

Legal Protection for Notaries in Reporting Money Laundering Crimes Using the Whistleblower Protection Model

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Article Info	Abstract
Dates: Accepted: 3-08-2025 Revised: 8-09-2025 Published: 10-10-2025 Keywords : Notary, Legal Protection, Money Laundering, Whistleblower.	As a public official authorized to make authentic deeds, the notary profession is often vulnerable to being entangled in money laundering criminal cases due to the complexity of client transactions that cannot be fully verified. This study aims to analyze the concept of legal protection for notaries in criminal cases involving money laundering and optimize the role of whistleblower protection as an effective protection instrument. The research method uses a normative juridical approach with an analysis of laws and regulations, court decisions, and comparative studies of protection systems in other countries. The study results show that existing legal protection mechanisms, such as the approval of the Regional Honorary Council (MKNW) and the Law on the Protection of Witnesses and Victims, are still weak because they are procedural and unresponsive to the complexity of money laundering cases. Notaries face a dilemma between the obligation to report suspicious transactions, the principle of client confidentiality, and the application of the incriminating principle of reverse proof. Optimizing whistleblower protection requires a comprehensive reconstruction of the legal framework through regulatory amendments, including the Criminal Procedure Code (KUHP) and other regulations, to protect notaries. This model can be done by establishing a Legal Professional Protection Agency,

developing special reporting protocols, and an interagency integration system. The ideal protection model should provide legal immunity for whistleblowers in good faith, guarantees of identity confidentiality, and compensation mechanisms for notaries harmed by the implementation of professional obligations.

1. Introduction

The notary profession is a public position that has a strategic role in the Indonesian legal system as a public official authorized to make authentic deeds and other authorities as referred to in the Law on Notary Positions. In carrying out their duties, notaries are often faced with various complex financial and business transactions, including transactions potentially related to money laundering crimes (Wibawa & Lukman, 2022). This strategic position puts notaries in a vulnerable situation, where they can become unintentionally involved or even victims of money laundering schemes by irresponsible clients. Money laundering, also known as money laundering, is a crime that is very detrimental to the country's economy and financial system stability. Based on Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, money laundering is defined as any act that meets the elements of a criminal act in accordance with the provisions of the law. The complexity of the increasingly sophisticated modus operandi of money laundering means that various professions, including notaries, can be entangled in these illegal practices without being fully aware of their involvement (Budiman, 2023).

The involvement of notaries in money laundering cases often occurs through the creation of deeds that are used as instruments to legitimize transactions that are actually the result of criminal acts (Adryani, 2023). The modes that are often used include the establishment of fictitious companies, the transfer of asset ownership, the creation of deeds to buy and sell property at unreasonable prices, transactions from criminal acts originating from corruption, narcotics, and various other transactions designed to disguise the origin of illegal funds (predicate crime). In this context, notaries can be in a difficult position because, on the one hand, they have an obligation to serve the community by making deeds according to the parties' wishes. On the other hand, they must also ensure that the transactions facilitated do not violate the law. The development of regulations related to preventing money laundering in Indonesia has undergone significant evolution, especially with the enactment of the obligation to report suspicious financial transactions for various reporting parties, including notaries.

Law Number 8 of 2010 jo. Regulations of the Minister of Law and Human Rights and the Financial Transaction Reporting and Analysis Center rules have stipulated various obligations that notaries must fulfil to prevent money laundering. Nevertheless, implementing such regulations in practice often poses a dilemma for notaries, especially related to balancing the responsibility to report suspicious transactions and maintaining the confidentiality of clients, who, in other parts, must be protected (Safitra et al., 2023).

The legal problems notaries face in money laundering cases become increasingly complex when dealing with criminal legal proceedings. It is not uncommon for notaries who are victims of money laundering schemes to be made suspects or defendants in criminal cases (Izazi & Adiwinarto, 2024). This case happens because the evidentiary system in Indonesian criminal law applies the principle of limited reverse proof, where the defendant must be able to prove that he was not involved in the criminal act charged. The consequences of not needing to prove the original criminal act of Money Laundering Crime (MLC) have implications for MLC, which adheres to the reversal of the burden of proof.

