THE FUNCTION OF CRYPTOCURRENCY EVIDENCE IN THE INVESTIGATION PROCESS OF MONEY LAUNDERING CRIME IN THE FRAMEWORK OF CRIMINAL PROCEDURE LAW REFORM

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Abstract

A cryptocurrency is a new form of Evidence whose existence has not been regulated explicitly and clearly in the Criminal Procedure Code, ITE, and the Money Laundering Law. The problem in this paper is related to the function of electronic currency evidence in the investigation process of money laundering cases. The research method used in this research is normative juridical. The writing stage is carried out through literature searches conducted by examining secondary data, which includes primary legal materials, literature, articles, opinions, experts’ teachings, and their implementation in legislation. When viewed from the Criminal Procedure Code, the Law on Money Laundering, and the Electronic Transactions Information Law, the three cannot be said to accommodate the development of current Evidence. The procedure for investigating and obtaining electronic money evidence should have been regulated in the new Draft Criminal Procedure Code so that formal criminal procedures can be carried out properly.

Keywords: Cryptocurrencies, Investigation, Money Laundering

A. Introduction

The development of scientific participants in the field of information technology has also resulted in financial globalization so that a region is no longer bound by boundaries that have been a distance in carrying out financial activities so that barriers do not constrain trading activities in goods and services. The flow of financial growth on the territory of a country in general, the impact that occurs on progress has a positive impact and also hurts a country. This has led to increased social and economic activity in a social order worldwide. The old habits of conventional society have finally entered a new habitual stage, namely, an informational society.¹

On the other hand, the development of increasingly advanced technology also increases the risk of deviations in using this technology for malicious purposes. As quoted by Yunus Husein, the more advanced a country's economy and financial system, the more attractive and unique it

is for criminals to commit crimes. The most common crime committed through financial system services in a country is money laundering. Money laundering is carried out by taking advantage of advances in information and communication technology, which can be seen from several cases currently happening in Indonesia, so that the crime of money laundering is rife, which is carried out using fraudulent investment methods, and fraud using cryptocurrency. In general, this crime of money laundering is always carried out by going through 3 different processes, including the placement, layering, and integration processes.

Placement is the first stage perpetrators of money laundering crimes carried out by placing money obtained illegally into the legal, financial system. For example, money from fraud or embezzlement is deposited into banking systems. Then the Layering stage is carried out. Namely, activities carried out to separate assets obtained from the proceeds of crime from their origin through several stages of transactions in the financial system hide or disguise the origins of these assets using complex transaction methods. Next is the Integration stage, namely activities carried out by combining the assets that have been carried out in the previous two stages by making several legitimate real investments, building a legitimate business, and so on so that it appears that the assets originate from legal activities and are not against the law.

With the development of technology and information, forms of cybercrime specifically related to laundering crimes are increasing in developing countries today, considering that the covid pandemic has resulted in nearly 80% of people's daily activities currently being very dependent on the existence of the internet and information technology raises the pros and cons that lead to the rapid increase in the mode of cybercrime and money laundering crimes.

Currently, the most common laundering crimes are those committed using cryptocurrencies. Cryptocurrency is a commercial object without using cash, is in digital form, and can be used for electronic transactions. Virtual Currency is digital money resulting from technology through a cryptographic system that aims to provide security guarantees that cannot be imitated. Cryptocurrencies It is known to use three general principles in its process: decentralization, semi-anonymity, and transparency. This explains they are Not arranged by law at all; however, they run with approved P2 (peer-to-peer) network transactions and distributed ledgers, known by the term blockchain.

