

SUMMARY

IRMA NURHAYATI, Master of Notary Study Program, Postgraduate Program, Jenderal Soedirman University "Application of the Precautionary Principle in the Regulation of the Minister of Law and Human Rights Number 7 of 2017 and its Legal Implications for Notaries", Advisory Commission, Dr. Budiyo, S.H., M. Hum. Member, Dr. Rahadi Wasi Bintoro, S.H., M.H.

This study aims to analyze the application of the precautionary principle in Government Regulation Number 7 of 2017 and to analyze the implications of notaries not implementing the precautionary principle. This research was conducted using a normative juridical approach, the research specifications are descriptive. Data collection by means of literature study, is presented in the form of narrative text which is arranged systematically, and analyzed qualitatively normatively.

Based on the results of the research and discussion, it can be concluded that the application of the precautionary principle to the Regulation of the Minister of Law and Human Rights Number 7 of 2017 in an effort to prevent and eradicate money laundering, notaries are required to apply the principle of knowing service users as follows: a) In providing services in the form of preparing and conducting transactions for the benefit of or for and on behalf of the Service User. Application of the principle of recognizing service users for Notaries which at least includes: identification of Service Users, verification of Service Users and Monitoring of Service User Transactions. Meanwhile, transactions that must be applied by the notary to recognize service user principles are transactions concerning: 1) buying and selling of property; 2) management of money, securities and/or other financial service products; 3) management of current accounts, savings accounts, deposit accounts, and/or securities accounts; operation and management of the company; and/or; 4) establishment, purchase and sale of legal entities. b) Performed when: 1) conducting business relations with the Service User; 2) there are Financial Transactions in rupiah and/or foreign currencies whose value is at least or equal to IDR 100,000,000.00 (one hundred million rupiah); 3) there are Suspicious Financial Transactions related to Money Laundering and terrorism funding crimes; or 4) The Notary doubts the truth of the information reported by the Service User.

The legal implication of a notary not implementing the precautionary principle is in the form of the principle of recognizing service users, namely administratively the notary cannot be held accountable, but if the principle of recognizing service users is not implemented by a notary then a crime of money laundering occurs, where the notary can be held criminally liable in the form of participating in the crime of money laundering, either as a participant (mede dader) or as an aid in committing a crime (medeplichtigheid).

Keywords: Application of principles, recognizing service users, notary criminal liability

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