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Optimising Law Enforcement Against Money Laundering Offences

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Abstract: *White-collar crime has developed to a transnational level that no longer recognises the territorial boundaries of the state. The form of crime is also increasingly sophisticated and neatly organised, making it difficult to detect. Criminals always try to save money from their crimes through various means, one of which ismoney laundering. In this way, they try to launder illegally obtained money into a form that looks legal. With this laundering, criminals can hide the true origin of the funds or money from the crimes they commit. This research is focused on library studies or document studies, because this research is mostly carried out on secondary data, and Primary Data as a complement, the data to be obtained in this study are collected by means of: Library research The library material referred to consists of primary legal materials, namely laws and regulations related to the title of this research and the Criminal Code. Similarly, secondary legal materials are studied in the form of scientific works of experts including research results (including theses and dissertations) related to the title of the researcher and using Qualitative Data.*

Keywords: *Optimisation, Law Enforcement, Women, Crime, Money Laundering*

INTRODUCTION

The function of law as a means of social control cannot be relied upon entirely on the ability of formal legal legislation. Starting from this issue, it is appropriate to doubt the ability of legal values to regulate the life of Indonesian society now that it is far more complicated than before. The increase in crime as a result of ignoring the norms, values or rules of law that apply. The problem of fulfilling needs as one of the drivers of a criminal offence that often occurs, because the economic situation that develops in a country has a very large influence on the basic aspects of a person's life. In addition to economic factors as a cause of someone committing a criminal offence, it is also caused by environmental influences, lack of legal awareness, low levels of education, and opportunities. These factors are the causes of criminal offences and these factors influence each other.

The Republic of Indonesia is a state based on law (Rechtsstaats), not a state based on mere power (Machtsstaat). In the concept of the rule of law, it is idealised that what should be the commander in all the dynamics of state life is law, not politics or economics. Talking about the rule of law will always be closely related to the concept of democracy, which is a system of government from, by and for the people. Indonesia is one of the countries that also adheres to the principle of democracy. The existence of the principle of democracy means that the highest holder of sovereignty is the people. The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) is one of the written legal bases that

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guarantees the implementation of democracy in Indonesia. Article 1 paragraph (2) of the 1945 Constitution states that "Sovereignty is in the hands of the people and shall be exercised according to the Constitution". White-collar crime has developed to a transnational level that no longer recognises the territorial boundaries of the state. The form of crime is increasingly sophisticated and neatly organised, making it difficult to detect. Criminals always try to save money from their crimes through various means, one of which is*money laundering.* In this way, they try to launder illegally obtained money into a form that looks legal. With this laundering, criminals can hide the true origin of the funds or money from the crimes they commit. Through this activity, criminals can also enjoy the proceeds of crime freely as if they were the result of a legal activity. In order to eradicate the practice of money laundering, Indonesia criminalised money laundering in 2002 with the enactment of the Money Laundering Law.

Law No. 15 of 2002 as amended by Law No. 25 of 2003 on the Crime of Money Laundering. Indonesia is an angina surge for criminals as a place to launder the proceeds of crime, even according to Harry Azhar Azis, Director of the *Institute for Transformation Studies* estimates that the amount of money laundered in Indonesia reaches Rp. 50 trillion. The money laundered usually comes from*white collar crime.* In Indonesia, the proceeds of crime are mainly obtained from corruption, so it can be said that the dominant core crime in money laundering is corruption. The war on corruption is a very significant focus in a country based on the rule of law.

RESEARCH METHODS

Method is defined as the logic of scientific research, the study of research procedures and techniques. Research is essentially a series of scientific activities and therefore uses scientific methods to explore and solve problems, or to find something truthful from existing facts. Based on the opinion of Peter R.Senn defines the method as "A procedure or way of knowing something using systematic steps, which contains a procedure in the form of a series of ways or steps arranged in a directed and orderly manner". Research methods are needed to find out how to obtain data and information from an object under study. The method is defined as the logic of scientific research, the study of research procedures and techniques. Research is a series of scientific activities and therefore uses scientific methods to explore and solve problems, or to break down the truth of existing facts.