A book written by the National Risk Assessment (NRA) Team, under the title Risk Assessment by Indonesia Against Terrorism Financing Crimes in 2015, mentioned that cryptocurrencies are a form of the New Payment Method or can, abbreviated with (NPM), i.e.,

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3 Yunus Husein, Pembangunan Rezim Anti Pencucian Uang Di Indonesia Dan Implikasinya Terhadap Profesi Akuntan, 2006, Padang, hlm. 1
8 Pandoe Pramoe Kartika, “Data Elektronik Sebagai Alat Bukti Yang Sah Dalam Pembuktian Tindak Pidana Pencucian Uang, Indonesia Journal of Criminal Law (JoCL), Vol 1, No 1, Juni 2019

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a method of payment new with form virtual currency that has not yet been regulated or legality which is clear and firm in Indonesia, where in the use of Currency that very often connected to form results end or start from a crime. Cryptocurrencies This is cash stored in that computer. Its purpose is to replace cash in online buying and selling transactions.12

Currency is very different from other online currencies related to banks, and using payment systems such as PayPal, bitcoins are directly distributed between users without intermediaries to do the transaction.13 Article 202 of Bank Indonesia Regulation Number 23/6/PBI/2021 concerning Payment Service Providers, referred to as Virtual Currency, is designed for digital assets shape For function as a medium of exchange that utilizes strong cryptography for do something transaction finance, control creation units addition, and verify assets, forms of Currency crypto This consists from Bitcoin, Ethereum litecoin, ripple, stellar, dogecoin, Cardano eos, Tron and famous recently This that is lun. Constitution Number 7 of 2011 concerning Currency states that cryptocurrency This No acknowledged as tool Payments are legal in Indonesia and are prohibited use because cryptocurrencies This No Work in the system banking officially in Indonesia and also do not have a party to three that follow share in monitor whole transaction his finances.

This form of crime using cryptocurrency can be seen in several decisions; the first is the decision with No. 1837/Pid.Sus/2021/PN. Sby, the position case in this decision started when there were reports from the public that there were suspicious activities carried out by Harry and his friends, which were then investigated by the East Java Regional Police Ditterskrimsus cyber team in cyber patrol activities, the East Java Regional Police then arrested the defendant regarding its activities, namely transferring information or data/electronic to places where it is not entitled by obtaining electronic information or electronic documents in the form of Bank Of America account data owned by foreigners and sending email result data containing other people's credit card data and providing Venno, Paxful, index accounts containing cryptocurrency which are then converted into vouchers to obtain personal gain.14

The second decision is with No. 1240 / Pid.sus/2022/Pn. Tng, the case for this position started when Indra Kenz played a trading game inside an application called Bonomo and promoted the game through his personal Youtube channel.15 Many people were then lured into joining the application by using his referral code; this code will later provide a percentage of the profit according to what has been promised by the Binomo application. After the victims registered for the game, the victims were then added to the Telegram group owned by Indra Kenz with the group name 'Indra Kesuma Official. Within the group, Indra Kenz continues to maintain the enthusiasm of the victims so that they are still interested in adding to the deposit on the deposit account by providing tips or trading methods to win; after the victims make deposits in the account, Indra then gives instructions to trade by guess or fumble with the candles in the binomo application.

Indra, as the affiliate of the binomo application, disseminates information in the form of videos that encourage victims or members to participate in gambling games under the guise of trading; the losses received by the victims are also the profits obtained by Indra, when the player loses or wins. Indra Kenz then disbursed the profits to his account, and some were turned back into cryptocurrency. This act committed by Indra Kenz has given the people false hope to become rich instantly. Indra Kenz also made it seem as if the victims were following trading. Indra Kenz knew that Binomo did not have a permit from the Commodity Futures Trading

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12Kt Firnanda Pramudiya, Pertangungjawaban Pelaku Money Laundering Melalui Binance Coin, Jurnal Hukum dan Pembangunan Ekonomi, Volume 8, Nomor 2, 2020, hlm 8
14Putusan No. 1837/Pid.Sus/2021/PN,Sby
15Putusan No. 1240/Pid.sus/2022/Pn.Tng
Regulatory Agency (Bappebti). As a result of Indra Kenz's actions, more than 100 victims suffered losses of more than IDR 83.365 billion.

