



NOTARY OBLIGATIONS TO REPORT BENEFICIARIES OR BENEFICIAL OWNERSHIP (BO) IN EACH MAKING OF DEEDS

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Abstrak

Abstract This study aims to analyze the urgency of the notary's obligation to report the beneficial owner in each deed to the Financial Transaction Analysis Reporting Center (PPATK) and how to assess the beneficial owner. Beneficial Ownership) referred to by the Legislation. The method used is normative with the Antinomy research type, namely conflicting norms in the authority and obligations of a notary in reporting beneficial owners (beneficial ownership). The research results are The urgency of the notary's obligation to report the beneficial owner (beneficial ownership) in each Deed to the Notary Financial Transaction Reports and Analysis Center (PPATK) as a state official or general official appointed by the state in making Deeds that are vulnerable to being exploited by money laundering (TPPU) and terrorism financing (TPPT) perpetrators. Authority The Financial Transaction Reports and Analysis Center (PPATK) requests reports from professions that are vulnerable to being misused by money laundering (TPPU) and terrorism financing (TPPT) perpetrators. PPATK as a financial intelligence unit which has duties and functions of receiving financial transaction reports, analyzing financial reports, and forwarding the results of the analysis to other law enforcement agencies. So the obligation to report the beneficial owner (beneficial owner) by a Notary to the Financial Transaction Reports and Analysis Center (PPATK) is very important and urgent in the prevention and eradication of money laundering (TPPU) and terrorism funding (TPPT) crimes.

Kata Kunci: Notary Obligations; Deed; Center for Reporting and Analysis of Financial Transactions.

INTRODUCTION

At the level of international standards in the field prevention and eradicating criminal acts of corruption,

money laundering regulate mechanisms to identify beneficial owners (*beneficial ownership*) from a corporation in order to obtain information regarding

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beneficial owners that is accurate, current and publicly available the corporation must follow the application of the principle of identifying beneficial owners.²

Provisions for the crime of money laundering are regulated in the Law of the Republic of Indonesia Number 25 of 2003 concerning the Crime of Money Laundering to become the Law of the Republic of Indonesia Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.³

In 2004, in line with the establishment of the Financial Transaction Reports and Analysis Center (PPATK) and to support the effective implementation of the anti-money laundering regime in Indonesia, through Presidential Decree No.1 of 2004 date January 5, 2004, the Government of Indonesia established the National Coordinating Committee for the Prevention and Eradication of Money Laundering Crimes (Money Laundering Committee). Center Financial Transaction Reporting and Analysis, hereinafter abbreviated as PPATK, is an independent institution established to prevent and eradicate money laundering. The ML Committee is tasked with, among other things, formulating policy directions for handling money laundering crimes and coordinating efforts to address prevention and control its eradication, in line with the FATF set specific recommendations FATF a series of actions, need to be done every jurisdiction in implementation effectively counter terrorist financing efforts.⁴

In Article 17 paragraph (1) of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes ("TPPU Law") stipulates 16 categories provider financial services and 5 categories procurement goods and/or services⁵ others who are required to report Financial Transactions Suspicious (TKM) to the Financial Transaction Reports and Analysis Center (PPATK). And in paragraph (2) Provisions regarding Reporting Parties other than those referred to in paragraph (1) are regulated by a Government Regulation.⁶

when the Government Regulation of the Republic of Indonesia Number 43 of 2015 was enacted, the PP did not only add types Provider Financial Services that become pioneer, also regulates advocates, notaries, land deed officials, accountants, public accountants, and financial planners as reporting parties. In PP 43/2015 it is stated that this is based on research from the Reporting Center and Analysis Financial Transactions (PPATK) which shows that these professions are vulnerable to being exploited by perpetrators of Money Laundering Crimes. For hide or disguise the origin of assets which are the proceeds of crime by taking cover behind the provisions of the confidentiality of professional relations with service users.⁷

In Presidential Regulation Number 13 of 2018, every cooperative have the obligation to determine the beneficial owner of the corporation. However, the competent authority may determine the beneficial owner other than what is reported by the corporation

² In Corinth Chrislianto, 2022, *Recognizing Beneficial Owners of PT, CV, FA and Agency The best*. First Published October, 20

³ Jamin Ginting, 2017. *Banking Law And Money Laundering Crimes*, South Tangerang : C.V. Allied Jaya, hlm. 8.5-8.6.

