Law Enforcement of Money Laundering Crimes on Criminal Acts of Origin

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Abstract

Law enforcement against active perpetrators of money laundering (TPPU), especially self laundering perpetrators, is a complex challenge in the criminal justice system. This type of offender not only commits the original crime such as corruption, narcotics, or embezzlement, but also directly disguises and hides the proceeds of crime. The complexity of proof, limited access to financial data, and increasingly sophisticated money laundering patterns require law enforcement officials to work cross-sectorally with the support of financial forensic technology. The main focus in proving Money Laundering, especially Article 3 of Law No. 8/2010, lies in the element of disguising and concealing, which is often difficult to separate from proving the crime of origin. This research uses normative juridical method by examining laws and regulations, court decisions, and other legal documents. The research found that there is still uncertainty in the application of reverse burden of proof for active actors, especially in proving the origin of assets. Therefore, the government needs to provide legal clarity regarding the limits and obligations of the defendant in this case. In addition, it is recommended that a uniform and integrated standard operating procedure (SOP) be developed between PPATK, the Police, the Attorney General's Office, and the OJK in the asset tracing process. Harmonized SOPs will accelerate information exchange, strengthen coordination, and increase effectiveness and accountability in combating money laundering. With these efforts, law enforcement against active Money Laundering offenders can run more optimally and thoroughly.

Keywords : Law Enforcement, Money Laundering, Criminal Offense of Origin

INTRODUCTION

Indonesia is a State of Law, this is confirmed in the 1945 Constitution Article 1 paragraph (3) which reads "The State of Indonesia is a State of Law". On the basis of the Constitution, Indonesian society must be subject to the rule of law. In addition, the 1945 Constitution states that one of the objectives of the state is to maintain public order, so that in realizing law enforcement in Indonesia must be a priority for the government and legal institutions themselves.

The development of criminal law has evolved along with developments in people's lives which then gave birth to actions that violate norms or laws in society. One of the factors is the development of people's economic needs and the development or modernization of financial transactions which gave birth to the crime of money laundering. This criminal offense is called a Special Crime or criminal offense that is regulated outside the Criminal Code (KUHP) with its own provisions in the Criminal Procedure Code (KUHAP). In its development, the Criminal Procedure Code has been regulated separately with several new acts or provisions and deviates from the General Criminal Procedure Code. In addition to the Crime of Money Laundering, there are also several other special criminal acts or offenses that have just been born after the establishment of the Indonesian Criminal Code. Some of these criminal acts are also related to the Crime of Money Laundering in terms of the cause of the criminal act (Muhni, 2020).

The crime of money laundering is a crime that is different from other crimes, where the crime of money laundering is a single crime but is related to other crimes, so the crime is also classified as a double crime. The crime of money laundering does not necessarily stand alone but the assets obtained are placed, transferred, or transferred as a form of integration of other criminal acts, in which case it can be concluded that there has been a criminal act that has previously preceded it or in other words *(predicate crime)* (Sutedi, 2009, p. 182). The crime of origin in the crime of money laundering as later regulated in Article 2 Paragraph (1) of Law Number 8 Year 2010 regarding the proceeds of crime, is a Property which is then obtained from the proceeds of a criminal offense which consists of 26 kinds.

Money Laundering Crime (TPPU) is a follow-up crime which is a continuation of the predicate crime, however, money laundering does not have to be proven in advance of the predicate crime because money laundering is a stand-alone crime (as a separate crime). This means that the indictment of the original crime with the money laundering crime must be considered as two crimes even though from the chronology of actions it is impossible for there to be a money laundering crime without an original crime. According to the Supreme Court, to conduct investigation, prosecution, and examination in the TPPU case, it must still be preceded by the existence of the original crime, but the original crime is not required to be proven first. The meaning of the phrase "not required to be proven first" does not mean that it does not need to be proven at all, but TPPU does not need to wait long until the original criminal case is decided or has obtained permanent legal force (Soehandoyo, 2016).