As a crime that can be classified as a new type of crime in its regulation, this Money Laundering Crime still has obstacles that raise pros and cons in the investigative process carried out by law enforcers, thus causing problems in the investigative process. Namely, whether investigators can prove and uncover the Crime of Money Laundering (TPPU), which currently can only reach people who participated in committing the crime, but positive law in Indonesia has not been able to reach the main perpetrators or main actors who commit fraud by using the blockchain system in cryptocurrencies, and what is the model for investigating Money Laundering Crimes (TPPU) that can seize, confiscate and destroy the assets of the perpetrators of Money Laundering Crimes (TPPU) carried out by utilizing advanced technology and the cryptocurrency.17

This study aims to find out how the legality and position of electronic currency evidence are in the process of investigating money laundering cases carried out using electronic Currency and to find out how the investigation process is carried out by money laundering criminal investigators (TPPU) and the constraints -obstacles faced in uncovering and proving the Crime of Money Laundering (TPPU) and being able to find the right form or model of investigation for the Crime of Money Laundering (TPPU) to be able to seize the assets of the perpetrators of the Crime of Money Laundering (TPPU).

In writing this research, foundation theory used the theory of Certainty Law, Theory of Proof, and Theory of State Finance. Theory Legal certainty is seen from a corner view normative that is when a rule is made and promulgated as well as organized clearly and logically, without causing doubt or own Lots interpretation as well as must logical so give certainty and no leave gap law in its application. Whereas Currency has a definition, namely the unit price of money approved by the government and its people in a country so that a country has valid and acceptable forms of their respective currencies done exchange in process transaction. Proof (bewijs) has two meanings, it can be interpreted as an act by which a certainty is given, and it can also be interpreted as a result of these actions, namely the existence of a certainty.18 According to Prof. Dr. Eddy OS Hiariej that the word Evidence is closer to the meaning of Evidence according to Positive Law, while the word proof can be interpreted as evidence that leads to a process. Evidence or Evidence provides information in a proper investigation regarding facts that are more or less what they are, as well as the methods used to prove that a crime has occurred.19 R. Subekti argues that proof is the process of convincing judges about the truth or justice of arguments in a dispute. Meanwhile, Munir Fuady argues that in the criminal procedural law evidentiary system, the burden of proof lies with a prosecutor.

This research differs from previous research, which discusses Evidence of electronic Currency in money laundering crimes, the research discussed by Suci Utami titled "Money Laundering On Virtual Money.” This study concludes that it describes the crime of money laundering, carried out using the virtual method in cybercrime in Indonesia, along with the procedures for dealing with this crime. This research further discusses what forms of virtual money can potentially be used as a mode of money laundering and what efforts can be made by the state and society to anticipate, prevent and deal with these crimes, considering that Indonesia has entered the 4.0 revolution era.

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16Adrian Sutedi, 2008, Tindak Pidana Pencucian Uang, Citra Aditya Bakti, Bandung
18Adami Chazawi, 2008, Hukum pembuktian tindak pidana korupsi, PT. Alumni Bandung, Bandung
19M. Yahya Harahap, 2006, Pembahasan Permasalahan Dan Penerapan KUHAP (penyelidikan dan Penuntutan), Sinar Grafika, Jakarta
Next is research conducted by Pieter Erastus Yestandha titled "Development of Money Laundering Crimes Through Cryptocurrency Transactions in Indonesia." Furthermore, this study discusses the classification of financial transactions using cryptocurrency, which can be classified as a crime, as well as what kind of criminal responsibility is given by someone who is proven to have committed the crime of money laundering and how is accountability to people who keep Currency crypto with a mode to commit a criminal act.

Next is research conducted by Dewanti Arya titled "Virtual Currency Money as a Means of Money Laundering in Stock Trading." The focus of this research is to analyze the existence of cryptocurrencies in stock trading in Indonesia and to find out and analyze the responsibilities of money laundering perpetrators who use cryptocurrencies in stock trading in Indonesia.

Furthermore, research was conducted by Kt, Firmanda titled "Accountability of Money Laundering Actors Through Binance Coin." The focus of this research is to explore the existence of virtual money in trading as a means of investment and as a means of payment in Indonesia and whether it is said to be legal for its use based on Law Number 7 of 2011 concerning Currency, and the responsibilities of perpetrators of money laundering crimes. Using digital money as an investment tool harms the State of Indonesia, especially those related to this business, because the person or group that committed the crime uses technological advances with dirty aims so that the perpetrators can be punished using Law No. 8 of 2010 concerning the prevention and eradication of money laundering.