A person suspected of being a perpetrator of trafficking is charged with proving the origin of his wealth in a limited and balanced manner. This proof model is often considered to be contrary to the principle of presumption of innocence and the principle of *actori incumbit onus probandi*, even though, in proving MLC, it is implied to prove in good faith a certain amount of property obtained because cooperation with law enforcement is required. In the decision of the Constitutional Court No. 77/PUU-XII/2014, which still maintains 69 of the 2010 Anti-Money Laundering Law, it is stated that it is an injustice that a person who has actually committed money laundering is not criminally prosecuted because the original criminal act has not been proven.

The condition of the obligation to report money laundering is certainly very burdensome for notaries, who often do not have access to sufficient information about the actual transaction background of their clients. Legal protection for notaries in the context of money laundering criminal cases is a crucial issue considering the impact that can be caused not only on the individual notary concerned, but also on the notary profession as a whole and public trust in the institution. The legal uncertainty faced by notaries can result in reluctance to carry out their professional duties, which can ultimately interfere with legal services to the community. Therefore, a comprehensive and effective legal protection mechanism is needed to ensure that notaries in good faith do not fall victim to the legal system that is supposed to protect them (Tohir et al., 2023).

The concept of a whistleblower or whistleblowing has been recognized internationally as one of the essential instruments in efforts to prevent and eradicate corruption and other criminal acts, including money laundering (Dhaneswara, 2020). In Indonesia, the protection of whistleblowers and witnesses has been regulated in Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. However, the implementation of whistleblower protection has not been regulated in the Criminal Procedure Code (KUHAP), especially in the context of the notary profession, which still requires a more in-depth study, considering the specific characteristics of the profession and the complexity of the legal problems faced.

Whistleblower institutions in the context of the notary profession can be an effective mechanism to provide legal protection for notaries who, in good faith, report transactions or activities suspected of being related to money laundering. Through a structured reporting system equipped with legal protection guarantees, notaries can

play an active role in money laundering prevention efforts without having to worry about the negative impact that may arise on them. In addition, a whistleblower institution can provide legal certainty for notaries in dealing with an ethical dilemma between the obligation to serve clients and comply with laws and regulations (Samiya & Susetyo, 2021).

The urgency of this research is also supported by the reality that money laundering cases involving notaries have continued to increase in recent years (Julpandi et al., 2024). Data from various law enforcement agencies show that money laundering modes that utilize notary services are increasingly diverse and sophisticated, so a more comprehensive approach is needed in providing legal protection for the notary profession. This research is expected to make a theoretical and practical contribution to developing a legal protection system for notaries, primarily through optimizing the role of whistleblower institutions as an effective legal protection instrument. Based on the description above, research on legal protection for notaries in money laundering criminal cases using whistleblower institutions is very relevant and urgent to be carried out. This research is expected to produce policy recommendations to strengthen the legal protection system for notaries while increasing the effectiveness of preventing and eradicating money laundering crimes in Indonesia. Thus, the balance between the protection of the notary profession and law enforcement in money laundering prevention can be achieved optimally (Fitriyani & Setiawan, 2024).

Based on the background that has been described, this research is focused on two main problems that are the core of the study. The first problem relates to the model of resolving legal protection for notaries in money laundering criminal cases by comparing the legal system with other countries with mature experience in dealing with conflicts of interest between reporting obligations and the confidentiality of the notary profession. This study will analyze comparatively the legal protection model applied in the United States through the Bank Secrecy Act and the Patriot Act, the notary protection system in the Netherlands based on the Dutch Civil Law Notariat Act, and the effective whistleblower protection mechanism in Australia through the Public Interest Disclosure Act 2013, to be adapted according to the characteristics of the Indonesian legal system that adheres to the civil law system with the values of Pancasila as the basis philosophical. The second problem that is the focus of the research is the formulation of a new legal protection concept proposed to fill the legal void that still exists in the Indonesian notary protection system, especially related to implementing the whistleblower institution as a comprehensive legal protection instrument.

