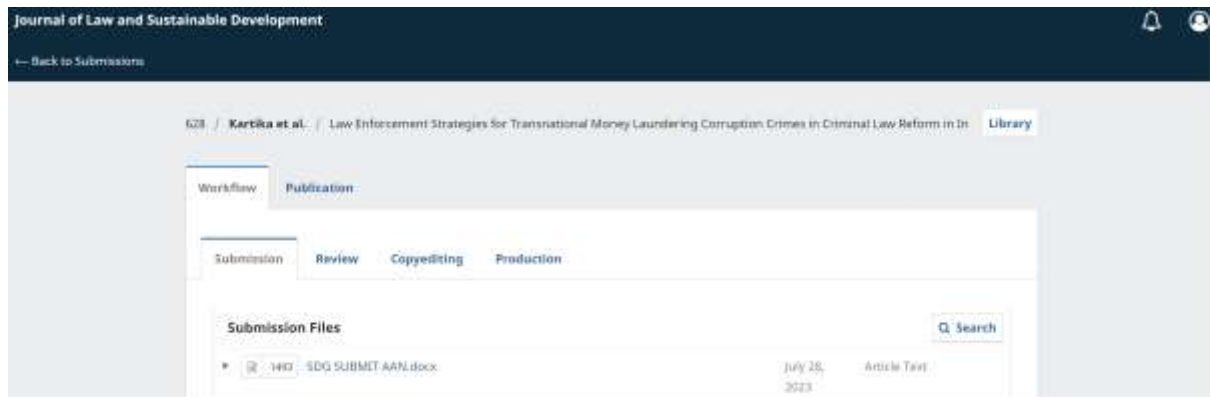


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# Law Enforcement Strategies for Transnational Money Laundering Corruption Crimes in Criminal Law Reform in Indonesia

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## Abstract

**Objective :** The goals of this research are to analyze and formulate law enforcement strategies in overcoming money laundering cases resulting from transnational corruption in Indonesia. Transnational corruption and money laundering are important issues that can weaken the economic and social structure of a country, including Indonesia. These crimes create complex networks that exacerbate corruption problems, undermine state legitimacy and facilitate other illegal practices.

**Method :** This study uses a normative juridical approach, namely legal research that aims to find principles, norms or *das sollen*. The main data sources are primary and secondary legal materials in the form of regulations and literature relevant to the research topic.

**Result :** This research shows that law enforcement strategies against money laundering proceeds from transnational corruption in Indonesia should involve four main elements: law and regulatory reform, law enforcement capacity building, increased international cooperation, and greater public participation

**Conclusion :** The contribution of this research and par can provide recommendations to various stakeholders and eradicate this criminal act, despite challenges in implementation, this strategy is important to increase the effectiveness of law enforcement and encourage better governance.

**Keywords :** Money Laundering; Corruption; Transnational Corruption, Law Enforcement

## INTRODUCTION

Reflection of the National Criminal Law, which is reflected in the Criminal Code, is a legacy of the colonial era of the Europa nation and, since independence, has been following the needs of an independent nation. However, it is not easy and has experienced a long upheaval of thought, with the views of criminal law experts from time to time, until now (Suntana & Priatna, 2023). Criminal law reform happens because of legal and political experts in the legislature (Warburton & Aspinall, 2019). The current issue on criminal law is not only about criminal matters, criminal responsibility, and ideal, humanistic, and rational punishment. However, how can criminal law reform occur through a series of criminal politics in order to strengthen the principles and character of national law (Syukriani et al., 2018).

Criminal law is not only focused on one or a few sides, but criminal law concentrates on the whole universe because only a narrow mind states that criminal law only deals with human problems. The latest development regarding criminal law is the best form of future criminal law, which is following the circumstances in society (Nuranti et al., 2022). So that the reform of criminal law brings civilization, especially the politics of criminal law (Muraskin & Roberts, 1996).

The development of science and technology has had a real impact on human relations. Therefore, it is very influential on legal changes, both private law and public law. Crime also develops in line with the speed of information technology and electronics, so that in anticipation, each country makes adjustments in reforming its criminal law. In criminal law, it can be seen from various opinions, which state that the purpose of criminal law is to protect society from secondary actions, especially regarding the imposition of punishment on the community (Sugiharti et al., 2022). Primarily, criminal law is useful to convict wrongdoers so they do not repeat their actions.

The criminal law applicable in Indonesia is a codified criminal law, in which most of the rules have been compiled in a codified Criminal Code (KUHP), through Unification, since 1918, the enactment of *Wetboek van strafrecht voor nederlands Indie*. Subsequently, Law No. 1/1946 on the Criminal Code has been enacted until now, with various amendments and additions (Moeljatno, 2008).

The idea of updating the material criminal law has actually been carried out since the issuance of Law No. 1/1946, and was emphasized in a national seminar in 1963 in Semarang.

The experts gathered, namely "Soedarto, Oemar Seno Adji, Ruslan Saleh", have mentioned, how important it is to build a national criminal law, which is not ad hoc, like a patchwork, but is systemic, based on national ideas, and views of attitudes, perceptions, philosophies, and cultural values, the Indonesian nation related to the principles of criminal law, of course not excluding the universal criminal law, in the form of ratified international criminal law conventions, resolutions, international institutions that regulate various principles, norms and standards that arise from these criminal law organizations. Furthermore, through BPHN, various scientific meetings were coordinated, which eventually led to the form of the Criminal Code Bill team. The preparation was motivated by national needs and demands, to reform criminal law systemically (structure, substance, and culture) (Muladi, 2008). Therefore, the renewal of the Criminal Code is a must in filling various deficiencies and overcoming the development of science and technology, which encourages various crimes with the latest models and methods, which are increasingly challenging, and efforts to accelerate a sense of security and tranquility towards a just and prosperous society based on Pancasila.