Based on the description and presentation above, can is known that electronic Evidence that existed in previous regulations needed to be deemed insufficient to fulfill and provide legal certainty regarding current developments. To prove whether there has been a crime of money laundering carried out using cryptocurrencies, it is necessary to regulate electronic Evidence in the form of electronic Currency as the main means of Evidence that stands alone, bearing in mind the forms of cybercrime which are always increasing in number every day and are carried out with sophisticated technologies, making it easy for investigators to find an appropriate and fast investigative model to uncover criminal acts of laundering carried out with use the cryptocurrency. For this reason, this research will specifically answer the following main issues: What is the position and function of cryptocurrency electronic currency evidence in Money Laundering Crimes? What is the authority and investigative process for electronic Currency in money laundering cases?

The type of study done in this research is normative juridical research analytical descriptive. Juridical researchNormative describes and analyzes the legal problems that occur based on regulation legislation. This applies Which intimate relation to the tree discussion study. This is where policymakers implement it. Normative juridical research uses binding legal materials as part of secondary data and can be classified into primary, secondary, and tertiary legal materials.

B. Discussion

Electronic Currency Evidence in the Process of Investigating Money Laundering Cases

In uncovering a money laundering crime, Evidence and Evidence are needed in the investigation process until the Evidence is proven at trial so that it becomes an assessment for the judge to sentence anyone who commits the crime of money laundering.20 Article 73 of the Money Laundering Crime Act states that valid Evidence in proving the crime of money laundering is Evidence as stipulated in the Criminal Procedure Code or other Evidence in the form of information spoken, sent, received, or stored electronically with optical devices or similar devices with optics and documents.

This scientific paper will analyze the investigative process carried out by investigators, especially Polri and PPATK investigators, in obtaining electronic currency evidence in money

laundering cases. In Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, two articles state the investigative actions that PPATK can carry out. In the formal procedural law of the Indonesian state, namely the Criminal Procedure Code, it is stated that those with the right to carry out investigations are regulated. The authority for investigations is given to the Indonesian National Police and Civil Servant Investigators (PPNS). Still, when viewed systematically according to Law this (KUHAP), Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes as well as seen Law No. 2 of 2002 concerning the State Police, it can be seen that there is a lack of harmony regarding the investigative authority given to Civil Servant Investigators in carrying out investigative actions on predicate crimes in money laundering cases.21

In the process of an investigation, after the investigator receives a report on the suspicion that a crime has occurred, the investigator will begin processing the crime scene or TKP.22 In carrying out their duties and functions, investigators from the police must carry out a legal process that starts from receiving the analysis results from PPATK. Police investigators then carry out investigations and investigations. Investigations and investigations into money laundering crimes based on the Criminal Procedure Code are like handling other criminal acts, except those specifically regulated in the Money Laundering Law.

In the process, PPATK submits reports to investigators to be followed up by PPATK; first, an analysis process is carried out on reports of suspicious financial transactions reported by parties from financial services or reporting parties; this is clearly stated in Article 39 of the Money Laundering Crime Act namely that the PPATK Independent Institution has the duties and functions of analysis and examination of information and reports of some financial transactions suspected of being a crime of money laundering or other crimes mentioned in the Law on Money Laundering Crimes. After PPATK has conducted some analyzes of financial transaction reports that are suspected of being a crime of money laundering, these reports will be forwarded to investigators to begin the investigative process; investigators must collect Evidence of a crime where later the Evidence will make it clear a criminal act that occurred so that the role of the results of the analysis and investigation carried out by PPATK is expected to be able to assist investigators in obtaining the necessary electronic currency evidence so that it is easier to understand and easier to process proving a crime.

Before forwarding the analysis results to investigators, PPATK conducts an analysis process on the Suspicious Financial Transaction Reports (LTKM) reported by the reporting party. Purpose of Financial Transaction Analysis obtained from party reporter these are:

1. To obtain a strong and clear estimate of the reports obtained, this aims to detect allegations of money laundering practices, determine the predicate crime of the alleged crime of money laundering, and determine which parties are involved in the crime of money laundering and what results are obtained from these actions.

