



UDC 347.961(594)


DOI: <https://doi.org/10.32631/pb.2025.2.13>**WANDA IZZUQIA AIRLANGGA,**

*Candidate of Law,
Brawijaya University (East Java, Indonesia),
Faculty of Law;
 <https://orcid.org/0009-0004-4048-4254>,
e-mail: airlanggawanda@student.ub.ac.id;*

SIHABUDIN,

*Doctor of Law,
Brawijaya University (East Java, Indonesia),
Faculty of Law;
 <https://orcid.org/0009-0003-0770-3809>,
e-mail: sihab@ub.ac.id;*

LETIZIA DESSY ANDREASSARI,

*Doctor of Law,
Brawijaya University (East Java, Indonesia),
Faculty of Law;
 <https://orcid.org/0009-0009-5233-5164>,
e-mail: dessy79@ub.ac.id*

LIMITATION OF NOTARY OBLIGATION IN MONITORING THE FAIRNESS OF LIMITED LIABILITY COMPANY SERVICE USER TRANSACTIONS

A notary plays a critical role in the Indonesian legal system by ensuring the validity of transactions, especially those involving limited liability companies. As a public official, a notary is entrusted with the responsibility of applying the Principle of Recognizing the Service User, which includes the identification, verification, and monitoring of transactions to prevent illegal activities, such as money laundering. However, regulations like the Minister of Law and Human Rights Regulation No. 9 of 2017 remain vague and do not provide clear guidelines regarding the “fairness of transactions”, resulting in legal uncertainty for notaries. This lack of clear parameters places notaries in a challenging position as they must balance their legal duties, especially when determining what constitutes a suspicious or unfair transaction. This study aims to analyze the limitations of notaries’ obligations in monitoring the fairness of transactions involving PT service users. By using a normative legal research methodology, this research evaluates the legislative and conceptual approaches to building a comprehensive legal framework for notarial duties. The findings highlight that the absence of explicit guidelines causes inconsistent interpretations among notaries, leading to potential conflicts between their obligation to maintain client confidentiality under the Notary Act and their responsibility to report suspicious transactions to the Financial Transaction Reporting and Analysis Center as mandated by the Anti-Money Laundering Law. This study concludes that there is a critical need for clearer regulations and technical guidelines that balance these two competing obligations, thereby enhancing legal certainty and improving the effectiveness of notaries in preventing financial crimes. Strengthening cooperation between notaries and supervisory authorities, as well as providing legal protection for notaries who comply with their reporting obligations, is essential for improving transparency and accountability in the legal profession.

Keywords: *notary, transaction monitoring, legal certainty, financial crime, principle of recognizing service users.*

Original article

INTRODUCTION. In the Indonesian legal system, notaries have a crucial role in ensuring the validity of legal transactions, acting as public officials authorized to make authentic deeds and other authorities in accordance with laws and regulations (Aisyiah, Wisnuwardhani, 2022, p. 243). This authority includes the making of deeds relat-

ing to various legal transactions, including those involving limited liability companies (PT) (Nabilah, 2023, p. 16). In carrying out their duties, notaries are faced with the challenge of ensuring that the transactions they facilitate are not used as a means of criminal acts, such as money laundering. Therefore, the government has designated

notaries as one of the reporting parties in the efforts to prevent and eradicate money laundering (TPPU), as stipulated in the Minister of Law and Human Rights Regulation No. 9/2017 on the Application of the Principle of Recognizing Service Users for Notaries¹. However, the provisions regarding the monitoring of the reasonableness of service user transactions, especially related to PT, still cause uncertainty in its implementation.

Previous research has discussed the role of notaries in preventing ML and the application of the principle of recognizing service users. For example, research by R. P. I. Muhammad and S. Amad highlights the authority of notaries in applying the principle, including identification, verification, and monitoring of service user transactions (Ibrahim, Sudiro, 2022, p. 193). In addition, research by A. Armansyah and T. Triastuti (2018) emphasizes the challenges of notaries in determining whether a transaction is suspicious or not, but does not provide concrete guidance on the parameters of transaction fairness. Therefore, there is a gap in the literature regarding the limitations of notary obligations in this context, which is the focus of this research.

The lack of clarity regarding the limits of a notary's obligation to monitor the fairness of a HEI transaction may pose legal risks to notaries and reduce the effectiveness of ML/TF prevention efforts. In addition, without clear guidance, notaries may struggle to fulfill their role as reporting parties, which may negatively impact the integrity of the legal system and public trust in the notary profession. This research is important to provide clarity and guidance for notaries in carrying out their obligations, so as to support the creation of a fair and transparent legal system.

Notaries have an important role in ensuring that transactions involving service users, especially limited liability companies (PT), run in accordance with legal provisions and prudential principles (Siddiqiyah, Santosa, Muda, 2024, p. 902). The obligation of notaries in monitoring the fairness of service user transactions is regulated in the Minister of Law and Human Rights Regulation No. 9/2017 on the Application of the Principle of Recognizing Service Users for Notaries². However, the limitations of notary obligations in this context are still debatable and require a comprehensive understanding.

