

Qualification of Sanctions for Money Laundering Crimes from the Proceeds of Narcotics Crimes

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Abstract: This research aims to examine and analyze the application of criminal sanctions for perpetrators of money laundering offenses arising from narcotics crimes. This study employs normative legal research, focusing on the criminal sanction system applied to money laundering offenders originating from narcotics-related proceeds. The research uses a normative approach based on primary, secondary, and tertiary legal sources, including court decisions, and conducts qualitative analysis through legal reasoning and argumentation. The results indicate that the criminal sanctions imposed on perpetrators of money laundering from narcotics proceeds are considered very light and inconsistent with the objectives of justice and the enforcement of laws regulating the eradication of money laundering and narcotics offenses. The sanctions are deemed excessively lenient because the acts are treated as a single offense, despite the perpetrators committing a combination of multiple offenses (*concursum* and *voorzette delict*). Moreover, the Public Prosecutor's Office does not process co-perpetrators (*medeplegen*) as responsible parties, even though they are proven to have participated in the commission of money laundering offenses related to narcotics crimes (*predicate offenses*). Additionally, the judges' considerations in sentencing the perpetrators do not adequately take into account the legal facts revealed during trial, the evidence presented by the public prosecutor, or the legal reasoning from both the *judex facti* and *judex juris* perspectives. Consequently, the sanctions imposed are very light and deviate from the criminal sanction system stipulated in the Indonesian Penal Code (KUHP) and established doctrines of criminal law in Indonesia. The recommendations of this study are, first, to strengthen law enforcement regarding narcotics and money laundering crimes, including enhancing the capacity to detect and investigate money laundering derived from narcotics proceeds; and second, for judges to continuously improve their expertise, gain practical experience, and carefully assess which legal provisions are applicable. This will enable them to analyze relevant factors effectively and ensure that judicial decisions are fair, consistent, and grounded in legal reasoning.

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INTRODUCTION

Law plays an important role in human life from birth to the end of life. The existence of legal norms aims to create social order and protect the rights of individuals and groups. The law not only sets rules, but also provides sanctions for those who violate, such as imprisonment, fines or disenfranchisement. In the criminal justice system, the state through its authority can impose punishment on the perpetrators of crimes in accordance with the applicable legal procedures. Criminal law specifically regulates prohibited acts as well as the conditions and forms of punishment that are appropriate, as part of efforts to uphold justice and prevent social unrest. Thus, it can also be said that criminal law is a system of norms that determine which actions (to do something or not to do something where there is a necessity to do something) and in the circumstances in which the punishment can be imposed, as well as what punishment can be imposed for those acts¹.

¹ Van Apeldoorn, 2010, *Introduction to Law*, Pradnya Paramita, Jakarta, p.10

One of the forms of complex and organized crime to date is the circulation of narcotics through trade with its various modus operandi which is then diverted to other crimes as *predicate* crimes. The money obtained from the trade is a crime because the transaction of buying and selling narcotics is an act prohibited by law. The acquisition of narcotics trafficking proceeds that are diverted or hidden in other forms is a crime regulated in the Money Laundering Crime Law (hereinafter abbreviated as TPPU) or often referred to as the Anti-Money Laundering Law.²

Narcotics trafficking in Indonesia involves international networks, especially from the "golden triangle" region of Thailand, Myanmar, and Laos. These narcotics flow also includes supplies from Iran, Pakistan, and Afghanistan. Indonesia is included in the list of main countries where money laundering is with the number of transactions resulting from illicit narcotics trafficking is also fantastic, reaching Rp. 300 trillion per year³. Therefore, exposing the illicit trade in narcotics can be done by tracing the channels of narcotics trafficking as a crime of money laundering in Indonesia.

The Narcotics Law Number 35 of 2009 expressly regulates the relationship between narcotics crimes and money laundering as the main crime (*predicate crime*). Money laundering involves various modes such as tax evasion, layering, and the use of third parties in the process of transferring funds. These crimes are usually connected to other serious crimes such as corruption, gambling, terrorism, human trafficking, and prostitution. Through this crime, it is used to hide and disguise funds derived from the results of prohibited business activities for narcotics, so it is difficult to believe that the funds generated are the result of legitimate activities and do not violate existing laws and regulations.⁴

Money laundering has become a global issue that threatens the stability of the international economy and financial system. As a transnational *crime*, money laundering is often carried out through the international financial system by disguising the source of money from crimes such as narcotics, corruption, and *illegal logging*. The crime of *money laundering* in Indonesia is regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. As a *transnational crime*, money laundering is often carried out across national borders, and has a negative impact on the financial system and the world economy as a whole.