According to the preparation of the indictment, the money laundering crime can be made into one file with the original criminal offense or separated from the original criminal offense (whether the original criminal offense has been proven or not). The preparation of the Money Laundering indictment without having to prove the original crime first or commonly called Stand-alone Money Laundering is money laundering that can stand alone by referring to the prosecution of a single money laundering crime, without having to prosecute the original crime. This can be very relevant, among others: (i) when there is insufficient evidence of a specific original offense giving rise to the proceeds of crime;

or (ii) in situations where there is a lack of jurisdiction over the occurrence of the original offense. Assets obtained from criminal acts may have been *laundered* by the defendant *(self-laundering)* or by a third *party (third party money laundering*) (Soehandoyo, 2016).

In general, perpetrators of money laundering crimes try to hide or disguise the origin of Assets that are the proceeds of criminal acts in various ways to make it difficult to be traced by Law Enforcement Officials. Based on the relationship between the perpetrator of the original crime and the money laundering crime, including:

a. *Self Laundering* is money laundering carried out by the person involved in the original criminal act.
b. *Third Party Money Laundering is money laundering* committed by people who are not involved in the original criminal act.

Active Money Laundering Crime is contained in Article 3 and Article 4 of the Anti-Money Laundering Law. It is called an active money laundering crime because there is an active act to hide and disguise assets resulting from criminal acts. The following is the formulation of Article 3 and Article 4.

Article 3 states that every person who places, transfers, diverts, spends, pays, grants, entrusts, brings abroad, changes the form, exchanges with currencies or securities or other actions on Assets that he knows or reasonably suspects are the proceeds of a criminal offense as referred to in Article 2 paragraph (1) with the aim of hiding or disguising the origin of the Assets shall be punished for the crime of Money Laundering with a maximum imprisonment of 20 (twenty) years and a maximum fine of Rp10,000,000,000 (Ten Billion Rupiah).

Article 4 states that any person who conceals or disguises the origin, source, location, allocation, transfer of rights, or actual ownership of Assets that he knows or reasonably suspects are the proceeds of a criminal offense as referred to in Article 2 paragraph (1) shall be punished for the crime of Money Laundering with a maximum imprisonment of 20 (twenty) years and a maximum fine of Rp5,000,000,000 (Five Billion Rupiah).

Law Number 8 Year 2010 in Article 69 also states that the process of investigation, prosecution, and examination in court can be carried out against the criminal act of money laundering and is not required to prove the original criminal act first, where the intention of the contents of the article requires law enforcement officials with sufficient suspicion and preliminary evidence to then carry out legal proceedings first based on a legal procedure that applies to the criminal act of money laundering even with preliminary evidence found in the previous criminal act. Where this is then reinforced through the contents of Article 77 of Law Number 8 Year 2010 which states that in terms of the interests of examination in court, the defendant is required to be able to prove that his assets are not the proceeds of a criminal offense.

In line with the contents of the article, as regulated in the next article, namely Article 78 paragraph (1) of Law No. 8 of 2010, namely in the case of examination in court as contained in the contents of Article 77, the judge will order the defendant to be able to prove that his assets are not related to criminal cases as contained in Article 2 Paragraph

(1) of Law No. 8 of 2010, and the defendant is obliged to prove his assets by submitting sufficient evidence.

The focus of this study is on active perpetrators or self laundering, namely perpetrators who commit the original criminal offense as well as being responsible for laundering the money derived from the crime. This phenomenon is an important concern in law enforcement because active offenders generally have full control over the proceeds of crime and more complex information to uncover.

