



Money Laundering As A Transnational Crime Problems And The Ideas Of Legal Policy Reformation In Indonesia

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Abstract

Various countries today are threatened by money laundering as a transnational crime known as borderless crime. This is because the impact of money laundering is not ordinary. The crime of money laundering has a considerable impact disrupting the stability of the economy and social life and even damaging the world economic order. However, various legal problems in dealing with money laundering often occur in Indonesia. With these various problems, it shows that Indonesia needs a legal reformulation related to money laundering as classified as a transnational crime. Based on this background, this research will discuss the problems of how money laundering can be classified as a transnational crime, the problems with its law enforcement, and the legal policy of money laundering as a transnational crime reformulation in Indonesia. This study uses a descriptive normative research method with a qualitative approach. The results show that the idea of reformulation in law enforcement of money laundering as a transnational crime in Indonesia is through the reconstruction of Mutual Legal Assistance or MLA between the Indonesian government and various countries in the world and the application of other international instruments, such as extradition and confiscation. Then regarding the problem of money laundering in law enforcement, it is necessary to reformulate the authority of the Corruption Eradication



Commission or KPK to prosecute money laundering crimes originating from the criminal act of corruption because the Anti-Money Laundering Law has not yet clearly regulated the law enforcers who are authorized to carry out prosecutions for the Crime of Money Laundering. So to overcome this law enforcement problem, it is necessary to reform the money laundering law.

A. Introduction

Globalization era¹ marked by advances in information technology and the application of trade liberalization.² However, advances in technology and trade have triggered irregular economic activity, which has given rise to various forms of criminal law violations.³ One form of economic crime in globalization is a transnational crime, especially cross-border money laundering.⁴ Money laundering is an attempt to hide or disguise the origin of money/funds or assets due to criminal acts through various financial transactions so that the money or assets appear from legal activities. So they can freely use these assets for both legal and illegal activities. Therefore, money laundering threatens the stability and integrity of the economic and financial system and endangers the foundations of society life, nation and state.⁵

Money laundering is a transnational crime because money laundering is related to other transnational crimes. Money laundering is an act carried out by a person or organization that commits acts of corruption, narcotics trafficking, and other criminal acts with the aim of hiding or disguising the origin of money or assets obtained from the criminal acts proceeds from the government or the competent authority to commit crimes, to be later converted into assets that seem originate from legal activities.⁶

A report disclosed by Global Financial Integrity stated that transnational crime is a business whose primary motivation is to make money. Revenue generated from transnational crime ranges between US\$1.6 trillion and \$2.2 trillion annually. This income is not only used for the personal interests of the perpetrators but the income from crime is also used to finance various other transnational crimes. Therefore, transnational crime is not a crime that can be underestimated because this crime can threaten the national economy, even endanger the health and welfare of the community, and threaten environmental damage.⁷

¹ Globalization refers to the concept of the human consciousness integration in a single world as a whole. Therefore, the discussion of globalization fully refers to the progress of life achieved by society with its various impacts. Mohammad Maiwan and Mohammad Maiwan, "MEMAHAMI POLITIK GLOBALISASI DAN PENGARUHNYA DALAM TATA DUNIA BARU: ANTARA PELUANG DAN TANTANGAN," *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo* 7, no. 1 (April 1, 2014), <https://doi.org/10.21107/pamator.v7i1.3098>.

² Ismail Nawawi, "GLOBALISASI EKONOMI BISNIS Studi Arus Nalar Pemikiran Bisnis Kompetitif Islam Kontemporer," *Maliyah* 03, no. 02 (2013): 719–44.

³ Iza Fadri, "Kebijakan Kriminal Penanggulangan Tindak Pidana Ekonomi," *Spektrum Hukum* 15, no. 2 (2018): 195, <https://doi.org/10.35973/sh.v15i2.1117>.

⁴ Efendi Lod Simanjuntak, "PENEGAKAN HUKUM LINTAS JURISDIKSI TERHADAP PELAKUPENCUCIAN UANG DI ASEAN MELALUI MUTUAL LEGAL ASSISTANCE," *Jurnal Hukum Progresif* 8, no. 1 (2020): 28–43.

⁵ Ali Geno, "Tindak Pidana Kejahatan Pencucian Uang (Money Laundering) Dalam Pandangan KUHP Dan Hukum Pidana Islam," *TAWAZUN: Journal of Sharia Economic Law* 2, no. 1 (2019): 1–18, <https://doi.org/10.21043/tawazun.v2i1.5223>.

⁶ Douglas Fernandho, "Laundering Dengan Predicate Crime Tindak Pidana Korupsi," *Jurnal Litigasi* 19, no. 2 (2018): 148–62.

⁷ Global Financial Integrity, *Transnational Crime and the Developing World* (Washington: Global Financial Integrity, 2017).

