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Research Articel

Scope of Law in Implementing the Law on Money Laundering in the Framework of Eradication of Criminal Acts of Corruption

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Abstract : White-collar crime has evolved to a transnational scale, transcending national boundaries. The crimes are increasingly sophisticated and well-organized, making them difficult to detect and eradicate effectively. Criminals continually seek to secure their proceeds through various means, including complex schemes of money laundering involving international financial networks. To enforce the law on money laundering, proof of the occurrence of money laundering is necessary. Therefore, prior to carrying out the investigation, several key elements must be understood, including the basic concepts of money laundering, the methods of money laundering, and indirect methods of evidence. The crime of money laundering is based on Law No. 15 of 2002 and has been carried out in accordance with the applicable provisions, namely Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP), and the Procedural Law contained in Law No. 15 of 2002 concerning the Crime of Money Laundering as amended by Law No. 25 of 2003 concerning Amendments to Law No. 15 of 2002 concerning the Crime of Money Laundering. Obstacles that arise in investigating money laundering crimes can be categorized into two categories: legal and non-legal. Legal obstacles include provisions on bank secrecy, investigators' obligations to protect reporters and witnesses, investigators' incomplete perceptions of money laundering, and incomplete information from the Financial Transaction Reports and Analysis Center (PPATK). Non-legal obstacles include reporters not necessarily being victims, limited human resource capacity of investigators, lack of adequate facilities, minimal public awareness, insufficient institutional coordination, and technological gaps that hinder optimal enforcement efforts.

Keywords: Corruption, Criminal Act, Implementation, Money Laundering, Scope.

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1. INTRODUCTION

Advances in information technology and financial globalization have resulted in increasingly global trade in goods and services, as well as the accompanying financial flows. This progress does not always have a positive impact on a country, as it can sometimes become a fertile ground for the growth of crime, particularly white-collar *crime* .

White-collar crime has evolved to a *transnational scale* , transcending national boundaries. The forms of crime are increasingly sophisticated and well-organized, making them difficult to detect. Criminals constantly seek to secure the proceeds of crime through various means, one of which is money laundering . *This method attempts to transform illegally* obtained funds into something that appears legal. Through money laundering, criminals can conceal the true origins of funds or proceeds from crimes, making them appear to be the result of legitimate activities.

There are at least three motivations why criminals launder money from the proceeds of their crimes, namely the perpetrators' fear of facing tax officials, prosecution by law enforcement officials, and the fear that the proceeds of their crimes will be confiscated.

The motivation for this activity begins when someone tries to spend money obtained in an illegal way or hide its origin, one of three possibilities that often occurs is:

- A person who must pay tax on his wealth and/or on assets that are not subject to tax;
- money is related to crime, the owner may be involved in crime;
- The money was hidden to deceive the government where the money was obtained in an illegal manner.

On a macro scale, money laundering can create financial system instability, economic distortion, potential disruption of money circulation controls, and even lead to a decline in government stability. In general, money laundering lubricates the wheels of financial crime, which in turn harms the wider community.

crime cartels. *cartels*), *tax havens* , and money laundering techniques such as *cyberlaundry*. Every country's government is urged to create anti-money laundering legislation.

A large number of Non-Governmental, Inter-Governmental, Multilateral and Supranational Organizations were formed to combat this money laundering crime. For example, the involvement of *the Bank of International Settlements* , the OECD (*The Organization for Economic Co-operation and Development),* G-7 (Group of Seven), G-8 (Group of Eight), G-20 (Group of Twenty), the Ministers of Justice and Finance of the European Union members, several departments within *the United Nations* , the World Bank, IMF (International Monetary Fund), EGFIU (*The Egmont Group of Financial Intelligence Units)* , IOSCO (*The International Organization of Securities Commissions*) and institutions specifically handling money laundering crimes such as FATF (*The Financial Action Task Force of Money Laundering*), APG (The *Asia Pacific Group on Money Laundering*) and CFATF. (*The Caribbean Financial Action Task Force*), ESAAMLG (*The East and South African Anti-Money Loundering Group*) GAFISUD (*The Financial Action Task Force on Money Loundering in South America*).