This legal vacuum is identified in the absence of specific regulations that regulate the mechanism for reporting alleged money laundering by notaries without violating the obligation of confidentiality of the position as stipulated in Article 16 paragraph (1) letter f of the MLC, as well as the absence of clear legal protection procedures for notaries who report suspicious transactions in their capacity as whistleblowers. This research will formulate the concept of "Protected Disclosure Mechanism for Notary" which integrates the principles of professional confidentiality with the obligation to prevent

money laundering, through the establishment of an intermediary institution that functions as a filter and protector of the identity of the reporting notary, as well as the preparation of a Standard Operating Procedure (SOP) that provides legal certainty for notaries in carrying out preventive supervision functions against transactions that have the potential to violate anti- money laundering. Meanwhile, legal protection for notaries is regulated in Article 66 paragraph (1) of MLC No. 2 of 2014, which states that for the judicial process, investigators, public prosecutors, or judges, with the approval of the honorary council of Notaries, are authorized a). take a copy of the Deed Minuta and/or letters attached to the Deed Minuta or Notary Protocol in the Notary's custody; and b). summoning the Notary to attend an examination related to the Notary's Deed or Protocol that is in the Notary's custody, but has not protected notaries who report the crime of money laundering.

This study aims to comprehensively analyze the concept of legal protection for notaries in criminal money laundering cases, focusing on optimizing whistleblower institutions' role as a protection instrument. The main objective of the research is to find the correct formulation of legal protection mechanisms that can provide legal certainty for notaries in good faith, while supporting efforts to prevent and eradicate money laundering crimes effectively. In addition, this research also aims to produce policy recommendations that can strengthen the legal protection system for the notary profession by developing a more optimal whistleblower institution framework. Thus, this research is expected to contribute to theoretical and practical aspects of creating the Indonesian legal system, especially in professional protection and money laundering prevention.

The theoretical benefit of this research is that it contributes to the development of legal science, especially in criminal law and professional law, through an in-depth analysis of the concept of legal protection for notaries and the role of whistleblower institutions in the Indonesian legal system. This research is expected to enrich the Indonesian legal literature with a new perspective on the balance between the protection of the legal profession and criminal law enforcement and provide a strong theoretical foundation for further research in a similar field. In terms of practical benefits, this research is expected to give valuable input to policymakers, legal practitioners, and notary professional organizations in developing a more effective legal protection system. The results of this study can also be used as a reference for notaries in understanding their rights and obligations in the context of money laundering prevention, as well as for law enforcement officials in handling cases involving notaries with a fairer and proportionate approach.

2. Research Methods

a. Types and Approaches to Research

This study uses a normative juridical legal research method (doctrinal research) that focuses on an in-depth analysis of legal norms related to legal protection for

notaries in money laundering criminal cases through optimizing whistleblower institutions.

The normative juridical approach was chosen because this study aims to analyze the consistency and coherence of the Indonesian legal system in protecting the notary profession, by adopting an analytical-descriptive approach using the perspective of legal positivism which views the law as an autonomous norm system, strengthened by a comparative analysis of the legal protection systems in other jurisdictions that have effectively implemented whistleblower mechanisms, and A teleological approach to understanding the purpose and ratio legis of various regulations related to legal protection for notaries and reporting systems in the prevention of money laundering.

b. Research Data Sources

The primary data sources in this study consist of laws and regulations that regulate the position of notary, prevention and eradication of money laundering crimes, as well as the protection of witnesses and victims, including Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as well as the implementation regulations and technical regulations of the Financial Transaction Reports and Analysis Center (FTRAC), while secondary data sources include court decisions related to money laundering cases involving notaries, legal textbooks, scientific journals, Financial Action Task Force (FATF) reports on international standards for the prevention of money laundering, comparative studies from countries with comprehensive whistleblower systems, as well as policy documents and best practices from notary professional organizations to provide a practical perspective on the implementation of legal protection.