Updating criminal law, particularly in the context of law enforcement against transnational corruption offenses, is an urgent necessity in Indonesia. As a country that actively participates in various international criminal law conventions, Indonesia must be able to maintain universal criminal law standards while also taking into account its unique cultural and national context (Sudarto, 2007).

Transnational corruption poses a particular challenge in the context of criminal law reform. This type of crime involves perpetrators operating across borders, exploiting legal loopholes and differences between countries' legal systems (Güven, 2012). Therefore, criminal law reform must deal effectively with such cases and provide the necessary legal tools for law enforcement. In the reform process, adapting to scientific and technological developments is essential. Modern crimes often utilize the latest technology, and criminal law must be able to handle this challenge. In addition, adjustments to Indonesian cultural values also need to be considered so that the resulting criminal law is effective and follows the Indonesian nation's principles and values.

Become a major topic in discussions related to criminal law reform. This phenomenon involves a series of corrupt acts committed across national borders, often taking advantage of differences in laws and regulations between countries. Such crimes pose a significant challenge to law enforcement, as current national criminal laws are often inadequate to address cases with a cross-border scope (Levi & Gilmore, 2002).

Indonesia, with its increasingly open economy and integration with global markets, Indonesia is an attractive target for transnational corruption crimes. Perpetrators often take advantage of legal loopholes, differences in legal systems, and enforcement issues that are often difficult to control (Goredema et al., 2003). For example, transnational corruption offenders may commit corrupt acts in Indonesia but deposit the proceeds of their corruption in countries with more permissive legal systems or less stringent supervision. This makes law enforcement more complicated (Martini, 2012).

One important aspect of transnational corruption is money laundering. Money laundering is the process by which criminals convert illegally obtained money into seemingly legal or 'clean' money. As such, it is an integral part of many transnational corruption schemes, as it helps criminals hide the origins of their money and avoid detection by law enforcement.

For example, the Century Bank case in Indonesia shows how corruption proceeds can be laundered through various transactions and countries. In this case, large amounts of money are rumored to have been moved overseas through various transactions and shell companies, making it difficult for Indonesian law enforcement to track and recover the money.

In addition, in the context of comparison, for example, the President of the Philippines Ferdinand Marcos, the money from his corruption was deposited in the Credit Suisse bank, then transferred to the account of one of his family. Another case is the crime of money laundering committed by banks, such as the 1991 Bank of Credit & Commerce International (BCCI) case. The money laundering committed by BCCI was related to the drug trade. BCCI acted as a conduit for the transaction's proceeds, channeled through Internet banking services. However, 1990 the United States Customs Service dismantled the drug trafficking and money laundering network involving BCCI.

These transnational corruption cases demonstrate the need to improve Indonesia's criminal law to address such offenses. While international conventions such as the United Nations Convention Against Corruption (UNCAC) have been ratified by Indonesia and provide some legal framework, their implementation in the national criminal law remains challenging (United Nations Convention Against Corruption, 2004). Therefore, through the studies conducted, the issue of transnational corruption in Indonesia has become an urgent topic to be addressed. The challenge posed by this phenomenon lies primarily in the concept of its regulation and the law enforcement strategy.

Regulating transnational crimes, particularly corruption, requires a strong and inclusive legal framework. Indonesian criminal law needs to incorporate new elements that



cover the transnational aspects of these crimes, including cross-border law enforcement mechanisms and international collaboration. Law enforcement strategies against transnational corruption offenses in Indonesia must also undergo improvements. Synergistic efforts between various law enforcement agencies, both domestic and foreign, are needed.

International cooperation, law enforcement capacity building, and criminal law reform are key in fighting transnational corruption. These efforts align with the goals of Indonesia's criminal law reform, which leads to more effective, fair, and equitable law enforcement. By addressing the challenges of transnational corruption, Indonesia can make important strides toward a more secure, just, and prosperous society.

This article will focus on reviewing how the concept of regulation of transnational crimes like money laundering proceeds from corruption in Indonesia. Furthermore, it will be offered how the law enforcement strategy for money laundering resulting from transnational corruption in Indonesia will be offered.

## **THEORITICAL FRAMEWORK**

In the current era of globalization, corruption is not only a domestic problem but also a transnational one. Transnational corruption crimes often involve actors from different countries and cause significant economic losses, not only at the individual level but also damaging the economic and political structure of the country (*2022 Corruption Perceptions Index*, 2023). As one of the countries with a high level of corruption, Indonesia is working hard to reform its criminal law to eradicate corruption.

Florin Alexandru Roman found that the amount of frauds uncovered in relation to European money was smaller or non-existent in nations where the phenomena of corruption seemed to be under control. However, the frequency of scams that are uncovered increases as the corruption control indicator decreases. To rephrase, the likelihood of fraudulent expenditure of European Union funding increases in countries with higher levels of corruption (Roman et al., 2023).

Existing literature on transnational corruption law enforcement in Indonesia is limited. However, several studies that have been conducted show several strategies that can be applied to deal with transnational corruption crimes. One of them is through international cooperation and law enforcement capacity building (Gukguk & Jaya, 2019).