2. This is also a goal For base analysis of strategic and management risks and recommendations to be submitted to PPATK agencies reporters or related agencies.

Some gaps or problems occur when investigators try to carry out a series of investigative actions, starting from the difficulty of collecting electronic/cyber Evidence to understanding a series of sophisticated technologies related to criminal activities currently being carried out at the investigation stage. In obtaining and collecting electronic currency evidence, investigators must confiscate Evidence that can be used to prove a crime. One of the duties and authorities granted by Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP) to the Police

of the Republic of Indonesia (POLRI) is confiscating objects or tools related to the crime committed by the suspect. Then the investigator handed over to the prosecutor the files, which the prosecutor would later use as Evidence in the evidentiary process at trial. Confiscation in the Code of Procedure (KUHAP) is regulated separately in several sections, most of which are regulated in Chapter V, section 4 (four) Article 38 to Article 48 of the Criminal Procedure Code, and Articles 128 to 130 of the Criminal Procedure Code and a small part are also regulated in Article 1 point 16 of the Criminal Procedure Code.

Article 1 point 16 of the Criminal Procedure Code states that confiscation is a series of actions by investigators to take over or keep movable or immovable, tangible or intangible objects under their control for Evidence in investigations, prosecutions, and trials. Article 39 of the Criminal Procedure Code also states that what can be confiscated:

1. Goods or bills of the suspect or defendant, all or part of which are allegedly obtained from the occurrence of a crime or part of a crime.
2. Objects that have been used directly to commit a crime or to prepare for committing a crime.
3. Objects used to hinder the investigative process following a crime committed by the investigator.
4. Designed object special for doing something follow criminal.
5. Object others who have a connection directly with something incident criminal.

However, the confiscation process carried out by investigators in collecting Evidence related to the crime of money laundering using the electronic currency method is contrary to the Criminal Procedure Code and the ITE Law, the Criminal Procedure Code states that the actions of investigators to take over and or store movable objects under their control or immovable, tangible or intangible, but there is no further explanation regarding what kind of intangible form, the ITE Law states that electronic Evidence that can be confiscated is the electronic information and or electronic documents obtained with material requirements regulated in ITE Law. In procedure foreclosure, for confiscating an item of Evidence that is felt to be related to a crime, the investigator must start a series of actions starting from the procedure for submitting a request for permission to the Head of the District Court where the crime occurred. With permission or approval given by the Head of the District Court where the crime occurred, it is then an obligation and responsibility of the District Court to decide on the items to be confiscated.

This request for a confiscation permit must also be accompanied by a resume or summary from the results inspection which has been carried out by the previous institution so that it is clear that the direct relationship between the goods to be confiscated and the action is clear criminal which investigated. Chairman Court Country local in that sense is the place where the Evidence to be confiscated is included in its jurisdiction or not, and this needs to be known so that it does not happen by mistake. Like the confiscation of cryptocurrency evidence in cases that have been collected, investigators before carrying out the confiscation first obtain recommendations and a summary from the futures and commodity supervisory agency (BAPPEPTI) regarding the flow of funds in and out related to these cryptocurrencies, after that (BAPPEPTI) carried out further reports to OJK and PPATK to see if there were suspicious financial transactions based on reports from BAPPEPTI. In do a foreclosure, then the investigator must:

1. Moreover formerly get a letter of permission from the Chairman Court Country, but if in an urgent situation must immediately Act, foreclosure can quickly take place without getting the license but with the immediate obligation to report to the Chairman of the District Court in order to obtain his consent. In the event of being caught red-handed the investigator can immediately confiscate the equipment that turns out to be properly suspected has been used for doing something follow criminal or object other which can be worn as
goods proof.

2. Authorized instruction to a person who controls objects that can be confiscated to be handed over to him, meanwhile to the letter and writing just if a letter or writing the originate from suspect which reserved for him, or tool for committing a crime.