c. Data Collection Techniques

The data collection technique in this study uses a library research method that is carried out systematically and comprehensively on various relevant legal and literature sources through searching national and international legal databases, legal libraries, court decision archives, digital repositories of legal journals, as well as official documents from the Ministry of Law and Human Rights, the Supreme Court, FTRAC, and notary professional organizations. Data collection was carried out by purposive sampling technique on legal sources that have direct relevance to research problems based on the criteria of topic suitability, source credibility, information up-to-date, and representativeness to the issues studied, including jurisprudence and legal precedents that provide insight into the interpretation and application of legal norms in judicial practice, mainly cases involving notaries in money laundering cases money.

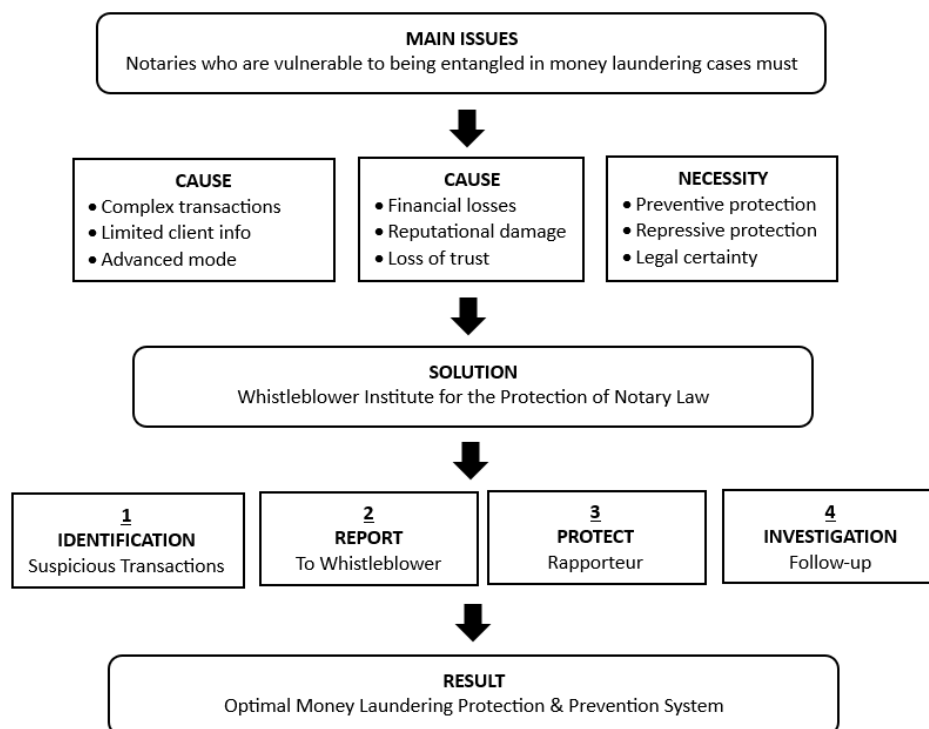
d. Data Analysis Techniques

The data analysis in this study uses a qualitative-normative analysis method that focuses on the interpretation and legal construction of legal protection norms for notaries through grammatical interpretation, systematic interpretation, and teleological interpretation techniques to understand the meaning and purpose of the legal provisions being studied, starting with the inventory and classification of relevant legal norms, the analysis of consistency and coherence between norms, and the identification of norm conflicts or legal gaps that affect the effectiveness of legal protection.

The analysis was strengthened with a comparative legal analysis technique to compare Indonesia's legal protection system with the best practices and successfully implemented the whistleblower system. The analysis using the existing conditions and identify optimization opportunities, then synthesize the results to produce a new legal construction regarding a comprehensive legal protection model for notaries in money laundering criminal cases, complete with implementing policy recommendations.