The specification of the type of research in this writing uses normative juridical research which is also known as research sourced from books, laws and regulations that are analysed in this study. As well as this research is descriptive analysis, namely research aimed at describing in detail, systematically and thoroughly about everything related to this research problem and

also empirically juridical, namely research directly from the community based on legal facts that occur or examine primary data, meaning that this research is expected to obtain a detailed and systematic description of the problems to be studied. Data collection technique is a way to collect research data in a legal research. In research, at least three types of data collection tools are commonly known, namely document or library material studies, observations or observations, and interviews or interviews. The three types of data collection tools can be used individually, or in combination to get the maximum possible results. Data collection instruments refer to the material tools used to obtain data and record it.

This research is focused on literature studies or document studies, because this research is mostly carried out on secondary data, and Primary Data as a trap, the data to be obtained in this research is collected by means of: *Library research (Library Research)* The library material referred to consists of primary legal materials, namely laws and regulations related to the title of this research and the Criminal Code. Similarly, secondary legal materials are studied in the form of scientific works of experts including research results (including theses and dissertations) related to the research title. To complement the legal materials, it is also supported by tertiary legal materials such as: dictionaries, encyclopedias, interpretations, journals and so on.This research uses qualitative data analysis which is a process of organising and sorting data into patterns, categories and description units so that themes can be found and can be formulated as suggested by the data. Data analysis activities begin with the examination of data that has been collected from the results of case studies, literature studies, document studies, and the results of studies of existing laws and regulations in the form of primary, secondary data.

Qualitative analysis is also a comprehensive discussion of the results of the research described, by trying to see the factors behind certain programmes, cultures and policies, such as the selection of principles, theories, norms, doctrines and articles contained in the Law that are relevant to the problems to be discussed in this study. Data analysed qualitatively will be presented in the form of systematic descriptions as well, then all data is selected, processed and then stated descriptively so that it can provide solutions to the problems in question.

DISCUSSION AND ANALYSIS

The issue of money laundering has captured the world's attention. This is due to the impact of money laundering practices, both on the stability of the financial system and the economy as a whole. Moreover, ML is a multidimensional and transnational criminal offence that often involves large amounts of money. In its development, ML is increasingly complex, crosses jurisdictional boundaries, and uses increasingly varied modes, utilising institutions

outside the financial system, and has even penetrated into various sectors. The term money laundering comes from the English language, namely money laundering. Literally, money laundering is termed money bleaching, money panning or also known as cleaning money from the results of illegal transactions (legitimazing illegitimate income). Money in money laundering has various connotations, such as dirty money, hot money, illegal money or illicit money, which in Indonesian is also called variously, namely dirty money, haram money, hot money or dark money. Basically, this term does not have a universal and standardised definition. Each country has its own definition based on different priorities and perspectives.

However, legal experts in Indonesia agree to define money laundering as money laundering. Black's Law Dictionary, for example, defines money laundering as a term to describe investments in legal areas through legal channels, so that the money can no longer be known its origin.10 Meanwhile, Sarah N. Welling suggests the definition of money laundering as a process carried out by a person to hide the existence, illegal source or illegal application of income and then disguise the income to be legal.11 Pamela H. Bucy defines money laundering as concealing the existence, nature or illegal source, movement or ownership of money for any reason.

In principle, money laundering is an act committed to disguise or hide the proceeds of a particular crime (predicate/core crime) so that it is difficult to be known by law enforcement officials. Referring to the provisions of Article 2 Paragraph (1) of the Anti-Money Laundering Law Number 8 Year 2010, the results of certain crimes referred to are the results of criminal acts in the form of assets obtained from criminal acts of corruption, bribery, narcotics, psychotropic drugs, labour smuggling, migrant smuggling, in the banking sector, in the capital market sector, in the insurance sector, customs, excise, trafficking in persons, illicit arms trade, terrorism, kidnapping, theft, embezzlement, fraud, counterfeiting, gambling, prostitution, taxation, forestry, environment, marine and fisheries, or other criminal offences punishable with imprisonment of 4 (four) years or more, committed in the territory of the Unitary State of the Republic of Indonesia or outside the territory of the Unitary State of the Republic of Indonesia and the criminal offence is also a criminal offence under Indonesian law. Article 1 Point 1 of Anti-Money Laundering Law Number 8 Year 2010, money laundering is any act that fulfils the elements of a criminal offence in accordance with the provisions of this law. In general, money laundering is a method of concealing, transferring, and using the proceeds of a criminal offence, the activities of a criminal organisation, economic crime, corruption, drug trafficking, and a number of other criminal activities.