3. Show objects that will be confiscated to the person concerned or his family from where the object can be confiscated and can request information about goods that is witnessed by the Head of Environment and two-person witnesses.23

Evidence and Evidence have a very strong attachment and must support one another, the Evidence regulated by the Criminal Procedure Code consists of witness statements, expert statements, letters, instructions, and statements of the accused. In the trial process, the Criminal Procedure Code also regulates the examination of Evidence at trial when the assembly shows all the Evidence to the defendant that has been collected from the investigation process and asks the accused if he knows all these things with notice of the provisions of Article 45 of the Criminal Procedure Code. Based on the explanation of the article, it can be understood that Evidence and Evidence are connected, that is, seen from the statement of Evidence where the information was obtained from the testimony of the witness, and the statement of the defendant, where the information about the Evidence was obtained from the statement of the defendant.

In understanding the form of material requirements stipulated in the ITE Law regarding the legal form of electronic Evidence that investigators can confiscate, that is explained in Article 6, Article 15, and Article 16 of the Electronic Information and Transaction Law, which in essence explains that electronic information and documents must be guaranteed for their authenticity, integrity, and availability, to guarantee the fulfillment of the material requirements in question, in many cases digital forensics is needed. Meanwhile, regarding the formal requirements set forth in Article 5 paragraph (4) of the Electronic Information and Transaction Law, electronic information or documents are not documents or letters that, according to the law, must be written.

In addition, the information and/or documents must be obtained in a legal way. When Evidence is obtained in an illegal manner, the Evidence is set aside by the judge or considered by the court to have no evidentiary value. Based on the explanation above, it can be understood that electronic Currency as Evidence in the investigation process for Evidence cannot be equated with electronic information or electronic documents, because actually electronic Currency is a form of Currency that is not physically tangible, but only digital. This form of electronic Currency cannot be equated with a number of electronic information, or electronic documents.

In the process of investigating money laundering cases, the main strategy as the main step taken by investigators is to track assets suspected of money laundering, this term can be known as follow the money. Since all cryptocurrency transactions are distributed to all account holders in a master report, analysis of transaction flows and values against the time of crime should be possible to find the pseudonyms of those cryptocurrency users involved and track their transaction history. The challenge then is to associate pseudonyms with real people and, as already mentioned, the decentralized nature of cryptocurrency makes this very difficult. These e-currencies are often widely used for crime but are not yet fully on the criminal justice radar. Whether these cryptocurrencies pose a significant risk or represent a potential threat is incumbent on law enforcement agencies to ensure that existing or potential risks are more widely recognized and understood.

Based on the decisions that have been collected and the acquisition of report data provided by PPATK to investigators to be followed up, investigators in proving that a crime has occurred,

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23Leden Marpaung, Proses Penanganan Perkara Pidana (Penyelidikan & Penyidikan), 2009, Jakarta, Sinar Grafika, hal 97-98
the difficulty in proving what happened in a money laundering crime will be very complex related to the mode used by actors will grow and the financial engineering will be more complicated. Activities of money laundering are basically grouped into three activities, namely placement, layering, and integration, wherein each of these processes is sometimes very difficult to prove due to the complexity of the money laundering process which often falls within the scope of banking and administration as well as the lack of Evidence in the process, as well as the absence of regulations that regulate firmly and clearly.

In looking for Evidence of electronic Currency related to the crime of money laundering, there are difficulties experienced by investigators in carrying out investigations, which cannot be separated from the lack of understanding from the investigators themselves regarding the potential and methods used by criminals in utilizing sophisticated technology in carrying out transactions his crimes. For this reason, so that the investigation carried out can proceed according to what is determined by the Law, it is necessary to increase the cooperation carried out by Polri investigators with PPATK and other PPNS related to money laundering crimes so that the understanding and exchange of information and human resources is getting better. The granting of PPATK's authority to conduct investigations into money laundering crimes will also help make it easier for all law enforcers to resolve and uncover money laundering crimes committed using electronic Currency, considering that PPATK also plays an active role in preventing and eradicating money laundering crimes, and PPATK who first come into contact with anything suspicious with suspicious financial reports that indicate an act of money laundering.