⁴ *Ibid.*

⁵ Property companies/property agents, motor vehicle dealers, gem dealers and jewelry/precious metals, art and antique dealers, or auction houses.

⁶ Detania Sukaraya, *The Role of Notaries in Disclosing Beneficial Ownership in Indonesia*, Notary National Seminar Paper.

⁷ *Ibid.*

if it finds indications that there are other parties who fall into the category of beneficial owners. Determination of other beneficial owners by the competent authority is carried out on the basis of the competent authority's assessment originating from; a. audit results of corporations based on Presidential Regulation Number 13 of 2018, b. information from the government or private institutions whose data and or information are beneficial owners and/or receive reports from certain professions containing information on beneficial owners, c. and/or information others who can held accountable the truth.

Ministry Law and Human Rights have issued Menkumham Regulation Number 15 of 2019 concerning Procedures for Implementing the Principle of Recognizing Beneficial Owners (*beneficial ownership*) from corporations and Permenkumham Number 21 of 2019 concerning Procedures for Supervision of Principle Procedures for Recognizing Beneficial Owners of corporations. These two regulations are derivatives of Presidential Regulation Number 13 of 2018 concerning Application of the Principle of Recognizing Beneficial Owners of corporations in the context of Prevention and Eradication of Money Laundering Crimes and Terrorism Financing Crimes. Preparation Presidential Regulation Number 13 of 2018 concerning *beneficial ownership* which explains the background to the issuance of the Presidential Decree because Indonesia is in the process of becoming a member of the FAFT which requires transparency of actual ownership, or beneficial owners of corporations.

Regulation of the Minister of Law and Human Rights Number 15 of 2019 technically regulates the procedures for submitting beneficial owner information disclosure (*beneficial ownership*) from

the corporation. In Article 4 paragraph (1) Corporations are required to submit correct information regarding the beneficial owner of the corporation to the Minister. In Article 2 letters a and b the application for the establishment, registration or legalization of the corporation and when carrying out its activities. Then in the Regulation of the Minister of Law and Human Rights Number 15 of 2019 it states that the means for conveying this information can be done electronically through AHU Online

Article 11 paragraph (3) regulates the procedures for exchanging beneficial owner information for the benefit of law enforcement agencies, government agencies and state authorities or jurisdiction other. In Article 12 it states that in addition to the authorities, the exchange of information can be carried out by reporting parties who, according to statutory provisions, are required to submit reports to the Financial Transaction Reports and Analysis Center (PPATK). In Article 16 regarding supervision and application of principles *beneficial ownership* carried out by the Minister of Law and Human Rights through the Director General of General Legal Administration including the imposition of sanctions if violations of the implementation of this rule are found.

In Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN-P) Notaries who are actually professions are public officials authorized to make authentic deeds. Notary authority in providing legal evidence is regulated by a statutory regulation that is at the same level as the law. As for the authority of a notary regulated in Article 15 paragraph (1) UUJN-P which explains that a notary has the authority to make Deeds authentic regarding all actions, agreements, and

stipulations required by laws and regulations invitation and/or which is required by the interested party to be specified in the authentic Act, guarantee the certainty of the date of making the Act, keep the Act, provide grosses, copies and extracts of the Act, all of that as long as the making of the Act is not assigned or excluded to other offices or other designated persons by law.

In the Government Regulation of the Republic of Indonesia Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes, Notaries as one of those who are required to apply the principle of recognizing service users. In the Regulation of the Minister of Law and Human Rights issued rule Number 9 of 2017 concerning the Application of the principle of recognizing service users for notaries.

Law Number 2 of 2014 Amendments to Law Number 30 of 2004 concerning the Position of Notary in Article 16 paragraph (1) letter f. Notary is a profession that is required to submit suspicious financial transaction reports (TKM) to the Financial Transaction Reports and Analysis Center (PPATK). There is a dilemma regarding the rules between the obligation to report suspicious financial transactions and the notary's obligation to keep confidential the information obtained from the client about the deed he made.