Money laundering is all actions to hide or disguise the origin of property obtained from the proceeds of crime so that it appears as if it is legitimate property. Money laundering is a

new type of criminal offence that is criminalised due to criminogenic factors. In coordinating efforts to prevent and eradicate ML, the legal instruments on ML in Indonesia also provide certain authorities, rights and obligations for related institutions, namely law enforcement officials, financial service providers and the establishment of PPATK as the national focal point. PPATK plays a role in providing intelligence information to law enforcement officials about suspected money laundering or suspected criminal acts of origin, which is the result of analysis of various information obtained by PPATK from various sources, such as Suspicious Financial Transaction Reports (LTKM), Cash Financial Transaction Reports (LTKT) provided by financial service providers, Cash Carry Reports from Customs, as well as from Financial Intelligence Units (FIU) of other countries. As an FIU, PPATK has the main orientation towards tracing the proceeds of crime (follow the money), as well as having a role related to asset recovery in order to provide financial intelligence information for asset tracing both during the financial transaction analysis process, as well as during the investigation, prosecution and judicial processes.

PPATK was established in 2002 through the Anti-Money Laundering Law Number 15 Year 2002, which was specifically mandated to prevent and eradicate ML. The increasing awareness of the implementers of the Anti-Money Laundering Law, such as financial service providers in carrying out reporting obligations, supervisory and regulatory institutions in making regulations, PPATK in analysing activities, and law enforcers in following up the results of the analysis to the imposition of criminal sanctions and/or administrative sanctions, has become a barometer of the handling of ML in Indonesia, which began since the enactment of the Anti-Money Laundering Law Number 15 of 2002 has shown a positive direction.27 However, the frequent dissenting opinions among judges handling ML cases indicate that there are new challenges in efforts to eradicate money laundering practices in Indonesia. The existing laws and regulations at that time still provided room for different interpretations, as well as legal loopholes. Some of these issues then became the consideration for the revision of the Anti-Money Laundering Law Number 25 Year 2003. Thus, the Anti-Money Laundering Law Number 8 Year 2010 was born, replacing the Anti-Money Laundering Law Number 25 Year 2003. However, the same problem occurred again, namely the emergence of different interpretations of the regulations in the Anti-Money Laundering Law Number 8 Year 2010.

In the case of ML, investigation, prosecution, and examination in court as well as the implementation of decisions that have obtained permanent legal force are carried out in accordance with the provisions of laws and regulations, unless otherwise specified in the Anti-Money Laundering Law Number 8 Year 2010. Thus, as long as not specified otherwise in the Anti-Money Laundering Law Number 8 Year 2010, the provisions in the Criminal Procedure

Code (KUHAP) shall prevail. Investigation, prosecution, and examination in court can be carried out against the criminal offence of money laundering without the obligation to first prove the original criminal offence. TPPU does not stand alone, because the assets that are placed, transferred, or transferred by means of integration are obtained from a criminal offence, meaning that there is already another criminal offence that precedes it (predicate crime).

This can be seen from Article 69 of the Anti-Money Laundering Law Number 8 Year 2010, "In order to be able to conduct an investigation, prosecution, and examination in court of a money laundering crime, it is not mandatory to prove the original criminal act." Thus, without having to prove whether or not there is an act of origin, an investigation, prosecution and examination at a court hearing can be carried out against TPPU. In taking action against money launderers, the police do not always have to wait for an investigation report from PPATK, but can conduct preliminary investigations into suspected money laundering. For example, if the police already have preliminary evidence of a corruption offence, it is the police who take the initiative to request PPATK's assistance to conduct an examination of certain accounts, instead of having to wait for the results from PPATK first. Law enforcement against alleged money laundering practices that have been carried out have encountered many obstacles, especially from law enforcers themselves.