¹ Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Implementation of the Principle of Recognizing Service Users for Notaries. <https://peraturan.bpk.go.id/Details/133189/permenkumham-no-9-tahun-2017>.

² Ibid.

The Permenkumham PMPJ requires notaries to implement the Principle of Recognizing Service Users (PMPJ), which includes identification, verification, and monitoring of service user transactions (Simbolon, Sinaga, 2023). Transaction monitoring aims to ensure that transactions conducted by service users are not unlawful or used for illegal purposes, such as money laundering or terrorism financing (Sulchan, Musofiana, Rusydi, 2021, p. 69). However, this regulation does not explicitly explain the extent to which notaries should conduct monitoring of service user transactions, especially in the context of PT.

This lack of clarity raises questions regarding the limits of notaries' obligations in monitoring the fairness of transactions. On the one hand, notaries have an obligation to maintain the confidentiality of information obtained in carrying out their duties, as stipulated in Law Number 2 of 2014 concerning the Notary Position³. On the other hand, notaries are also required to report suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK) in accordance with Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering⁴. This dual obligation may pose a dilemma for notaries in carrying out their duties.

In addition, the absence of clear guidelines regarding the parameters of transaction fairness may lead to different interpretations among notaries. This may result in inconsistencies in the application of PMPJ and potentially lead to legal risks for notaries. Therefore, clear guidelines are needed regarding the limitations of notaries' obligations in monitoring the fairness of transactions of PT service users. The guidelines should include a clear definition of transaction fairness, the parameters used to assess fairness, and the procedures to be followed by notaries in conducting monitoring.

With clear guidelines in place, notaries can perform their duties more effectively and efficiently, and reduce legal risks that may arise due to regulatory ambiguity. In addition, the guidelines can also improve notary compliance with applicable regulations and support the government's efforts to prevent and eradicate money laundering and terrorism financing.

³ Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. <https://peraturan.bpk.go.id/Details/38565/uu-no-2-tahun-2014>.

⁴ Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. <https://peraturan.bpk.go.id/Details/38547/uu-no-8-tahun-2010>.

This study aims to determine the limits of notary's obligation in monitoring the fairness of limited liability company (PT) service user transactions. Notaries, as public officials authorized to make authentic deeds, have the responsibility to apply the Principle of Recognizing Service Users (PMPJ) which includes identification, verification, and monitoring of service user transactions. However, the provisions regarding the monitoring of transaction fairness in the Minister of Law and Human Rights Regulation No. 9/2017¹ do not explicitly explain the extent to which notaries must conduct such monitoring. This lack of clarity raises questions regarding the limitations of a notary's obligation in monitoring transactions of PT service users, especially in identifying suspicious or potentially unlawful transactions. This research will analyze the parameters of transaction fairness and the extent to which notaries should be involved in such monitoring, with the aim of providing clear guidance for notaries in carrying out their duties in accordance with applicable regulations.

Based on the above description, this research focuses on the limitations of notary obligations in monitoring the fairness of transactions of limited liability company service users. By analyzing the parameters of fairness and the role of notaries in accordance with applicable regulations, it is hoped that this research can provide clear guidance for notaries in carrying out their duties, thus supporting efforts to prevent money laundering and terrorism financing.

PURPOSE AND OBJECTIVES OF THE RESEARCH. This study aims to analyze the limitations of notary obligations in monitoring the fairness of transactions of limited liability company service users. In performing their duties, notaries have the obligation to ensure that transactions made by service users do not violate the law or are used for illegal purposes, such as money laundering. However, the lack of clarity in the existing regulations, especially regarding the “reasonableness of transactions”, creates confusion in the implementation of this duty. Therefore, this study aims to provide clarity regarding the extent to which notaries should be involved in monitoring suspicious or improper transactions in the context of HEIs.

The main objective of this study is to identify the parameters of transaction fairness that nota-

ries should be aware of and the extent to which they should involve themselves in the monitoring of such transactions. In addition, this study also aims to provide clear legal guidance for notaries in carrying out their obligations in accordance with applicable regulations, as well as provide recommendations to improve existing regulations in order to increase legal certainty and the effectiveness of the role of notaries in preventing money laundering and other illegal activities.

METHODOLOGY. The method used in this study is the normative legal research method (Rizkia, Fardiansyah, 2023), which aims to analyze legal norms related to the obligations of notaries in monitoring the fairness of transactions of users of limited liability companies. This study uses a normative approach because it focuses on the laws and regulations governing the obligations of notaries and the legal principles underlying their duties, especially related to the prevention of money laundering. This approach is relevant given the lack of clarity of the parameters of fairness of transactions in Regulation of the Minister of Law and Human Rights Number 9 of 2017², as well as its relationship to the principle of legal certainty as explained in legal theory by Gustav Radbruch, who emphasized that the law must provide certainty and justice.

The theory of legal certainty put forward by Gustav Radbruch emphasizes that the law must provide certainty (*Rechtssicherheit*), justice (*Gerechtigkeit*), and expediency (*Zweckmäßigkeit*) in every application (Kurniawan, 2024, p. 44). Legal certainty is the main pillar in notarial practice, given that the main duty of a notary is to ensure that every transaction set out in an authentic deed has clear legal force and does not create uncertainty for the parties concerned.

