JURNAL HUKUM Khaira Ummah

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

Master of Law, UNISSULA

# Legal Review of the Implementation of the Investigation System for Money Laundering Crimes

**Muhammad Al Huda[1)] & Gunarto[2)]**
[1)]Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: muhammadalhuda.std@unissula.ac.id
[2)] Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: gunarto@unissula.ac.id

***Abstract.*** *From a legal political perspective, money laundering has become a crucial link in the crime chain. The Law on the Prevention and Eradication of Money Laundering does not have a comprehensive special procedural law, although money laundering is classified as a serious crime under Law Number 1 of 2023 concerning the Criminal Code (KUHP). Other serious crimes, such as terrorism, narcotics, or corruption, have special procedural laws that clarify the series of activities investigators must undertake to establish evidence. The aim of this research is to find out and analyze (1) the elaboration of the development of money laundering crimes globally and nationally, (2) the system for investigating money laundering crimes from a legal perspective, (3) legal problems in efforts to investigate money laundering crimes. The approach method used in this research is normative juridical. The specifications of this research are analytical descriptive. The data source used is secondary data. Secondary data is data obtained from library research consisting of primary legal materials, secondary legal materials and tertiary legal materials. The research results and discussion can be concluded: (1) In the history of business law, the emergence of money laundering began in the United States since 1930. The centers of large gangsters who were skilled at money laundering in the United States were known as the legendary group Al Capone (Chicago). In the national scope, Indonesia only viewed the practice of money laundering as a crime and set sanctions for the perpetrators when Law No. 15 of 2002 concerning money laundering was enacted. (2) The crime of money laundering is a crime that arises from a previous crime or a subsequent crime. The investigation system with a special method which is the interpretation of the scheme for starting the investigation of the crime of money laundering is Parallel Investigation, Independent Investigation, and Further Investigation. (3) The existence of disparities in interpretation of the provisions of the Law on the Crime of Money Laundering will have implications for many perpetrators of the crime of money laundering who have the potential to be free/escape from legal prosecution. This is because from the perspective of law enforcement, the actions carried out by the perpetrators are not Money Laundering Crimes because there is not perfect placement, layering and integration, or the fraudsters are considered not to fulfill the element of knowing or suspecting "assets resulting from crime".*

***Keywords:*** *Crime; Money Laundering; Investigation System.*

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

## 1. Introduction

Constitutionally, the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the "1945 Constitution of the Republic of Indonesia") explains legal actions for all Indonesian citizens, as stated in Article 1 paragraph 3 that the Republic of Indonesia is a state based on law (rechstaat), and not based on a state of power (machstaat).[1] This means that the law does not depend on the behavior of society but has its own normative character and nature so that the law can control the behavior of society (Sui Generis).[2]

This means that all aspects of national and state life must be based on applicable legal provisions. The law, as a system, can function effectively and properly in society if its implementing instruments are complemented by a role in law enforcement.[3] Based on Pancasila and the 1945 Constitution, law enforcement and justice are absolute requirements in achieving national goals.[4] In general, in every country that adheres to the rule of law, we see three basic principles at work: the supremacy of law, equality before the law, and due process of law.

In principle, humans require order in their personal lives and with others. However, people living in society actually have their own interests. These interests are goals pursued to fulfill their needs. In achieving these goals, conflicts of interest often arise between individuals. These clashes of interests create disorder in social life. To maintain this order, rules called legal norms, both material and formal, are necessary. According to Immanuel Kant, law is all the conditions under which a person has free will, allowing him to adapt to the free will of others and to await legal regulations regarding freedom.[5]

In order to limit the government's authority to enforce the law in society, especially for perpetrators of criminal acts and the imposition of sanctions, Criminal Law is present as a collection of regulations that regulate and determine all acts that are permitted and prohibited, accompanied by criminal sanctions or called Material Law, and with a mechanism for how perpetrators of criminal acts will be punished in accordance with the provisions regulated or enforce material law called Formal Law. The development of Criminal Law has developed along with developments in the life of society which then also gives rise to actions that violate norms or laws in society. One factor is the development of the economic needs of society and the development or modernization of financial transactions that give rise to the Crime of Money Laundering.