For example, PPATK and the police have not been able to work simultaneously, there is often disharmony in carrying out each role. In addition, there is no common perception between PPATK and the police about suspicious transactions, including different perceptions of money laundering. Similarly, there are different interpretations of the requirements for sufficient evidence among law enforcers in the TPPU law enforcement process. In addition, another obstacle is that the mechanism and cooperation between law enforcement agencies, for example with the KPK in the event that the original criminal offence is corruption, has not been regulated.

In the process of examining a ML case until the final decision, judges often express different opinions, namely opinions that do not follow the agreement of the majority of judges who compose the entire content of the decision. Opinions of judges that differ from the majority opinion that determines the verdict can be divided into two types, namely dissenting opinion and consenting opinion (concurrent Dissenting opinion is an opinion that differs substantively resulting in different rulings. Whereas consenting opinion (concurrent opinion) is an argument that is submitted differently but the final conclusion is the same. In money laundering cases, there have been many judges who give dissenting opinions. In the verdict of a money laundering criminal case with the defendant Ahmad Fathanah, two member judges, I Made

Hendra and Joko Subagyo, submitted dissenting opinions related to the KPK's prosecutorial authority.

They argued that public prosecutors at the KPK are not authorised to prosecute money laundering cases, because the KPK is only authorised to investigate money laundering cases where the original crime is corruption, as stipulated in Article 74 of the Anti-Money Laundering Law No. 8/2010.33 According to Made Hendra, the Anti-Money Laundering Law No. 8/2010 does not regulate the KPK as a lex specialis, so that when referring to the Criminal Procedure Code, the prosecutors who have the authority to prosecute are those under the Attorney General's Office (including the High Prosecutor's Office and the District Attorney's Office). In a different case, although the exception filed by Anas Urbaningrum was rejected by the panel of judges, the decision was not unanimous, as two judges, Slamet Subagyo and Joko Subagyo, filed dissenting opinions. The reason was the same, questioning the KPK's authority to investigate and especially prosecute TPPU cases. In this case, Anas Urbaningrum was charged with corruption and money laundering.

On corruption charges, the panel had the same opinion. Anti-Money Laundering Law No. 8/2010 authorises the KPK to investigate TPPU cases where the original crime is corruption. However, the law does not specifically regulate the KPK's authority to prosecute ML cases. According to Yunus Husein, although not specifically regulated in Anti-Money Laundering Law No. 8/2010, the KPK is authorised to prosecute ML cases as long as the original criminal offence is corruption. According to him, this is in line with the provisions of Article 75 of Anti-Money Laundering Law No. 8/2010, which states that in the event that investigators find sufficient preliminary evidence of the occurrence of money laundering and the crime of origin, investigators combine the investigation of the crime of origin with the investigation of money laundering and notify PPATK. In order to make the TPPU law enforcement process more effective, it is necessary to clarify and strengthen the provisions governing the TPPU procedural law. The regulation on the examination of suspected money laundering practices in each level is clarified, including the role and authority of each law enforcement agency relating to ML.

Dengan demikian, perlu adanya optimalisasi peran dan wewenang lembaga penegak hukumThe money laundering investigator, who is authorised to investigate the case, is unaware of the existence of the case. The money laundering offence found a flow of funds that indicated money laundering allegedly originating from a criminal offence in the field of customs. When the Police investigators will investigate the original criminal offence, namely customs, they will collide with the issue of authority because the Police investigators do not have the authority to investigate criminal offences in the field of customs. Then whether the police investigators

can investigate the alleged money laundering offence without first investigating the original criminal offence in the field of customs. For example, the investigating prosecutor received an Analysis Report from PPATK related to a person's flow of funds indicating money laundering activities allegedly originating from a criminal act of corruption.