In this research, the author examines the case Decision Number 535 K/Pid.Sus/2014, with the defendants Raden Mas Johanes Sarwono, S.H, Ir. Stefanus Farok Nurtjahja, Umar Muchsin. Defendant I. Raden Mas Johanes Sarwono, S.H., Defendant II. Stefanus Farok Nurtjahja and the third defendant. Umar Muchsin has been proven legally and convincingly guilty of committing the crime of "Participating in receiving or controlling the placement, transfer, payment of assets, which he knows or reasonably suspects are the proceeds of a criminal offense. Defendant I. Raden Mas Johanes Sarwono, S.H., the second defendant. Stefanus Farok Nurtjahja and the third defendant. Umar Muchsin with imprisonment of 6 (six) years each and a fine of Rp1,000,000,000.00 (one billion rupiah) each, provided that if the fine is not paid, it shall be replaced by imprisonment of 3 (three) months each.

Furthermore, the author also examines the case of Decision Number 476/Pid.Sus/2023/PN.Jkt.Pst, with the defendant Indah Harini Binti Soeharno, the defendant was legally and convincingly proven to have committed the act as in the First and Second alternative charges, but the act did not constitute a criminal offense, releasing the defendant therefore from all legal charges and releasing the defendant from detention. There are differences between the research conducted by the author and the previous research, because the research conducted by the author focuses on the problem of the application of money laundering crimes obtained from criminal acts of origin.

RESEARCH METHODS

In the preparation of this writing, the author uses normative legal research methods, namely methods that focus on the study of applicable written legal norms, both in the form of laws and regulations and legal doctrines from experts. This research specifically examines the legal norms governing the process of proof and the use of evidence in civil cases in court, as well as how it is carried out by advocates within the framework of professional ethics.

In this regard, the approach used in this research is a *statutory* approach, by analyzing Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Eradication of Corruption, as well as the provisions of the Criminal Procedure Code (KUHAP) and other relevant regulations, *conceptual approach*, to understand the legal construction regarding the relationship between money Laundering and criminal acts of origin, including the concept of *self-laundering*, and *case* approach, by analyzing relevant court decisions, including Supreme Court Decision Number 535 K/Pid.Sus/2014 and Central Jakarta District Court Decision Number 476/Pid.Sus/2023/PN.Jkt.Pst, as case studies in the application of law against active perpetrators of money laundering.

. To strengthen and clarify the analysis of the provisions of the applicable laws and regulations, the author also refers to various scientific literature, legal journals, and opinions of experts in criminal law and criminal procedure law as part of secondary legal materials. In this approach, the study is conducted by combining the science of criminal law (criminal law dogmatics) and criminal procedure law, in order to obtain a comprehensive understanding of law enforcement against money laundering, especially when it is directly related to the crime of origin. This approach is expected to be able to fully describe how legal norms are interpreted and applied by law enforcement officials in handling cases of *self-laundering* or active actors in Money Laundry.

LITERATURE

1. Definition of Law Enforcement

Law enforcement in the opinion of Soerjono Soekanto is the activity of harmonizing the relationship of values described in the rules, steady views and manifesting them in attitudes, actions as a series of final stage value elaboration to create peaceful living relationships (Soekanto, 2008, p. 175).

According to Mardjono Reksodiputro, law enforcement is an apparatus effort made

to ensure legal certainty, order and legal protection in the current era of modernization and globalization can be implemented, if the various dimensions of legal life always maintain harmony and harmony between civil moralization based on actual values in civilized society. As a process of activities that include various parties including the community in the framework of achieving goals, it is imperative to see criminal law enforcement as a criminal justice system (Reksodiputro, 2014, p. 74).

2. Theory of Punishment

Sentencing is an important part of criminal law because it is the culmination of the entire process of holding someone accountable who has been guilty of committing a criminal offense. *"A criminal law without sentencing would morally be a declaratory system pronouncing people guilty without any formal consequences following form that guilt"*. Criminal law without sentencing means declaring someone guilty without any definite consequences for his guilt. Thus, the conception of guilt has a significant influence on the imposition of punishment and its implementation process. If guilt is understood as "reprehensible", then here punishment is the "realization of the reproach" (Huda, 2006, p. 125).

