

KEDUDUKAN NOTARIS DAN PEJABAT PEMBUAT AKTA TANAH SEBAGAI PIHAK PELAPOR DALAM PENCEGAHAN DAN PEMBERANTASAN TINDAK PIDANA PENCUCIAN UANG

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INTISARI

Pentingnya pengaturan dan penetapan Notaris dan PPAT sebagai Pihak Pelapor dalam transaksi keuangan mencurigakan pengguna jasa merupakan langkah kebijakan pemerintah dalam rangka penegakan hukum terkait upaya pencegahan dan pemberantasan tindak pidana pencucian uang.

Jenis Penelitian ini merupakan normatif empiris yang bersifat deskriptif dengan mendasarkan pada bahan penelitian yang berasal dari data sekunder berupa bahan hukum primer, sekunder dan tersier, sedangkan data primer diperoleh langsung dari subjek penelitian berupa narasumber dan responden. Cara dan alat pengumpulan data primer diperoleh melalui wawancara dengan responden dan narasumber sedangkan data sekunder diperoleh melalui studi pustaka. Hasil penelitian kemudian dianalisis secara kualitatif yang kemudian ditarik kesimpulan dengan menggunakan metode berpikir deduktif yaitu menyimpulkan hasil penelitian dari yang bersifat umum ke yang khusus.

Hasil penelitian diketahui pertama, bahwa urgensi pengaturan dan latar belakang penetapan Notaris dan PPAT sebagai pihak pelapor transaksi keuangan mencurigakan pengguna jasa dalam rangka upaya pencegahan dan pemberantasan TPPU di Indonesia didasarkan pada pertimbangan bahwa profesi Notaris dan Pejabat Pembuat Akta Tanah (PPAT) rentan dimanfaatkan klien (pengguna jasa) sebagai alat dalam skema pencucian uang dengan cara berlingkungan dibalik ketentuan kerahasiaan untuk mengaburkan asal-usul uang atau dana yang sejatinya berasal dari tindak pidana. *Kedua*, belum ada upaya yang dilakukan para Notaris dan PPAT di Wilayah Kota Yogyakarta dan Kabupaten Sleman terkait pelaksanaan ketentuan wajib lapor transaksi keuangan mencurigakan pengguna jasa disebabkan kurangnya sosialisasi dan pelatihan terkait materi transaksi keuangan mencurigakan beserta tata cara pelaporannya di kalangan Notaris dan PPAT serta masih ada pemikiran di kalangan Notaris dan PPAT bahwa pelaksanaan ketentuan wajib lapor transaksi keuangan mencurigakan pengguna jasa (klien) tersebut bertentangan dengan ketentuan hak ingkar dan kewajiban Notaris dan PPAT padahal UU PPTPPU telah memberikan jaminan perlindungan hukum kepada Pihak Pelapor, termasuk Notaris dan PPAT.

Kata Kunci : Notaris dan PPAT, Wajib Lapor, Transaksi Keuangan Mencurigakan, Tindak Pidana Pencucian Uang.

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THE POSITION OF NOTARIES AND LAND TITLES REGISTRARS AS REPORTING PARTY IN PREVENTING AND COMBATING MONEY LAUNDERING CRIME

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ABSTRACT

The importance of regulating and stipulating Notary and PPAT as Reporting Party in suspicious financial transactions committed by service users is the government's policy step in the context of law enforcement, in relation to the prevention and eradication of money laundering crime.

This research type was a descriptive normative and empirical norms based on research materials derived from secondary data in the form of primary, secondary and tertiary legal materials, while the primary data were obtained directly from the subject of research in the form of resource persons and respondents. The means and tools of primary data collection were obtained through interviews with respondents and interviewees while secondary data were obtained through literature study. The results of research were then analyzed qualitatively, and then conclusions were drawn using the deductive thinking method, by concluding the research results, from the general to the specific.

Based on the result of the research, first, it is known that the urgency of the stipulation and background of the determination of Notaries and Land Titles Registrars as their reporting party of suspicious financial transaction (TKM) committed by service users in the effort of prevention and eradication of Money Laundering in Indonesia is based on the consideration that Notaries and Land Titles Registrars are vulnerable and being taken the advantage of by money laundering criminals, by taking refuge behind the provisions of secrecy to obscure the origin of money or funds originating from criminal offense. Secondly, there has been no effort made by Notaries and Land Titles Registrars in Yogyakarta and Sleman Regency, related to the implementation of the obligatory report of suspicious financial transactions committed by service users due to lack of socialization and training, in connection with suspicious transaction transactions and reporting procedures in Notaries and Land Titles Registrars, and there is a notion in the Notaries and Land Titles Registrars that the implementation of the obligation to report suspicious financial transactions committed by the service user (client) is contradictory to the provisions of the right and obligation of Notaries and Land Titles Registrars, whereas the PPTPPU Law has provided legal protection to the Reporting Party, including Notaries and Land Titles Registrars.

Keywords : Notaries and Land Titles Registrars, Obligatory Report, Suspicious Financial Transaction, Money Laundering Crime.

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