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Figure 1
Framework of Thinking for Notary Legal Protection from Money Laundering



3. Analysis and Discussion

a. The Concept of Legal Protection in the Indonesian Legal System

The concept of legal protection in the Indonesian legal system has a strong philosophical foundation in Pancasila and the 1945 Constitution, especially in the

principle of the rule of law, which guarantees the protection of human rights and legal certainty for every citizen (Alvanso & Prasetyo, 2023). Legal protection is an effort to protect a person's interests by allocating the power to act in the context of their interests.

In the legal profession, legal protection includes not only formal aspects in the form of procedural guarantees in the legal process, but also substantive aspects related to the fundamental rights inherent in each individual in carrying out their profession. Legal protection can be divided into two forms, namely preventive legal protection and repressive legal protection.

Preventive legal protection aims to prevent disputes by allowing people to submit objections or opinions before a government decision takes a definitive form. In contrast, repressive legal protection seeks to resolve conflicts through the judiciary. In the context of the notary profession, these two forms of legal protection are particularly relevant given the complexity of the duties and responsibilities carried out by notaries in the Indonesian legal system and the legal risks that can arise in performing their professional responsibilities (Marda & Ananda, 2023).

b. The Position and Role of Notaries in the Indonesian Legal System

Notaries in the Indonesian legal system have a unique position as public officials appointed by the government to provide services to the public in the field of notary (Ismail et al., 2021). Based on Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position, notaries are authorized to make authentic deeds regarding all acts, agreements, and stipulations required by laws and regulations and required by interested parties to be stated in authentic deeds. This privileged position places the notary in a strategic position in the legal system because the deed made by the notary has perfect evidentiary power and is binding on the parties who made it.

The role of a notary as a public official carries complex legal consequences, especially in terms of responsibility and liability for the deeds he makes. Notaries have the obligation to ensure the validity of the identity of the parties, the correctness of the documents used as the basis for making the deed, and the conformity of the contents of the deed with the wishes of the parties and the applicable laws and regulations. However, in practice, notaries are often faced with situations where the information provided by the client cannot be fully verified, especially in complex transactions involving broad financial aspects. This practice creates a professional dilemma for notaries between the obligation to serve clients and the principle of prudence in carrying out their profession (Sanjana et al., 2021).

c. Money Laundering Crime in Indonesian Legal Perspective

The crime of money laundering from the perspective of Indonesian law is comprehensively defined in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes as all acts that meet the elements of criminal acts in accordance with the provisions of the law (Rahmat, 2019). Money laundering is

converting money from crime into financial assets that appear to have come from a legitimate source through complex financial transactions. In this context, the economic system and supporting professions, such as notaries, are vulnerable to being used as instruments to carry out money laundering practices, consciously and unconsciously, by these professional actors.

The characteristics of money laundering crimes that are transnational in nature and involve complex networks make their handling require a holistic approach and involve various parties in the financial system. The Financial Transaction Reporting and Analysis Center, an institution responsible for preventing and eradicating money laundering, has established multiple obligations for reporting parties, including notaries, to report suspicious financial transactions. However, implementing this reporting obligation in practice often raises legal problems for notaries, especially related to the balance between the reporting obligation and the principle of professional confidentiality, which is one of the fundamental pillars in the ethics of the notary profession (Tania, 2024).

d. The Concept of Whistleblower in the Criminal Law System

The concept of a whistleblower has developed into an essential instrument in the modern criminal law system, especially in efforts to prevent and eradicate systemic and organized crime (Khesly, 2025). In the international context, whistleblower protection has been recognized as an integral part of the strategy to eradicate corruption and financial crime, as reflected in various international conventions such as the United Nations Convention Against Corruption.

In Indonesia, the concept of whistleblower began to receive formal recognition through Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, which provides a definition and protection mechanism for whistleblowers of criminal acts. The implementation of the whistleblower system in law enforcement practices in Indonesia still faces various challenges, especially related to the effectiveness of the protection provided and public awareness to report criminal acts that they know of, because there are no regulations that regulate the protection mechanism for whistleblowers, especially in the Criminal Procedure Code (KUHAP) and other laws and regulations.