3. Crime of *Money Laundering*

Money laundering is a series of activities that are a process carried out by a person or organization against illicit money, namely money originating from criminal acts with the intention of hiding or disguising its origins from the government or authorities authorized to take action against criminal acts in other ways and especially to enter the money can then be removed from the financial system as halal money.

According to the Black Law Dictionary money laundering is defined as a term used to describe the investment or transfer of money resulting from corruption, drug transactions, and other illegal sources into legal or legitimate channels so that the original source cannot be traced (Setioprojo, 2021) .

4. Crime of Origin

As the theory put forward by Dr. Yenti Ganarsih, namely *no money laundering without core crime* (Garnasih, 2013) (there is no Money La*undering* crime without the existence of an Original / Main Crime), that the Original Crime (*Core Crime / Predicate Offense*) has a role in a Money Laundering Crime. The term Original Crime itself means the criminal offense that triggers (the source) of the money laundering crime (Yusuf, 2021).

In the Anti-Money Laundering Law, there are several criminal offenses that are included in the category of Original Crimes in the Crime of Money Laundering. In Article 2 Paragraph (1) of the Anti-Money Laundering Law, there are 25 types of criminal acts that constitute the Crime of Origin in the Crime of Money Laundering and Criminal Acts that are punishable by imprisonment of 4 (four) years or more are also categories of Crime of Origin in the Crime of Money Laundering. Article 2 Paragraph (1) of the Anti-Money Laundering Law regulates the object of Money Laundering with conditions including that the Assets that become the object of Money Laundering must be Assets obtained from Criminal Acts that are only mentioned in Article 2 Paragraph (1) letters a to letter z only.

RESULT AND DISCUSSION

Law Enforcement in the Element of Disguising and Concealing in Active Actors (Article 3) of Money Laundering Crime Against the Original Crime

Money laundering (TPPU) is a *follow-up* crime committed to disguise or hide the proceeds of the original crime, such as corruption, embezzlement, narcotics trafficking, or other financial crimes. Article 3 of Law No. 8/2010 emphasizes the important element that every person who knows or reasonably suspects that the wealth comes from the proceeds of a criminal offense, and then takes actions such as placing, transferring, spending, granting, or other forms of wealth management with the aim of hiding or disguising the origin of the wealth, may be subject to criminal sanctions. Enforcement of the "disguise" and "conceal" elements plays an important

role in dismantling organized crime, because the mode of money laundering often makes it difficult to prove through ordinary legal channels. Active perpetrators here refer to parties directly involved in the original criminal offense, who then attempt to clear traces of the origin of the funds through the TPPU mechanism.

In judicial practice, the enforcement of Article 3 faces its own challenges, especially in proving the intent or purpose to hide or disguise illegal wealth. This was evident in Decision Number 476/Pid.Sus/2023/PN.Jkt.Pst, where the defendant Indah Harini was charged with embezzlement and money laundering. The prosecutor charged the defendant using Article 372 of the Criminal Code (embezzlement) as the crime of origin and Article 3 jo Article 2 paragraph (1) letter q of Law No. 8 of 2010 as the crime of money laundering. The Panel of Judges considered that the defendant had carried out various forms of transactions with a value of billions of rupiah which included remittances, purchase of assets, and transfer of funds to various accounts on behalf of the foundation or third parties. However, although the objective elements such as the transfer and placement of assets were proven, the Panel of Judges stated that the subjective elements of "disguising" and "concealing" were not sufficiently proven as a criminal offense. As a result, the defendant was found to have committed the acts as charged, but because they did not fulfill the criminal elements, he was acquitted and his rights were restored. This shows that even though the perpetrator is actively committing acts that are factually related to money laundering, without strong evidence of intent to disguise or conceal, it is difficult to impose a valid punishment.