On the other hand, the issuance of Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering (PP No. 43 of 2015). The Government Regulation of the Republic of Indonesia No. 43 of 2015 explains the obligations of other notaries in assisting the prevention and eradication TPPU. This Government Regulation requires

what is commonly referred to gatekeeper professionals to report to the Financial Transaction Reports and Analysis Center (PPATK).⁸

Based on Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (TPPU). In Government Regulation Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes. From this policy, Presidential Regulation Number 13 of 2018 concerning the application of the principle of recognizing beneficial owners of corporations in the context of preventing and eradicating money laundering and terrorism financing crimes. Application of the Principles of Recognizing Service Users for Notaries regulated in the Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning Application of the Principles of Recognizing Service Users for Notaries, which relates to deed made before a notary.

RESEARCH METHOD

the type of research that the author uses is a type of normative legal research,⁹ Research type used is Antinomy (*conflict Norm*) rule conflict of rules is a clash of norms related with the authority and obligation of a notary in reporting the beneficial owner (*beneficial ownership*) contained in the provisions of Law Number 2 of 2014 Amendment to Law Number 30 of 2004 concerning the Position of Notary Public Article 16 paragraph (1) letter f concerning Notaries in carrying out their positions are obliged to keep everything confidential regarding the Deeds they made and all information obtained in order to making the Deed in accordance with the oath/pledge of office, unless the

⁸ Armansyah, Triastuti, 2018. "*Beneficial Ownership and obligations reporting on transactions suspicious finances. FAIR: Journal of Law Vol. 9 No. 2*

⁹ Zainuddin Ali, 2010, *Legal Research Methods*, Print 2, Sinar Graphic, Jakarta, page 30.

law determines otherwise. The approach used is the Statutory Approach in this case the author will seek *logical ratio* and the ontological basis for the birth of the law, so that researcher able to understand the philosophical content of the law and whether there is a philosophical conflict between the laws with legal issues encountered. In addition, this research approach also uses a conceptual approach. The legal materials used in this research are the 1945 Constitution, laws, government regulations, presidential regulations and regulations of the Minister of Law and Human Rights, in addition to some secondary materials in the form of books, Relevant journals in this research.

H RESULTS AND DISCUSSION

The Urgency of Notary Obligations in Reporting Beneficial Owners (*Beneficial Ownership*) In Every Deed to the Financial Transaction Reports and Analysis Center (Ppatk)

Money laundering in general has been classified as a crime and belong white collar crime,¹⁰ and is considered an extraordinary crime (*extraordinary crime*) or even serious crimes (*serious crime*) because it has a different and more dangerous *modus operandi* than conventional crimes known in Indonesian criminal law.¹¹ Money laundering is a term that describes money investments or money transactions, originating from organized crime activities, illegal transactions (*illegal*), and other illegitimate sources, with the aim of transactions through legitimate channels (*legal*), so the actual source cannot be traced back. The *modus*

operandi of money laundering crimes can only be carried out by people who have social status secondary to the top in society, respected, calm, charismatic, yang have intellectual ability, position, connections, shrewdness in deceiving law enforcement. By using his intelligence and power, a money laundering actor can reap huge amounts of funds for personal or group needs. Traits and characteristics in character that can generally be seen in the perpetrators of money laundering crimes which indicate that money laundering crimes are categorized as white-collar crimes (*white collar crime*).¹²

The Money Laundering Crime Regime (TPPU) in Indonesia recognizes two types of ML. The first is the active TPPU set in;

Article 3

Everyone who place transfer, transfer, spend, pay, grant, deposit, take abroad, change the form, exchange with currency or securities or other actions on assets that he knows or reasonably suspects are the proceeds of crime as referred to in Article 2 paragraph (1) with the aim of concealing or disguising the origin of assets convicted of money laundering with a maximum imprisonment of 20 (twenty) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiahs).

Article 4

Any person who hides or disguises the true origin, source, location, designation, transfer of rights, or ownership of the assets he knew or it is reasonably suspected that it is the result of a crime as referred to in Article 2 paragraph (1) shall be punished for the crime of money laundering with a

¹⁰ Munir Fuady, (2011), *Dirty Business: The Anatomy of White Collar Crime*, PT. Citra Aditya Bakti, Bandung, 11

¹¹ Roberts Kennedy, (2017), *Return of Crime Assets (In Perspective of Laundering Regime Money)*, Rajawali Press, Depok, 2.