## 2. Research Methods

The approach used in this research is a normative juridical or written legal approach (statutory approach). The normative juridical approach is an approach carried out based on primary legal materials by examining theories, concepts, legal principles, and laws and regulations

[1] Sulistiyawan Doni Ardiyanto, Eko Soponyono and Achmad Sulchan, Judgment Considerations Policy in Decree of the Court Criminal Statement Based On Criminal Destination, Jur*nal Daulat Hukum*, 3 (1), Marcp.2020, p.179
[2] Sri Praptini, Sri Kusriyah, and Aryani Witasari, Constitution and Constitutionalism of Indonesia, *Jurnal Daulat Hukum*, 2 (1), Marcp.2019 , p.7

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

related to this research. This approach is also known as a literature approach, namely by studying books, laws and regulations, and other documents related to this research.[6]

## 3. Results and Discussion

### 3.1. Elaboration of the Development of Money Laundering Crimes Globally and Nationally

Advances in technology, particularly in telecommunications and transportation, have enabled the widespread and rapid mobility and dissemination of information, seemingly unaffected by geographical boundaries. Particularly following the convergence of computer technology, electronics, telecommunications, and broadcasting, the dissemination of information is no longer constrained by national geographic boundaries. The world appears to be merging into a single, unified entity, where human interactions are not bound by physical space and location, emerging as what is known as a borderless world. This shift toward a global culture has had a significant impact on almost all aspects of life.

Along with this development, international crimes that cross jurisdictional boundaries have also increased in intensity. Therefore, it is important to be especially vigilant against crimes closely related to the use of communications technology and have an international dimension, one of which is money laundering.[7]

It is important to understand that advances in science and technology, particularly in communications, have transformed the financial landscape, including the banking system, by creating a rapid mechanism for cross-border fund transfers. This situation, while having positive impacts, also has negative consequences for society, including an increase in criminal acts at the national, regional, transnational, and international levels. These crimes exploit the financial system, including the banking system, to conceal the origins of criminal proceeds. This phenomenon is known as money laundering.

Money laundering is not a new crime. It first emerged in developed countries as a result of the development of the drug trade. Organized crime, such as money laundering, is not solely based on the number of perpetrators. Money laundering is carried out not only in an organized manner based on the number of perpetrators but also systematically, capable of

[3] Ahmad Firmanto Prasedyomukti and Rakhmat Bowo Suharto, The Role of Judicial Commission on Supervision of Judge's Crime in Indonesia**,** *Jurnal Daulat Hukum*, 1 (4), December 2018
[4] Adhe Ismail Ananda, Constitutionalism Concept in Implementation of Indonesian Staten Administration, *Jurnal Daulat Hukum*, 4 (2), June 2021
[5] Nur Iftitap.Isnantiana, Hukum dan Sistem Hukum sebagai Pilar Negara, *Jurnal Hukum Ekonomi Syariah*, 2 (1) April 2019, p.21
[6] Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakart a : UI Press, 1986, p.14.
[7] S. Endap.Wahyuningsih, Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering dalam Rangka Pembaharuan Hukum Pidana di Indonesia, *In Jurnal Pembaharuan Hukum*, II (1) 2015

crossing national jurisdictions. Organized crime is formed based on a well-structured work system. Networks do not have to be permanent, but their work capacity must be dynamic.[8]

Terminologically, the term "money laundering" in Indonesian means "money laundering." This is a reasonable translation, as the word "launder" in English means "washing." Therefore, the colloquial word "laundering" means "washing." The money that is laundered or laundered is the proceeds of crime, for example, corruption, drug trafficking, gambling, prostitution, and so on.[9]