Indonesia implements a strategy to prevent money laundering by issuing laws and regulations to eradicate money laundering crimes in Indonesia, including Law Number 15 of 2002 concerning the Crime of Money Laundering, Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002 concerning the Crime of Money Laundering and Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering. However, money laundering continues to occur in Indonesia an increasing number of cases. As of 2021, illicit transactions in Indonesia increased from 2020. Based on the report from the Financial Transaction Reports and Analysis Center or PPATK,⁸ illicit transactions in Indonesia in 2020 were 965 transactions, but in 2021 they increased to 1,834 transactions.⁹ Nevertheless, at the global level in 2021, Indonesia occupies the 76th position as a country at risk for money laundering practices, as shown in Figure 1 below:

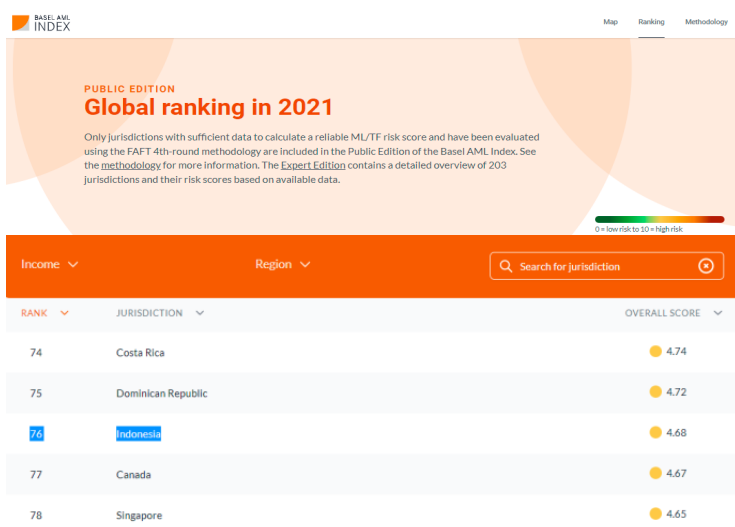


Figure 1 on the side shows that based on the global ranking calculation method by Financial Action Task Force (FATF),¹⁰ a score of 10 is the highest score for a country that has the risk of money laundering. In contrast, Indonesia has a score of 4.68 which is not too risky for a country with the potential to practice money laundering. In addition, it can also be seen that Singapore as a neighboring country to Indonesia is 2 levels better than Indonesia with a score of 4.65.¹¹

Figure 1 also shows that money laundering crimes currently threaten various countries in the world. This is because the impact of money laundering is not ordinary. The crime of money laundering has a considerable impact that disrupts the stability of a country's economy and social life and even damages the world economic order. Money laundering activities in a country on a macro basis can complicate monetary control and reduce state revenues. At the same time, on a micro level it will cause a high-cost economy and disrupt the system of fair business competition. The magnitude of the losses caused by the practice of money laundering

⁸ PPATK is an independent institution with the authority, prevention and eradication of money laundering, processing suspicious transaction data, supervision of financial service providers, analysis of money laundering transactions and forwarding to investigators the occurrence of money laundering. Sulaiman Bakri, "PUSAT PELAPORAN DAN ANALISIS TRANSAKSI KEUANGAN DALAM MENCEGAH DAN MEMBERANTAS TINDAK PIDANA PENCUCIAN UANG," *Legal Opinion* 5, no. 1 (2017): 1–17.

⁹ "Transaksi Gelap Di Perbankan & Asuransi Melonjak, Indikasi Pencucian Uang? - Kabar24 Bisnis.Com," accessed May 21, 2022, <https://kabar24.bisnis.com/read/20211005/16/1450690/transaksi-gelap-di-perbankan-asuransi-melonjak-indikasi-pencucian-uang>.

¹⁰ The Financial Action Task Force (FATF) is an international organization established with the aim of implementing international standards and promoting effective measures to tackle financial crimes. FATF is an intergovernmental body that functions as a policy maker, and the products that have been produced are 40 recommendations related to anti-money laundering and 9 specific recommendations related to countering financing terrorism. Yuliana Andhika and Risang Putri, "PERAN REKOMENDASI FINANCIAL ACTION TASK FORCE (FATF) DALAM PENANGANAN PENDANAAN TERORISME DI INDONESIA," *Journal of International Relations* 1, no. 2 (2015): 88–94, <http://ejournal-s1.undip.ac.id/index.php/jihiWebsite:http://www.fisip.undip.ac.id/>.

¹¹ "Public Ranking - Basel AML Index," accessed May 21, 2022, <https://index.baselgovernance.org/ranking>.

has made various countries continue to strive to prevent money laundering, including Indonesia.¹² Although Indonesia as the figures above show not too risky for money laundering, various legal problems in dealing with money laundering often occur in Indonesia.

As for the problems of eradicating money laundering in Indonesia generally, such as the lack of public understanding about money laundering crime as regulated in Law no. 8 of 2010 and there are problems with law enforcement officials and the law enforcement process.¹³ Meanwhile, specific problems will be discussed in this study. However, these various problems show that Indonesia needs a legal reformulation related to money laundering, which is classified as a transnational crime.

Based on International Monetary Fund (IMF) statistics, the proceeds of money laundering through banks are estimated to be nearly \$1,500 billion annually. Meanwhile, according to the Associated Press, most of the money laundering activities resulting from drug trafficking, prostitution, corruption and other crimes are processed through banks and then converted into legal funds and it is estimated that these activities absorb a value of US\$ 600 billion per year. This is equal to 5% of the world GDP.¹⁴

Based on this background, this research will discuss the problems as follows: How can money laundering be classified as a transnational crime and what are the problems in its law enforcement? and How is the legal policy of money laundering as transnational crimes reformulation in Indonesia? This research uses a descriptive normative research method with a qualitative approach. The research approach used is the statutory approach or the statute approach.