¹² Center for Financial Transaction Reporting and Analysis, (2019), *The White Collar Existence Behind Money Laundering Cases*, July 26, ppatk.go.id/siaran_pers.

maximum penalty of 20 (twenty) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiahs).

And the second is passive ML which is regulated in Article 5 paragraph (1) and (2) of Law Number 8 of 2010 concerning the Crime of Money Laundering (TPPU)

Article 5

- (1) Everyone who accepts or master placement, transfer, payment, grants, donations, safekeeping, exchange, or use of assets which he knows or deserves, allegedly constitutes the proceeds of crime as referred to in Article 2 paragraph (1) shall be subject to imprisonment for a maximum of 5 (five) years and a fine of a maximum Rp. 1,000 000,000.00 (one billion rupiah).
- (2) The provisions referred to in paragraph (1) do not apply to reporting parties who carry out reporting obligations as regulated in this Law.

Money Laundering activity is considered as a *crime extra ordinary crime*, the following are the modes of practice that are important to watch out for money laundering;

- a. Through Capital Cooperation
Cash proceeds from crime are taken abroad. The money goes back in the form of capital cooperation (*joint venture*). Profits from these investments must be reinvested in other businesses. Profits from other businesses are enjoyed as clean money, because it appears to have been

processed illegally, and is even taxed.

- b. Clearing Oil Palm Land
By using their own money, the practice is, that is, by clearing oil palm land from foreign companies in the form of shadow companies. The directors and shareholders of this company are himself.
- c. Property Buying Mode
This mode is principally diverting funds to buy property. by using someone else's name, as if it were legal. Funds used for the purchase are own funds.
- d. Cash Smuggling Mode
The mode of smuggling cash or the bank system is carried out in parallel to other countries. Hesmuggling some physical money abroad. Since there are risks such as being robbed or lost, the form mode is used *electronic transfer*, i.e. transferring from one country to another without any physical movement of money.
- e. Certain Investment Modes
Usually, this particular mode of investment occurs in the goods transaction business, either in the form of paintings or other antiques. for example, the perpetrator buys a painting and sells it to someone who is actually the perpetrator's order for himself at a high price. Paintings with immeasurable prices can be set at the highest price and are legal. Funds from the sale of these

paintings can be categorized as legitimate funds.¹³

Notary as a reporter for suspicious transactions, Notary has a role as *gatekeeper* in the crime of money laundering, but constrained *confidentiality of client* namely maintaining the confidentiality of everything regarding the deed. Efforts to overcome obstacles related to the prevention of money laundering crimes *confidentiality of client* as a reporting obligation for Notaries, among other things, applies the principle of recognizing Notary Service Users, whereas according to the Law on Notary Offices (UUJN) requires Notaries to keep the Deeds they make secret. The obligation to obtain information on the beneficial owner also needs to be carried out by the Notary when it is related to other engagements, even the Notary is required to carry out in-depth identification if the beneficial owner has a high level of risk of money laundering or terrorism financing.¹⁴

Money laundering is a crime that have The distinctive feature is that this crime is not a single crime but multiple crimes. This crime is characterized by a form of money laundering which is a crime of a criminal nature *follow up crime* or further crime, while the main crime or the original crime is called *predicate offense* or *core crime* or there are countries that formulate it as *unlawful activity* namely the original crime produce The money is then laundered.

The provisions for the crime of money laundering itself only consist of: a number of Articles and also regulate criminal acts related to the crime of

money laundering itself. In Law Number 8 of 2010 which states Article 1 point 1 that "Money laundering is all actions that meet the elements of a criminal offense in accordance with the provisions of this law. Whereas in Law Number 25 of 2003 states the Crime of Money Laundering "The act of donating, transferring, paying, spending, granting, donating, depositing, taking abroad, exchanging or other actions on assets that are known or reasonably suspected to be the result of acts of crime with the intention of concealing or disguising the origin of assets so that they appear to be legitimate assets.