According to Neil Jensen (Austrac) & Rick MC Donald, money laundering is the process of changing illegal profits into financial assets that appear to come from legitimate sources.[10] Meanwhile, Amin Sunaryadi defines money laundering as the process of changing profits obtained from illegal activities into financial assets originating from sources that are not illegal.[11]

Sarah N Welling menyatakan bahwa "money loundering is the process by wich one conceals the existence, illegal source illegal application of income, and than disguises that income to make it appear legitimate"[12], while Pamela H Bucy interprets that "*money loundering as concealment of the existence, nature or illegal source of illicit funds in such a manner that the funds will appear legitimate if discovered*".[13]

According to Sutan Remy Sjahdaeni [14] *Money laundering is a series of activities that constitute a process carried out by an individual or organization regarding illicit money, namely money originating from crime, with the intention of hiding or disguising the origin of the money from the government or authorities authorized to take action against criminal acts by primarily inserting the money into the financial system so that the money can then be withdrawn from the financial system as halal money.*

The term Money Laundering is actually not long in use, first used by newspapers in reporting the Watergate scandal involving President Nixon in the United States in 1973. Meanwhile, as a legal term, it first appeared in 1982 in the case of US vs. $4,255,625.39. (1982) 551 F Supp.314. Since that year, according to Billy Steel, the term has been officially used throughout the world.[15]

According to Mahmoeddin As, in the history of business law, money laundering began in the United States in the 1930s. At that time, many people bought companies with money from criminal activities, such as gambling, drug sales, illegal alcohol, and prostitution. This was

[8] Johari, Tugas dan Wewenang Pusat Pelaporan dan Analisis Transaksi Keuangan (PPATK) dalam Pemberantasan Tindak Pidana Pencucian Uang, *Fiat Justisia Jurnal Ilmu Hukum*, 5 (3) September-Desember 2011, p.375
[9] Munir Fuady, *Bisnis Kotor (Anatomi Kejahatan Kerap.Putih),* Citra Aditya Bakti, Bandung, 2004, p.83.
[10] Edi Setiadi dan Rena Yulia, *Op.Cit*, 2010. p.152
[11] Badan Pemeriksa Keuangan dan Pembangunan (BPKP), *Strategi Pemberantasan ….Op.Cit*. p.471
[12] Sarap.N Welling, *Op.Cit*, 41 (2) Spring 1989, p.287
[13] Pamela P.Bucy, *Op.Cit*,1992. p.8
[14] Sutan Remy Sjahdaeni, *Op.Cit,* 22 (3), 2003. p.6
[15] Mas Ahmad Yani, Kejahatan Pencucian …*Op.Cit,* 1 (1), Mei-Agustus 2013, p.21

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

carried out by gangster organizations in America. The centers of large gangsters who were skilled at money laundering in the United States were known as the legendary Al Capone group (Chicago).[16]

Al Capone, known as Scarface, was born in Brooklyn in 1899. A member of various gangs, including his childhood, Al Capone was America's most notorious organized crime leader from 1925 to 1931.[17]

### 3.2. Money Laundering Investigation System from a Legal Perspective

Money launderers utilize several methods, using objects and means, to launder proceeds of crime. According to NHC Siahaan, money laundering operations are divided into 13 (thirteen) modes, as listed below:

| No | Modus Operandi | Interpretasi |
|---|---|---|
| 1 | Modus secara *Loan Back* | Dengan cara meminjam uangnya sendiri, baik dalam bentuk *direct loan* (dengan cara meminjam uang dari perusahaan luar negeri); bentuk *back to loan* (si pelaku meminjam uang dari cabang bank asing di negaranya) dan bentuk *parallel loan* (menggunakan perusahaan lain di luar negeri untuk sama-sama mengambil *loan* untuk dipertukarkan satu sama lain).[18] |
| 2 | Modus Operasi *C-Chase* | Dengan menggunakan tenaga konsultan manajemen. Misalnya kasus *Bank of Credit & Commerce International* (BCCI) tahun 1991. |
| 3 | Modus Transaksi Dagang Internasional | Modus ini menggunakan sarana dokumen L/C. Letter of Credit (L/C) dalam bahasa Indonesia disebut sebagai Surat Kredit Berdokumen. L/C merupakan salah satu jasa yang ditawarkan oleh bank dalam rangka pembelian suatu barang, berupa penangguhan pembayaran pembelian oleh pembeli (importir) sejak L/C dibuka sampai dengan jangka waktu tertentu sesuai perjanjian. |
| 4 | Modus Penyelundupan | Sejenis sistem bank paralel ke negara lain. |