Tania Cristina Teixeira's study found that both the public and private sectors run integration programs for their corporate practice employees. Given the almost total lack of literature on this topic, the programs must also be implemented inside the Professional

Council setting to express their importance in upholding ethics and transparency in the practice of regulated professions (Teixeira & Rodrigues, 2021).

The study by Silitonga (2021) analyzes transnational corruption law enforcement in Indonesia. The author argues that the main challenge in tackling transnational corruption is the need for more laws and regulations and weak law enforcement. To address these issues, Silitonga suggests that Indonesia adopt a more proactive approach to international cooperation, such as signing extradition and mutual legal assistance treaties with other countries (Juniartha & Widhiyaastuti, 2020).

In addition, a study by Pratama (2022) shows the importance of increasing law enforcement capacity in dealing with transnational corruption. According to Pratama, law enforcement capacity can be improved through increased education and training for law enforcement and the adoption of new technologies to detect and investigate corruption. Pratama also emphasizes the importance of transparency and accountability in law enforcement (Skandiva & Harefa, 2022).

Another study by Handayani and Hartati (2023) shows that transnational corruption law enforcement in Indonesia is also faced with the problem of corruption within the legal system itself. They suggest that to eradicate corruption effectively. Greater efforts must be made to address corruption within the law enforcement system and government (Karunia, 2022)

A study by Asmoro (2023) proposes that Indonesia must reform criminal law to address transnational corruption. According to Asmoro, criminal law reform should include changes in laws and regulations and increased law enforcement capacity (Gusti Ayu Werdhiyani & Ketut Rai Setiabudhi, 2023).

So, in dealing with transnational corruption, Indonesia needs to carry out several strategies, ranging from increasing international cooperation, increasing law enforcement capacity, and using new technology to reforming criminal law. These strategies must be implemented simultaneously and complement each other, not separately (Putra & Linda, 2022). In addition, some researchers also point out the importance of the community's role in transnational corruption law enforcement. The study by Setyawan and Wahyudi (2022) shows that community participation can increase the effectiveness of transnational corruption law enforcement. According to them, the community can play a role in the early detection of corruption crimes and provide information to law enforcement (Akmal et al., 2021).

In particular, the role of mass media and information technology is very important in transnational corruption law enforcement efforts. According to a study by Harjanti and Sidik (2023), mass media and information technology can be used to increase transparency and accountability in law enforcement and educate the public about the negative impacts of corruption ('The Role of Mass Media in Corruption Prevention Policies and Disparities in the Judges' Decisions', 2021). However, transnational corruption law enforcement efforts in Indonesia also face several obstacles. One of the biggest obstacles is corruption within the legal system and the government itself. According to a study by Prabowo and Wibowo (2023), corruption in the legal system and government can hamper law enforcement efforts and reduce the effectiveness of criminal law reform (Levi & Gilmore, 2002).

Thus, to improve the effectiveness of transnational corruption law enforcement in Indonesia, there must be greater efforts to address corruption in the legal system and government. These efforts may include increased public oversight and control of law enforcement and government officials and stricter enforcement of laws against corruption among law enforcement and government officials. Ultimately, enforcing transnational corruption laws in Indonesia requires a comprehensive and multidimensional approach. This approach should include enhanced international cooperation, law enforcement capacity building, criminal law reform, and community engagement. In addition, efforts to address corruption within the legal system and government are also important to improve the effectiveness of transnational corruption law enforcement.

## **RESEARCH METHODS**

This research is a normative juridical research, namely legal research that aims to find principles, norms or *das sollen*. This is as stated by Soekanto and Mamudji, normative research or literature includes research on legal principles, legal systematics, levels of vertical and horizontal synchronization, comparative law and legal history (Soekanto & Mamudji, 2015). In normative research, library materials are basic legal materials or as secondary legal materials. The secondary legal material also has a very broad scope. Furthermore, Sudikno Mertokusumo stated that in an effort to improve (legal material) obtained from library research, field research can be carried out (Mertokusumo, 2014). In this regard, Pieter M. Marzuki stated that legal materials are official documents in the form of all legal publications. Publications on law include statutory regulations, government regulations, textbooks, legal dictionaries, legal journals, and comments on court decisions (Marzuki, 2014).

## **RESULT AND DISCUSSION**

### **Crimes and Criminal Measures**

Continues to move, following the pace of scientific and technological development. As a well-established branch of science, criminal law has contributed its works from various philosophers and stretched a wide path for the struggle for justice and certainty in law in any part of the world. There is no basic need for a civilized society that does not require criminal law. As a law characterized by sanctions, it is a source of order and even justice (Bakhri, 2015).

The current national criminal law always requires basic, fundamental, conceptual, critical, and constructive comparative studies, as well as comparative studies that are very urgent and following the current idea of national legal reform following the characteristics of society and sources of law in Indonesia, which are more mono-dualistic and pluralistic, and based on values that live in society, namely based on customary law and religion, and make religious teachings a source of motivation, a source of inspiration, and a source of creative evaluation in building legal persons with noble character, so that substantial efforts must be developed in the context of the national legal policy (Arief, 2005).

Criminal law has always changed in the course of history. These changes occur both in terms of nature and substance, which are sought to be used to control society effectively. It is a silent and honest witness, so it deserves to be a source of history. Against this, the Indonesian nation still uses criminal law in the colonial era and has not received serious attention to be worked on further. The politics of law is too serious in building national and international politics in the face of globalization. Even from an economic point of view, but has not been too serious about fixing the criminal law space, even too busy with various revisions of laws in the field of law enforcement, and forgot the discussion of the Criminal Code, which is very powerful in shaping the legal character of society.