Black Law Dictionary provide an explanation that money laundering as "terms used to describe investment or other transfer of money flowing from racketeering, drugs transactions, and order illegal, source into legitimate channels so that is original source cannot be traced", "a term used to describe investment or other transfers of money flowing from catering, drug dealing, and illegal orders, sources to legitimate channels so that the original source cannot be traced."

Remy Shahdeini argues that money laundering "a series of activities which are processes carried out by a person or organization against illicit money, namely money originating from crime, with the intention of concealing or disguising the origin of said money from the government or the competent authority to take action against criminal acts by primarily entering said money into the financial system (*financial system*) so that the money can then be issued from the financial system as halal money.¹⁵

¹³ Journal of KPK.go.id., (2022), *4 Forms of Money Laundering Mode*, March 19.

¹⁴ Armansyah, Triastuti, *Beneficial Ownership and Reporting Obligations on Financial Transactions Suspicious*, Fair Journal, Vol. 9, No. 2.

¹⁵ Remy Syahdaeni, (2003), *Money laundering ; historical sense; causal factors and The Impact on Society*, Journal of Business Law, Vol. 22, No.3, p.6.

There are three types of criminal actswashing money that can be categorized as the basic concept of activity *money laundering*, that is;

- a. Put or move the "property"
- b. Hiding the true state of the "property"
- c. Dominate/receive, own or use "property"

From the categories mentioned above, two levels of crime in money laundering activities can be seen;

1. Crime that generates money itself, for example, drug trafficking, corruption, and;
2. The crime of money laundering, that is, the proceeds of the crime process bleaching where this process even though formally looks legal, but materially is considered illegal.

Money laundering activities are generally carried out in stages, it is this phase that makes the money more difficult to track or lose track of. In simple terms, the money laundering process can be grouped into three activities, namely;¹⁶

- a. Level of Placement (*placement*)
In this placement stage, the proceeds of crime are placed in the financial system (*financial system*). At this stage the form of the proceeds of crime must be converted to hide the origin of which No legitimate from that money. For example, placing money in the bank, sometimes even with that effort, get credit financing.
- b. Coating Stage (*layering*)
At this stage the criminal tries to obscure the origin of the

money related to the perpetrator by spreading the proceeds of crime or even changing the identity of the owner of the property, with the aim of severing the proceeds of crime from the source, so that it is difficult to disguise the money. identified real owner. For example, making transfers from one bank to another with a different region, or even from one country to another.

- c. Level of Incorporation (*integration*)
In this stage the perpetrator of the crime withdraws from the funds placed and the origin is disguised and returned to the original owner which will be used for legal activities as a legitimate business or finance other criminal activities.

Ongenerally perpetrators of money laundering try to hide or disguise the origin of assets resulting from criminal acts in various ways so that law enforcement officials find it difficult to trace assets resulting from crimes. So that they can freely utilize these assets both for legal and illegal activities. Therefore, the crime of money laundering (TPPU) not only threatens the stability and integrity of the economic system and financial system but can also endanger the foundations of community, nation and state life based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

The magnitude of the losses arising from money laundering practices is so great, therefore efforts to prevent money laundering have been carried out by several countries. The war against money laundering activities by criminal

¹⁶ Guarantee Ginting, *ibid.*

organizations and by individuals who are not members of criminal organizations has achieved to level more serious. The first International cooperation agency was *The Financial Action Task Force on Money Laundering* (FATF) was established *G-7 Summit* in France in July 1989. Among other things, regarding the expansion of the reporting party (*Reporting Parties*) Which covers dealers in gems, jewelery/precious metals and motor vehicle traders.

In Indonesia, in an effort to prevent money laundering crimes, several laws and regulations have been issued to suppress the rampant number of TPPU crimes in Indonesia. one of them is Law Number 15 of 2002 Amendment to Law Number 25 of 2003 Amendment to Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.