In the context of this study, legal certainty relates to the extent to which notaries can understand and apply the provisions in Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Application of the Principle of Recognizing Service Users³. This provision requires notaries to monitor the transactions of service users, but does not provide clear parameters regarding what is meant by “reasonableness” in these transactions. This lack of clarity creates a dilemma for notaries in carrying out their duties, because on the one hand they are obliged to carry out monitoring, but on the other hand they are also bound by the obligation to maintain client confidentiality as regulated in the Notary Office Act (UUJN).

¹ Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Implementation of the Principle of Recognizing Service Users for Notaries. <https://peraturan.bpk.go.id/Details/133189/permenkumham-no-9-tahun-2017>.

² Ibid.

³ Ibid.

Based on the Theory of Legal Certainty, unclear regulations will open up space for different interpretations, which can lead to legal uncertainty in the application of regulations. This is in line with research by G. Lisanawati (2023) which states that regulations that do not have clear parameters can lead to inconsistencies in their application by law enforcement officials, including notaries. Therefore, this study proposes the need to strengthen regulations so that the notary's obligation to monitor the fairness of transactions has clear boundaries and can be implemented consistently without causing conflicts with other obligations.

This study uses two main approaches, namely the Statute Approach and the Conceptual Approach (Efendi, Rijadi, 2022, p. 188, 192). The Statute Approach is used to analyze various regulations that form the legal basis for the notary's obligations in carrying out his duties, including Regulation of the Minister of Law and Human Rights No. 9 of 2017¹ and other related laws. The Conceptual Approach is used to understand the theoretical aspects of notary obligations in carrying out their duties, with reference to the Theory of Legal Certainty by Gustav Radbruch, who proposed that the law must be understood and applied with certainty to guarantee justice. Uncertainty in regulations regarding the fairness of transactions can lead to multiple interpretations in notary practice, which can risk creating legal uncertainty. Therefore, this study aims to identify the limitations of notary obligations in monitoring transactions and provide recommendations regarding regulatory improvements to increase legal certainty in notarial practices in Indonesia.

In this study, primary legal materials are used as the main basis for analyzing notary obligations (Peter Mahmud Marzuki, 2017, p. 181). These primary legal materials include relevant laws and regulations, such as Law Number 30 of 2004 concerning the Notary Position² (as amended by Law Number 2 of 2014), Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes³, Government Regu-

lation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes⁴, and Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Application of the Principle of Recognizing Service Users for Notaries⁵. In addition, relevant court decisions are also used to provide an overview of the application of notarial obligations and the principle of prudence in financial transactions. Secondary legal materials are obtained from legal literature which includes academic books, scientific journal articles, and previous research results that discuss the practical and theoretical aspects of the role of notaries in preventing suspicious transactions and ensuring legal certainty in the notarial system (Rizkia, Fardiansyah, 2023). By combining primary and secondary legal materials, this study not only examines the applicable legal norms but also provides a broader perspective on the limitations of notaries' obligations in monitoring the fairness of PT transactions, thus producing a comprehensive analysis.

RESULTS AND DISCUSSION

The Role of Notary in the Indonesian Legal System

Notaries play a vital role in the Indonesian legal system as public officials appointed by the state to provide legal certainty through the making of authentic deeds. As public officials, notaries have the authority to make authentic deeds that function as written evidence that has perfect evidentiary power in court (Sihaan, Hasanah, 2023, p. 26). This is in accordance with Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Offices, which states that a notary is a public official authorized to make authentic deeds and has other powers as regulated in this law or based on other laws⁶.

The main function of a notary is to ensure that every legal act, agreement, and decree made by or before a notary fulfills the formal and material requirements stipulated by the laws and regulations (Chandra, Purwanto, 2024, p. 1943). Thus,

¹ Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Implementation of the Principle of Recognizing Service Users for Notaries. <https://peraturan.bpk.go.id/Details/133189/permenkumham-no-9-tahun-2017..>

² Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. <https://peraturan.bpk.go.id/Details/38565/uu-no-2-tahun-2014>.

³ Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering

Crimes. <https://peraturan.bpk.go.id/Details/38547/uu-no-8-tahun-2010>.

⁴ Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Implementation of the Principle of Recognizing Service Users for Notaries. <https://peraturan.bpk.go.id/Details/133189/permenkumham-no-9-tahun-2017>.

⁵ Ibid.

⁶ Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. <https://peraturan.bpk.go.id/Details/38565/uu-no-2-tahun-2014>.

the notary guarantees that the deeds he makes have legal force and can be used as strong evidence in court. In addition, notaries also play a role in providing counseling on their obligations in an agreement or certain legal actions.

As a public official, a notary also has the responsibility to maintain the confidentiality of everything regarding the deed he makes and all information obtained for the purpose of making the deed. This is done to protect the interests of all parties related to the deed so that there is a guarantee of legal certainty. Notaries must act honestly, carefully, independently, impartially, and safeguard the interests of the parties involved in legal actions (Ningsih et al., 2022, p. 175).

