

ABSTRACT

The purpose of this study is to identify and analyze the duties of a notary in identifying the beneficial owner in the process of establishing a limited liability company, as well as to analyze the professional responsibility of a notary as a public official if they fail to comply with the principle of identifying the beneficial owner. The research questions are: 1. How is the regulation of identifying the beneficial owner in the process of establishing a limited liability company by a notary based on the laws and regulations in Indonesia? 2. What is the professional responsibility of a notary as a public official if they fail to comply with the principle of identifying the beneficial owner? The research method used is normative juridical with a descriptive analytical approach. The results of the study show that the regulation of identifying the beneficial owner in the establishment of a limited liability company by a notary is regulated in Presidential Regulation Number 13 of 2018 concerning the Implementation of the Principle of Identifying the Beneficial Owner of Corporations in the Context of Preventing and Combating Money Laundering and Terrorism Financing. This regulation provides guidelines for identifying the beneficial owner, including requirements such as owning more than 25% of the shares or capital, having more than 25% of the voting rights, receiving more than 25% of the profits, having authority in appointing and dismissing board members and commissioners, having authority to control the company without authorization, receiving benefits from the company, and being the owner of the company. The professional responsibility of a notary as a public official if they fail to comply with the principle of identifying the beneficial owner cannot be sanctioned because the duties of a notary are clearly regulated in the Notary Law. The constraints faced by notaries in identifying the beneficial owner are the passive role of notaries who only report according to client statements and have limitations in determining the beneficial owner, which should be the authority of the limited liability company.

Keywords: Notary Responsibility, Beneficial Owner, Limited Liability Company