In contrast, in Decision Number 535 K/Pid.Sus/2014, the Supreme Court stated that the elements of disguising and concealing had been proven legally and convincingly. This case involved three defendants: Raden Mas Johanes Sarwono, Stefanus Farok Nurtjahja, and Umar Muchsin, who participated in receiving, controlling, and transferring funds that were known or suspected to have originated from the proceeds of corruption in Bank Century. The defendants not only received funds, but also made transfers, placements, and payments of funds suspected of being the proceeds of crime. Money amounting to Rp20 billion arranged in an account in the name of Fatmawati Foundation and several transactions to other accounts are concrete evidence that the actions of the defendants were carried out with the aim of disguising the origin of funds obtained from criminal acts. In its decision, the Supreme Court emphasized that the actions of the defendants were not only passive, but active in facilitating the flow of funds from the proceeds of crime with the aim of erasing the legal traces of the original criminal act. Thus, all three were sentenced to imprisonment and fines.

From these two cases, there is a fundamental difference in proving the elements of "disguising" and "concealing." In Indah Harini's case, despite a large number of transactions and assets attributed to the crime of origin, the judge did not find explicit intent or sufficient evidence that her actions were aimed at disguising or concealing the illegal wealth. In contrast, in the case of the defendants in the Supreme Court decision, there was not only a suspicious flow of funds, but also direct involvement in complex financial structures and schemes, including the use of foundation names and various accounts as a form of *layering*, which is a hallmark of money laundering.

Based on this, law enforcement against this element is highly dependent on the ability of law enforcement officials, especially investigators, prosecutors, and judges, to trace funds, link transactions to the original criminal offense, and prove the motives of the defendant. The role of PPATK is very important in providing data on suspicious transactions and unusual fund movement patterns. In the context of evidence, the *follow the money* approach is crucial. Tracking the flow of funds becomes important evidence that the defendant is not only moving money, but actively trying to eliminate the

original identity of the assets. However, revealing the motive to disguise or hide remains a challenge because it is often done neatly, covertly, and utilizes legal financial institutions, even social foundations, as in the two cases.

Evidence in criminal procedure law is the process of demonstrating the truth of allegations or charges filed in a criminal case. The aim is to convince the judge of the truth of the facts alleged against the defendant. The following is an explanation of evidence in criminal procedure law and the principles contained therein:

a. Evidence in Criminal Procedure
    1) Burden of Proof:
    2) Public Prosecutor
       In a criminal case, the burden of proof lies with the public prosecutor who must prove that the defendant is guilty in accordance with the charges filed.
    3) Defendant
       The defendant is not obliged to prove his/her innocence, but may submit evidence and witnesses to refute the charges of the public prosecutor.
    4) Evidence:
        a) Witness Statement
           A statement by a witness about an event that he or she has personally experienced.
        b) Expert Testimony
           Expert opinion on matters requiring special expertise.
        c) Letter
           A document or letter containing information about an event.
        d) Clue
           Certain facts or circumstances that can directly provide conclusions about the truth of an event.
        e) Defendant's statement
           Information given by the defendant about the actions he/she has committed or knows.
        f) Evidence
           Objects used or related to the criminal offense committed.
    5) Standard of Proof:
        a) *Beyond a Reasonable Doubt* To impose a sentence, the judge must be convinced that the defendant is guilty beyond a reasonable doubt.
    6) Principles of Evidence in Criminal Procedure Law
        a) The Principle of *Legality* (*Nullum Crimen Sine Lege*) No act can be punished unless it is based on a law that was in force before the act was committed.
        b) *Presumptio Innocentiae* Every person is considered innocent before there is a court decision that states his guilt and has permanent legal force.
        c) *In Dubio Pro Reo* principle If there is doubt in the evidence, then the decision must be in favor of the defendant.
        d) *Audi et Alteram Partem* The right for the accused to be heard and defend themselves against the charges.
        e) *Immediacy* Principle The court must listen directly to witness testimony and other relevant evidence during the trial.
        f) Objectivity Principle Judges must decide cases objectively without being influenced by personal interests or other parties.
        g) The principle of balance The judge must balance the rights of the public prosecutor and the defendant and consider evidence and witnesses from both sides fairly.