With these roles and responsibilities, notaries contribute significantly to creating legal certainty, order, and legal protection for the community. Notaries ensure that every deed they make meets the applicable legal provisions, so as to prevent disputes in the future. In addition, notaries also play a role in supporting the government in its efforts to prevent and eradicate criminal acts, such as money laundering and terrorism financing, by applying the Principle of Recognizing Service Users (PMPJ) in every transaction they facilitate.

Aspects of Law Building, Principles, and Legal Systems

As part of the efforts to prevent and eradicate money laundering (ML), notaries in Indonesia are required to implement the Principles of Recognizing Service Users (PMPJ) in accordance with the Minister of Law and Human Rights Regulation No. 9/2017¹. This regulation emphasizes the importance of notaries to recognize and understand the identity and transaction purpose of their service users, in order to prevent the use of notary services for illegal activities such as money laundering.

The implementation of PMPJ by notaries involves three main steps: identification, verification, and monitoring of service user transactions. At the identification stage, the notary gathers information regarding the identity of the service user, including personal data, occupation, source of funds, Tax Identification Number (NPWP), and the purpose of the transaction to be conducted. This information is essential to ensure that the notary has a comprehensive understanding of

who their service user is and the purpose of the transaction (Puspareni, Wisnaeni, 2023, p. 758).

After identification, the next stage is verification, where the notary ensures the validity of the information provided by the user of services. This process involves checking identity documents and other supporting data to ensure that the information submitted is accurate and valid. Careful verification assists the notary in preventing the misuse of notarial services for unlawful purposes (Naufaldy, Bonaparta, 2023).

The last stage is transaction monitoring, where the notary supervises the service user's transaction activities to detect any indications of suspicious or unusual transactions. If discrepancies or indications of suspicious activity are found, the notary has the obligation to report the matter to the Financial Transaction Reports and Analysis Center (PPATK) (Harahap, Purba, Suprayitno, 2024, p. 4583). This step is part of the preventive efforts to prevent money laundering and ensure the integrity of the financial system.

The implementation of PMPJ by notaries is not only to fulfill legal obligations, but also to maintain the integrity of the notary profession in the Indonesian legal system. By effectively implementing PMPJ, notaries play an active role in supporting the government in its efforts to prevent and eradicate ML, as well as ensuring that notary services are not misused for illegal purposes. This is in line with the role of notaries as public officials who have the responsibility to ensure legal certainty and protect the interests of the public in every transaction they facilitate.

Obligation of Notary in Monitoring the Fairness of Transactions of Limited Liability Company (PT) Service Users

In an effort to prevent and eradicate money laundering (ML), notaries in Indonesia have an important role as reporting parties. The establishment of notaries as reporting parties is regulated in Government Regulation No. 43/2015², which places notaries in the category of professions that are required to report suspicious financial transactions to the Financial Transaction Reports and Analysis Center (PPATK) (Samiya, Susetyo, 2021). This provision aims to prevent the misuse of notary services by ML offenders who seek to hide or disguise the origin of illegally obtained assets (Alifa, Djaja, Sudirman, 2024, p. 1023).

¹ Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Implementation of the Principle of Recognizing Service Users for Notaries. <https://peraturan.bpk.go.id/Details/133189/permenkumham-no-9-tahun-2017>.

² Government Regulation (PP) Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes. <https://peraturan.bpk.go.id/Details/5611/pp-no-43-tahun-2015>.

As a reporting party, notaries have the responsibility to implement the Principle of Recognizing Service Users (PMPJ), which includes identification, verification, and monitoring of service user transactions. In the context of a limited liability company (PT), a notary is required to identify the identity of the parties involved in the establishment or amendment of the PT's articles of association, including shareholders and beneficial owners. Verification is conducted to ensure the validity of documents and information provided by service users, to prevent the use of false identities or invalid documents. Transaction monitoring aims to assess the fairness of transactions carried out by the PT, so that the notary can detect any indications of suspicious transactions potentially related to ML (Kismawardani, Cahyarini, 2023, p. 1323).

The notary's responsibility in monitoring the fairness of transactions of PT service users includes the obligation to record and store data and documents related to transactions. The notary must ensure that the facilitated transactions do not violate legal provisions and are not used as a means to commit ML. If the notary finds indications of suspicious transactions, such as discrepancies between the service user profile and the value or type of transaction, the notary is obliged to report the findings to PPATK. This obligation is in line with national and international efforts in combating ML, where notaries play a role as gatekeepers that prevent the entry of illegal funds into the legitimate financial system.

The implementation of PMPJ by notaries also includes the obligation to refuse or terminate the service relationship with service users who do not meet the identification and verification requirements. For example, if the service user refuses to provide the required information or documents, or if the notary doubts the validity of the information provided, the notary has the right to refuse to provide services or terminate the ongoing relationship. This step is important to maintain the integrity of the notary profession and prevent indirect involvement in ML activities.

However, the notary's role as a reporting party also poses challenges related to the obligation to maintain official secrecy. Notaries are bound by the code of ethics and laws and regulations to maintain the confidentiality of information obtained in carrying out their duties. On the other hand, the obligation to report suspicious transactions to PPATK may be considered contrary to the principle of confidentiality. To resolve this dilemma, legislation provides legal protection for notaries who report suspicious transactions in accordance with the applicable provisions, so that

notaries can carry out their role in preventing ML without worrying about violating confidentiality obligations.