The novelty is that it looks at money laundering more broadly from the perspective of transnational crime. As it is known that transnational crimes are part of international law, in other words, this research does use not only the perspective of criminal law but also uses the perspective of international law. So that the reformulation emphasized in this research is also related to reformulation with a broader perspective in the perspective of international law. Meanwhile, other research focuses more on reformulation in law enforcement on a national scale, such as by Kristian & Christine Tanuwijay "Kebijakan Formulas Pidana Terhadap Korporasi Sebagai Pelaku Tindak Pidana Pencucian Uang Dalam Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang" 2016.

B. Discussion

1. Money Laundering as a Transnational Crime and Law Enforcement Problems in Indonesia

Along with the development of the times and technology that is easier for all human activities, modernization and globalization have brought many positive impacts such as rapid economic growth and free trade. However, it cannot be denied that the convenience provided by the influence of modernization and globalization is in line with the ease for humans to commit crimes the acts against the law. Crime develops with more modern and sophisticated ideas and the existence of crimes with international dimensions such as the crime of money

¹² Beutari Octaviani, "IMPLEMENTASI REKOMENDASI FINANCIAL ACTION TASK FORCE (FATF) TERHADAP KEJAHATAN PENCUCIAN UANG DI INDONESIA," *Journal of International Relations* 1, no. 3 (2015): 30–34, <http://ejournal-s1.undip.ac.id/index.php/jihiWebsite:http://www.fisip.undip.ac.id>.

¹³ Albert Hasoloan Limbong, "KENDALA DALAM PENYIDIKAN TERHADAP TINDAK PIDANA PENCUCIAN UANG (Studi Di Kepolisian Daerah Jawa Timur)," *Kumpulan Jurnal Mahasiswa Fakultas Hukum Universitas Brawijaya* 1, no. 69 (2013): 5–24.

¹⁴ Wahyu F.N. Gandhung Wahyu F.N. and Joko Supriyanto, "URGENSI PENANGGULANGAN TINDAK PIDANA PENCUCIAN UANG PADA KASUS KORUPSI," *Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 3, no. 3 (September 1, 2014): 248–58, <https://doi.org/10.20961/RECIDIVE.V3I3.40531>.

laundering marks mechanisms. Money Laundering is a transnational crime that is considered a global phenomenon so it gets special attention on an international scale.¹⁵

Generally, the money laundering process is categorized into three stages; First, placement is placing cash from a crime into the financial system, especially the banking system.¹⁶ The process involves the physical movement of cash through the smuggling of cash from one country to another, combining cash from crime with money obtained from legitimate activities.¹⁷ In money laundering crime, at least there may be components in the form of 2 (two) variants of crime, namely the predicate crime and the crime of money laundering itself. Talking about predicate crime, this crime is a crime that sources illicit property (dirty money) and then laundered. As for money laundering crime, it is an act intended so that the proceeds of a criminal act are hidden or disguised. Based on the description above, it can be explained that there is a close correlation between predicate crimes and money laundering crimes.¹⁸

The predicate crimes of money laundering are primarily types of crimes classified as transnational crimes. According to I Wayan Parthiana, transnational crime is a crime that crosses the boundaries of a country. The scene, the purpose of the crime and the consequences that arise from the crime are some aspects of transnational crime that do not have specific boundaries.¹⁹ Transnational is a particular term that refers to an individual who commits a crime so that the individual can be held accountable for the committed crime based on international law and national law of a country.²⁰ The characteristics of "transnational crimes" are regulated by Convention Against Transnational Organized Crimes or Palermo Convention (2000).²¹ Article 3 of the UNTOC Convention states that the elements of transnational crime are as follows:

- a. Conducted by more than one territorial area of a country;
- b. The crime was controlled, prepared, directed and planned in one particular country, but the execution of the crime was carried out in a different country;
- c. Crimes committed in one country's territory but involve an individual or an organized group that commits a crime in another country; or
- d. Crimes are committed in one country, but the consequences of these crimes occur in another country.

Transnational crimes as identified by the United Nations in the UNTOC consist of 18 forms of crime, namely: *human trafficking*, trafficking in human organs, illicit trade in troops and weapons, *illicit drug trafficking*, *money laundering*, *fraudulent bankruptcy*, intellectual property theft, *corruption*, *terrorism*, *bribery of party officials*, aircraft hijacking, theft of

¹⁵ Hanna Rosyidah, Bayu Satya, and Naya Aulia, "Inkonsistensi Aturan Pertanggungjawaban Pidana Pencucian Uang Oleh Korporasi: Perlukah Reformulasi?," *Jurnal Hukum Lex Generalis* 2, no. 12 (2021): 1245–63.

¹⁶ Yudi Krismen, "PERTANGGUNGJAWABAN PIDANA KORPORASI DALAM KEJAHATAN EKONOMI," *Jurnal Ilmu Hukum Fakultas Hukum Universitas Riau* 5, no. 1 (June 3, 2014): 61–70, <https://doi.org/10.30652/JIH.V4I1.2089>.

¹⁷ Sumadi, "Kasus Pencucian Uang Dalam Tinjauan Sistem Ekonomi Syari'ah," *Jurnal Ilmiah Ekonomi Islam* 3, no. 03 (November 30, 2017): 186–92, <https://doi.org/10.29040/JIEI.V3I03.131>.