Beside that , has been recommendations are also determined which are make it as base reference in overcome crime money laundering . Including reference in make Regulation Legislation . Recommendations issued by FATF (*Forty Recommendations and Eight Special Recommendations)* . FATF also issued description typology crime washing Money results expert studies in field This .

For eradicate practice washing money , then on In 2002, Indonesia had criminalize washing money , namely with in Invite it Constitution Number 15 of 2002 as has been changed with Constitution Number 25 of 2003 concerning Action Criminal Washing Money (next) abbreviated as UUTPPU).

Even though has own Constitution said , but Indonesia remains enter in list black countries that do not cooperative in eradicate action criminal washing money . FATF assesses that Indonesia has not Serious uphold Constitution Washing Money . Institution This urge Indonesia to complete cases big washing money , among others BNI 46 case .

There are some reason why Indonesia entered list black (*black* list) namely Indonesia on 1997 has ratify *United Convention Narcotic and Physicotrophic Subsequent* 1988 where it is stated that the State has ratify must quick do effort eradication money laundering . In addition That there is a number of circumstances that make Indonesia suspicious as heaven washing Money.

Even according to Harry Azhar Azis , Director *Institute for Transformation Studies*), estimates many money laundered in Indonesia reached amount Rp . 50 trillion), which is caused by Indonesia adopting regime foreign exchange free , strict bank secrecy , corruption that is always in ranking tall And crime very narcotics rampant . Additional Again on moment That the Indonesian economy in condition No Good so that There is suspicion enter funds from wherever For needs restorer economy.

Besides That there are also interests International coercion and other countries to do criminalization washing money , namely that see from dangerous crime the for International. For example in *United National Congress on the Prevention of Crime and Treatment of Offenders, Cairo,* 1995, stated that there are 17 types crimes that are included in category *serious crimes* And washing Money occupy order first . Besides That therefore if There is One country only those who don't anti -wash setting Money so effort eradication in a way international No will succeed.

In the context of criminal law, criminalization is part of criminal *policy* . Criminal policy is a rational effort by a state to combat crime, which is essentially an integral part of community protection efforts aimed at achieving public welfare.

In Indonesia, the proceeds of crime are primarily obtained through corruption, so it can be said that the dominant *core crime* in money laundering is corruption. This is understandable, as corruption is not uncommon and frequently occurs in Indonesia. As a result, the country's finances and economy suffer losses of tens of trillions of rupiah annually.

One of the spirits in The enactment of Law Number 15 of 2002 as has been The amendment to Law Number 25 of 2003 concerning Money Laundering Crimes is to make it more difficult for corruptors to hide the proceeds of their crimes. Thus, in the long term, hope that criminal acts of corruption can be reduced.

2. WRITING METHOD

This writing method specifies an empirical juridical writing, namely the writer straightforwardly analyzes the application of the Anti -*Money Laundering* law . The type of writing used is comparative, a writing that attempts to compare one legal system with another.

writing was done using an empirical juridical approach method, namely writing that was done by studying legal regulations regarding the implementation of protection, prevention and law enforcement against the crimes of money laundering and corruption .

In carrying out this writing, *a* type of data collection technique was used, library research , which was carried out to collect secondary data and tertiary legal materials from primary legal regulations, namely primary legal materials , namely binding legal materials such as regulations. Laws on the crime of money laundering and corruption in Indonesia, such as Law Number 25 of 2003 concerning the Crime of Money Laundering, the Criminal Code and secondary legal materials that provide explanations to primary legal materials in the form of research results in the field of law, newspapers, magazines, the internet related to the enforcement of the crime of money laundering and corruption .

3. DISCUSSION

Money laundering is generally defined as a process carried out to change the proceeds of crime such as corruption, narcotics crimes, gambling, smuggling, and other serious crimes, so that the proceeds of crime appear to be the result of legitimate activities because their origins have been disguised or hidden. In principle, the crime of money laundering is an act carried out to disguise or hide the proceeds of crime so that they are not detected by the authorities, and the proceeds of crime can be used safely as if they came from legitimate activities.