When investigated by the investigating prosecutor, it turned out that the flow of funds did not originate from a corruption offence but from a criminal offence that was included in the qualification of embezzlement in office. The problem arises because the prosecutor does not have the authority to investigate the crime of embezzlement (in office), while the alleged money laundering crime is very clear. How the authority of the investigating prosecutor to investigate the alleged money laundering crime needs to be analysed against the provisions of the legislation. To answer the above problems, it is necessary to re-analyse Article 74 of the Anti-Money Laundering Law, namely: Investigation of the criminal offence of Money Laundering shall be conducted by the investigator of the original criminal offence in accordance with the provisions of procedural law and the provisions of laws and regulations, unless otherwise provided by this Law. Grammatically, the article can be interpreted that the investigation of money laundering offences can only be conducted by the investigator of the original crime in accordance with the provisions of procedural law and the provisions of laws and regulations. The investigator of the crime of origin referred to in the article is the investigator who is authorised to investigate the crime of origin as stated in Article 2 paragraph (1) of the Law on Money Laundering. So it can be clearly understood that when an investigator will investigate a money laundering crime, the investigator must look back at whether he is an investigator who is authorised to investigate the criminal act of origin of a criminal offence listed in Article 2 paragraph (1) of the Anti-Money Laundering Law.

If he is authorised, then the investigation of the money laundering crime can be carried out, otherwise if he is not authorised, then he must submit the investigation of the money laundering crime to other investigators who have the authority to investigate criminal acts as stated in Article 2 paragraph (1) of the Anti-Money Laundering Law. According to Toetik Rahayuningsih, when an investigator, for example a Police investigator, finds preliminary evidence of a money laundering offence originating from a criminal offence in the customs sector, then based on Article 74 of the Anti-Money Laundering Law the investigator. Legal Review of the Investigative Authority of Money Laundering Crimes Investigated by Other Investigators. The police must transfer the investigation of the money laundering offence to the Customs and Excise investigator. However, according to Pujiyono, investigators who are not authorised to investigate certain criminal offences of origin (for example, the Police are not

authorised to investigate criminal offences in the field of customs) can investigate money laundering crimes whose original criminal offence is in the field of customs.

This opinion is based on the understanding that money laundering is an independent crime so that the crime of origin and the crime of money laundering are two different crimes. In relation to Article 74 of the Anti-Money Laundering Law mentioned above, the Attorney General's Office has issued Circular Letter of the Deputy Attorney General for Special Crimes No. B-2107/F/Fd.1/10/2011, dated October 11, 2011 regarding the Investigation of Anti-Money Laundering Cases with the crime of origin in the form of corruption. The content of the provision is as follows:

1. Investigation of ML is conducted when sufficient preliminary evidence is found during the investigation of the original criminal offense in accordance with its authority.
2. The Attorney General's Office as an investigator of corruption crimes, if they find ML of Corruption, the investigation will be combined. Provisions for combining corruption investigations as a predicate crime with Money Laundering Crimes.
3. If the predicate crime is unknown but there are indications of involvement of state officials and state finances, then the prosecutor's office investigator can conduct a direct ML investigation without first conducting a corruption investigation.
4. If in the course of the investigation/investigation it is known that the crime of origin is not a corruption crime, then the prosecutor's office investigator can transfer it to the authorized investigator.
5. If the prosecutor's office investigator conducts an investigation of corruption and money laundering, then all investigation allegations are included in the Investigation Order and other orders related to investigation actions and notify PPATK.

In the Circular Letter, it is clearly stated in points 3 and 4, in the case of TPPU where the predicate crime is unknown but there are indications of involvement of state officials and state finances, then the prosecutor's office investigators can conduct a form of TPPU investigation / investigation directly without first conducting a corruption investigation / investigation. If in the course of the investigation, it is known that the crime of origin is not a corruption crime, then the prosecutor's office investigator can transfer it to the authorized investigator. In the practice of law enforcement, there has not been found any investigation of money laundering crimes by investigators who are not authorized to investigate the crime of origin listed in Article 2 paragraph (1) of the Anti-Money Laundering Law as described above. Another dynamic in the practice of handling money laundering crimes is if there is a case of criminal acts of origin and money laundering crimes that are being investigated by one of the investigating agencies and it turns out that during the investigation process the perpetrator of

the original crime as well as the perpetrator of money laundering has fled (DPO) so that the case cannot be continued.