The issue of crime and punishment in history has always changed. From century to century, its existence has been debated by many experts. When examined from the perspective of the development of society, these changes are natural because humans always try to learn something to improve welfare in the future. When criminal law and criminal procedure law were still controlled by the absolutist era in the ancient regime, the authorities formulated them politically and not firmly. Case examinations were conducted behind closed doors to allow for arbitrary power. The French Revolution was the beginning of changes in criminal law that were organized systematically. This change led to a social approach that

considered crime a social symptom. A group of criminal law schools emerged with the classification of classical, criminology, and sociological schools.

In determining a criminal offense, criminal law policy is used. Penal Policy or criminal politics of criminal law, in essence, how criminal law is formulated properly and guides lawmakers, application policies, and implementation of criminal law so that criminal legislation is made, the direction it wants to go, or in other words, what actions are deemed necessary to be an act prohibited by criminal law. This means it involves criminalizing or determining a person's action as an action that can be punished. The process ends with forming a law, where the action is threatened with a sanction in the form of punishment (Prasetyo & Barkatullah, 2005).

The development of punishment gave birth to the thought or principle of punishment into the principle of fostering, making the convict no longer an object but a subject, thus seeing the convict as a whole human being. Sanctions in the philosophy of punishment can be measured according to the sense of justice of the Indonesian society, getting a portion of attention in the community because of the search for alternative punishments other than the loss of freedom.

The development of the globalization of science and technology has strongly shaped and colored the process of education and a sense of justice in society, which in turn can affect the efforts to reform criminal law, which until now continues to be ongoing to realize the codification of national criminal law based on the philosophy that lives in Indonesian society which views high sense through the precepts of social justice for all Indonesian people. Determining the most appropriate philosophy for Indonesia is the state's task which must be based on the values that live in society, including religious values. Legislators are obliged to translate this into law. The next step is to encourage empirical research and discussion on the meaning and purpose of punishment as embraced by Indonesian society (Harkrisnowo, 2003).

The goal of punishment in Indonesian society which is integralist in the five precepts of Pancasila, is a physical and mental balance in realizing a humane, divine, national, humane, democratic, and just settlement of punishment following the sense of justice of Indonesian society which unfolds in the nuances of Indonesian society characterized by magical religion for the sake of life balance. Therefore, looking for punishment is a philosophy explored in the body of the nation's soul, namely Pancasila. The development of a national legal system development policy based on Pancasila as the values of national life aspired to. This means the background of the basic idea of Pancasila is contained in the

balance of religious and moral values (divinity), humanity (humanistic), nationality, democracy, and social justice (Arief, 2005).

Theories of punishment depend on the political theory used by a country. Different political theories used will result in different justifications. This is because the political theories a country adopts include differences in the role and scope of the state and in describing the relationship between the government and its citizens. In a country that adheres to the liberal theory, it prioritizes safe individual rights and freedoms so that each individual can live their life and choices properly. In this country, punishment can be justified as long as it can protect individual citizens' freedom so that they are safe from the threat of crime.

The state's authority must be strictly limited to ensure it is used for individual freedom. In a communitarian state, individuals are isolated from other individuals. There is a clear distinction between the interests of individual citizens and the state. The state has a broader role and is regulated in positive law to promote social welfare and maintain social values (Duff & Garland, 1994).

Criminal punishment is one of the sanctions that aim to enforce the enactment of norms. Violating the prevailing norms in society creates a feeling of displeasure expressed in the sanction. According to our Criminal Code, criminal law is divided into principal punishment and additional punishment. The main punishment includes the death penalty, imprisonment, confinement, and fine. Meanwhile, additional punishment is revoking certain rights, confiscating certain goods, and announcing the judge's decision. The order of punishment is determined according to the severity of the punishment, and the heaviest one is mentioned first. In criminal law, the determination of what actions need to be punished with criminal penalties and, the types of punishments and how they are applied, the punishment or sanction is very important. Now there is what is called applicable criminal law, namely criminal law not only serves to give pain to the perpetrators of crime but also regulates society to live more peacefully and serenely.

The application of criminal law does not always end with the imposition of punishment, but also known as the principle of opportunity called a pardon; in addition to the type of sanction called to action, which in economic criminal law is very broad, there are temporary disciplinary measures imposed by prosecutors. There are disciplinary measures imposed by judges and a system of postponement of punishment and conditional punishment (Bakhri, 2015).

The problem of imposing punishment has two meanings; first, in a general sense, it concerns the legislator who establishes the criminal law sanction system (punishing in

abstracto), and second, in a concrete sense, it concerns the various bodies that all support and implement the criminal law sanction system. The Criminal Code has determined and announced what reaction will be received by the person who commits the prohibited act. In modern criminal law, this reaction is not only in the form of punishment but also action, which aims to protect society from actions that harm it (Sudarto, 2007).

In the history of the application of punishment, there have been 4 (four) periods; first, in the early Middle Ages, it was known as the compensation system or a system where all criminal acts were resolved by paying money, animals, or the like according to a predetermined tariff list. In this period, prisons were unknown, and agriculture was the main type of work. Secondly, at the end of the Middle Ages, with the growth of the population, there were many social problems, economic decline, and increased crimes against property that gave birth to a system to harm criminals through harsh punishment. Thirdly, from the 1600s until the industrial revolution, the application of imprisonment developed, which underwent several changes. Fourth, the eighteenth century was marked by the emergence of the death penalty as an effort to scare the poor who were already immune to deprivation of liberty (Mannheim, 2021). The fine evolved in the twentieth century when the king accepted payment in criminal cases, and victims could only obtain compensation through the civil courts.