Concrete cases such as Supreme Court Decision Number 545 K/PID. SUS/2017 shows weaknesses in the implementation of the penal system in Indonesia. In fact, the criminal sanction applied to minor offenders is 4 years in prison from the threat of criminal punishment to a maximum of 20 years in prison. The aspect that escaped the judge's consideration was the qualification of the perpetrator who committed the act of narcotics crime not based on the act, the type of narcotics being trafficked, the act was carried out continuously (*voorgezette handeling*), and the perpetrator committed a continuous criminal act (*voorgezette delict*). In addition, the perpetrator commits an act that violates several criminal provisions (*concorsus*) so that the criminal threat should consider the qualification of the acts committed by the perpetrator with a criminal threat using a system of sanctions or a penal system adopted in the doctrine of criminal law and regulated in the provisions of the applicable laws.

Based on the background of the above problems, the main issue (*legal issue*) of this research will be the target of the analysis of the qualification of criminal sanctions against the criminal acts of money laundering from narcotics crimes in the Supreme Court Decision Number 545 K/PID. SUS/2017.

METHOD

The research method used is normative juridical, which is legal research that lays down law as a building of a norm system. The author uses this research method because the research issue analyzes the qualifications of the perpetrators of money laundering crimes that are the result of narcotics crimes. The approach used in the research is the legislative approach, conceptual approach and case *approach*.

Data analysis used with prescriptive descriptive research, meaning providing an assessment of the applicable laws and regulations or those decided by court decisions that are associated with legal theories and

²Gatot Supramonon, 2009. *Indonesian Drug Law*, Djambatan Publisher, Jakarta, p. 276.

³Op.cit.

⁴Tambunan, M. P., 2016, *Corporate criminal liability in money laundering crimes*, Journal of the Justice Pulpit. Thing. Sec. 4.

positive law implementation practices related to the problems that have been formulated.⁵ The nature of this research describes or provides an overview and assessment of the compatibility between how the qualification of the criminal act of money laundering according to criminal law and how the basis of legal considerations for judges in imposing a criminal sentence on the crime of money laundering from the proceeds of the crime of narcotics (Study of Supreme Court Decision Number 545 K/PID. SUS/2017).

RESULT

Chronology of Cases

The criminal act of money laundering of the defendant Gurun Batu Rante Putra alias Deny (hereinafter given the initials GBRP) at least in February 2012 Cab. Makassar, located at the Honda Jaya Show Room, Jalan Gunung Bawakaraeng No.85, Makassar City, or at BCA, carried out several actions related to wealth that should suspect the results of narcotics crimes with the aim of hiding or disguising it with the aim of concealing the origin of wealth. GBRP is known to carry out various suspicious financial activities, such as transferring, placing, transferring, spending, paying, transferring, depositing, taking it abroad, changing its form and exchanging it for currency with securities. He was caught with two plastic shasets containing clear crystals weighing more than 10 grams and there were also still 100 grams in the rented house. As a result of the search, 10 large plastic bags, Rp. 117,800,000 in cash, three electric scales, 1 passbook, 1 ATM card were found.

In addition, various accounts were found in his name at BCA bank with a total of more than 9 billion in funds, then bought 1 Pearl White Honda Jazz car. The act of the initials GBRP is threatened in Article 4 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. From the facts, GBRP has organized and controlled the crime of money laundering from the crime of narcotics with a total of 32 customers who transferred to it from 2007 to 2013⁶. GBRP is a *recidivist* of narcotics crimes so it is qualified to have committed a continuous criminal act (*voorgezette delict*).⁷

Based on the exposure of legal materials from the research results, there were 32 customers related to the perpetrators of criminal acts with their respective qualifications. From the results of the research, the perpetrators of criminal crimes who have qualifications as organizers and dealers (*mededader*) are in the initials GB (defendant) with the largest total funds (nominal) around Rp. 1,617,396.00 and the smallest funds between Rp. 105 million to Rp. 500 million, all of which are qualified as participating in the crime of money laundering from the proceeds of narcotics laundering.