Technological developments have led to an increase in various types of crimes both committed by individuals and by corporations within the borders of a country or across borders of other countries. These include corruption, bribery, goods smuggling, labor smuggling, smuggling immigrant, banking, illicit trade in narcotics and psychotropics, slave trade, women and children, illegal arms trade, kidnapping, terrorism, theft, embezzlement, fraud and various white-collar crimes.¹⁷

A notary is a state official appointed by the Minister of Law and Human Rights to act as an arm of the government for the benefit of the state. Their role is very important and essential in everyday people's lives. But deep the practice, the Notary is obliged to maintain the confidentiality of the information contained in the Notary Deed, unless ordered by law to do

otherwise and provide relevant information relating to the Deed, a) the interests of the protected party in the Deed, and b) the Notary's obligations in carrying out his position, according to Law Number 2 of 2014 Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN).

In accordance with Article 4 PP Number 43 of 2015 the Reporting Obligation must apply the principle of knowing service users. The Head of the Center for Reporting and Analysis of Financial Transactions (PPATK) issued Regulation of the Head of PPATK Number 11 of 2016 concerning Procedures for Submitting Suspicious Financial Transactions for Professions. Like other professions, notaries must apply the principle of "Know your customer-KYC". Against the Notary regarding the obligation to identify the origin of the source of funds for Notary service users by reporting to the LPP or PPATK.¹⁸

Regulation of the Minister of Law and Human Rights Number 9 of 2018 concerning Application of the Know Service User Principle for Notaries, the Minister of Law and Human Rights requires Notaries regarding notary obligations as mandated in Article 10 paragraph (1) requires notaries who are obliged to examine the truth of the identity of service users, including source of funds.

The Minister of Law and Human Rights issued Regulation of the Minister of Law and Human Rights Number 9 of 2017, namely, 1) transactions that deviate from the profile, characteristics, or the transaction pattern habits of the service user concerned, 2) transactions by service users that are reasonably suspected to have been carried out to avoid reporting the transaction

¹⁷ National Legal Development Agency (BPHN), 2021, BPHN.co.id.

¹⁸ Diana, S.N., Mispansyah, M., & Syaufi, A. (2020). *The position of the deed related to the*

implementation of the position of the notary person Fake degree. *Lambung Mangkurat Law Journal*, 5(2), 230-244.

concerned which must be issued by the Reporting Party in accordance with the laws and regulations governing the Prevention and Eradication of Money Laundering Crimes, 3) financial transactions carried out or canceled using assets suspected of originating from criminal acts, 4) financial transactions requested by the PPATK to be reported by a Notary because they involve assets suspected of originating from criminal acts.

In the prevention of money laundering, the role *Gatekeeper* very important. A notary who is requested as a witness may refuse his statement, in this case it is stated in the laws and regulations which emphasize that the Refusal of Notary Rights can be used when a Notary acts as a witness in a civil case (Article 1909 paragraph (3) of the Civil Code, Article 146 paragraph (1)) HIR, and criminal acts chapter 170 of the Criminal Procedure Code in the trial process relating to the Deed drawn up before or by a Notary and all information obtained in the making of the Deed.¹⁹

Even though there are a series of laws and regulations that place different positions for professions or positions, of course it is not as easy to implement in practice. The principle of respecting the confidentiality of positions and the Deed will systematically become open and transparent, the interests of the public who need services or professional services must stand up in position that all information has an open potential. Obligations as a Reporting Party as a profession certainly cannot be equated with Reporting Parties of financial service institutions (banking, insurance, financing) or other institutions. because of profession carried out as a person with all the risks that come with it including

criminalization, naturally professional compliance in carrying out obligations as a Reporting Party which must also be protected to the fullest by law enforcement officials.²⁰

Thus the obligation to report the beneficial owner (*beneficial ownership*) to the Financial Transaction Reports and Analysis Center (PPATK) is very important and *urgent* in the prevention and eradication of money laundering (TPPU) and terrorism financing (TPPT) crimes. As openness and transparency about beneficial owners (*beneficial ownership*) on the corporation.