The act of money laundering is very dangerous both at the national and international level because money laundering is a means for criminals to legalize the proceeds of their crimes in order to cover their tracks. In addition, the nominal amount of money laundered is usually extraordinary, so it can affect the national and even global financial balance, and this crime according to R. Bosworth Davies as quoted by AM. Mujahidin can suppress the economy and create unfair business, especially if it is carried out by organized criminals. According to David A. Chaikin, the perpetrators of this crime are motivated only to enjoy existing access to gain profits and turn their money into legitimate. Acts like this are increasing when the perpetrators use more sophisticated methods (*sophisticated crimes*) by utilizing banking or non-banking facilities that also use high technology which gives rise to the phenomenon of *cyber laundering* .

Money laundering, a crime, was first recognized in the United States in the 1930s. The term " *money laundering* " was first applied to the actions of mafia groups who used the proceeds of crime, including extortion, illegal alcohol sales, gambling, and prostitution, to purchase laundramats . This purchase was intended to blend the proceeds of crime with legitimate businesses to disguise their activities. Al Capone did this in the 1930s, when it was considered merely tax evasion . It wasn't until 1986 in the US that money laundering became a crime, a practice that was later followed by other countries.

Judging from the concept of the act, according to Hurd, as quoted by Am. Mujahideen, money laundering has actually existed for a long time. At least, that's what the French nobility did. In the 17th century, when they brought wealth to Switzerland, the French claimed they were carrying escape funds. The nobles, including merchants, then hid it in

Switzerland with the help of the Swiss, where it could then be used safely. Similarly, the wealth brought by Jews from Germany to Switzerland during Hitler's era.

This is where the inspiration that ultimately gave birth to the term *money laundering began* in 1986 (USA) and was later adopted internationally and through the 1988 UN Convention. According to Yenti Garnasih, money laundering can be carried out through both traditional and modern methods. This proves that money laundering has been around for a long time. Modern methods generally involve *placement, layering* , and *integration.* Traditional methods, however, are well-known in China, India, and Pakistan, through highly secretive ethnic networks or syndicates. In China, this is done through the use of secret banks called *hui (hoi)* or *The Chinese Chip (Chop),* in India through a traditional money transfer system called *hawala* , and in Pakistan, it is called *hundi* . These methods have been used for a long time and are believed to still be ongoing.

In principle, money laundering comes from 3 (three) groups of illegal activities, namely;

- Money originating from criminal activities, for example money from theft, robbery, fraud, drug trafficking, corruption or bribery.
- Money originating from tax avoidance, for example tax avoidance/evasion carried out by *the Cayman Islands* etc.
- Money originating from deviations from various other regulations, for example money resulting from deviations in the export-import sector (such as document falsification, falsification of the volume of goods, smuggling or evasion of import duties or export taxes) or money from storage activities in the general trade sector, for example falsification of calculations of price, quality, quantity or weight of goods and so on.

Law No. 15 of 2002 concerning the Crime of Money Laundering through State Gazette No. 30. This law does not define what is meant by money laundering, only in the explanation it is stated that *efforts to hide or disguise the origin of assets obtained from criminal acts as referred to in this law* are known as money laundering .

The crime is a crime as referred to in Article 2 of this Law, namely *assets amounting to Rp. 500,000,000.00 (five hundred million rupiah) or more or an equivalent value obtained directly or indirectly from the crime of corruption; bribery; smuggling of goods; smuggling of labor; smuggling of immigrants; banking; narcotics; psychotropics; trafficking in slaves, women, and children; illegal arms trade; kidnapping; terrorism; theft; embezzlement; fraud, which are committed either in the territory of the Republic of Indonesia or outside the territory of the Republic of Indonesia and these crimes are criminal acts according to Indonesian law.*

In contrast to Law No. 15 of 2002 concerning the Crime of Money Laundering, the amendment to this law which is regulated in Law No. 25 of 2003 concerning Amendments to Law No. 15 of 2002 concerning the Crime of Money Laundering provides a definition of money laundering, namely *the act of placing, transferring, paying, spending, granting, donating, depositing, taking abroad, exchanging or other actions regarding assets which are known or reasonably suspected to be the result of a crime with the intention of hiding or disguising the origin of the assets so that they appear to be legitimate assets* (Article 1 number 1).