[16] Munir Fuady, *Hukum Perbankan Indonesia,* Cirtra Aditya Bakti, Bandung, 2001, p.154.
[17] https://www.sanctionscanner.com/blog/*al-capone-the-one-who-gives-us-the-term-money-laundering-348*, Diakses Pada Tanggal 8 September 2025
[18] Nanci Mamarimbing, Penegakan Hukum Tindak Pidana Pencucian Uang (Money Laundering), *Lex Crimen*, VI (3) Mei 2017, p.145

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

| | | |
|---|---|---|
| | Uang Tunai | |
| **5** | Modus Akuisisi | yang diakuisisi adalah perusahaannya sendiri. |
| **6** | Modus *Real Estate Carousel* | yakni dengan menjual suatu *property* beberapa kali kepada perusahaan di dalam kelompok yang sama. |
| **7** | Modus Investasi Tertentu | misalnya dalam bisnis transaksi barang lukisan atau antik. |
| **8** | Modus *Over Invoices* atau *Double Invoice* | yakni modus yang dilakukan dengan mendirikan perusahaan ekspor impor di negara sendiri lalu di luar negeri (yang bersistem *tax haven*) mendirikan pula perusahaan bayangan (*shell company*). |
| **9** | Modus Perdagangan Saham | Transaksi dimana nasabah memiliki beberapa rekening atau memiliki rekening atas nama pihak lain yang tidak memiliki hubungan bisnis atau alasan tepat lainya, adanya aliran dana yang masuk ke dalam rekening nasabah dengan jumlah yang jauh lebih besar dibandingkan dengan pendapatan atau sumber penghasilan nasabah, adanya frekuensi transaksi pada rekening nasabah yang sangat tinggi tetapi frekuensi efeknya sangat sedikit. |
| **10** | Modus *Pizza Connection* | Modus yang dilakukan dengan menginvestasikan hasil perdagangan obat bius diinvestasikan untuk mendapat konsesi Pizza, sementara sisa lainnya diinvestasikan di Karibia dan Swiss. |
| **11** | Modus *La Mina* | Kasus yang terjadi di Amerika Serikat tahun 1990. Dana yang diperoleh dari perdagangan obat bius diserahkan kepada pedagang grosiran emas dan permata sebagai suatu sindikat. |
| **12** | Modus *Deposit Taking* | Dengan mendirikan perusahaan-perusahaan keuangan seperti *Deposit Taking*<br><br>*Institutions* (DTI) di Canada. |
| **13** | Modus Identitas Palsu | Memanfaatkan lembaga perbankan sebagai |

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

| | | |
|---|---|---|
| [redacted] | [redacted] | mesin pemutihan uang, dengan cara mendepositokan secara nama palsu. |

The modus operandi of money laundering crimes is to conceal or conceal the origin of the perpetrator's funds, due to their unclear origins. Financial institutions, particularly banks, are often used to store money without using the perpetrator's name to prevent the funds from being traced by authorities. This ill-gotten gains are converted through transfers, checks, or other payment instruments to be deposited into a bank account or transferred to another bank account, which can then be used as a "terminal" for the ill-gotten funds.

NHC Siahaan further explained that there are two methods used to launder money:

1. Buy and Sell Conversions

This method is carried out through transactions for goods and services. An asset can be sold to a conspirator who is willing to buy or sell it at a higher price for a fee or discount. The difference in price is then laundered through business transactions. Goods or services can be converted into legal proceeds through personal or corporate accounts held at an offshore conversion bank. The proceeds of crime are transferred to areas that are favorable for tax evasion (tax haven money laundering centers) and then deposited in banks in those areas.