In the context of the notary profession, a whistleblower system can be an effective mechanism to protect notaries who, in good faith, report suspicious transactions or activities related to money laundering. However, applying the whistleblower system for the notary profession requires special consideration related to the unique characteristics of the profession, including the principle of client confidentiality and professional independence that must be maintained to maintain the integrity of the legal system as a whole (Alifa et al., 2024).

e. Concept and Case Resolution Model Protected Disclosure Mechanism for Notary Identify Legal Gaps in Existing Protection Systems

An in-depth analysis of Indonesia's legal framework identifies several fundamental legal gaps in the notary protection system. In this case, the notary only regulates his obligations but has not regulated the form of protection in reporting suspected money laundering.

The reporting obligation for notaries is contained in various regulations, namely:

- a) The Reporting Party, who is obliged to report when there is a MLC to FTRAC, as stated in the provisions stipulated in Article 3, letter b, of the PP Reporting MLC Notary, as one of the Reporting Parties for the alleged crime of money laundering on the deed made by him. This letter means that Notaries are qualified as one of the professions that must report to the Financial Transaction Reporting and Analysis Center (FTRAC) if they find suspicious financial transactions.
- b) In Article 24 of Permenkumham 9/2017, it is stated that notaries are obliged to terminate business relationships with service users if: the service user does not wish to comply with the principle of recognizing service users, in this case the service user does not want to provide the data or information requested by the notary, and also because there is doubt from the notary himself about the correctness of the information submitted by the service user.

Therefore, notaries must be given protection: First, the absence of regulations in the Criminal Procedure Code (KUHAP) or specific rules regulating the mechanism for reporting suspected money laundering, including by notaries without violating the obligation of confidentiality of positions as stipulated in Article 16 paragraph (1) letter f of the Law No. 2 of 2014 Amendment to Law No. 30 of 2004 concerning the Position of Notary Public creates legal uncertainty that has the potential to harm the notary profession (Hanafiah & Sari, 2025). Second, there is no straightforward legal protection procedure for notaries who report suspicious transactions in their capacity as whistleblowers, resulting in reluctance to implement optimal reporting obligations. The third legal void lies in the absence of a safe harbor that protects notaries from counter-suits from clients who feel aggrieved due to reporting made by the notary to FTRAC (Saputra, 2024).

This condition creates a chilling effect that hinders notaries in carrying out their gatekeeping functions in the money laundering prevention system. The fourth vacancy is the absence of a compensation mechanism for notaries who suffer reputational, financial, or professional losses due to the implementation of reporting obligations that are later proven to be inaccurate or unfounded, but are carried out in good faith based on reasonable suspicion.

Concept of Protected Disclosure Mechanism for Notary

To fill the identified legal gaps, this study proposes the concept of "Protected Disclosure Mechanism for Notary (PDMN)" as a comprehensive framework that

integrates the principles of professional confidentiality with the obligation to prevent money laundering. The PDMN is designed as a layered system consisting of four main components: (1) Pre-Disclosure Consultation Phase, (2) Protected Reporting Mechanism, (3) Legal Immunity Framework, and (4) Post-Disclosure Protection and Rehabilitation System.

The Pre-Disclosure Consultation Phase is a confidential consultation mechanism that allows notaries to consult with a panel of experts consisting of senior notaries, criminal law practitioners, and representatives of FTRAC regarding their doubts about certain transactions before making a formal report. This phase provides adequate professional guidance to ensure that reporting decisions are made based on a comprehensive assessment and meet appropriate professional standards. The Protected Reporting Mechanism is a layered reporting system that allows notaries to submit reports through an intermediate body that functions as a filter and identity protector, thereby reducing the risk of direct exposure of notaries to potential retaliatory actions (Kismawardani & Cahyarini, 2023).