Description more details And more firm in a number of chapter about provision Work The same help lead back in the field law (*mutual legal assistance),* is proof that The Indonesian government provides his commitment for community international For together prevent And eradicate action criminal money laundering .

That in Article 1 number 1 of Law No. 25 of 2002, Money Laundering is defined as *the act of placing, transferring, paying, spending, granting, donating, depositing, taking abroad, exchanging, or other acts regarding Assets which are known or reasonably suspected to be the result of a criminal act with the intention of hiding or disguising the origin of the Assets so that they appear to be legitimate Assets.*

In Law No. 15 of 2002 and its amendment in Law No. 25 of 2003, the term *"every person" is used* , where in Article 1 number 2 it is stated that *every person is an individual or a corporation.* Meanwhile, the definition of a corporation is contained in Article 1 number 3 which states that *a corporation is a group of people and/or assets that are organized, whether they are legal entities or not.*

The term transaction is rarely or almost unknown in criminal law but is more widely known in civil law, so that the law on money laundering crimes has a special characteristic, namely that its contents contain elements that contain both criminal and civil law. Law No. 25 of 2003 defines *Transactions as all activities that give rise to rights or obligations or cause a legal*

relationship between two or more parties, including the transfer and/or transfer of funds carried out by Financial Service Providers.

Financial transactions that constitute money laundering are suspicious financial transactions and financial transactions conducted in cash that have not been reported and approved by the Head of the Financial Transaction Reports and Analysis Center (PPATK). The definition of *Suspicious Financial Transactions is* (Article 1 number 7 of Law No. 25 of 2003)*:*

- *transactions that deviate from the profile, characteristics or transaction patterns of the customer concerned;*
- *transactions by customers which are reasonably suspected of being carried out with the aim of avoiding reporting of the relevant transactions which must be carried out by Financial Services Providers in accordance with the provisions of this Law; or*
- *transactions carried out or cancelled using assets suspected of originating from criminal acts,* and the definition of Financial Transactions Carried Out in Cash is regulated in Article 1 number 8 of Law No. 25 of 2003, namely *withdrawal, deposit or deposit transactions carried out with cash or other payment instruments carried out through Financial Services Providers.*

The mention of the crime of money laundering must fulfill the elements of an unlawful act as referred to in Article of Law No. 25 of 2003, where the unlawful act occurs because the perpetrator carries out management actions on assets that are the result of a crime. The definition of the proceeds of a crime is stated in Article 2 of Law No. 25 of 2003 which has amended Law No. 15 of 2002 concerning the Crime of Money Laundering, where in the proof later the results of the criminal action will be the elements of the offense that must be proven. Proving whether the assets are the results of a crime is by proving that there is or has been a crime that produces the assets, the proof here is not to prove whether there has been a predicate crime *that* produces the assets.

Financial institutions are also asked to prepare an anti-money laundering program, the program must contain at least the following:

- Establishment of internal policies, procedures and supervision, including the appointment of *compliance officers* and at the management level (board of directors) and adequate procedures for conducting *screening* to ensure that employees employed have high quality standards.
- Ongoing training programs for employees
- Audit function to test the implemented system

However, according to Husein, there are at least several reasons that can be driving the rise in money laundering crimes in Indonesia which require joint attention, as follows:

- A free foreign exchange regime that allows anyone to have foreign exchange, use it for any activity and there is no obligation to hand it over to Bank Indonesia.
- Weak law enforcement and lack of professionalism among law enforcement officers.
- Globalization, especially global developments in the financial services sector as a result of the liberalization process, has enabled criminals to enter open financial markets.
- Technological advances in the information sector, especially the use of the Internet, have made it easier for organized crime *to* be carried out by transnational *organized crime organizations* .
- Bank Secrecy provisions are often considered to still be strictly enforced even though the Law on Money Laundering Crimes has eliminated these provisions.
- It is still possible for bank customers to use pseudonyms or anonymously, which is largely influenced by the weak implementation of KYC by the financial services industry.
- *Money laundering* can be carried out through a method called *layering* , which makes it difficult for law enforcement to detect the activity . In this case, money placed in one bank is transferred to another bank, either in that country or another. This transfer occurs multiple times, making it untraceable by law enforcement.
- Legal provisions regarding the confidentiality of the relationship between lawyers and their clients, and between accountants and their clients.

The relationship between the crime of money laundering and the crime of corruption can be seen in Article 2 paragraph (1) letter a, which states that the proceeds of crime are assets obtained from the crime of corruption committed in the territory of the Republic of Indonesia or outside the territory of the Republic of Indonesia and this crime is also a crime according to Indonesian law. Thus, the crime of corruption is *a predicate crime* or the original crime of the crime of money laundering.

The Money Laundering Law has limited that only assets obtained from 24 types of criminal acts and other criminal acts that are threatened with a prison sentence of 4 years or more as stated in Article 2, can be subject to criminal sanctions for money laundering as regulated in Article 3 and Article 6.

The types of crimes in question are Corruption, Bribery, Smuggling of goods, Smuggling of labor, Smuggling of immigrants, Banking crimes, Crimes in the capital market, Crimes in the insurance sector, Narcotics crimes, Psychotropic crimes, Human trafficking, Illegal arms trade, Kidnapping, Terrorism, Theft, Embezzlement, Fraud, Counterfeiting, Gambling, Prostitution, Tax crimes, Crimes in the forestry sector, Crimes in the environmental sector, Crimes in the maritime sector.

Other crimes with a prison sentence of 4 years or more based on Law No. 25 of 2003, the criminal juridical category is expanded as follows:

- The proceeds of crime are no longer limited to a certain amount of money, in other words, they are no longer just proceeds of crime amounting to Rp. 500,000,000 (five hundred million rupiah) and above.
- The category of crime or type of criminal act outside the above categories is an inseparable part of money *laundering* , because every criminal act, whether contained in the Criminal Code or outside the Criminal Code, which then produces a certain amount of money is called a money laundering crime.

According to Yenti Garnasih, law enforcement of the provisions of the Money Laundering Law in Indonesia remains relatively low, despite the country's long-standing anti-money laundering enforcement apparatus. However, the implementation of these provisions will still face several obstacles, both in terms of regulations, enforcement, and public perception of money laundering.

B that b form relative crime new related with washing money , at least There is two problem big in implementation enforcement anti- money laundering laws money , namely bank secrecy and proof . Meanwhile There is must for they For give information to enforcer law if requested , but on the contrary No may give results inspection the to customers .

Provision This also means that bank secrecy must be loosened It means that confidentiality And regulation caution No forbid For fulfillment provision regulation this is a fundamental obstacle to anti- money laundering regulations Money come from customers or consumers who have *right to privacy* that gets protection from law about bank secrecy . This is Because existence bank's obligation to keep it secret finance customers in one side And interest information about finances involved criminal on the other hand (*no crime can be solved without information*).

This statement is very appropriate when linked to the dilemma above. The issue of personal financial information *and* law enforcement has long been debated, according to Evan Hendricks, that regarding a person's financial information is described as a classic problem between an individual *'s right to privacy* and the interests of law enforcement to gain access to very important evidence (*law enforcement's need for access to potentially vital evidence*).

He further said that on the one hand, the protection of a person's individual rights should be highly protected, but on the other hand, records of checks, credit card usage, and shopping habits are actually a picture of a person's financial activities or dynamics, which are very important information for law enforcement. This is not surprising because a person's financial information is the lifeblood of the success of law enforcement in conducting investigations.