However, in the future it turns out that investigators from other agencies find evidence that there are other perpetrators of money laundering crimes related to the perpetrators of the crime of origin and money laundering who have fled (DPO), then investigators from other agencies can investigate money laundering crimes against these other perpetrators provided that investigators from other agencies have the same authority to investigate criminal acts of origin as the investigating agency that has conducted the initial investigation (whose perpetrators are DPO) as referred to in Article 74 of the Anti-Money Laundering Law in conjunction with Article 2 paragraph (1) of the Anti-Money Laundering Law. The legal basis for the investigation of money laundering offenders whose perpetrators are DPOs is Article 69 of the Anti-Money Laundering Law which states "In order to be able to carry out investigations, prosecutions, and examinations in court for the crime of Money Laundering, it is not mandatory to prove the original criminal act in advance".

Article 69 of the Anti-Money Laundering Law has twice been submitted to the Constitutional Court for judicial review, but the Constitutional Court's decision upheld the wording of Article 69 of the Anti-Money Laundering Law. The first decision was Constitutional Court Decision No. 77/PUU- XII/2014 which stated that "if the perpetrator of the original crime dies, the case becomes void, then the recipient of money laundering cannot be prosecuted because the original crime must first be proven. It is an injustice that a person who has obviously received benefits from the crime of money laundering is not prosecuted simply because the original criminal act has not been proven for the Money Laundering Crime.

In relation to the authority of Law Enforcement Officers to investigate money laundering crimes whose criminal acts of origin are investigated by investigators of other criminal acts of origin, it is necessary to see the authority to investigate criminal acts of origin and money laundering crimes of the two investigators from different agencies based on Article 74 of the Anti-Money Laundering Law in conjunction with Article 2 paragraph (1) of the Anti-Money Laundering Law. If according to Article 74 of the Anti-Money Laundering Law in conjunction with Article 2 paragraph (1) of the Anti-Money Laundering Law, the two investigating agencies have the same authority to investigate criminal acts of origin and both are also authorized to investigate money laundering crimes, then investigators from one agency are authorized to investigate money laundering crimes whose criminal acts of origin are investigated by investigators from different agencies. As well as grammatically, the sound of Article 74 of the Anti-Money Laundering Law can be interpreted that Law Enforcement, namely the investigation of money laundering crimes can only be carried out by investigators

of the original criminal act in accordance with the provisions of procedural law and statutory provisions. The originating criminal investigator referred to in the article is the investigator authorized to investigate the crime of origin as stated in Article 2 paragraph (1) of the Anti-Money Laundering Law. So it can be clearly understood that when an investigator will investigate a criminal act of money laundering, the investigator must look back whether he is an investigator authorized to investigate the criminal act of origin of a criminal act listed in the investigation of the criminal act of money laundering can be carried out, otherwise if he is not authorized, then the investigation of the criminal act of money laundering must be submitted to other investigators who have the authority to investigate criminal acts as stated in Article 2 paragraph (1) of the Anti-Money Laundering Law.

Money laundering crime if there is no original crime. If the original criminal offense cannot be proven first, then it is not an obstacle to prosecute the crime of money laundering. Although it is not exactly the same as the crime of money laundering, the Criminal Code has known the crime of storing (vide Article 480 of the Criminal Code) which in practice since long ago the original crime does not need to be proven first ". The second is the Constitutional Court Decision No. 90/PUU-XIII/2015 which states that "as a follow-up crime, according to the Court, to conduct an investigation, prosecution and examination in the case of TPPU, it must still be preceded by the existence of an original criminal act, but the original criminal act is not required to be proven first. So the phrase "not required to be proven first" does not mean that it does not need to be proven at all, but TPPU does not need to wait long until the original criminal case is decided or has obtained permanent legal force".

Examples of cases for the application of Article 69 of the Anti-Money Laundering Law to perpetrators of money laundering crimes whose original criminal offenders are DPOs include the following in the form of a Legal Study of the Authority to Investigate Money Laundering Crimes with proven Original Crimes, but the Panel of Judges in the case. The act of money laundering is now considered a criminal act that will be subject to criminal sanctions. Donald R. Cressey in his doctoral dissertation stated that there are three factors of a person committing a crime/fraud known as fraud triangle, if associated with money laundering, among others :

1. Opportunity: the opportunities seen from the perpetrators of money laundering are the weak internal controls of financial service providers to prevent the use of financial service provider institutions as a place of money laundering, the absence of anti-money laundering regulations in several countries.