Criminal *Stelsel*, in the renewal of criminal law, has illustrated progress, which is rational and humanistic, because it still recognizes the death penalty but follows the influence of criminal law in the world, which also opposes the death penalty. Hence there is an upheaval at the concept level and formulated at the normal level, as well as about the still need for imprisonment, fines, and the latest is the social work criminal *stelsel*.

It is the attitude of the drafters of the Criminal Code, there is an attitude regarding "Punishment and Action" as the implementation of balance, towards the purpose of punishment, which stems from the idea that the criminal law system is a unified system that has a goal, and punishment is only a tool or means to achieve the goal. That is why the 2023 Criminal Code formulates the purpose of punishment based on the balance of two objectives, namely the protection of society and the protection of individuals.

The new Indonesian criminal law, designed and built by legal experts, has contributed thoughts toward modern criminal law in line with the desire to reform Indonesian criminal law. Therefore, legal politics becomes a backrest in the struggle and tug of interest to make this modern criminal law can take place for a progressive country. Criminal law politics is an activity that involves determining goals and how to implement these goals. Related to the

decision-making process, or selection through selection, among various existing alternatives, which is the goal of the future criminal law system. Because various main issues in criminal law are chosen, namely unlawful acts, guilt or criminal responsibility, and various alternative sanctions, criminal sanctions, and measures (Muladi, 2002). Law is an order of human action.

Through a rule, which contains a unity, with its essence linking special rules, other orders of action are also referred to as moral order, religious order (Kelsen, 2006). Law is a condition in which human beings, who are naturally independent, unite themselves in society. Only the law can determine the punishment for any crime, and the power to make criminal laws lies only with the legislator, who represents the entire society, united by social consensus. Each individual is bound to society, and society is bound to itself through a contract, which is equally binding. This has been the case for generations. Violation of the consensus by an individual is anarchic. So, the ruler, representing society, punishes as a consequence. The severity of the punishment, however, would also be contrary to justice and social consensus (Beccaria, 2011).

Law reflects a civilization, a culture, and a close-knit fabric. Indeed, the law has fallen into decadence if the shortcomings of the lawmakers have shown a lag concerning the facts and thoughts that prevail or are beginning to develop. Lawmakers who are unable to adjust, to be sensitive to the problems of the future (Rasjidi, 2009). The influence of legal education, by criminal law experts, in various times has urged and given birth to criminal law reform in various fields of life, economic, political, social, cultural, and law enforcement, and has adorned and even complimented the lagging criminal law regulated by the applicable Criminal Code, as a colonial legacy. With all its weaknesses, lawmakers, who are still far from perfection in formulating legislative policies in the field of criminal law, are progressing. Because in good faith, they have contributed good sides to overcome the unstoppable and unpredictable growth of crime, in a globalized world, with its very specific characteristics.

### **The Concept of Regulating Transnational Crimes of Laundering the Proceeds of Corruption in Indonesia**

Implementing the crime, it involves parties from other countries, which sometimes constitutes a network of the crime in question. In other words, transnational crime is organized and harms the international community. Seeing the nature of transnational crimes, the crime of money laundering as a transnational crime is none other than a crime included in the scope of international criminal law.



The growth of international criminal law as a legal discipline comes from two sources: the development of custom that occurs in the practice of international law (custom) and international treaties (treaties). International criminal law as a legal discipline has and has fulfilled the following four elements:

1. International criminal law principles can be distinguished between legal principles derived from international law and legal principles derived from national criminal law. Legal principles derived from international law consist of general principles such as *pacta sunt servanda* and specific principles as expressed by Hugo Grotius, namely the principle of *au dedere au punere*, which means that the perpetrator of an international criminal offense can be punished by the locus delicti state within the territorial limits of the state or submitted or extradited to the requesting state that has jurisdiction to represent the perpetrator. In addition, there is the principle of *au dedere au judicare* which means that every state is obliged to prosecute and try the perpetrators of international crimes and is obliged to cooperate with other states in arresting, detaining and prosecuting, and trying the perpetrators of international crimes as stated by Bassioni. The difference between the two principles above lies in the understanding and perception of State sovereignty. However, the two principles cannot be separated and complement each other. Meanwhile, the principles of international criminal law also stem from the principles of national criminal law, namely the principle of legality, the principle of territoriality, the principle of active and passive nationality, the principle of universality, principle of non-retroactivity, the principle of ne bis in idem and the principle of non-retroactivity.
2. Rules of international criminal law, including all provisions in international conventions on international crimes or transnational crimes, international treaties, both bilateral and multilateral, regarding international crimes, and other provisions regarding international criminal acts.
3. The process and enforcement of international criminal law include the provisions of international law regarding international criminal law enforcement procedures; in this case, there are three areas of jurisdiction consisting of the first criminal jurisdiction covering the crime of genocide, the second criminal jurisdiction covering the crime of money laundering and the third criminal jurisdiction such as the crime of aggression.
4. The object of international criminal law is international criminal acts that have been regulated in international conventions.