2. Legitimate Business Conversions

This method involves conducting legitimate business activities as a means of transferring or utilizing the ill-gotten gains. The ill-gotten funds are then converted through transfers, checks, or other means of payment to be deposited in bank accounts or subsequently transferred to other accounts.

Mahmoeddin, H.As, as quoted by Munir Fuady, stated that there are eight money laundering modus operandi:

1. Investment Cooperation

The proceeds of crime are taken abroad. They are then re-invested into the country through foreign investment projects (joint ventures). The profits from the joint venture are then reinvested in other projects, so that the profits from these projects are already net and taxable.

2. Swiss Bank Loans

The proceeds of crime are first smuggled abroad, deposited in certain banks, and then transferred to Swiss banks in the form of deposits. Deposits are used as collateral for loans at

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

banks in other countries. The proceeds from the loans are reinvested in the country of origin where the crime was committed. All these activities render the money clean.

3. Transfers Abroad

The proceeds of crime are transferred abroad through foreign bank branches in the country of origin. From abroad, the money is then brought back into the country by certain individuals, pretending that the money originated abroad.

4. Domestically Disguised Businesses

A domestically disguised company is established with proceeds of crime. The company conducts business without considering profit or loss. However, it appears as if the company has generated clean money.

5. Disguised Gambling

The proceeds of crime are used to establish a gambling business, thus making the money appear to be gambling. Or, lottery tickets are purchased at high prices, making the money appear to be lottery winnings.

6. Document Disguise

The proceeds of crime remain in the country. The existence of the money is supported by falsified or fabricated business documents, giving the impression that the money is the proceeds of a business related to the documents in question. This manipulation, for example, involves creating double invoices for exports and imports, making the money appear to be the proceeds of export-import activities.

7. Foreign Loans

Proceeds of crime are taken abroad. They are then reinvested into the country of origin in the form of foreign loans, making the money appear to have been obtained from loans (credit assistance) from abroad.

8. Foreign Loan Fraud

The proceeds of crime remain within the country, but documents are manipulated to appear as if they were loans from abroad.

Munir Fuady explained that some money laundering methods involve conducting legitimate business activities as a means of diverting or utilizing dirty money, through tax evasion or tax evasion.

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

In this way, someone obtains money legally but then reports the actual amount, resulting in lower tax calculations. Illegal mechanisms involve withholding taxes to make it much cheaper to pay them officially. Other storage methods in the export-import sector include falsifying invoices or documents, evading import duties, falsifying export quality and volume, and collusion in export taxes. Even in the banking sector, funds are transferred to foreign banks, through general commodity trading, and many other methods, all of which are considered dirty money.

Indonesia criminalized money laundering in April 2002, with the enactment of Law No. 15 of 2002 concerning Money Laundering Crimes (AML), which was later revised by Law No. 25 of 2003. Subsequently, in 2010, anti-money laundering provisions were revised again by Law No. 8 of 2010. The 2003 revision was implemented because the previous provisions were deemed weak. However, even after the revision, weaknesses were still perceived, and a second amendment is currently being drafted. The reason for this swift revision of the law is that the criminalization of money laundering was not voluntary, but rather due to political pressure and international pressure.

### 3.3. Legal Issues in Money Laundering Investigations

Handling of Money Laundering in Indonesia began with the enactment of Law Number 15 of 2002 concerning Money Laundering, as amended by Law Number 25 of 2003 concerning Amendments to Law No. 15 of 2002 concerning Money Laundering have shown positive progress, reflected in increased awareness of the implementation of the Law on Money Laundering, including among financial service providers in fulfilling reporting obligations, the Supervisory and Regulatory Agency in formulating regulations, the Financial Transaction Reports and Analysis Center (PPATK) in its analytical activities, and law enforcement in following up on analysis results, leading to the imposition of criminal and/or administrative sanctions.

