who is transacting and report it to the competent authority if the service user is suspected of committing a crime of money laundering.<sup>[21]</sup> Of course, this suspicion is not based on suspicion, but based on data obtained by the notary from his client as a service user which has been verified and analyzed carefully and in depth, also based on monitoring by the notary.

Notaries are required to apply the precautionary principle, namely PMPJ in carrying out a transaction, namely by reporting to PPATK in the event of a suspicious financial transaction. Further details regarding the application of PMPJ by a Notary are regulated in Article 24 of Permenkumham No. 9 of 2017, in this case the Notary has a significant role in identifying service users and reporting them to PPATK, if the service user refuses to comply with PMPJ or the notary doubts the correctness of the information provided by his client as a service user and is aware of a suspicious transaction.<sup>[22]</sup> This is also one of the things that is included in part of the legal protection for notaries in carrying out their duties and positions.

Application of PMPJ by a Notary, according to Article 2 paragraph (1) of Permenkumham No. 9 of 2017, that Notaries are required to apply PMPJ. This shows that in preventing money laundering, the notary is obliged to apply PMPJ to his client as a service user. However, in practice, until now it seems that the application of PMPJ by Notaries to their clients as service users has not worked as intended by Permenkumham No. 9 of 2017. This can be seen that there is no Notary in Aceh who has implemented PMPJ when his client comes to use the services of a Notary. According to information from employees at the Aceh Regional Office of the Ministry of Law and Human Rights that until now there has been no implementation of PMPJ by Notaries in Aceh, because until now there is no standard or standard format to be applied by Notaries in implementing PMPJ.

However, in reality it was found that several Notaries were included in the high risk category in the application of PMPJ. It turns out that in 2022 PPATK will provide or submit several questionnaires or compliance audit forms to be filled out by Notaries related to PMPJ. The questionnaire or

compliance audit form includes criteria for clients or service users who use Notary services, such as the work of service users and so on. Each point in the questionnaire or form has its own value, for example the category of entrepreneur has a score of 4, self-employed has a score of 3, civil servant has a score of 2, farmers/planters has a score of 1. Likewise for other questions or checklists, all of them have own value. After everything has been filled in by the Notary, then PPATK will give an assessment using certain formulas that they have determined and analyze the answers to these questions. So that one category emerged from the assessment, namely high risk<sup>[23]</sup>. This high risk means that the service user is likely to commit a crime of money laundering through a transaction or carry out a legal action using the services of the notary. If the notary is not careful, namely by implementing PMPJ, then the notary has a high risk of being involved in the crime of money laundering, even if by accident.

Based on this assessment (ie high risk) PPATK submits the data to the Ministry of Law and Human Rights and also to the Aceh Kemenkumham Regional Office where the notary is located, the Regional Office of the Ministry of Law and Human Rights will follow up on the findings of the PPATK. In this case by conducting an On Site Compliance Audit to the place where the notary opened an office. The Direct Compliance Audit (On Site) is carried out by a Team consisting of:

1. Head of Legal Services at the Aceh Kemenkumham Regional Office.
2. Head of the General Legal Administration Service Sub-Sector at the Aceh Kemenkumham Regional Office.
3. There are 2 (two) technical teams in the Sub-Sector of General Legal Administration Services at the Aceh Kemenkumham Regional Office.
4. Member of the Aceh MPWN as Head of the Direct (On Site) Compliance Audit Team.
5. Member of the District MPDN where the notary is based.

Usually the Direct Compliance Audit (On Site) is carried out for 4 working days, where the first day the Direct Compliance Audit Team (On Site) conveys the aims and objectives of the Team carrying out audit activities, and PPATK's findings on the questionnaire or form that was filled in by the Notary concerned, so that The notary is included in the high risk category. After that, a number of questionnaires or compliance audit forms must be filled in to the Notary, then adjusted to the previously filled out compliance audit questionnaires or forms, and re-verified while still being given a room for consultation and confirmation with the Audit Team. After the questionnaire or form has been submitted and accompanied by instructions for filling it in and the documents that must be attached, the Audit Team gives the notary 4 working days to complete filling out the questionnaire or form and complete the required documents. Then on the fourth day the Audit Team returned to the

<sup>19</sup>Go Lisnawati, *Perspektif Hukum Bisnis Di Indonesia*, Kumpulan Catatan Kritis (Memahami Prinsip Mengenali Pengguna Jasa Dalam Hukum Anti Pencucian Uang dan Kewajiban Pelaporan), Genta Publishing, Yogyakarta, 2019, hlm. 29.