Thus, the role of notaries in monitoring the fairness of transactions of PT service users is an integral part of efforts to prevent and eradicate ML in Indonesia. Through effective implementation of PMPJ and compliance with reporting obligations, notaries can significantly contribute to maintaining the integrity of the financial and legal systems in Indonesia, as well as protecting their profession from abuse by economic criminals.

Notary Dilemma in Monitoring Transaction Fairness: Legal Certainty VS Reporting Obligation

Notaries in Indonesia face a dilemma between the obligation to maintain client confidentiality and the obligation to report suspicious transactions to the Financial Transaction Reports and Analysis Center¹. According to Law No. 30/2004 on the Position of Notary (UUJN)², notaries are obliged to keep confidential everything regarding the deeds they make and the information obtained for making the deeds, unless the law determines otherwise. However, Law No. 8/2010 on the Prevention and Eradication of Money Laundering Crimes³ (Anti-Money Laundering Law) establishes notaries as reporting parties who are required to report suspicious financial transactions to PPATK.

The conflict between these two obligations creates legal uncertainty for notaries. On the one hand, notaries must maintain client confidentiality in accordance with UUJN. On the other hand, the Anti-Money Laundering Law requires notaries to report suspicious transactions, which may be considered a breach of confidentiality. The lack of clarity regarding which should take precedence puts notaries in a difficult position (Yalid, Simamora, 2021).

In addition, the absence of clear parameters regarding the "reasonableness" of transactions in the regulations adds to the complexity of the notary's role. Without specific guidelines, the assessment of transaction fairness is subjective and prone to multiple interpretations (Zuhdi, Ablamskyi, Anggara, 2025, p. 48). This can lead

¹ PPATK. <https://www.ppatk.go.id/>.

² Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. <https://peraturan.bpk.go.id/Details/38565/uu-no-2-tahun-2014>.

³ Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. <https://peraturan.bpk.go.id/Details/38547/uu-no-8-tahun-2010>.

to inconsistencies in reporting and increase legal risks for notaries.

To resolve this dilemma, harmonization between the UUJN and the Anti-Money Laundering Law is required. The government and notary professional associations need to work together to formulate clear guidelines regarding reporting obligations and confidentiality limits. Thus, notaries can perform their duties without worrying about violating one of their legal obligations.

In addition, training and socialization on suspicious transaction identification needs to be improved. With a better understanding, notaries can more effectively apply the Principle of Recognizing Service Users (PMPJ) and fulfill reporting obligations without compromising client confidentiality (Fitriyani, Setiawan, 2024, p. 90).

Finding the Limits of Notary's Obligation in Monitoring Transaction Fairness

Notaries in Indonesia have an important role in preventing money laundering (ML) by applying the Principles of Recognizing Service Users (PMPJ), which includes identification, verification and monitoring of service user transactions. However, current regulations do not provide concrete parameters to assess the reasonableness of transactions, so notaries often face difficulties in determining whether a transaction should be reported as suspicious or not.

To overcome this ambiguity, there is a need for concrete parameters that notaries can use in assessing the fairness of the transaction. Some parameters that may be considered include:

Table 1

Parameters for Assessing Transaction Fairness

No.	Parameters	Description
1.	Service User Risk Profile	Assess the background of the service user, including occupation, source of income, and previous transaction history. If there is a mismatch between the service user's profile and the value or type of transaction made, this can be an indicator of suspicious transactions.
2.	Purpose and Nature of Transaction	Understand the purpose behind the transaction and ensure that the transaction is in line with the business activities or personal needs of the service user. Transactions that do not have a clear purpose or do not fit the profile of the service user may be considered improper.
3.	Transaction Value	Comparing the transaction value with similar transactions in the market. Transactions with values that are significantly higher or lower than market standards may raise suspicion.
4.	Transaction Structure	Pay attention to the complexity and pattern of transactions. Transactions involving multiple parties or conducted through unusual channels can be an indicator of potential money laundering.
5.	Funding Source	Ensure that the source of funds used in transactions comes from legitimate sources and can be accounted for.

Source: Secondary data processing results by Wanda I. A. which is processed based on the source (<https://gunungrajapaksi.com/keterbukaan-informasi>).

In addition to setting these parameters, it is important for policy makers to formulate clearer regulations to ensure legal certainty in the prac-

tice of notaries. Recommendations that can be given include:

Table 2

Recommendations for Policymakers to Ensure Legal Certainty in Notarial Practice

No.	Recommendation	Description
1.	Preparation of Technical Guidelines	Develop technical guidelines that provide detailed guidance for notaries in implementing PMPJ, including how to assess the fairness of transactions based on predetermined parameters.
2.	Training and Socialization	Conduct regular training and socialization for notaries to improve their understanding and ability to identify and report suspicious transactions.
3.	Collaboration with PPATK	Improve cooperation between notaries and PPATK to facilitate the reporting process and get feedback on the reports submitted.

No.	Recommendation	Description
4.	Legal Protection for Notary	Guarantee legal protection for notaries who report suspicious transactions in accordance with applicable regulations, so that notaries do not hesitate in carrying out their obligations.