In its development, Edward M. Wise stated that the definition of international criminal law is not rigid and definite because, in a broad sense, it covers three topics as follows (Rasjidi, 2009):

1. The first topic concerns the adjudicative powers of the courts of a particular country in foreign cases, including extradition.
2. The second topic concerns public international law principles that impose obligations on states as set out in their national criminal laws or national criminal procedure laws derived from international conventions and treaties concerning money laundering offenses.
3. The third topic is about the wholeness of the notion of international criminal law, including the instruments that support enforcing international criminal law.

Several dimensions can be used as guidelines in determining that a crime is a transnational crime, namely (Parthiana, 2004):

1. A national crime occurs outside the territory of the state concerned but has consequences within its territory, in which case the interests of one or more states are related to the crime.
2. The place of a national crime is not solely within the state's territory but also in the territory of another state or somewhere outside the state's territory.
3. A crime that occurs within the territory of a state, but the perpetrator is a state that is not its citizen.

In addition, there are several ways to identify a crime as a transnational crime, namely (Parthiana, 2004):

1. The place where the crime occurred.
2. Nationality of the perpetrator or victim.
3. Victims in the form of movable or immovable property belonging to foreign parties.
4. A combination of items 1, 2, and 3.
5. Touching universal human values, a sense of justice, and legal awareness of humanity.

The process of law enforcement in tackling transnational crimes is inseparable from the legal provisions in force in these countries and the application of several principles of national

criminal law from countries that are not different from one another, including (Parthiana, 2004):

1. Legality is the main principle in the national criminal law of several countries, which states that an act cannot be punished if it is not or has not been regulated in a national criminal law.
2. Non-retroactive principle as a derivative of the principle of legality, which states that a statutory regulation cannot be applied to acts that occurred before the statutory regulation came into force, or in other words, the law does not apply retroactively.
3. The principle of culpability states that a person can only be convicted if his guilt has been proven based on the criminal legislation charged to him through an examination process by a judicial body with the authority to do so.
4. The principle of presumption of innocence emphasizes that a person suspected of committing a crime or criminal offense must be considered innocent until his guilt can be proven based on a judicial decision with permanent and definite legal force.
5. The principle of ne/no bis in idem states that a person who has been tried and or sentenced by an authorized judicial body for a crime or criminal offense alleged against him/her may not be tried and or sentenced a second time or more for the crime or criminal offense.

The principles described above have been contained in the criminal law provisions in Indonesia, including the provisions that can be applied to money laundering through the Internet as a transnational crime. In the applicable criminal law in Indonesia, the principle of legality is contained in Article 1 paragraph (1) of the Criminal Code, the principle of non-retroactive in Article 1 paragraph (2) of the Criminal Code, the principle of culpability is contained in Article 44 paragraph (1), (2) and (3) of the Criminal Code, the principle of presumption of innocence is contained in Article 8 of the Basic Law on Judicial Power, and the principle of no/ne bis in idem is contained in the Basic Law on Judicial Power.

Meanwhile, in the Criminal Code (KUHP) enacted under Law No. 1/1946 in conjunction with Law No. 73/1958, there are several principles relating to the application of law to transnational crimes, among others: Article 2 to Article 9 of the Criminal Code regarding the scope of applicability of criminal law, especially Article 9 of the Criminal Code which stipulates that the provisions of international law limit the applicability of national criminal law.

The principles described above have been contained in the criminal law provisions in Indonesia, including the provisions that can be applied to money laundering through the

Internet as a transnational crime. In the applicable criminal law in Indonesia, the principle of legality is contained in Article 1, paragraph (1) of the Criminal Code. The principles provisions of international law limit the applicability of national criminal law ability is contained in Article 44, paragraphs (1), (2), and (3) of the Criminal Code. The principle of presumption of innocence is contained in Article 8 of the Basic Law on Judicial Power. The principle of no/ne bis in idem is contained in the Basic Law on Judicial Power.

Below will be described several things related to the crime of money laundering or money laundering as follows:

1. *Criminalization of Money Laundering*: At the international level, there is a convention, the United Nations Convention Against Illicit Traffic in Narcotics, Drugs and Psychotropic Substances of 1988, commonly referred to as the Vienna Convention, also known as the UN Drug Convention 1988. This convention obliges its members to declare certain criminal acts related to narcotics and money laundering. Based on this convention, the Indonesian government has ratified it with Law Number 7 of 1997. This ratification was implemented through the making of Law Number 15 of 2002 concerning the Crime of Money Laundering, which states that money laundering is a criminal offense. Furthermore, Law Number 15 of 2002 was amended by Law Number 25 of 2003. The preamble of Law No. 15 of 2002 clearly states that money laundering is a national and transnational crime. Therefore, it must be eradicated, among others, by conducting regional or international cooperation through bilateral or multilateral forums. Meanwhile, the preamble of Law No. 25/2003 states that to effectively prevent and eradicate money laundering, Law No. 15/2002 needs to be adjusted to develop criminal law on money laundering and international standards. The criminalization of criminal acts is guided by the nature of criminal law, namely clarity (clear), certainty (certain), proportion (measurable), speedy (fast), and prevention (preventive). The criminalization of money laundering is contained in Article 1 paragraph (1) in conjunction with Article 3 of Law Number 25 the Year 2003 (from now on referred to as UUTPPU), which states that money laundering is the act of placing, transferring, paying, spending, granting, donating, entrusting, bringing abroad, exchanging, or other actions on assets that are known or reasonably suspected to be the proceeds of criminal acts to hide or disguise the origin of the assets so that they appear to be legitimate assets. The formulation of money laundering crimes in the UUTPPU can be divided into 2 (two) criteria, namely the money laundering crime itself as regulated in Article 3 and Article 6 of the UUTPPU, and criminal acts related to money laundering

crimes as regulated in Article 8 and Article 9 of the UUTPPU. Criminal sanctions for money laundering crimes are regulated in Article 13 of the UUTPPU. Meanwhile, the UUTPPU also regulates the establishment of the Financial Transaction Reports and Analysis Center (PPATK).