<sup>20</sup>Lihat Pasal 1 Angka 11, Pasal 17 Undang-Undang No. 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Pasal 2 ayat (2) serta Penjelasannya Peraturan Pemerintah No. 2 Tahun 2016 tentang Tata Cara Penyampaian Data Dan Informasi Oleh Instansi Pemerintah Dan/Atau Lembaga Swasta Dalam Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang

<sup>21</sup>Sudjonggo, Kakanwil Kemenkumham Jawa Barat, Selama Notaris Patuhi Aturan Dan Kode Etik Notaris, Maka Pmpj Mudah Dilakukan, <https://jabar.kemenkumham.go.id/berita-kanwil/berita-utama/sudjonggo-selama-notaris-patuhi-aturan-dan-kode-etik-notaris-maka-pmpj-mudah-dilakukan>, accessed on 19 March 2023.

<sup>22</sup>Nina Khadijah Maulidia, Gde Made Swardhana, *Op. Cit.*, hlm. 279.

<sup>23</sup>Yessi, Anggota Tim Audit Kepatuhan Langsung (*On-Site*) dalam Penerapan PMPJ pada Kanwil Kemenkumham Aceh, 27 April 2023.

notary's place to conduct an Entry Meeting and retrieve the documents submitted along with the attachments. Then the Audit Team makes and signs the minutes of the On Site Compliance Audit Implementation, in this case also signed by the notary concerned <sup>[24]</sup>.

In the practice of implementing PMPJ, it was found that there were notaries who were included in the high risk category, because there were service users who indicated high risk in dealing with (using the services of) the notary. However, based on the results of research in the Legal Region of the Aceh Kemenkumham Regional Office, it was found that several Notaries indicated high risk, it turned out that the Notaries filled out the wrong questionnaire or compliance audit form given by PPATK sometime before. Errors in filling out the questionnaire or form are caused by several factors, including:

1. Lack of technical instructions for filling out the questionnaire or form.
2. The notaries did not understand the technicalities of filling out the questionnaire or form even though there were instructions for filling it out.
3. The notaries did not participate in the socialization program for filling out the questionnaire or form, so that the instructions for filling it out had little effect on the notary.
4. The meaning of the questions in the questionnaire or form is not clear, because the formulation of the questions is still general in nature.
5. Filling in the questionnaire or form is carried out jointly by several notaries, so that one notary and another notary fills out the same, even though the conditions in providing services for each notary are different. In addition, the circumstances of each service user are also different, the transaction value is different, the aims and objectives of the transaction are different, and the number of service users and the number of deeds are also different <sup>[25]</sup>.

Thus filling out the questionnaire or compliance audit form was not carried out correctly and objectively in accordance with the conditions and reality of the notary's service provision, resulting in several notaries in Aceh being included in the high risk category. Therefore, for those notaries with indications of high risk, an On Site Compliance Audit should be carried out as soon as possible to the place where the notary carries out his business activities. It turned out to be true, after the Direct Compliance Audit (On Site) was carried out there were no more notaries who were indicated or included in the high risk category. Thus it can be said that in Aceh there has not been any attempt to commit money laundering and terrorism financing by utilizing the services of a notary.

Actually the occurrence of errors or untruths in filling out the questionnaire or compliance audit forms related to PMPJ which results in the notary being included in the high risk