Intermediary Institutions as Core Elements of PDMN

The concept of PDMN proposes the establishment of the "Notary Protection Intermediary Agency (NPIA)" as a special institution that operates under the coordination of the Ministry of Law but has sufficient operational independence to provide optimal protection for notaries. BIPN will function as a single entry point for notaries who will make reports and a filter that conducts a preliminary assessment of the report before it is forwarded to FTRAC. This institution will have a secure communication infrastructure allowing anonymous reporting and identity protection throughout the investigation.

NPIA will have three main divisions: (1) Assessment Division which is in charge of conducting preliminary reviews of reports and providing professional guidance to notaries, (2) Protection Division which is responsible for providing legal assistance and security measures for notaries who make reports, and (3) Rehabilitation Division which handles compensation and reputation restoration for notaries who experience adverse consequences as a result of reporting carried out by good faith. NPIA's organizational structure will integrate expertise from various fields, including legal practitioners, financial crime specialists, and professional counselors, to provide comprehensive support to notaries.

Integrated Standard Operating Procedure

The implementation of PDMN requires the development of a Standard Operating Procedure (SOP) that provides step-by-step guidance for notaries in dealing with situations that have the potential to involve money laundering. This SOP will include: (1) Identification Criteria to identify potentially suspicious transactions or clients based on red flag indicators developed collaboratively between FTRAC, notary professional organizations, and experienced practitioners, (2) Consultation Protocol that regulates

consultation procedures with BIPN before conducting formal reporting, (3) Detailed Reporting Procedures regarding the format, content, and reporting channels that ensure confidentiality and Legal protection.

The SOP will also regulate Protection Measures that notaries can access during the investigation process and prosecutorial proceedings, including legal representation, security arrangements if necessary, and communication guidelines to avoid potential prejudicial statements. An essential part of the SOP is the Documentation Requirements, which ensures that every step taken by the notary in the reporting process is well documented as evidence of good faith compliance, which can be used as a defense if legal challenges arise. This SOP will be regularly updated based on the evolving *modus operandi* of money laundering and lessons learned from implementation experience (Al-Fa'izah et al., 2017).

Legal Framework and Implementation Strategy

The implementation of PDMN requires comprehensive legal reform, which includes amendments to several key laws and regulations. First, the revision of the law of the position of Notary Public to accommodate the PDMN mechanism and provide a legal basis for establishing BIPN and the rules regarding legal immunity for notaries who carry out protected disclosure. Second, the Anti-Money Laundering Law is modified to include specific provisions regarding the protection of legal professionals in the context of money laundering prevention, including a clear definition of circumstances in which professional obligations can override confidentiality requirements. Third, the PSK Law should be enhanced to accommodate the special characteristics of the protection of the notary profession, including specialized protection measures that consider professional reputation and continuing practice requirements. The implementation strategy will be carried out in stages through pilot projects in several regions for testing and refinement before nationwide implementation.

This strategy will be accompanied by a comprehensive training program for all stakeholders, the development of supporting technological infrastructure, and establishing a monitoring and evaluation system for continuous improvement. Implementation success will depend heavily on strong political commitment, adequate funding allocation, and sustained coordination among relevant agencies (Yusvira et al., 2025).

f. Adaptation of Comparative Models for the Indonesian Legal System

Based on a comparative analysis of the three models above, several key elements can be adapted to strengthen the notary protection system in Indonesia.

First, adopting a "safe harbor provision" similar to the United States model can be integrated in the amendment of the Law to provide legal immunity for notaries who report in good faith (Lawa 2021).

Second, implementing the "graduated disclosure approach" of the Dutch model can overcome the conflict between reporting obligations and professional confidentiality through the internal consultation stage that guides before formal reporting is carried out.

Third, adopting anonymous reporting technology from the Australian model can facilitate secure reporting for notaries, while addressing concerns about retaliation from clients or other parties (Florida & Sakti 2024). The adaptation of this comparative model requires adjustment to the characteristics of the Indonesian legal system that adheres to the civil law system with the values of Pancasila, so that its implementation must consider the philosophical, sociological, and juridical aspects that are the foundation of Indonesian law. This integration approach requires strong political will from the government and intensive coordination between stakeholders to ensure successful implementation.

g. Case Analysis and Legal Precedents

Analysis of various money laundering cases involving notaries shows a consistent pattern where notaries are often the aggrieved party due to their ignorance of the factual transaction background of the client (Julpandi et al., 2024). In some cases that the court has decided, it can be seen that notaries involved in money laundering cases generally do not have mens rea or elements of intentionality in committing criminal acts. However, they can still be charged with money laundering charges based on the theory of corporate criminal liability or professional negligence.