The *economic analysis of law* approach makes law as *economic tools* to achieve *maximization of happiness* with economic considerations without eliminating the elements of justice, so that justice can be used as an economic standard based on three basic elements,

namely *value, utility,* and *efficiency* based on human rationality. In the *economic analysis of law* approach*,* Posner argues that people will obey the law if they expect to get benefits (monetary and/or non-monetary) from breaking it, and vice versa.

Evidence in money laundering cases, particularly regarding the elements of concealment and disguise, requires an in-depth understanding of how this crime is committed and how it can be proven in court. The following is a complete explanation of the proof in the elements of hiding and disguising in the case of money laundering (Ramadhanu, 2025) .

Hiding This means hiding the origin or source of money or assets derived from criminal acts. The goal is that the money or assets cannot be traced back to the criminal offense of origin. While Disguising This means changing or obscuring the form or ownership of money or assets derived from criminal acts, so that it appears as if it comes from legitimate activities.

Money laundering is considered a serious criminal offense because it can support other criminal activities such as drug trafficking, terrorism, corruption, and organized crime. Therefore, many countries have strict laws and regulations to detect, prevent and punish money laundering.

Evidence in criminal procedure law is the process of demonstrating the truth of the allegations or charges filed in a criminal case. The aim is to convince the judge of the truth of the facts alleged against the defendant. criminal procedure legal system aims to ensure that the judicial process runs fairly, transparently, and in accordance with applicable legal principles. Proof in money laundering requires cooperation between various institutions and the use of technology and special expertise to analyze complex financial transactions. Thus, it is hoped that the judicial process can run transparently and fairly, and ensure that money laundering crimes can be appropriately punished.

Concept of Law Enforcement on Asset Tracing of the Proceeds of Money Laundering Against Active Perpetrators (Article 3) of Money Laundering Crime

In order to strengthen the intelligence capability of the Attorney General's Office, the Attorney General issued an SOP on Asset Tracing as stipulated in Attorney General Regulation Number 010/A/J.A/05/2014. This regulation was issued in consideration of finding, identifying, and determining an asset hidden by the perpetrator, or related parties related to the proceeds of money laundering and corruption crimes. The purpose of this regulation, among others, is stipulated in Article 3 to support evidence, then to recover state losses both criminally and civilly, as well as to prevent the transfer of assets.

The SOP for asset tracking specifically regulates the scope, which is divided into 3 parts, namely planning, implementation, and reporting and evaluation of activities. The planning aspect includes the SOP for prosecutorial intelligence in profiling and mapping assets. Profiling here means conducting initial identification of the target, be it a suspect, defendant, or convict, as well as a defendant in civil matters based on initial data or documents. This initial document is obtained according to field sources or other parties to compile and create an operation plan to avoid errors in persona and misinformation. After profiling, the next stage of the planning aspect is to conduct mapping. The scope of mapping regulated in Article 7 of the Asset Tracking SOP in this Perja is related to the type of asset, the location of the asset, the ownership status of the asset or goods, and the number of goods. Immovable assets / objects are also divided into three groups, namely movable objects due to their nature as regulated in Article 506 of the Civil Code, immovable objects due to their designation or intended use as regulated in Article 507 of the Civil Code and immovable objects due to statutory provisions.

After the implementation stage is completed, the Asset Tracking SOP in this Perja contains provisions on Reporting and Evaluation which consists of two parts, namely the compilation and preparation of reports, and the second part is the submission of asset tracking results to other fields. In essence, the provisions of Article 11 contain a reporting timeframe, a

maximum of 7 days after the end of the intelligence operation warrant, the filing must be completed and the report on the results of the asset tracking implementation is submitted to the top directly by the intelligence executive. Then a maximum of 3 days after receiving the submission of the report, the report must be sent in stages starting with the Deputy Attorney General for Intelligence to the district attorney's branch with a service note.