These efforts are considered suboptimal, partly because existing laws and regulations still allow for differing interpretations, legal loopholes, imprecise sanctions, underutilization of the shifting burden of proof, limited access to information, limited scope of reporting and types of reports, and unclear duties and authorities of those implementing this law. To fulfill national interests and align with international standards, Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering was enacted.

However, from a legal perspective, Law No. 8 of 2010 still has problematic loopholes that impact the law enforcement process, particularly during the investigation stage of money laundering. This is undeniable because money laundering is closely related to predicate crimes and various types of crimes, both general and specific. The results of investigations into predicate crimes, which have their own unique and complex criminal patterns, significantly impact the success of money laundering investigations.

Based on the provisions of Articles 74 and 75 of Law No. 8 of 2010, which require investigators to combine the predicate crime and money laundering, the difficulty is certainly greater,

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

especially because they must investigate two crimes simultaneously. In addition to the predicate crime, investigators must also seek evidence of the money laundering crime, both the objective element (actus reus) and the subjective element. The difficulty for investigators lies primarily in finding evidence related to the mens rea, which must be proven: knowledge (knowing or reasonably suspecting) and intention (intending). These two elements relate to the suspect's knowledge that the funds originated from criminal activity and the suspect's knowledge or intent to carry out the transaction. Proving this is difficult; knowledge, suspicion, let alone intent to conceal the proceeds of crime, must be supported by various factors, particularly the perpetrator's behavior and habits. Eradicating money laundering is indeed challenging, especially when it is associated with predicate crimes, which are special crimes. These predicate crimes are characterized by specific qualifications, such as being difficult to trace (untraceable crimes), lacking written evidence (paperless crimes), being invisible (discernible crimes), and being carried out through complex methods (inticrate crimes).

Money laundering becomes even more difficult to detect if sophisticated technology is used, ultimately making it a sophisticated crime. Therefore, increased professionalism and integrity are required for law enforcement officers in gathering evidence, which is extremely difficult due to the nature of white-collar crimes. Investigative tasks require obtaining evidence to be presented to the prosecutor for subsequent presentation in court. Money laundering cases are no easy feat, especially when linked to predicate crimes. The role of investigators is also very dominant when it comes to the repatriation of assets obtained from criminal acts, regardless of location, including overseas.

The examination of suspects and witnesses abroad is a means of uncovering a crime. Every questioning of suspects and witnesses by investigators must be documented in the form of an Examination Report (BAP). This is not particularly difficult if investigators can meet, meet, and communicate directly with suspects and witnesses. However, this is not easily achieved when examining suspects and witnesses in money laundering crimes outside of Indonesian jurisdiction. There are no legal coercive measures that can be taken if witnesses abroad refuse to come to Indonesia to testify.

Fundamentally, the process of handling money laundering (TPPU) cases requires cooperation from various parties, including law enforcement officials, the Financial Transaction Reports and Analysis Center (PPATK), and the reporting party. One concrete, practical form of investigation into money laundering cases is the provision of expert testimony (verklaringen van een deskundige; expert testimony).

The role of expert testimony in the criminal justice system is to explain and clarify a necessary matter, clarify a criminal case, and achieve a conviction. In criminalibus probantiones bedent esse luce clariores, the evidence in criminal law must be clearer than light.[19]

[19] Nasriel Ikhsan, Peran Hakim dengan Asas in Criminalibus Probationes Bedent Esse Luce Clariores Terhadap Pembuktian dalam Perspektif Hukum Acara Pidana, *Causa: Jurnal Hukum dan Kewarganegaraan*, 6 (5) 2024, p.3

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

Providing expert testimony during the investigation phase faces additional challenges, including the complexity of money laundering cases themselves and the constantly evolving methods and methods used by perpetrators of money laundering. This often leads to differing understandings of the provisions of the money laundering crime, both regarding the substance of fulfilling the elements of the offense and the procedural aspects of criminal procedure in money laundering cases. These differences in understanding, in this context, relate to differences in perspectives regarding the application of the provisions of the law.