¹⁸ Muh. Afdal Yanuar, "Diskursus Antara Kedudukan Delik Pencucian Uang Sebagai Independent Crime Dengan Sebagai Follow Up Crime Pasca Putusan MK Nomor 90 / PUU- XIII / 2015 Discourse between Positions of Money Laundering Offences as a Independent Crime and as a Follow Up Crime," *Jurnal Konstitusi* 16, no. 4 (2019): 721–39.

¹⁹ Shinta Agustina, "Perdagangan Perempuan Dan Anak Sebagai Kejahatan Transnasional: Permasalahan Dan Penanggulangannya Di Indonesia," *Jurnal Hukum Projustitia* 24, no. 1 (2006): 47–62.

²⁰ Noer Indriati, "Mutual Legal Assistance Treaties (Mlats) Sebagai Instrumen Pemberantasan Kejahatan Internasional," *Jurnal Dinamika Hukum* 9, no. 2 (2009): 103–10, <https://doi.org/10.20884/1.jdh.2009.9.2.218>, 103–110.

²¹ Romli Atmasasmita, "Ekstradisi Dalam Meningkatkan Kerjasama Penegakan Hukum," *Jurnal Hukum Internasional* 5, no. 1 (2007): 1–5, <https://doi.org/10.17304/ijil.vol5.1.145>.

artistic and cultural objects, ship hijacking, *bribery of public, infiltration of legal business, insurance fraud, cyber crime, dan environmental crime*.²²

Despite Indonesia's money laundering law, the beginning of money laundering in Indonesia was due to international pressure and not because of awareness of the importance of eradicating money laundering in Indonesia. The practice of money laundering is a way for perpetrators of economic crimes to freely enjoy and take advantage of the proceeds of their crimes. Besides money (proceeds of crime) is the pulse for organized crime in developing their crime network, so preventing perpetrators from enjoying the proceeds of crime is very important. The most dangerous organized crimes and most concerned with laundering the proceeds of their crimes, it was initially only the crime of illegal narcotics trafficking. So the criminalization of money laundering was originally only directed at eradicating narcotics trafficking as stated in the United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances of 1988 (The Vienna Convention).²³

However, the development of money laundering is not only limited to the proceeds of traffic in narcotic drugs but also includes proceeds from other organized crimes such as corruption; bribery; smuggling of goods; labor smuggling; immigrant smuggling; banking; narcotics; psychotropic; trade in enslaved people, women and children; illicit arms trade; kidnapping; terrorism; theft; embezzlement; fraud. That scope shows that crime related to money laundering is a form of economic crime in a broad sense which includes crimes in the field of trade, banking, investment, corporate and other economies in the scope of organized crime.²⁴ Classifying money laundering as a transnational crime shows that it has a vast scope, not only limited to Indonesia but also beyond national borders. So it can be said that money laundering law enforcement also requires an unusual effort. However, this effort must face several problems with the provisions of the money laundering law in Indonesia which can be grouped as follows:

a. Problems with the Money Laundering Law

The definition of the Money Laundering Crime (TPPU) is stated in the provisions of Article 1 of Law Number 8 of 2010 which explains that Money Laundering is any act that fulfills the elements of a criminal act using the provisions of this Law. This means that the crime of money laundering is in accordance with Law no. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering. This Law regulates two (2) types of money laundering crimes, namely the crime of money laundering and other crimes related to the crime of money laundering. However, in this PPTPPU Law there is no difference between "crimes" and "violations" of money laundering crimes. Regarding the qualification issue for this crime, Barda Nawawi Arief stated that the absence of a legal qualification determination is feared to cause problems/juridical consequences in practice, both material juridical and formal juridical consequences. In other words, the problem of the absence of a "crime" or "violation" qualification will have implications for the application of criminal threats to the attempted criminal acts committed. As for the inclusion of "crime" or "violation" qualifications in this law, it is necessary to avoid potential problems later in the implementation stage.²⁵

²² Convention Against Transnational Organized Crime 2000

²³ Ayumiati Ayumiati, "Tindak Pidana Pencucian Uang (Money Laundering) Dan Strategi Pemberantasan," *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum* 1, no. 2 (2017): 1999–2003, <https://doi.org/10.22373/legitimasi.v1i2.1428>.

²⁴ Muhammad Arief Amrullah, "Pencucian Uang Dan Kejahatan Terorganisir," *Jurnal Hukum IUS QUIA IUSTUM* 10, no. 22 (2003): 130–46, <https://doi.org/10.20885/iustum.vol10.iss22.art11>.

²⁵ Aji Prasetyo and Amiek Soemarmi, "Kebijakan Hukum Pidana Pencucian Uang Menurut Undang-Undang Nomor 8 Tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang," *Jurnal Undip* 1, no. 7 (2013): 1–11.

In the Money Laundering Law, there is no difference between "crimes" and "violations" of money laundering. The absence of "crime" or "violation" qualifications will have implications for applying criminal threats. Supposedly regarding the inclusion of the qualifications of "crime" or "violation" in the Anti-Money Laundering Law, it needs to be done to avoid potential problems at the implementation stage. In addition, another problem is Article 6 of the PPTPPU Law, which also regulates the criminalization of corporations as money laundering actors. However, in the case of corporations being accounted for as perpetrators of the crime of laundering, there are weaknesses in this PPTPPU Law, namely in the case of corporations that carry out "experimental," "assistance" and "evil conspiracy" acts contained in Article 10 which only regulates the legal subject of "everyone." not equipped with the corporation.²⁶

b. Problems in Law Enforcement

A predicate crime will precede money laundering because the object of a money laundering crime is assets resulting from a predicate crime. Money laundering will not occur if a predicate crime does not precede it. This relationship turned out to cause problems in law enforcement, either at the level of investigation and prosecution or at the time of proof in court. At the level of investigation, investigators have two options, conducting simultaneous investigations between money laundering and predicate crimes or only investigating money laundering crimes. Likewise, in preparing the indictment, the public prosecutor has two options: indicting the predicate crime and the crime of money laundering or only indicting the crime of money laundering. This is also faced by judges when proving the elements of a crime, the judge has two choices, proving the predicate crime first and then proving the crime of money laundering. If both are indicted simultaneously or only prove the crime of money laundering, it is because the predicate offense is not charged. Other problems that occur in law enforcement of money laundering crime, namely: ²⁷