Source: Results of data processing by Wanda I. A. based on the analysis of Tertiary, Secondary, and Primary legal materials for this research.

With clear parameters and supporting regulations, notaries can carry out their role in preventing ML more effectively, as well as obtain legal certainty in carrying out their duties.

Legal Implications and Regulatory Recommendations for Notary Legal Certainty

Regulatory uncertainty in notarial practice can have a significant impact on the performance of notarial duties. This uncertainty not only affects the quality of services provided, but also increases the risk of notaries becoming entangled in legal issues. For example, the lack of clarity regarding the limits of a notary's responsibility in reporting suspicious transactions can cause notaries to hesitate in taking appropriate action, thus potentially violating applicable legal provisions (Sumarno, 2024, p. 81).

As a result of this lack of clarity, notaries may be subject to various legal sanctions. Administrative sanctions, such as reprimands, written warnings, or temporary dismissal, can be imposed by the Notary Supervisory Council if the notary is deemed negligent in carrying out their duties. In addition, civil sanctions in the form of an obligation to pay compensation to the injured party can also be imposed. In more serious cases, a notary may face criminal sanctions if proven to be involved in a criminal offense, such as money laundering or document forgery (Oktavia, Afriana, Lubis, 2019, p. 38).

This situation emphasizes the urgency of establishing more concrete guidelines for notaries in monitoring the fairness of service user transactions. The guidelines should include clear and measurable parameters, so that notaries have a definite reference in assessing potentially suspicious transactions. With clear guidelines in place, notaries can perform their duties with more confidence and avoid possible sanctions due to regulatory uncertainty.

In addition, the establishment of a comprehensive and clear regulation is necessary to increase legal certainty and effectiveness (Anggara, Sukarmi, Ruslijanto, 2022, p. 347) of the role of notaries in the prevention of money laundering. The regulation must regulate in detail the obligations of notaries in implementing the Principle of Recognizing Service Users (PMPJ), suspicious transaction reporting procedures, as well as legal protection mechanisms for notaries who carry

out their obligations in accordance with applicable regulations.

The implementation of regular training and socialization for notaries is also an important recommendation. Through this training, notaries can improve their understanding and skills in identifying and reporting suspicious transactions. In addition, collaboration between notaries and the Financial Transaction Reports and Analysis Center (PPATK) needs to be improved to facilitate the reporting process and obtain feedback on the reports submitted¹.

Legal protection for notaries who report suspicious transactions in accordance with the applicable provisions must be guaranteed. This is important to ensure that notaries do not hesitate in carrying out their obligations and avoid possible sanctions or unfounded lawsuits. Thus, notaries can play an effective role in efforts to prevent money laundering, while maintaining the integrity of their profession.

CONCLUSIONS. The role of notaries in monitoring the fairness of limited liability company service user transactions still faces regulatory challenges that do not fully provide clear boundaries. This lack of clarity creates the potential for multiple interpretations in the application of notary obligations, especially in implementing the Principle of Recognizing Service Users and reporting obligations to PPATK. The conflict between the interest in maintaining client confidentiality and reporting obligations further complicates the notary's task in ensuring legal certainty. Therefore, more specific regulations are needed regarding the parameters of transaction fairness and technical guidelines that can serve as a reference in notarial practice. In addition, increased cooperation between notaries and supervisory institutions, as well as clearer legal protection for notaries in carrying out their duties, are important aspects in

¹ Regional Office of the Ministry of Law of the Republic of Indonesia. (2024, December 24). *Central Java Notaries Receive Important Briefing on PMPJ and Prevention of Money Laundering Crimes*. <https://jateng.kemenkum.go.id/berita-utama/notaris-jawa-tengah-dapatkan-pembekalan-penting-tentang-pmpj-dan-pencegahan-tindakan-pencucian-uang>.

increasing the effectiveness of the role of notaries in preventing money laundering. With regulatory clarity and stronger policy support, it is expected that notaries can perform their duties more effectively, transparently, and in accordance with the principles of legal certainty.