## 4. Conclusion

In the history of business law, money laundering began in the United States in the 1930s. The centers of major gangsters skilled at money laundering in the United States were known as the legendary Al Capone group (Chicago). Al Capone was renowned for his ability to create sophisticated money laundering schemes that allowed him to conceal the origins of his illicit funds. One of his main methods was investing in legitimate businesses, such as restaurants, nightclubs, and breweries. To say that money laundering has crossed national borders means that the understanding of criminal law regarding this crime is no longer limited to the territorial principle of a single country but involves violating more than one national law. The proceeds of this crime are not only stored or utilized in a country's financial institutions but can also be transferred to other countries through various means and for various purposes. Some are used to finance terrorist activities and others for business purposes. Such activities involve more than one national criminal law. Cases of money laundering include former Philippine President Ferdinand Marcos, whose corruption proceeds were stored in Swiss Credit Bank. Similarly, former Panamanian President Noriega was also involved. Noriega engaged in drug trafficking and stashed his money in America, ultimately leading to his imprisonment there. Money laundering activities by banks, such as the Bank of Credit & Commerce International (BCCI) case in 1991, were also involved. Nationally, Indonesia only recognized money laundering as a crime and established sanctions for perpetrators when Law No. 15 of 2002 concerning Money Laundering (UUPU) was enacted. Money laundering in Indonesia was not yet recognized as a crime, resulting in Indonesia becoming a haven and target for money laundering activities. The government during the New Order era never agreed to criminalize money laundering. The reason was that prohibiting money laundering in Indonesia would only hinder foreign investment, which is crucial for Indonesia's development. Indonesia does indeed have very favorable conditions for perpetrators of money laundering activities. These conditions include a free foreign exchange system, bank secrecy, inadequate legal instruments, the country's need for liquidity, and others. Money Laundering is a crime that arises from a previous crime or a follow-up crime. In terms of the different crime patterns from other crimes, it affects the investigation system for money laundering. The investigation system with a special method which is the interpretation of the scheme for starting an investigation into money laundering is: (1) Parallel Investigation, the investigator conducts an investigation into the predicate crime and the money laundering crime simultaneously. The case files of both do not have to be combined, but can also be separate. This scheme is also regulated in Article 75 of the TPPU Law that in the event that the investigator finds sufficient initial evidence of the occurrence of money laundering and predicate crimes, the investigator combines the investigation into the predicate crime with

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

the investigation into the money laundering crime and notifies the PPATK; (2) Independent Investigation, the investigator conducts an investigation into the money laundering crime first, before proceeding with the investigation into the predicate crime. Legally, according to Article 69 of the TPPU Law, in order to be able to conduct an investigation, prosecution, and examination in court against the crime of money laundering, it is not mandatory to first prove the predicate crime; (3) Follow-up Investigation, the investigator conducts an investigation into the predicate crime first before proceeding to the investigation into the crime of money laundering. Investigations in TPPU cases are very important, especially related to the philosophy of the emergence of efforts to criminalize money laundering, where with the existence of anti-money laundering, there is a strategy that to uncover the original crime can be done first by tracing through the money laundering crime. This means that by implementing anti-money laundering, the crime is uncovered not from upstream but from downstream. Upstream is the original crime or predicate offense while downstream is the act of enjoying the proceeds of crime, here also lies the idea that in the event of a predicate crime, with the existence of the Money Laundering Crime Law, the perpetrator will be charged with two laws at once; Related to Article 69 of Law (UU) Number 8 of 2010 concerning the Prevention and Eradication of TPPU, regarding the start of investigation, prosecution or examination in court does not have to wait for the proof of the original crime first, some parties considers that the failure to prove the original crime violates the principles of criminal law and is also contrary to human rights. The focus of evidence in Money Laundering cases should not be on the crime that produces the criminal assets, but rather on the existence of assets known or reasonably suspected to originate from the proceeds of crime. The provisions of Article 69 of the Money Laundering Law have even been tested twice in the Constitutional Court on the grounds that they violate the principles of the Presumption of innocence and due process of law, but both applications were rejected by the Constitutional Court. Related to the patterns in the crime of money laundering which consist of placement, layering and integration. Often these are termed as cumulative stages and are elements of Money Laundering, so it is considered that all these stages must be fulfilled in order to then be able to convict someone as a perpetrator of Money Laundering, so that if a perpetrator only places or places the assets resulting from criminal acts without the process of layering and integration then he cannot be charged as a perpetrator of Money Laundering. The existence of disparate interpretations of the provisions of the Money Laundering Law will have implications for many money laundering perpetrators who have the potential to be free/escape from legal charges. This is because from the perspective of law enforcement, the actions carried out by the perpetrators are not money laundering because there is not perfect placement, layering and integration, or the defendant is considered not to fulfill the element of knowing or reasonably suspecting that the assets are the proceeds of crime. This view causes an impact on the suboptimal stages of asset confiscation efforts if the evidence of the defendant's assets is limited to formal evidence alone. This disparity in interpretation will certainly complicate law enforcement, as well as provide loopholes for criminals to commit crimes and gain profits from the proceeds of their crimes.