- 1) Crime is difficult to see (low visibility);
- 2) Crime is very complex (complexity);
- 3) Diffusion of responsibility;
- 4) The spread of victims is quite wide (diffusion of victimization);
- 5) Detection and prosecution constraints;
- 6) Unclear regulations (ambiguous laws);
- 7) Ambiguous man of offenders.

2. The Reformulation Idea of Money Laundering Law Enforcement as a Transnational Crime in Indonesia

As a type of organized transnational crime, money laundering is not only the responsibility of individual countries. Still, it is an obligation of all countries which can be realized in regional or international cooperation through bilateral and multilateral forums. This collaboration has been started since 1989. The G7 countries of Canada, France, Germany, Italy, UK, US and Japan formed the Financial Action Task Force Money Laundering (FATF) in Paris. FATF cooperates in tackling money laundering crime by collaborating across governments. One of the FATF's mandatory activities is to develop and recommend guidelines to assist countries worldwide in implementing effective regulations in dealing with money laundering. Indonesia

²⁶ Mulia Agung Pradipta and Pujiyono, "REFORMULASI PIDANA PENGANTI DENDA UNDANG-UNDANG NOMOR 8 TAHUN 2010 TENTANG TINDAK PIDANA PENCUCIAN UANG," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 1–17.

²⁷ Halif, "PEMBUKTIAN TINDAK PIDANA PENCUCIAN UANG TANPA DAKWAAN TINDAK PIDANA ASAL Kajian Putusan Nomor 57/PID.SUS/2014/PN.SLR," *Jurnal Yudisial* 10, no. 2 (2017): 173–92, <https://jurnal.komisiyudisial.go.id/index.php/jy/article/view/70>.

has been an observer and member of the FATF since 2018, Indonesia has been declared one of the countries included as Non-Cooperative Countries and Territories (NCTTs) by the FATF.²⁸

Money laundering crime as a form of systematic transnational crime requires the work of national law in the context of international cooperation as has been called for by The United Nations Convention Against Corruption, 2003 in the form of the obligation of participating countries to take preventive actions through their national laws and require each country to adopt, in accordance with the principles of its domestic law, legislative and other necessary measures, to deal with activities classified as money laundering.²⁹ Thus, the reformulation Indonesia can carry out in tackling money laundering as a transnational crime is the reconstruction of Mutual Legal Assistance or MLA³⁰ between the Indonesian government and various countries worldwide.

This is in line with the FATF's recommendations related to various aspects of international cooperation, which include the application of international instruments, such as MLA, extradition, confiscation, and other forms of international cooperation between the Financial Intelligence Unit, financial supervisors, and law enforcement agencies. If implemented effectively, these recommendations ensure: countries provide appropriate and timely assistance when requested by other countries; competent agencies assist requests to find and extradite criminals; and authorities identify, freeze, arrest, confiscate and share assets and provide information related to money laundering. The FATF recommendation also requires competent institutions to establish international cooperation with other countries in pursuing criminals and their assets. In addition, to combat money laundering by criminal syndicates operating internationally, it is also necessary to maintain relationships with regional law enforcement partners.³¹

Then regarding the problem of money laundering in law enforcement, good cooperation is needed from elements of the Criminal Justice System (SPP), which consists of the police, prosecutors, judges and also the Financial Transaction Reports and Analysis Center (PPATK). Each element of SPP and PPATK must cooperate reasonably, coordinated and simultaneously.³² However, other cooperation with independent institutions is also needed to overcome this transnational crime of money laundering. As it is known that money laundering is related to corruption, however, the authority of the Corruption Eradication Commission (KPK) in tackling money laundering is only limited to the investigation stage.³³ So that it is

²⁸ Rininta and Hartanto, "Problematisasi Penegakan Hukum Tindak Pidana Pencucian Uang," *Doktrina: Journal of Law* 4, no. 2 (2021): 113–26.

²⁹ Kristian Kristian and Christine Tanuwijaya, "KEBIJAKAN FORMULASI PIDANA TERHADAP KORPORASI SEBAGAI PELAKU TINDAK PIDANA PENCUCIAN UANG DALAM UNDANG-UNDANG NOMOR 8 TAHUN 2010 TENTANG PENCEGAHAN DAN PEMBERANTASAN TINDAK PIDANA PENCUCIAN UANG," *Jurnal Hukum Mimbar Justitia* 2, no. 1 (May 10, 2019): 688–708, <https://doi.org/10.35194/JHMJ.V2I1.564>.