Empirical facts related to the implementation of Perja No. 010/A/J.A/05/2014 on the SOP of Asset Tracking have basically run in accordance with the provisions of the norm. Asset tracing is carried out in the intelligence field with a coordination function with the special criminal field. Asset tracing is carried out through intelligence operations based on preliminary information found at the investigation or investigation stage in the South Sulawesi High Prosecutor's Office. Asset tracking intelligence activities consist of mapping assets, tracing the flow of financial transactions, identifying assets and confirming assets in coordination with related institutions. Then after everything is completed, a report on the results of asset tracking is made (Anas et al., 2022).

Basically, the raw material for asset tracing is provided from the field of special crimes, then the processed raw materials are refined through intelligence operations. The raw material referred to is at the planning stage, then at the implementation stage related to information collection, analysis and verification of physical checks and asset identification carried out collaboratively between the intelligence field and the special criminal field. Then at the reporting stage back to the special criminal field. The aspect of coordination with other agencies has also been carried out in accordance with the Asset Tracking SOP. In terms of collecting information, the pattern of coordination between institutions is carried out according to administrative mechanisms in the form of letters to related institutions. Although based on the results of interviews and searches, it cannot be validated whether the prosecutor's office as an institution with the various agencies mentioned in the SOP has collaborated in the form of an MoU. However, so far the coordination function continues to run well. Moreover, with PPATK, the high prosecutor's office has appointed a PIC to facilitate coordination.

The obstacle most felt by the prosecutor's office is related to regulations in tracing accounts in asset tracing. This is because the regulatory aspect of the Banking Law must go through the Minister's license to the Attorney General. Then, in terms of coordination with PPATK. Provisions from PPATK require that there must be a suspect first, only then can asset tracing be carried out. Meanwhile, profiling is often carried out to get suspects to be hampered because of these regulatory aspects. However, the Prosecutor's Office still tries to maximize the existing duties and functions, for example through strengthening other evidence.

Another challenge felt by the AGO in conducting asset tracing is the growing typology of money laundering crimes. If the transaction is done manually, it takes quite a long time, and of course it needs to be assisted by coordinating with other agencies. For example, someone buys gold with cash payments, where the purchase money comes from money laundering crimes. Not to mention that the purchase is disguised, not on behalf of the target of intelligence operations that are being profiled. In such cases, follow the money becomes important, and if that happens, coordination with PPATK becomes a key aspect. Unfortunately, there is no SOP regarding the time limit for how long the process at PPATK can be completed when the prosecutor's office has made an inquiry and PPATK can provide its LHP. Under these conditions, the prosecution can only wait.

One other inhibiting factor can be identified in the absence of asset tracking tools specifically located in the prosecutor's office. To anticipate this, the prosecution uses wiretapping authority, the end of which is to conduct OTT (operation to catch hands). Then in the intelligence section, the prosecutor's office uses a special passcode, which can later pull mobile phone data, or electronic objects from the target of intelligence operations which are then analyzed again.

The anti-money laundering (Money Laundering) regime in Indonesia refers to the Anti-Money Laundering Law in the context of eradication and prevention in PPATK which is directly under the auspices of the President of the Republic of Indonesia. PPATK is an independent institution that is internationally known as the Financial Intelligence Unit (FIU) and has the duty and authority to receive financial transaction reports, analyze financial transaction reports, and report the results of the analysis to law enforcement agencies (Irawan, 2015) v. In the context of asset tracing, all apparatus of law enforcement agencies are required to report the results of the analysis. In the context of asset tracing, all law enforcement officials, including the police, prosecutors, and KPK, will certainly coordinate and request synergy with PPATK. This is one of the causes of the slow asset tracing process.