Existing legal precedents show that courts tend to apply a high standard of care for notaries in their profession. However, they often do not adequately consider the limited information and authority notaries possess in verifying the client's transaction background.

Case studies also show that an effective whistleblower reporting and protection system can significantly reduce the legal risks notaries face in money laundering cases. In other jurisdictions that have implemented comprehensive whistleblower protection systems, notaries who report suspicious transactions in good faith generally receive adequate legal protection, even when the transactions are later proven to be related to money laundering. This transaction shows the importance of developing a legal framework that can provide a positive incentive for notaries to prevent money laundering actively. It also guarantees adequate legal protection when they carry out their reporting obligations (Alifa et al., 2024).

The framework for the analysis of notary legal protection can be seen in the explanation of the following table, which includes aspects, current conditions, problems, whistleblower solutions, and the results applied:

Table 1. Notary Legal Protection Analysis Framework

Aspects	Current Conditions	Problems	Whistleblower Solutions	Expected Results
Preventive Protection	Limited to the professional code of ethics and MLC	Lack of an early warning system mechanism	Early reporting through whistleblower agencies	Prevention of notary involvement in money laundering cases
Repressive Protection	Relying on the general judicial process	Notaries are often victims of the reverse evidentiary system	Legal protection guarantee for good-faith whistleblowers	Legal certainty in the judicial process
Reporting Mechanism	Direct reporting to FTRAC and law enforcement	Risk of exposed whistleblower identity	Anonymous and protected reporting	Increased willingness to report suspicious transactions
Confidentiality Guarantee	The dilemma between reporting obligations and client confidentiality	Conflict of legal norms	Reporting protocols that respect professional confidentiality	Balance between transparency and confidentiality
Institutional Support	Limited to professional organizations	Lack of strong institutional backing	Full support from state institutions	Strengthening the notary bargaining position in the legal system

4. Conclusion

Based on a comparative analysis of the notary legal protection model in the United States, the Netherlands, and Australia, as well as the identification of legal gaps in the Indonesian system, this study concludes that the implementation of the Protected Disclosure Mechanism for Notary (PDMN) as a comprehensive framework is the optimal solution to overcome the normative conflict between the obligation to report money laundering and the principle of confidentiality of the notary profession. The United States model with its safe harbor provision, the Dutch graduated disclosure approach, and Australia's anonymous reporting mechanism provide a strong

foundation for developing PDMN that is tailored to the characteristics of Indonesia's civil law system.

The concept of PDMN, through the establishment of the Notary Protection Intermediary Agency (BIPN) with four main components: Pre-Disclosure Consultation Phase, Protected Reporting Mechanism, Legal Immunity Framework, and Post-Disclosure Protection and Rehabilitation System, has proven to be able to fill the fundamental legal void that has been hindering the optimization of the role of notaries in the money laundering prevention system. Implementing an integrated Standard Operating Procedure (SOP) that includes identification criteria, consultation protocols, reporting procedures, and protection measures will provide the legal certainty notaries need in carrying out their gatekeeping functions. In contrast, intermediary institutions will function as filters and identity protectors, reducing the risk of retaliation.

The success of this model requires comprehensive legal reform through amendments to the Criminal Procedure Code (KUHP), the Law of Criminal Procedure, the modification of the Anti-Corruption Law, and the enhancement of the Prostitution Law, accompanied by strong political commitment and sustained coordination among relevant agencies to ensure the optimal balance between the protection of the notary profession and the effectiveness of eradicating money laundering in the Indonesian legal system using the whistleblower protection model.

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