REFERENCES

1. Aisyiah, C., & Wisnuwardhani, D. A. (2022). Notary, Public Official or Public Official: Implications for The Position of Notary. *Journal Cakrawala Hukum*, 13(3), 242–252. <https://doi.org/10.26905/idjch.v13i3.9012>.
2. Alifa, A., Djaja, B., & Sudirman, M. (2024). The Role of Notaries as Reporting Parties in the Prevention of Money Laundering. *Journal of Social Technology*, 4(12), 1018–1026. <https://doi.org/10.59188/jurnalsostech.v4i12.31740>.
3. Anggara, A., Sukarmi, S., & Ruslijanto, P. A. (2022). General Standart Changes of State-Owned Business Entities Based on General Benefits. *International Journal of Social Science Research and Review*, 5(12), 347–356. <https://doi.org/10.47814/ijssrr.v5i12.690>.
4. Armansyah, A., & Triastuti, T. (2018). Beneficial Ownership and Reporting Obligations for Suspicious Financial Transactions. *ADIL: Law Journal*, 9(2). <https://doi.org/10.33476/ajl.v9i2.825>.
5. Chandra, I. G. A. W., & Purwanto, I. W. N. (2024). The Role and Responsibilities of a Notary in Public Services Based on Professional Ethic Morals and Law. *Journal of Law, Politic and Humanities*, 4(6), 1937–1945. <https://doi.org/10.38035/jlph.v4i6.601>.
6. Efendi, J., & Rijadi, P. (2022). *Normative and Empirical Legal Research Methods* (2nd ed.). Prenada Media.
7. Fitriyani, A., & Setiawan, I. K. O. (2024). Legal Efforts to Address Notaries' Difficulties in Identifying Suspicious Financial Transactions in the Preparation of Deeds. *Sasana Law Journal*, 10(2), 76–92. <https://doi.org/10.31599/sasana.v10i2.2970>.
8. Harahap, M. R., Purba, H., & Suprayitno, S. (2024). Comparison of the Application of the Principle of Recognizing Service Users to Land Deed Officials (Ppat) and Notaries in the Perspective of Preventing Money Laundering and Terrorism Financing Crimes. *Journal Intelek Insan Cendikia*, 1(9), 4578–4591.
9. Ibrahim, M. R. P., & Sudiro, A. (2022). Legal Authority and Protection for Notaries as Reporters of Suspicious Transactions. *Legal Issues*, 51(2), 188–198. <https://doi.org/10.14710/mmh.51.2.2022.188-198>.
10. Kismawardani, K., & Cahyarini, L. L. (2023). The Relevance of Notaries as Reporting Parties in Efforts to Prevent Money Laundering. *Notarius*, 16(3), 1321–1332. <https://doi.org/10.14710/nts.v16i3.42407>.
11. Kurniawan, I. D. (2024). The Principle of Legal Certainty in the Perspective of Legal Positivism. *NUSANTARA: Journal Of Law Studies*, 3(2), 43–49.
12. Lisanawati, G. (2023). Unraveling Legal Issues Related to Financial Transactions in Money Laundering. *AML/CFT Journal: Journal on Anti-Money Laundering and Countering the Financing of Terrorism*, 1(2). <https://doi.org/10.59593/amlcft.2023.v1i2.59>.
13. Nabillah, A. Z. (2023). Notary's Liability for the Cancellation of the Deed of Establishment of A Foreign Investment Limited Liability Company due to Violation of the Notary Profession. *Authentica*, 6(1), 12–24. <https://doi.org/10.20884/1.atc.2023.6.1.369>.
14. Naufaldy, M. B., & Bonaparta, G. L. (2023). The Role of Notaries as Reporting Parties in the Prevention and Eradication of Money Laundering. *UNES Law Review*, 6(2). <https://doi.org/10.31933/unesrev.v6i2.1238>.
15. Ningsih, D. A., Ginting, B., Suprayitno, S., & Nasution, F. A. (2022). Implementation of Public Official Functions that can be Performed by Notaries in Exercising their Authority as Public Officials. *Notary Journal*, 1(2), 173–181.
16. Oktavia, W. A., Afriana, A., & Lubis, T. N. (2019). The status of deeds and legal consequences for notaries who hold concurrent positions. *ACTA DIURNAL Journal of Notarial Law*, 3(1), 24–42.
17. Peter Mahmud Marzuki. (2017). *Legal Research* (Revised Edition). Kencana Prenada Media Group.
18. Puspareni, A. S., & Wisnaeni, F. (2023). The Relevance of Applying the Principle of Recognizing Service Users to the Authority of Notaries. *Notarius*, 16(2), 753–763. <https://doi.org/10.14710/nts.v16i2.41360>.
19. Rizkia, N. D., & Fardiansyah, H. (2023). *Legal Research Methods (Normative and Empirical)*. CV Widina Media Utama. <https://repository.penerbitwidina.com/publications/564622/>.
20. Samiya, A. I., & Susetyo, H. (2021). Notaries as Reporting Officers in the Prevention and Eradication of Money Laundering Based on Government Regulation No. 43 of 2015. *The Juris*, 5(2). <https://doi.org/10.56301/juris.v5i2.288>.
21. Siddiqiyah, A., Santosa, I., & Muda, I. (2024). Notary's Responsibilities in Preventing the Crime of Money Laundering by Applying the Principles of Knowing the Service User. *Journal Info Science: Informatics and Science*, 14(1), 894–908.
22. Sihaan, A. Y., & Hasanah, A. N. (2023). The Role of Notaries as Authentic Document Drafters in the Court of Law. *Al-Usrah: Journal of Personal Status Law*, 11(1), 23–37. <https://doi.org/10.30821/al-usrah.v11i1.16650>.

23. Simbolon, A., & Sinaga, I. P. A. S. (2023). Implementation of the Principle of Recognizing Service Users (PMPJ) for Notaries in Indonesia. *Asian Journal of Law and Governance*, 5(1). <https://myjms.mohe.gov.my/index.php/ajlg/article/view/21550>.