CONCLUSION

The urgency of the notary's obligation to report the beneficial owner (*beneficial ownership*) in each Deed to the Notary Financial Transaction Reports and Analysis Center (PPATK) as a state official or general official appointed by the state in making Deeds that are vulnerable to being exploited by money laundering (TPPU) and terrorism financing (TPPT) perpetrators. Notaries are one of the Reporting Parties who are required to report Suspicious Financial Transactions (TKM) to the Financial Transaction Reports and Analysis Center (PPATK) and are required to apply the Principle of Recognizing Service Users for Notaries. This application includes the Notary's obligation to find out the beneficial owners of corporations and other engagements. Authority The Financial Transaction Reports and Analysis Center (PPATK) requests reports from professions that are vulnerable to being misused by money laundering (TPPU) and terrorism financing (TPPT) perpetrators. Center for Reporting and Analysis of Financial Transactions (PPATK) as an institution

¹⁹ Maskanah, U., & Oktavia, D. M. (2020). *Strength of Notary Deed Authentication in Court in Indonesia*. International Journal of Latin Notary, 1(1), 5-9.

²⁰ Maskanah, U., & Oktavia, D.M., *Ibid*.

that coordinate implementing efforts to prevent and eradicate money laundering crimes. PPATK as *financial intelligence unit* which has duties and functions of receiving financial transaction reports, analyzing financial reports, and forwarding the results of the analysis to other law enforcement agencies. So the obligation to report the beneficial owner (*beneficial owner*) by a Notary to the Financial Transaction Reports and Analysis Center (PPATK) is very important and urgent in the prevention and eradication of money laundering (TPPU) and terrorism funding (TPPT) crimes.

REFERENCE

- Armansyah, Triastuti, *Beneficial Ownership and Reporting Obligations on Financial Transactions Suspicious*, Fair Journal, Vol. 9, No. 2.
- Ali, Zainuddin. (2010), *Legal Research Methods*, Print 2, Sinar Graphic, Jakarta
- National Legal Development Agency (BPHN), 2021, BPHN.co.id.
- Diana, S.N., Mispansyah, M., & Syaafi, A. (2020). *The position of the deed related to the implementation of the position of the notary person Fake degree*. *Lambung Mangkurat Law Journal*, 5(2), 230-244.
- In Corinth Chrislianto, 2022, *Recognizing Beneficial Owners of PT, CV, FA and Agency assembled*. First Published October, 20.
- Munir Fuady, (2011), *Dirty Business: The Anatomy of White Collar Crime*, PT. Citra Aditya Bakti, Bandung, 11.
- Jamin Ginting, (2017), *Banking Law and Money Laundering Crimes*, South Tangerang : CV. Allied Jaya
- Journal of KPK.go.id., (2022), *4 Forms of Money Laundering Mode*, March 19.
- Maskanah, U., & Oktavia, D. M. (2020). *Strength of Notary Deed Authentication in Court in Indonesia*. *International Journal of Latin Notary*, 1(1), 5-9.
- Center for Financial Transaction Reporting and Analysis, (2019), *The White Collar Existence Behind Money Laundering Cases*, July 26, ppatk.go.id/siaran_pers.
- Remy Syahdaeni, (2003), *Money laundering ; historical sense; causal factors and The Impact on Society*, *Journal of Business Law*, Vol. 22, No. 3: 6.
- Roberts Kennedy, (2017), *Return of Crime Assets (In Perspective of Laundering Regime Money)*, Rajawali Press, Depok, 2.

Legislation

Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.

Law Number 9 of 2013 concerning the Prevention and Eradication of Terrorist Financing Crimes.

Law Number 2 of 2014 Amendment to Law Number 30 of 2004 concerning the Position of Notary.

Law Number 1 of 2023 concerning accountability Criminal Acts on corporations.

Government Regulation of the Republic of Indonesia Number 43 of 2015 concerning Reporting Parties in the Prevention and Eradication of Money Laundering Crimes.

Presidential Regulation Number 13 of 2018 concerning the Introduction of the Principle of Recognizing Beneficial Owners or *Beneficial Ownership* (BO) from Corporations in the Context of Preventing the Eradication of Money Laundering and Terrorism Financing Crimes.

Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 9 of 2017 concerning Application of the principle of recognizing service users for notaries.

Regulation of the Minister of Law and Human Rights Number 15 of 2019 concerning Procedures for Implementing the Introduction of the Principle of Recognizing Beneficial Owners or *Beneficial Ownership* (BO) of the Corporation.

Regulation of the Financial Services Authority (OJK) Number 22/POJK.04/2014 concerning Know Your Customer By Provider Financial Services in the Capital Markets Sector