2. Pressure: these perpetrators commit money laundering so that the funds they get from a criminal or unlawful act are not known by law enforcement officials. The money launderers disguise the traces of their funds to trick the law enforcers.
3. Rationalization is a necessary component before the offence is committed and is the motivation of the perpetrators. The perpetrators of money laundering have the motivation to enrich themselves from violating the law by disguising the traces of their funds, their motivation is continued by several actions including: placement, layering, integrating, which they hope these actions can trick law enforcement officials so that the perpetrators of money laundering can enjoy their funds in peace.

This policy needs to be supported by an information system designed to assist in the prevention and detection of indications of the use of banks as a medium for money laundering. Banks must ensure that the information they have on their customers is relevant to the situation, therefore banks must regularly update the customer information they have. To decide on an appropriate action/policy, relevant and reliable information is needed. The information system used by the bank is currently semi-automated, risk assessment of customer identity is carried out by customer service, then risk assessment of transactions is carried out by the compliance desk, based on information from branch offices. With the implementation of a system that applies the expert system approach, the risk identification process can be automatically carried out by the system.

In order to combat the crime of money laundering, an institution has been established, namely the Financial Transaction Reports and Analysis Center (PPATK), which according to Article 1-10 of Law Number 25 of 2003 concerning the Crime of Money Laundering is: "An independent institution established in order to prevent and eradicate the criminal act of money laundering". The Financial Transaction Reports and Analysis Center (PPATK), which is basically an assistant to law enforcement in an effort to prevent and eradicate money laundering, has the task of detecting and monitoring the suspicion of money laundering in Financial Service Providers in Indonesia. Financial Services Provider in article 1 of the Law on Money Laundering Crime, namely: Any person who provides services in the financial sector or other services related to finance including but not limited to banks, financing institutions, securities companies, mutual fund managers, custodians, trustees, storage and settlement institutions, trading, foreign exchange, pension funds, insurance companies, and post offices.

PPATK's function in monitoring suspected criminal acts is monitoring financial transactions and monitoring the level of compliance of financial service providers. Supervision itself according to Siagian as quoted by Sujamto, can be defined as: The process of observing

the implementation of all organizational activities to ensure that all work being carried out is in accordance with the predetermined plan.

Money Laundering (ML) is also known as money laundry, which is the process by which the assets of the perpetrator, especially cash assets obtained from a criminal offense, are manipulated in such a way that the assets appear to come from legitimate sources. The term money laundry has been commonly used to describe efforts made by a person or legal entity to legalize "dirty" money.1 The Crime of Money Laundering does not stand alone because the assets placed, transferred, or transferred by means of integration are obtained from criminal acts, meaning that there is already another criminal act that precedes it (Predicate Crime). This makes TPPU one of the criminal offenses whose handling requires a special method. Money Laundering has a major impact on the State's financial sector in the form of State losses and is also fatal to the Indonesian economy. The proceeds of money laundering can be used to finance illegal activities and also to finance other crimes. Such a description is in the collection stage (Integration Stage) which has the intention of eliminating or disguising so that it is not traced where the origin of the money laundering is from.

To achieve equitable distribution of income, create economic growth and maintain national stability towards improving the welfare of the people, the banking industry plays an important role in relation to efforts to succeed the national development program. The increasing development in the banking sector has made the industry a potential sector for ML/TF practices. In addition, banking is also the most effective place to conduct ML activities. Criminals use and utilize banks to commit money laundering, because banks are places where their services and products always carry out traffic or financial transfers from banks to other banks and / or from other financial institutions, with the hope that the origin of the money / funds is difficult to trace by law enforcement.