2. *Money Laundering Activities and Perpetrators*: Money laundering as an organized and transnational crime involves several parties involved and has their duties. Usually, such organizations are called syndicates or networks. This organization must have a certain framework to run perfectly according to the plan. Some literature discussing money laundering suggests that money laundering activities have a framework, model, modus operandi, instruments, methods, stages, and certain actors in criminal activities are a package. These means become guidelines for conducting money laundering so that money laundering can be selected from several alternatives.
3. *Money Laundering Model*: Schaap, as cited by Munir Fuady, argues that there are several models for committing the crime of money laundering, namely (Fuady, 1999):
  - a. *Model with chase operations*. This model keeps money in banks under the provisions so that it is free from the obligation to report financial transactions (non-Currency et al.) and involves offshore banks by utilizing tax havens.
  - b. *Pizza connection model*. This model utilizes the remaining money invested in the bank to obtain Pizza concessions and involves tax haven countries by utilizing fictitious exports.
  - c. *La Mina models*. This model utilizes domestic and foreign gold and gem wholesalers.
  - d. *Model with cash smuggling to other countries*. This model utilizes a pseudo-business conspiracy with a parallel bank system.
  - e. This model works with financial institutions engaged in the stock exchange

There are several modus operandi of money laundering, among others: investment cooperation, overseas transfers, Swiss bank loans, disguised businesses in the country, gambling, document disguise, or foreign loan engineering. Meanwhile, Siahaan suggests 3 (three) methods used in money laundering, namely (Siahaan, 2005):

1. *Buy and Sell Conversions*. This method is done through transactions of goods and services. The price difference paid is then laundered through business transactions.

Goods or services can be converted into legal proceeds through personal or corporate accounts in a bank.

2. Offshore Conversions, in this case, the proceeds of crime are converted into a very pleasant region for tax avoidance (tax heaven money laundering centers) and then deposited in a bank located in the region.
3. This method is done through legitimate business activities to transfer or utilize the proceeds of crime. The money is then converted through transfers, checks, or other payment instruments to be deposited in bank accounts or transferred to other bank accounts through Internet banking facilities. Usually, the perpetrators work with companies whose accounts can be used as terminals to accommodate the proceeds of crime.

In addition, there are 8 (eight) instruments used in the crime of money laundering, namely:

1. Private companies
2. Real estate
3. Deposit taking institution and money changer
4. Foreign Money Investment Institutions
5. Capital Market and Money Market. The money market does not have a physical place like the capital market. The money market trades government securities, certificates of deposit, corporate notes such as acceptances, and bills of exchange. Institutions active in the money market are commercial banks, merchant banks, trade banks, money transmitters, and the central bank.
6. Gold and antiques
7. Financial consulting firms.

The crime of money laundering is carried out in several stages as follows; Placement, namely placing cash originating from criminal acts into the financial system (financial system) or efforts to place chiral money (cheques, bank drafts, certificates of deposit) back into the financial system, especially the banking system; then the Layering process, namely the act of transferring assets originating from criminal acts (dirty money) that have been successfully placed in financial service providers (especially banks) as a result of placement efforts to other financial service providers, usually done through the transfer process using internet banking facilities. Through layering, it is difficult to know the origin of the assets; then the Integration

process is carried out, namely the use of assets originating from criminal acts that have successfully entered the financial system through placement or transfer so that it appears to be halal assets (clean money) for halal business activities or to refinance criminal activities.

Money laundering as an organized crime is committed by people who control the world of financial service providers, both banks and non-banks. Money laundering is a white-collar crime. White-collar crime has no clear formulation in terms of criminology or legislation. The movement of white collar crime is very broad, which can include the economy, finance and is usually carried out in an organized manner (organized crime) (Pardede, 1995).

White-collar crime is committed by utilizing the sophistication of technology ranging from manual to extra sophisticated or super sophisticated that enters cyberspace. That white-collar crime in money laundering is called cyber laundering and is part of cyber-crime supported by sufficient knowledge about banks, businesses, and electronic banking.

Although legal realism is a certainty, law enforcement's current legal reality is uncertain. This can be seen in the various interpretations of the law governing the case of money laundering through the Internet. Prevention or preventive efforts and repressive efforts against crime are part of criminal politics as the general principles and methods that form the basis and reaction to law violations (Siahaan, 2005), including money laundering offenses.

#### [Law Enforcement Strategy for Money Laundering Proceeds of Transnational Corruption in Indonesia](#)

Indonesia's transnational corruption money laundering law enforcement strategy demands a comprehensive approach involving legal and regulatory changes, enhanced law enforcement capacity, better international cooperation, and increased community engagement.

Regarding legal and regulatory changes, Indonesia has undertaken several reforms to strengthen the legal framework for handling money laundering cases. Law No. 8/2010 on the Prevention and Eradication of Money Laundering is one important step in this effort. This law provides a strong legal basis for law enforcement against money laundering offenses and includes several provisions that help law enforcement pursue and punish perpetrators. However, a study by Wibowo and Prasetyo (2023) shows that implementing this law still encounters several obstacles, including limited law enforcement capacity, lack of coordination between law enforcement agencies, and understanding of money laundering crimes and how to handle such cases (Sudarto, 1986).