category, will not occur if the notary is really careful in filling it out and follows directions, instructions and technical guidelines for auditing compliance with PMPJ implementation. In this regard, the Aceh Kemenkumham Regional Office has conducted webinar activities on Supervision Training on the Application of the PMPJ and Anti-Money Laundering and Prevention of Terrorism Financing Compliance Audits (APU-PPT), on March 4 2021 in the Corpu Room, Regional Office of the Ministry of Law and Human Rights Aceh. This is a collaboration between the Director General of AHU of the Indonesian Ministry of Law and Human Rights, the Directorate of PPAT Law, and the Aceh Kemenkumham Regional Office. The event was attended by Sasmita, S.H., M.H. as the Head of the Legal and Human Rights Service Division, a member of the Aceh MPWN, a member of the District/City MPDN in Aceh, and a member of the Aceh MPWN Secretariat. According to Akhyar Effendi (Kapusdiklat PPATK), that this activity is very important in the context of implementing PMPJ by Notaries. In addition, it is also in the context of strengthening the understanding of suspicious financial transactions related to money laundering and terrorism financing (APU-PPT) based on the PPTPPU Law and Government Regulation No. 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering <sup>[26]</sup>.

Furthermore, on July 26, 2021 the Aceh Kemenkumham Regional Office has also submitted a Notary Compliance Audit Technical Guide, which was carried out virtually in the Garuda Hall of the Aceh Kemenkumham Regional Office. The event was attended by representatives of the MPDN Banda Aceh and Aceh Besar, and members of the Aceh MPWN. The event was opened directly by the Civil Director of the Directorate General of AHU, Santun M. Siregar, who was attended by Sasmita, S.H., M.H. (Head of Legal Services and Human Rights Division), Irfan, S.H. (Kabid Yankum) and AHU Subbid Staff at the Aceh Kemenkumham Regional Office. In his remarks, Santun M. Siregar stated that the submission of the Notary Compliance Audit Technical Guidelines was carried out in the context of preparing for the Financial Action Task Force (FATF) Mutual Evaluation Review (MER) and to support Indonesia's entry into FATF membership. This is also one of the efforts to create investment-friendly conditions or business climate and as one of the government's responsiveness to the prevention of money laundering and terrorism financing by utilizing the services of a notary <sup>[27]</sup>. Thus, if a notary is used for money laundering, then we must prevent this together.

Thus the Notary in carrying out his position regarding the making of the deed, not only expresses the agreement of the parties, but also must pay attention to the implementation of the PMPJ which includes identification, verification and monitoring, so that what is agreed upon by the parties does not conflict with the Notary Office Law and others statutory regulations <sup>[28]</sup>.

Based on the description that has been stated above, it can be

<sup>24</sup>Suhaimi, Anggota Majelis Pengawas Wilayah Notaris (MPWN) Aceh, 27 April 2023.

<sup>25</sup>Processed from field data.

<sup>26</sup>Kanwil Kemenkumham Aceh Ikuti Webinar Pelatihan Penerapan PMPJ dan Audit Kepatuhan APU-PPT Bagi Notaris, <https://aceh.kemenkumham.go.id/berita-kanwil/berita-utama/kanwil-kemenkumham-aceh-ikuti-webinar-pelatihan-penerapan-pmpj-dan-audit-kepatuhan-apu-ppt-bagi-notaris>, accessed on 31 Desember 2022.

<sup>27</sup><https://aceh.kemenkumham.go.id/berita-kanwil/berita-utama/kanwil-kemenkumham-aceh-ikuti-penyampaian-panduan-teknis-audit-kepatuhan-notaris>, accessed on 22 Februari 2023.

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understood that the Notary has a very important role in preventing the occurrence of money laundering crimes and the establishment of an act of terrorism in Indonesia. In this case, the notary may be used or become an intermediary for the crime of money laundering. Likewise, a criminal act of terrorism, in which a service user may form or establish a particular institution or legal entity through a notary, even though the legal entity is fictitious is only used to transfer a number of funds, and these funds are used to fund restrictions.

### Conclusion

Notaries in providing legal services or services to the public need guarantees and protection from the state or government, in order to achieve legal certainty and legal protection. Apart from obeying UUJN, notaries are careful and always apply the precautionary principle. The principle of prudence referred to includes recognizing service users before a notary provides legal services to his client as a service user. In this case, the Notary is required to report to the PPATK if there is a suspicious financial transaction. So it is clear that the notary has a very important role in preventing the occurrence of money laundering and terrorism financing, where the notary is one of the parties whose services are often used by certain parties in committing money laundering. Therefore, in carrying out their duties, the Notary must identify service users or clients as early as possible, namely by implementing PMPJ.

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