Law No. 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering was issued to improve Law No. 25 of 2003 on the Amendment to Law No. 15 of 2003. Underlying this UUTPPU, money laundering has been categorized as one of the crimes committed by both individuals and corporations In the Criminal Procedure Code (KUHAP), one of the institutions authorized to conduct investigations and investigations is the Indonesian National Police. The importance of the police in their position as criminal investigators illustrates that law enforcement in the context of the Criminal Justice System is the main door of other law enforcement officials. The writing of this thesis aims to determine the character of the crime of money laundering, the regulation of the crime of money laundering and the role of the Diy Police in efforts to eradicate the crime of money laundering. Therefore, a problem formulation arises. Whether the law enforcement that has been carried out by the police against

money laundering crime has been in accordance with the applicable laws and regulations. To answer this problem.

From the results of the research, it is answered that there is a difference between dass sein and dass sollen in efforts to prevent money laundering by the Police in the process of criminal law enforcement (criminal justice system) in the field of money laundering crimes according to Law No. 8 of 2010 concerning Prevention and Eradication of Money Laundering, can be seen from the authority of the DIY Regional Police in law enforcement against money laundering crimes. The similarities include the North Sumatra Regional Police in investigating money laundering crimes, the investigators are from the original criminal investigators and investigators who have never investigated money laundering crimes. The difference, among others, is that to investigate money laundering crimes, the DIY Regional Police must first prove the predicate crime.

CONCLUSIONS

Law No. 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering was issued to improve Law No. 25 of 2003 on the Amendment to Law No. 15 of 2003. Underlying this UUTPPU, money laundering has been categorized as one of the crimes committed by both individuals and corporations In the Criminal Procedure Code (KUHAP), one of the institutions authorized to conduct investigations and investigations is the Indonesian National Police. The importance of the police in their position as criminal investigators illustrates that law enforcement in the context of the Criminal Justice System is the main door of other law enforcement officials. The writing of this thesis aims to determine the character of the crime of money laundering, the regulation of the crime of money laundering and the role of the Diy Police in efforts to eradicate the crime of money laundering.

Therefore, a formulation of the problem arises: Is law enforcement that has been carried out by the police at Polda against money laundering crimes in accordance with applicable laws and regulations? To answer these problems. This research uses field research, the object of which comes directly from the Polda in the form of data obtained through interviews and information from the Polda which is complemented and reinforced by documents and archives in the Polda. Analysis was conducted using the normative juridical method through an empirical approach. With data collection techniques through interviews and through related laws.

From the results of the research, it is answered that there is a difference between dass sein and dass sollen in efforts to prevent money laundering carried out by the Police in the process of *criminal* law enforcement *(criminal justice system*) in the field of money laundering

crimes according to Law No. 8 of 2010 concerning Prevention and Eradication of Money Laundering, can be seen from the Polda's authority in law enforcement against money laundering crimes. The similarities include the Polda in the investigation of money laundering crimes, the investigators are from the original criminal investigators and investigators who have never investigated money laundering crimes.

The difference, among others, is that to conduct an investigation into money laundering crime, the Polda must first prove the predicate crime. If the original crime cannot be proven first, then it is not an obstacle to prosecute money laundering crimes. Although it is not exactly the same as the crime of money laundering, the Criminal Code has known the crime of storing (vide Article 480 of the Criminal Code) which in practice since long ago the original crime does not need to be proven first ". The second is the Constitutional Court Decision No. 90/PUU-XIII/2015 which states that *"as a follow-up crime*, according to the Court, to conduct an investigation, prosecution and examination in the case of TPPU, it must still be preceded by the existence of an original criminal act, but the original criminal act is not required to be proven first. So the phrase "not required to be proven first" does not mean that it does not need to be proven at all, but TPPU does not need to wait long until the original criminal case is decided or has obtained permanent legal force".

ADVICE

It is recommended that stakeholders and law enforcers, especially in the field of prevention and eradication of money laundering, increase cooperation through coordination between law enforcers in an integrated criminal justice system or through the Money Laundering Crime Committee (TPPU Committee) and the creation of a memorandum of understanding between institutions in handling money laundering crimes so that obstacles to law enforcement on money laundering crimes can be overcome or at least minimized and law enforcement parties equalize understanding in interpreting the provisions of Article 74 and Article 75 of the Anti-Money Laundering Law through various joint activities such as training, seminars, or joint workshops, or cooperation in making modules for handling money laundering crimes so that the handling of money laundering cases starting from the investigation to the process in court gets maximum results.

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