³⁰ Mutual Legal Assistance in Criminal Matters or abbreviated as MLA is a form of international cooperation other than an extradition treaty. Regulation regarding MLA have also been promulgated in Law Number 1 of 2006 concerning Mutual Legal Assistance in Criminal Matters. MLA is the initial stage of law enforcement, especially in terms of recovering state assets resulting from corruption crimes and money laundering. Some countries that are often the targets of corruption and money laundering assets are Singapore, Australia, Hong Kong (PRC), and Switzerland, which these countries already have Mutual Assistance Agreements with Indonesia. Ricardo Santos and Hery Firmansyah, "Prosedur Pelaksanaan Mutual Legal Assistance Terhadap Pemulihan Aset Hasil Korupsi Yang Dilarikan Ke Luar Negeri (Procedures For The Implementation Of Mutual Legal Assistance To Recover Assets Resulting From Corruption That Are Rushed Abroad)," *Jurnal Hukum Lex Generalis* 2, no. 1 (2021): 40–56.

³¹ FATF, *Money Laundering and the Illegal Wildlife Trade* (Paris: FATF, 2020), www.fatf-gafi.org/publications/methodandtrends/documents/money-laundering-illegal-wildlife-trade.html%0A%0A.

³² Speaker's Notes, "Rancangan Money Laundering Law," in *International Indonesia Conferences*, 2010, 10.

³³ As stipulated in Article 74 of the Law of the Republic of Indonesia Number 8 of 2010 concerning the Crime of Money Laundering (UU TPPU), it is written: "Investigations of the Crime of Money Laundering are carried out

necessary to reformulate the regulation of the authority of the Corruption Eradication Commission in prosecuting money laundering crimes originating from the corruption carried out through criminal law policies, especially at the formulation stage. There is a need for a reformulation regarding the prosecution authority of the corruption eradication commission on money laundering crimes from corruption crimes because the Money Laundering Law has not regulated law enforcers who are authorized to prosecute money laundering crimes.³⁴

So to overcome this law enforcement problem, it is necessary to reform the money laundering law. Before entering the formal realm, it is necessary to formulate the material area to create integrated law enforcement.³⁵ The formulation of a norm in the law must be prepared appropriately and consider all its implications because the weakness of the law (law in books) will result in the consequence hampering the law enforcement process. The weakness of the law can occur due to several things, namely:³⁶

- a. The principles of law enactment are not followed.
- b. There are no implementing regulations that are urgently needed to implement the law.
- c. The ambiguous meaning of words in the law confuses its interpretation and application.

Money laundering is a transnational crime requiring regulation and law enforcement reform. The novelty of this research is that the author examines money laundering as a transnational crime and its problems in law enforcement in Indonesia. The law enforcement process and its formulation in laws that have not been regulated in overcoming the problem of money laundering.

C. Conclusions

Based on the discussion above, it can be concluded that money laundering is a transnational crime as regulated in the Convention Against Transnational Organized Crimes or known as the Palermo Convention (2000). Classifying money laundering as a transnational crime shows that it has an extensive scope, not only limited to Indonesia but also beyond national borders. So it can be said that money laundering law enforcement also requires an unusual effort. However, this effort must face several problems with the provisions of the money laundering law in Indonesia. The problems in enforcing money laundering laws in Indonesia consist of problems in regulating the Money Laundering Laws and problems in the law enforcement process. Thus, the idea of reformulation in law enforcement of money laundering as a transnational crime in Indonesia is through the reconstruction of Mutual Legal Assistance or MLA between the Indonesian government and various countries in the world and the application of other international instruments, such as extradition and confiscation. In addition, various forms of international cooperation are needed between the Financial Intelligence Unit, financial supervisors, and law enforcement agencies, as well as maintaining relationships with regional law enforcement partners. Then regarding the problem of money laundering in law enforcement, it is necessary to reformulate the authority to prosecute the Corruption Eradication Commission for money laundering crimes from corruption because the Anti-Money Laundering Law has not regulated the law enforcers who are authorized to prosecute the crime

by investigators of predicate crimes in accordance with the provisions of the procedural law and the provisions of the Prevailing Laws, unless specified otherwise according to this Law.”

³⁴ Ramdhan Dwi Saputro, Lucky Endrawati, and Nurini Aprilianda, “REFORMULASI WEWENANG KOMISI PEMBERANTASAN KORUPSI DALAM PENUNTUTAN PADA TINDAK PIDANA PENCUCIAN UANG YANG BERASAL DARI TINDAK PIDANA KORUPSI,” *Riskedas* 3, no. 1 (2015): 103–11.

³⁵ Muhammad Fatahillah Akbar, “PENUNTUTAN TINDAK PIDANA PENCUCIAN UANG HASIL TINDAK PIDANA KORUPSI OLEH KOMISI PEMBERANTASAN KORUPSI,” *Seminar Nasional Hasil-Hasil Peneliti Ilmu Hukum Tahun 2015* 1, no. 1 (2016): 79–95.

³⁶ Indah Paramita, “KEBIJAKAN FORMULASI KEWENANGAN PENUNTUT UMUM DALAM TINDAK PIDANA PENCUCIAN UANG,” *Jurnal IUS Kajian Hukum Dan Keadilan* 3, no. 9 (2015): 509–24.

of money laundering. So to overcome this law enforcement problem, it is necessary to reform the money laundering law.

Bibliography

A. Book

FATF. *Money Laundering and the Illegal Wildlife Trade*. Paris: FATF, 2020. www.fatf-gafi.org/publications/methodandtrends/documents/money-laundering-illegal-wildlife-trade.html%0A©.