To address this issue, Wibowo and Prasetyo (2023) recommend increasing law enforcement capacity through training and education, improving coordination between law enforcement agencies, and educational campaigns to increase public understanding of money laundering.

International cooperation is also an important component of money laundering law enforcement strategies. Money laundering crimes, particularly those relating to transnational corruption, often involve actors and transactions that cross national borders. Therefore, cooperation between countries is essential to pursue and punish perpetrators.

In international cooperation, Indonesia has been part of several multilateral initiatives and cooperation to combat money laundering and transnational corruption. For example, Indonesia is a Financial Action Task Force (FATF) member. This intergovernmental body aims to develop and promote national and international policies to combat money laundering and the financing of terrorism (2022). However, research by Sukarno and Suparto (2023) shows that, despite the importance of international cooperation, its implementation is often challenging. They point out that the legal process for international cooperation is often complex and time-consuming, especially in terms of extradition and cross-border legal assistance (FATF, n.d.). Therefore, enhancing international cooperation, including improvements to procedures and cooperation frameworks, is an important part of the money laundering law enforcement strategy.

In addition, increasing community involvement is also an important strategy in law enforcement against money laundering. As explained by Setyawan and Wahyudi (2022), the community plays an important role in preventing and detecting money laundering, for example, through suspicious transaction reporting and participation in anti-money laundering education efforts and campaigns (Japriyanto et al., 2022).

Overall, Indonesia's transnational corruption money laundering law enforcement strategy requires a comprehensive approach involving legal and regulatory changes, enhanced law enforcement capacity, better international cooperation, and increased community engagement. While the challenges are great, these efforts are critical to combating transnational corruption and advancing justice and good governance in Indonesia.

Therefore, the novelty in this research is described as follows:

Table 1 Strategies for Law Enforcement of Money Laundering Proceeds of Corruption Crime



| Strategy                                 | Description                                                                                                                                                                                                                                                               | Analysis                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Changes in Laws and Regulations</b>   | Indonesia has undertaken some legal reforms to strengthen the legal framework for handling money laundering cases, such as Law No. 8/2010 on the Prevention and Eradication of Money Laundering.                                                                          | Legal and regulatory reforms are an important step towards addressing money laundering. However, implementing these laws remains challenging, and additional efforts are needed to ensure these laws and regulations are effectively enforced. However, implementing these laws remains challenging, and additional efforts are needed to ensure these laws and regulations are effectively enforced. |
| <b>Law Enforcement Capacity Building</b> | Law enforcement requires capacity building through training and education and improved coordination between law enforcement agencies.                                                                                                                                     | This capacity building is important to ensure law enforcement has the necessary skills and knowledge to handle money laundering cases. However, its implementation can require a significant investment in resources and time.                                                                                                                                                                        |
| <b>International Cooperation</b>         | International cooperation is important to pursue and punish criminals who cross national borders. Indonesia has participated in multilateral initiatives and cooperation, such as the FATF.                                                                               | While international cooperation is important, its implementation is often challenging, with complicated and time-consuming cooperation procedures and frameworks. Therefore, improvements to international cooperation procedures and frameworks could be a top priority.                                                                                                                             |
| <b>Increased Community Engagement</b>    | While international cooperation is important, its implementation is often challenging, with complicated and time-consuming cooperation procedures and frameworks. Therefore, improvements to international cooperation procedures and frameworks could be a top priority. | The role of the community is critical and requires sustained efforts to increase community awareness and participation. However, these efforts require strong cooperation between communities, law enforcement, and civil society organizations to be effective.                                                                                                                                      |

Money laundering law enforcement strategies in the context of transnational corruption require a comprehensive and multi-faceted approach. Legal and regulatory changes are an important first step, but implementation is a major challenge. Limited law enforcement capacity, lack of coordination between law enforcement agencies, and challenges in the application and understanding of money laundering offenses are some inhibiting factors. Therefore, enhancing law enforcement capacity through training and education and improving inter-agency coordination is crucial.

In terms of international cooperation, while Indonesia has been part of various multilateral initiatives and cooperation, implementing such cooperation has been challenging. Legal processes for international cooperation are often complex and time-consuming, especially regarding extradition and cross-border legal assistance. Improvements to international cooperation procedures and frameworks can be a top priority in efforts to increase the effectiveness of law enforcement.

Finally, the role of the community in law enforcement is very important. Increased public awareness and participation in preventing and detecting money laundering can contribute significantly to efforts to eradicate this crime. However, this effort requires strong cooperation between the community, law enforcement, and civil society organizations. Thus, the law enforcement strategy for money laundering from transnational corruption crimes in Indonesia requires a comprehensive and sustainable approach. While the challenges are great, these efforts are critical in combating transnational corruption and advancing justice and good governance in Indonesia.

## **CONCLUSIONS**

Transnational corruption and the laundering of corruption proceeds are serious challenges to law and governance in Indonesia. A comprehensive strategy involving legal and regulatory reforms, enhanced law enforcement capacity, more effective international cooperation, and greater community engagement is urgently needed to address these issues. While the challenges are considerable, this strategy is essential to strengthen the law enforcement system and promote good governance in Indonesia. By pursuing these improvements, Indonesia can make important strides in combating transnational corruption and money laundering, strengthening law and governance, and creating a safer and fairer society.

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