The biggest obstacle in enforcing the law on money laundering crimes is the burden of proof that prosecutors must provide. According to Raj Bhala, as quoted by AM Mujahidin, there are two principal issues in every money laundering prosecution that are the prosecutor's responsibility.

First, understanding the complex elements of money laundering is crucial. Problems increase when wire services are involved, likely due to demands for efficiency, economic trends, technology, and the demands of an open market.

Second, almost all countries have implemented internal wire transfer systems between banks and financial institutions. This is a way to move illegal funds quickly and with less legal oversight, while simultaneously contributing to money laundering by disrupting audit trails. This method is also often used. called as *Electronic Fund Transfer* (EFT) or *Cyber Payment.*

The placement of the crime of corruption as the number one *predicate crime* (letter a) in the TPPU Law is a manifestation of the law makers who view corruption as the nation's most pressing problem and that it receives priority in its handling.

As mentioned above, money laundering activities are generally a way to hide or disguise the origin of assets obtained from criminal acts so that it appears as if the assets from the proceeds of crime are the result of legitimate activities. In more detail in Article 1 number 1 of the TPPU Law, money laundering is defined as the act of placing, transferring, paying, spending, granting, donating, depositing, taking abroad, exchanging, or other actions on assets that are known or reasonably suspected to be the result of criminal acts with the intention of hiding or disguising the origin of the assets so that they appear to be legitimate assets.

AUTHOR'S FINDINGS

According to the author, there are several reasons why the crime of money laundering needs to be eradicated to its roots without discrimination by Indonesia, namely as follows:

- Because it undermines the integrity of financial markets because financial institutions *that* rely on funds from crime can face liquidity risks.
- Because it disrupts the legitimate private sector by frequently using *front companies* to mix illicit funds with legitimate ones, in order to conceal the proceeds of its criminal activities. These *front companies* have access to large amounts of illicit funds, which allows them to subsidize the goods and services they sell at well below market prices.
- Because it results in a loss of government control over economic policy. For example, in some emerging market countries *,* these illicit funds can reduce government budgets, thereby resulting in a loss of government control over economic policy.
- Due to the emergence of economic distortion and instability because money launderers are not interested in gaining profits from investments but rather prioritize quick profits from activities that are not economically beneficial to the country.
- Because the loss of state revenue from tax payments due to money laundering eliminates government tax revenue and thus indirectly harms honest taxpayers, it also makes tax collection more difficult for the government.
- Because it jeopardizes the government's efforts to privatize state-owned enterprises and simultaneously threatens the efforts of countries undergoing economic reform through privatization. These criminal organizations, with their funds, are able to purchase shares in privatized state-owned enterprises at prices far higher than those of other potential buyers.
- Because the damage to the country's reputation will impact market confidence due to money laundering activities and financial crimes *committed* by the country concerned.
- Because it incurs high social costs *,* money laundering is a necessary process for organizations to carry out their criminal activities. Money laundering enables drug traffickers *,* smugglers, and other criminals to expand their operations.

AUTHOR'S ANALYSIS

That if we look at it from a substantive perspective, there are still gaps, for example, the provisions regarding the prohibition *of structuring (smurfing)* in the TPPU Law are not expressly regulated. Structuring or semurfing is a method used by perpetrators to split transactions to avoid reporting obligations. The prohibition on structuring (*split of transactions*) to avoid reporting obligations for transactions amounting to IDR 500 million should not be formulated explicitly and should also be in a separate article. However, this is only implied in Article 13 (1) letter (a).

This seems inappropriate and seems to violate the principle of criminal law, namely: *nullum crimen sine lege stricta* , because in the author's opinion, the formulation of criminal law must be firm and limited. This is because the provisions as stated in Article 13 will complicate proof and cause problems in court.

Regarding the nominal fee for lawyers, it is not regulated at all. This means that lawyers who receive fees for defending money launderers can actually be prosecuted under Article 6, which is in accordance with *the ex turpi causa non oritur action* . Because if left unchecked, it will have a negative impact, namely, it can make lawyers reluctant to defend, while defense for perpetrators facing a sentence of more than 5 years is absolutely necessary.