Integrity, Global Financial. *Transnational Crime and the Developing World*. Washington: Global Financial Integrity, 2017.

B. Journal

Agustina, Shinta. "Perdagangan Perempuan Dan Anak Sebagai Kejahatan Transnasional: Permasalahan Dan Penanggulangannya Di Indonesia." *Jurnal Hukum Projustitia* 24, no. 1 (2006): 47–62.

Akbar, Muhammad Fatahillah. "PENUNTUTAN TINDAK PIDANA PENCUCIAN UANG HASIL TINDAK PIDANA KORUPSI OLEH KOMISI PEMBERANTASAN KORUPSI." *Seminar Nasional Hasil-Hasil Peneliti Ilmu Hukum Tahun 2015* 1, no. 1 (2016): 79–95.

Amrullah, Muhammad Arief. "Pencucian Uang Dan Kejahatan Terorganisir." *Jurnal Hukum IUS QUIA IUSTUM* 10, no. 22 (2003): 130–46. <https://doi.org/10.20885/iustum.vol10.iss22.art11>.

Andhika, Yuliana, and Risang Putri. "PERAN REKOMENDASI FINANCIAL ACTION TASK FORCE (FATF) DALAM PENANGANAN PENDANAAN TERORISME DI INDONESIA." *Journal of International Relations* 1, no. 2 (2015): 88–94. <http://ejournal-s1.undip.ac.id/index.php/jihiWebsite:http://www.fisip.undip.ac.id/>.

Atmasasmita, Romli. "Ekstradisi Dalam Meningkatkan Kerjasama Penegakan Hukum." *Jurnal Hukum Internasional* 5, no. 1 (2007): 1–5. <https://doi.org/10.17304/ijil.vol5.1.145>.

Ayumiati, Ayumiati. "Tindak Pidana Pencucian Uang (Money Laundering) Dan Strategi Pemberantasan." *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum* 1, no. 2 (2017): 1999–2003. <https://doi.org/10.22373/legitimasi.v1i2.1428>.

Bakri, Sulaiman. "PUSAT PELAPORAN DAN ANALISIS TRANSAKSI KEUANGAN DALAM MENCEGAH DAN MEMBERANTAS TINDAK PIDANA PENCUCIAN UANG." *Legal Opinion* 5, no. 1 (2017): 1–17.

Fadri, Iza. "Kebijakan Kriminal Penanggulangan Tindak Pidana Ekonomi." *Spektrum Hukum* 15, no. 2 (2018): 195. <https://doi.org/10.35973/sh.v15i2.1117>.

Fernandho, Douglas. "Laundering Dengan Predicate Crime Tindak Pidana Korupsi." *Jurnal Litigasi* 19, no. 2 (2018): 148–62.

Gandhung Wahyu F.N., Wahyu F.N., and Joko Supriyanto. "URGENSI PENANGGULANGAN TINDAK PIDANA PENCUCIAN UANG PADA KASUS KORUPSI." *Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 3, no. 3 (September 1, 2014): 248–58. <https://doi.org/10.20961/RECIDIVE.V3I3.40531>.

Geno, Ali. "Tindak Pidana Kejahatan Pencucian Uang (Money Laundering) Dalam Pandangan KUHP Dan Hukum Pidana Islam." *TAWAZUN: Journal of Sharia Economic Law* 2, no. 1 (2019): 1–18. <https://doi.org/10.21043/tawazun.v2i1.5223>.

Halif. "PEMBUKTIAN TINDAK PIDANA PENCUCIAN UANG TANPA DAKWAAN TINDAK PIDANA ASAL Kajian Putusan Nomor 57/PID.SUS/2014/PN.SLR." *Jurnal*

