

JURIDICAL ANALYSIS OF LEGAL PROTECTION OF NOTARIES TO KEEP POSITION CONFIDENTIAL REGARDING ITS OBLIGATIONS TO REPORT SUSPICIOUS FINANCIAL TRANSACTIONS BASED ON THE REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS NUMBER 9 YEAR 2017 CONCERNING IMPLEMENTATION OF NOT INSTRUCTION SERVICES

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Abstract: Notary is a position that carries out the profession in legal services to the public who need to get protection and guarantees in order to achieve legal certainty. This study aims to find out the legal protection of a notary to keep his position secret related to his obligation to report suspicious transactions and what are the legal consequences if a notary does not report suspicious transactions as regulated in the Regulation of the Minister of Law and Human Rights Number 9 of 2017 concerning the Application of the Principle of Recognizing Service Users. For Notaries.

Key Words: Notary; Legal protection; Transaction; Position.

1. INTRODUCTION:

A notary is a general official who makes an authentic deed who carries out his duties based on the applicable law. Whereas public officials are also state organs equipped with general powers, authorized to exercise part of state power to produce written and authentic evidence in the field of civil law.[1]

Notary is an office designation for someone who has received legal education licensed by the government to do legal matters, especially as making authentic evidence regarding the deed he made.

2. THEORITICAL FRAMEWORK:

a. Theory of Legal Certainty

According to Gustav Radbruch justice and legal certainty are fixed parts of the law.[2]

b. Theory Legal Responsibility

The theory of legal responsibility explains that a person is legally responsible for a certain act or that he bears legal responsibility.

3. LITERATURE REVIEW:

The position of a Notary as a functional in society until the Notary position was born because the community needed it, not a position that was deliberately created and then socialized to the community.

Notaries in being responsible for their actions as public officials in carrying out their duties are required to take an oath. The oath is a formal requirement that must be followed before starting to run his office.

5. METHOD:

The method used in this study is a normative juridical method, namely the approach used in research on secondary data with a focus on research activities.[3]

6. DISCUSSION:

In carrying out the duties and authority of making an authentic deed and other authority, the Notary must act carefully and carry out the duties based on the legislation, the Notary must be careful and thorough in making the deed and must assess who will work with him to make it his deed and perform identification on anything related to the deed he will make. This means that all acts and actions made in the framework of the making of an authentic deed by a Notary must be based on the applicable laws and regulations, so that it can be legally accountable.

Even if the deed is made by a Notary at the request of the parties, the Notary must always be alert to the presence of parties who are not in good faith by utilizing a Notary to approve the intent. Because of this, many observers take advantage of the notary's position to commit such bad faith, so that not a few notaries are also involved in legal cases over the deeds they make.

7. ANALYSIS:

A. Legal Protection of Notaries in Maintaining the Secrecy of Departments Related to the Obligation to Report Suspicious Financial Transactions

Given that the Notary makes a deed at the will of the parties, what is the wish of the parties is heard and recorded by the Notary to be made into a notarial deed which is an authentic deed. The notary deed is made at the request of the parties and not the Notary's wish, although in the notary deed the name of the Notary is listed, but in this case the Notary is not in a position as a joint party of the parties or witnesses whose name is listed in the deed. So that the parties cannot sue the Notary in the judicial process, let alone make the Notary the sole convict in a case, because the Notary only constitutes what the parties want and at the time the deed is made.

B. Legal Consequences If the Notary Does Not Report Suspicious Transactions as Contained in the Regulation of the Minister of Law and Human Rights Number 9 of 2017

Notaries including one of the professions are required to report to the Center for Reporting and Analysis of Financial Transactions (PPATK) if they find suspicious financial transactions.

If the notary does not do the above, then he will be subject to administrative sanctions. The administrative sanction provided is useful as a warning to the notary for further activities, if faced with the same case.

8. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) Legal protection for notaries to keep their positions confidential regarding their obligations to report suspicious financial transactions.
- 2) The legal consequences if a Notary does not report a suspicious financial transaction is an administrative sanction.

9. SUGGESTIONS:

The suggestions given by researchers are as follows:

- 1) Judging from the existing regulations, it is seen that the legal protection given to Notaries is very clear. However, law enforcement efforts are needed to enforce existing regulations to ensure legal protection for Notaries.
- 2) To avoid the consequences of existing law, the Notary must carry out the orders of the legislation carefully.

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