If this issue is not addressed promptly, it is likely to cause confusion in the trial process. This is evident in the experience of several countries, where laws stipulate that a

portion of the proceeds of crime be set aside as long as the amount is reasonable. This regulation is not intended to condone participation in the proceeds of crime, but rather to safeguard the rights of the defense attorney to their achievements or services. Therefore, progressive law enforcement must be considered.

Another weakness in the Money Laundering Law (TPPU) is the provision concerning the shifting of the burden of proof *during* the trial phase. This provision is actually very helpful for prosecutors when it is difficult to prove that assets are derived from crime. However, none of the articles address what to do if the perpetrator cannot prove that their assets are not derived from crime. Various weaknesses in this law have been addressed in the second amendment, but it seems to have failed to provide any clarity.

Law enforcement against money laundering crimes is also highly dependent on the performance of financial services providers (PJKs). Therefore, PJKs must be thoroughly trained to mediate suspicious transactions, the methods of which are inherently highly developed. Furthermore, they must be aware that various provisions in this law could lead them to become perpetrators if they fail to understand the requirements stipulated in the Money Laundering Law, particularly regarding reporting obligations and existing prohibitions, such as the anti *-tipping off* provision, which essentially prohibits them from informing customers that their accounts are under investigation.

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On generally elements that must be proven in anti- money laundering provisions Money is covering element subjective (mens rea) and element objectively (actus reus) mens rea which must be proven namely knowledge (knowing) or worthy (suspect) and intended (intended). Both matter the related with that defendant know funds the origin from results crime And defendant know about or Meaning For do transaction . Proof even this difficult , because if defendant has such appearance amazing For hide results his crime . For that , really must supported with various factor especially from behavior And habit behavior , this is importance enforcement law progressive .

In connection with burden proof heavy prosecutor it must also be understood by the judge to develop *circumstantial evidence* Because if No Of course will difficult once . Moreover Again that Indonesia has not yet experienced in termination case washing money , then the judge must understand Spirit eradication washing Money .

4. CONCLUSION

Money laundering is generally defined as a process carried out to change the proceeds of crime such as corruption, narcotics crimes, gambling, smuggling, and other serious crimes, so that the proceeds of crime appear to be the result of legitimate activities because their origins have been disguised or hidden. In principle, the crime of money laundering is an act carried out to disguise or hide the proceeds of crime so that they are not detected by the authorities, and the proceeds of crime can be used safely as if they came from legitimate activities.

The relationship between the crime of money laundering and the crime of corruption can be seen in Article 2 paragraph (1) letter a, which states that the proceeds of crime are assets obtained from the crime of corruption committed in the territory of the Republic of Indonesia or outside the territory of the Republic of Indonesia and this crime is also a crime according to Indonesian law. Thus, the crime of corruption is *a predicate crime* or the original crime of the crime of money laundering.

The placement of the crime of corruption as the number one *predicate crime* (letter a) in the TPPU Law is a manifestation of the law makers who view corruption as the nation's most pressing problem and that it receives priority in its handling.

SUGGESTIONS

laundering crimes more effective , prosecutors should use a cumulative indictment system, not subsidiary indictments, so that with these cumulative indictments, the perpetrator of the crime of money laundering will be subject to multiple charges.

Coordination between law enforcement officials involved in investigations, prosecutions, and hearings needs to be improved to close legal loopholes that could allow suspects to escape. For suspects/defendants who have fled or been evaded, the courts should be bold enough to try them in abstantia to deter the public from committing money laundering.

There needs to be an increase in the number of law enforcement officers with broad legal knowledge, law enforcement officers who are brave enough to confront those in power. Law enforcement officers should not only be bold enough to target perpetrators who are no longer in power, former officials, or businesspeople without strong political *backing* , which would give the impression of selectively targeting corruptors who are brought to justice.

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