In addition, based on the results of research that has been carried out, there are several problems in the process of proving money laundering cases, especially those related to electronic Currency, namely there are several new things and various challenges experienced by Law Enforcement Officials in Indonesia, based on the results of questions and answers as well as interviews with respondents, it can be seen that there are several problems, adjustments and challenges experienced by Law Enforcement Officials, especially in terms of investigation and proof in money laundering criminal cases, namely among them in finding electronic currency evidence related to money laundering crimes there are difficulties experienced by investigators in carrying out investigations is also inseparable from the lack of understanding from the investigators themselves regarding the potential and methods used by criminals in utilizing sophisticated technology in carrying out their crimes, namely the difficulty of uncovering facts related to the methods carried out by perpetrators in the layering process against the electronic Currency.

The difficulty of tracing the proceeds of the crime continues when mixing efforts have been made by the perpetrator with other assets, and also because investigators are still carrying out investigations using conventional processes according to the Criminal Procedure Code in the process of confiscating and seizing Evidence, it is also difficult for investigators to confiscate, block, electronic currency assets belonging to suspects because the rules governing models of confiscation that can be carried out by investigators for this problem, investigators and public prosecutors cannot confiscate electronic Currency if they do not have a permit, and there is still confusion by investigators regarding electronic Currency can be used as Evidence that can stand alone or no. It takes a long time to confiscate electronic currency evidence because there are many undercover processes for the proceeds of the crime, the lack of coordination between institutions in exchanging information, and the files handed over by investigators to the public prosecutor are still raw and incomplete strong, so that more time is needed to find Evidence and other facts to corroborate existing Evidence, there is a lack of coordination and delays in PPATK's response when invited to provide expert testimony and transaction information, as well as numbers and time to investigate transactions Suspicious funds are deemed insufficient

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24Sesi tanya jawab PPATK-KPK E-Learning Money Laundering Crime Desember 2022
and take longer than expected and there are difficulties in tracing the existence of electronic Currency that is not in physical form and is not registered in the Indonesian state financial system.

For this reason, so that the investigation carried out can proceed according to what is determined by the Law, it is necessary to increase the cooperation carried out by Polri investigators with PPATK and other PPNS related to money laundering crimes so that the understanding and exchange of information and human resources is getting better. Giving PPATK the authority to conduct investigations into money laundering crimes will also help facilitate the whole law enforcers in resolving and uncovering money laundering crimes committed using electronic Currency considering that the PPATK also plays an active role in preventing and eradicating money laundering, and the PPATK is the first to come into contact with anything suspicious with indications of suspicious financial reports is an act of money laundering.

Investigators and public prosecutors cannot confiscate cryptocurrencies if they do not have permits, and there is still confusion by investigators regarding whether electronic Currency can be used as Evidence that can stand alone or not, it takes a long time to confiscate currency evidence electronic money due to the large number of undercover processes for the proceeds of the crime, the lack of coordination between institutions in exchanging information, and the files submitted by investigators to the public prosecutor are still raw and not strong, so that more time is needed to find Evidence and other facts to corroborate existing Evidence, as well as the numbers and time to investigate suspicious financial transactions are deemed insufficient and take longer than expected as well as the difficulty in tracing the whereabouts of electronic Currency that is not in physical form and is not registered in the Indonesian state financial system.

C. Conclutins

Based on the results of this study, the following conclusions can be drawn:

In the course of the investigation carried out by investigators to collect Evidence to uncover money laundering crimes, investigators still classify electronic currency evidence as electronic document evidence, considering that there are no clear rules governing electronic currency evidence as legal and independent Evidence, so that there are lots of cybercrimes that are happening and will definitely continue to increase as well as the many modes of perpetrators in committing money laundering crimes, for this reason, so that the perpetrators of this money laundering crime can still be prosecuted and punished and provide fulfillment of legal certainty and provide ease in resolving a criminal case starting from the investigation stage to proof at trial, electronic Evidence in the form of electronic Currency needs to be regulated clearly and firmly. There are still many difficulties in carrying out confiscations because the true form of this cryptocurrency is intangible and not legally registered in the financial system in Indonesia.

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