24. Sulchan, A., Musofiana, I., & Rusydi, A. A. (2021). Implementation of Principles in Identifying Service Users Regarding the Prevention and Eradication of Money Laundering Offense. *International Journal of Law Reconstruction*, 5(1), 62–74. <https://doi.org/10.26532/ijlr.v5i1.15492>.

25. Sumarno, S. (2024). *Legal Protection for Notaries in Performing Their Duties as Public Officials in Batam City Based on the Notary Position Law* [Masters, Sultan Agung Islamic University Semarang]. <https://repository.unissula.ac.id/33524/>.

26. Yalid, Y., & Simamora, B. (2021). Conflict between the Notary's Duty of Confidentiality Regarding Deeds and the Duty to Report Suspicious Financial Transactions. *Era Hukum – Scientific Journal of Law*, 19(2). <https://doi.org/10.24912/erahukum.v19i2.12175>.

27. Zuhdi, A., Ablamskyi, S., & Anggara, A. (2025). Judicial Review of Presidential Threshold Decisions: The Dynamics of Constitutional Injury. *Kosmik Law*, 25(1), 48–65. <https://doi.org/10.30595/kosmik hukum.v25i1.24476>.

Received the editorial office: 25 March 2025

Accepted for publication: 30 May 2025

ВАНДА ІЗЗУКІЯ АІРЛАНГА,

кандидат юридичних наук,
Університет Бравіджая (Східна Ява, Індонезія),
факультет права;
ORCID: <https://orcid.org/0009-0004-4048-4254>,
e-mail: airlanggawanda@student.ub.ac.id;

СІХАБУДІН,

доктор юридичних наук,
Університет Бравіджая (Східна Ява, Індонезія),
факультет права;
ORCID: <https://orcid.org/0009-0003-0770-3809>,
e-mail: sihab@ub.ac.id;

ЛЕТІЦІЯ ДЕССІ АНДРЕАССАРІ,

доктор юридичних наук,
Університет Бравіджая (Східна Ява, Індонезія),
факультет права;
ORCID: <https://orcid.org/0009-0009-5233-5164>,
e-mail: dessy79@ub.ac.id

ОБМЕЖЕННЯ ОБОВ'ЯЗКІВ НОТАРІУСА ЩОДО КОНТРОЛЮ ЗА СПРАВЕДЛИВІСТЮ УГОД КОРИСТУВАЧІВ ПОСЛУГ ТОВАРИСТВА З ОБМЕЖЕНОЮ ВІДПОВІДАЛЬНІСТЮ

Нотаріус відіграє ключову роль в індонезійській правовій системі, забезпечуючи дійсність угод, особливо тих, що стосуються товариств з обмеженою відповідальністю. Як державний службовець нотаріус несе відповідальність за застосування принципу визнання користувача послуг, що включає ідентифікацію, перевірку та моніторинг угод із метою запобігання незаконній діяльності, такої як відмивання грошей. Однак такі нормативні акти, як Постанова Міністра юстиції та прав людини № 9 від 2017 року, залишаються нечіткими і не містять вказівок щодо «справедливості угод», що призводить до правової невизначеності для нотаріусів. Відсутність чітких параметрів ставить нотаріусів у складне становище, оскільки вони повинні балансувати своїми юридичними обов'язками, особливо при визначенні того, що є підозрілою або несправедливою угодою. Проаналізовано обмеження обов'язків нотаріусів щодо моніторингу справедливості угод, в яких беруть участь користувачі послуг РТ. За допомогою нормативної методології правового дослідження оцінено законодавчі та концептуальні підходи до створення всеосяжної правової бази для обов'язків нотаріусів. Наголошено, що відсутність чітких вказівок призводить до неоднозначного тлумачення нотаріусами, що може спричинити конфлікт між їхнім обов'язком зберігати конфіденційність клієнтів відповідно до Закону про нотаріат і відповідальністю за повідомлення про підозрілі операції до Центру аналізу та звітності про фінансові операції, як того вимагає Закон про протидію відмиванню грошей.

Зроблено висновок, що існує потреба у більш чітких нормативних актах і технічних вказівках, які би збалансували ці два суперечливі обов'язки, тим самим підвищивши правову визначеність та ефективність нотаріусів у запобіганні фінансовим злочинам. Посилення співпраці між нотаріусами та наглядовими органами, а також забезпечення правового захисту нотаріусів, які виконують свої обов'язки щодо повідомлення, є надзвичайно важливим для підвищення прозорості та підзвітності в юридичній професії.

Ключові слова: нотаріус, моніторинг угод, правова визначеність, фінансові злочини, принцип визнання користувачів послуг.

Цитування (ДСТУ 8302:2015): Airlangga W. I., Sihabudin, Andreassari L. D. Limitation of Notary Obligation in Monitoring the Fairness of Limited Liability Company Service User Transactions. *Law and Safety*. 2025. No. 2 (97). Pp. 162–172. DOI: <https://doi.org/10.32631/pb.2025.2.13>.

Citation (APA): Airlangga, W. I., Sihabudin, & Andreassari, L. D. (2025). Limitation of Notary Obligation in Monitoring the Fairness of Limited Liability Company Service User Transactions. *Law and Safety*, 2(97), 162–172. <https://doi.org/10.32631/pb.2025.2.13>.