E-ISSN: 2988-3334
ISSN: 1907-3319
Vol. 20 No. 4 December 2025

## 5. References

**Journals:**

Adhe Ismail Ananda, Constitutionalism Concept in Implementation of Indonesian Staten Administration, *Jurnal Daulat Hukum*, 4 (2), June 2021

Ahmad Firmanto Prasedyomukti and Rakhmat Bowo Suharto, The Role of Judicial Commission on Supervision of Judge's Crime in Indonesia, *Jurnal Daulat Hukum*, 1 (4), December 2018

Johari, Tugas dan Wewenang Pusat Pelaporan dan Analisis Transaksi Keuangan (PPATK) dalam Pemberantasan Tindak Pidana Pencucian Uang, *Fiat Justisia Jurnal Ilmu Hukum*, 5 (3) September-Desember 2011

Nanci Mamarimbing, Penegakan Hukum Tindak Pidana Pencucian Uang (Money Laundering), *Lex Crimen*, VI (3) Mei 2017

Nasriel Ikhsan, Peran Hakim dengan Asas in Criminalibus Probationes Bedent Esse Luce Clariores Terhadap Pembuktian dalam Perspektif Hukum Acara Pidana, *Causa: Jurnal Hukum dan Kewarganegaraan*, 6 (5) 2024

Nur Iftitah Isnantiana, Hukum dan Sistem Hukum sebagai Pilar Negara, *Jurnal Hukum Ekonomi Syariah,* 2 (1) April 2019

S. Endah Wahyuningsih, Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering dalam Rangka Pembaharuan Hukum Pidana di Indonesia, *Jurnal Pembaharuan Hukum*, II (1) 2015

Sri Praptini, Sri Kusriyah, and Aryani Witasari, Constitution and Constitutionalism of Indonesia, *Jurnal Daulat Hukum*, 2 (1), March 2019

Sulistiyawan Doni Ardiyanto, Eko Soponyono and Achmad Sulchan, Judgment Considerations Policy in Decree of the Court Criminal Statement Based On Criminal Destination, *Jurnal Daulat Hukum*, 3 (1), March 2020

**Books:**

Badan Pemeriksa Keuangan dan Pembangunan (BPKP), Strategi Pemberantasan.

Munir Fuady, Bisnis Kotor (Anatomi Kejahatan Kerah Putih), Bandung : Citra Aditya Bakti; 2004

Munir Fuady, Hukum Perbankan Indonesia, Bandung : Citra Aditya Bakti; 2001

Soerjono Soekanto, Pengantar Penelitian Hukum, Jakarta : UI Press; 1986

**Internet:**

https://www.sanctionscanner.com/blog/al-capone-the-one-who-gives-us-the-term-money-laundering-348, accessed on 8 September 2025