- Yudisial* 10, no. 2 (2017): 173–92.
<https://jurnal.komisiyudisial.go.id/index.php/jy/article/view/70>.
- Indriati, Noer. “Mutual Legal Assistance Treaties (Mlats) Sebagai Instrumen Pemberantasan Kejahatan Internasional.” *Jurnal Dinamika Hukum* 9, no. 2 (2009): 103–10. <https://doi.org/10.20884/1.jdh.2009.9.2.218>, 103–110.
- Krismen, Yudi. “PERTANGGUNGJAWABAN PIDANA KORPORASI DALAM KEJAHATAN EKONOMI.” *Jurnal Ilmu Hukum Fakultas Hukum Universitas Riau* 5, no. 1 (June 3, 2014): 61–70. <https://doi.org/10.30652/JIH.V4I1.2089>.
- Kristian, Kristian, and Christine Tanuwijaya. “KEBIJAKAN FORMULASI PIDANA TERHADAP KORPORASI SEBAGAI PELAKU TINDAK PIDANA PENCUCIAN UANG DALAM UNDANG-UNDANG NOMOR 8 TAHUN 2010 TENTANG PENCEGAHAN DAN PEMBERANTASAN TINDAK PIDANA PENCUCIAN UANG.” *Jurnal Hukum Mimbar Justitia* 2, no. 1 (May 10, 2019): 688–708. <https://doi.org/10.35194/JHMI.V2I1.564>.
- Limbong, Albert Hasoloan. “KENDALA DALAM PENYIDIKAN TERHADAP TINDAK PIDANA PENCUCIAN UANG (Studi Di Kepolisian Daerah Jawa Timur).” *Kumpulan Jurnal Mahasiswa Fakultas Hukum Universitas Brawijaya* 1, no. 69 (2013): 5–24.
- Maiwan, Mohammad, and Mohammad Maiwan. “MEMAHAMI POLITIK GLOBALISASI DAN PENGARUHNYA DALAM TATA DUNIA BARU: ANTARA PELUANG DAN TANTANGAN.” *Jurnal Pamator : Jurnal Ilmiah Universitas Trunojoyo* 7, no. 1 (April 1, 2014). <https://doi.org/10.21107/pamator.v7i1.3098>.
- Nawawi, Ismail. “GLOBALISASI EKONOMI BISNIS Studi Arus Nalar Pemikiran Bisnis Kompetitif Islam Kontemporer.” *Maliyah* 03, no. 02 (2013): 719–44.
- Notes, Speaker’s. “Rancangan Money Laundering Law.” In *International Indonesia Conferences*, 10, 2010.
- Octaviani, Beutari. “IMPLEMENTASI REKOMENDASI FINANCIAL ACTION TASK FORCE (FATF) TERHADAP KEJAHATAN PENCUCIAN UANG DI INDONESIA.” *Journal of International Relations* 1, no. 3 (2015): 30–34. <http://ejournal-s1.undip.ac.id/index.php/jihi> Website: <http://www.fisip.undip.ac.id>.
- Paramita, Indah. “KEBIJAKAN FORMULASI KEWENANGAN PENUNTUT UMUM DALAM TINDAK PIDANA PENCUCIAN UANG.” *Jurnal IUS Kajian Hukum Dan Keadilan* 3, no. 9 (2015): 509–24.
- Pradipta, Mulia Agung, and Pujiyono. “REFORMULASI PIDANA PENGGANTI DENDA UNDANG-UNDANG NOMOR 8 TAHUN 2010 TENTANG TINDAK PIDANA PENCUCIAN UANG.” *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 1–17.
- Prasetyo, Aji, and Amiek Soemarmi. “Kebijakan Hukum Pidana Pencucian Uang Menurut Undang-Undang Nomor 8 Tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang.” *Jurnal Undip* 1, no. 7 (2013): 1–11.
- Ramadhan Dwi Saputro, Lucky Endrawati, and Nurini Aprilianda. “REFORMULASI WEWENANG KOMISI PEMBERANTASAN KORUPSI DALAM PENUNTUTAN PADA TINDAK PIDANA PENCUCIAN UANG YANG BERASAL DARI TINDAK PIDANA KORUPSI.” *Riskesdas* 3, no. 1 (2015): 103–11.
- Rininta, and Hartanto. “Problematisa Penegakan Hukum Tindak Pidana Pencucian Uang.” *Doktrina: Journal of Law* 4, no. 2 (2021): 113–26.
- Rosyidah, Hanna, Bayu Satya, and Naya Aulia. “Inkonsistensi Aturan Pertanggungjawaban Pidana Pencucian Uang Oleh Korporasi: Perlukah Reformulasi?” *Jurnal Hukum Lex Generalis* 2, no. 12 (2021): 1245–63.
- Santos, Ricardo, and Hery Firmansyah. “Prosedur Pelaksanaan Mutual Legal Assistance Terhadap Pemulihan Aset Hasil Korupsi Yang Dilarikan Ke Luar Negeri (Procedures For The Implementation Of Mutual Legal Assistance To Recover Assets Resulting From

- Corruption That Are Rushed Abroad).” *Jurnal Hukum Lex Generalis* 2, no. 1 (2021): 40–56.
- Simanjuntak, Efendi Lod. “PENEGAKAN HUKUM LINTAS JURISDIKSI TERHADAP PELAKUPENCUCIAN UANG DI ASEAN MELALUI MUTUAL LEGAL ASSISTANCE.” *Jurnal Hukum Progresif* 8, no. 1 (2020): 28–43.
- Sumadi. “Kasus Pencucian Uang Dalam Tinjauan Sistem Ekonomi Syari’ah.” *Jurnal Ilmiah Ekonomi Islam* 3, no. 03 (November 30, 2017): 186–92. <https://doi.org/10.29040/JIEL.V3I03.131>.
- Yanuar, Muh. Afdal. “Diskursus Antara Kedudukan Delik Pencucian Uang Sebagai Independent Crime Dengan Sebagai Follow Up Crime Pasca Putusan MK Nomor 90 / PUU- XIII / 2015 Discourse between Positions of Money Laundering Offences as a Independent Crime and as a Follow Up Crime.” *Jurnal Konstitusi* 16, no. 4 (2019): 721–39.

C. Regulation

- Law Number 15 of 2002 concerning the Crime of Money Laundering,
 Law Number 25 of 2003 concerning Amendments to Law of the Republic of Indonesia Number 15 of 2002 concerning the Crime of Money Laundering
 Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.
 Convention Against Transnational Organized Crime 2000

D. Internet

- “Public Ranking - Basel AML Index.” Accessed May 21, 2022. <https://index.baselgovernance.org/ranking>.
- “Transaksi Gelap Di Perbankan & Asuransi Melonjak, Indikasi Pencucian Uang? - Kabar24 Bisnis.Com.” Accessed May 21, 2022. <https://kabar24.bisnis.com/read/20211005/16/1450690/transaksi-gelap-di-perbankan-asuransi-melonjak-indikasi-pencucian-uang>.