A revision of the law is needed to expand the prosecutor's authority to independently conduct asset tracing in proving money laundering crimes. This is based on referring to the results of the PPATK analysis in 2020 which states that one of the dynamics and challenges of conducting asset tracing in proving money laundering crimes is that PPATK is not fast in responding to requests for transaction data by law enforcement officials so that it can slow down the investigation process (Anggun, 2022) . Moreover, investigators can conduct asset tracing if they refer to the Lutfi Hasan Ishaq case as stated in the Supreme Court decision Number. 1195 K/Pid.Sus/2014 (Fadhil et al., 2022).

The independence of the prosecutor's office in conducting asset tracing without having to rely heavily on PPATK for cases handled, will speed up the process. So the desired expectation is the opening of access for the prosecutor's office in tracking without having to collide with the regulations in the Banking Law and PPATK's Tupoksi. This conception is believed to be able to accelerate, so that the PPATK burden can also be reduced in tracing each existing APH (Fadhil et al., 2022).

In addition, to anticipate the development of the growing typology of money laundering crimes, especially with technological developments. Moreover, the trend of money laundering crimes is now leading and based on digital systems using Bitcoin, NFT, Atrium, Blockchain, etc. For example, in the context of bitcoin, it has the potential to become a new center for money laundering crimes because it has loopholes that can be exploited. The nature of bitcoin as a "currency" used as a means of payment in the dark web (Arifin, 2018) . The Prosecutor's Office also needs to continue to make efforts to develop human resource capacity, for example by conducting training activities related to digital forensics in terms of data mining, factual and real evidence collection. This optimization is expected to be able to recover undetected virtual wealth, so that it can be converted back to its economic value to cover losses (Utami, 2021).

Further optimization efforts are pursued through collaboration and institutional partnerships. If law enforcement is seen as policy implementation, then there are 4 important things that must be considered, including communication, sources, behavior, and bureaucratic structures (Anas et al., 2021). The problem reflected in the challenges of asset tracking is coordination between institutions. Moreover, referring to the Asset Tracking SOP issued in the form of Perja, coordination in this case communication is a key aspect. The Prosecutor's Office needs to continue to increase collaborative efforts, either by cooperating, forming ad hoc working groups based on cases or fiscal years with related institutions and/or agencies. In order to maximize the coordination function in tracking assets as the initial stage of proving money laundering crimes. The collaboration aspect is certainly the basis, as stated in a study which states that the level of cooperation or collaboration in a regime has a positive impact on problem solving and affects the effectiveness of the regime itself (Pratama, 2015) . Through a series of optimization efforts mentioned above, it is expected to be able to provide strengthening of asset tracing in proving money laundering crimes. This strengthening is needed in the context of responsive and adaptive law enforcement.

CONCLUSION

Law enforcement against active perpetrators of Money Laundering Crimes (TPPU) as stipulated in Article 3 of Law Number 8 Year 2010 has an important role in the eradication of financial crimes, especially against criminal acts of origin such as corruption, narcotics, and embezzlement. The elements of "disguising" and "concealing" are the core of the proof of money laundering. However, in practice, proving this element faces challenges due to its hidden and complex nature, as seen in the comparison between Decision No. 476/Pid.Sus/2023/PN.Jkt.Pst and Decision No. 535 K/Pid.Sus/2014. The success of proof is highly dependent on the effectiveness of tracking the flow of funds (follow the money), the ability of law enforcement in identifying money laundering schemes, as well as data support from PPATK as a financial intelligence agency. In addition, the *Economic Analysis of Law* approach emphasizes that the imposition of criminal sanctions must be able to eliminate the economic benefits obtained by the perpetrator, so that the law functions as an effective preventive instrument. In this case, asset tracing is an important early stage that determines the evidentiary process. Although the SOP for asset tracing has been implemented, strengthening is still needed through expanding the authority of investigators, increasing the capacity of human resources in digital forensics, and strengthening collaboration between institutions. With a combination of normative legal approaches and economic analysis, as well as strong institutional support, law enforcement against Money Laundry is expected to run more effectively, fairly and optimally in breaking the chain of financial crime in Indonesia.

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