Qualification of Criminal Sanctions for the Acts of Perpetrators of Money Laundering Crimes Resulting from Narcotics Crimes

One of the aspects that is the subject of discussion in criminal law is the criminal sanction system. The criminal sanctions system according to its concept, assumptions and theory regulates the types of criminal sanctions that can be applied to the perpetrators of criminal acts. In relation to the case of qualifying criminal sanctions against perpetrators of money laundering crimes from the proceeds of narcotics crimes found to be found in the criminal sanction system or criminal stelsel adopted in the provisions of criminal legislation as shown in Table 2 below:

Table 1. Criminal Sanctions and Criminal Acts System Adopted in Indonesian Criminal Law Doctrine

No.	Sanctions System	Legal Basis	Criminal Acts	Ket.
1	Absorption System	Article 63 paragraph (1) of the Criminal Code	Concursus Idealis	
2	Sharpened/weighted Absorption System	Article 65 paragraph (1) of the Criminal Code	Concursus Realis	

⁵ Soerjono Soekanto, 2010, *Introduction to Legal Research*, UI Press, Jakarta, p. 53.

⁶ See the consideration of the Panel of Judges of the Supreme Court, Number 545 K/PID. SUS/2017, p. 3 (table), pages 6-7 (table) and p. 11 appendices

⁷ Ibid.

3	Weighted System	Emulation	Article 65 paragraph (1) and paragraph (2) of the Criminal Code	Criminal acts that are not of the same type, subject to one criminal offence with a maximum penalty + exceeding 1/3
4	Emulation System		Article 66 of the Criminal Code	Criminal acts that are criminal standing alone, the threat of a criminal is basically the same as for realist concursus whose sentence must not exceed the heaviest principal crime
5	Full or infinite Accumulation System		Article 70 of the Criminal Code	Mixed Crime and Offense

Source: primary legal materials, processed 2025.

Based on the exposure of the legal material from the research results of Table 2 on the criminal sanction system in relation to the qualifying case of criminal sanctions for perpetrators of money laundering crimes resulting from narcotics crimes, there are two sanction systems that can be applied, namely the aggravated (sharpened) absorption sanction system for perpetrators who commit a combination of criminal acts (*concursum*) and continuing acts (*voorgezette hadeling*) and continuous criminal acts (*prior crime*).

Table 2. Regulation of Types of Criminal Sanctions for Perpetrators in the Money Laundering Law

No.	Legal Basis	Criminal Acts	Types of Criminal Sanctions					Ket.
			Prison	Fine	Die	Lifetime	Action	
1	Article 3	Transfer, redirect, etc	Max 20 yrs	10 M				
2	Article 4	Hide	Max 20 yrs	5 M				
3	Article 5	Receiving, etc.	Max 5 yrs	1 M				
4	Article 5	Submit, hide, etc	Max 5 yrs	1 M				
4	Article 6 (corporation)	Transfer, Conceal, receive, etc.		100 m			Close/Disband/Revoke	
5	Article 10	Offenders Abroad	Max 20 yrs	10 M				

Source: primary legal materials, processed 2025.

Based on the exposure of the legal materials from the research results of Table 2 on the criminal sanction system in relation to the qualifying case of criminal sanctions for perpetrators of money laundering crimes resulting from narcotics crimes, there are two sanction systems that can be applied, namely the absorption sanction system aggravated (sharpened) for perpetrators who commit a combination of criminal acts (*concursum*) and continuing acts (*voorgezette hadeling*) as well as continuous criminal acts (*prior crime*).

The Basis of Legal Considerations of Judges in Imposing Criminal Sanctions for Perpetrators of Money Laundering Crimes from the Proceeds of Narcotics Crimes

In this subchapter, several basic legal points will be presented for the consideration of Supreme Court Judges in cases of money laundering resulting from corruption crimes as legal materials from research to be reference materials to discuss legal problems submitted by researchers as Table 6 below.

Table 3. Main Reasons for the Consideration of the Panel of Judges of the Supreme Court on the Qualification of Criminal Sanctions for Perpetrators of Money Laundering Proceeds of Narcotics Crimes

Yes	Considerations of Supreme Court Judges	Legal Basis	Judge's Results
1	That the Hakakim PT Decision does not apply the rules of criminal sanctions as it should.	Article 3 of the TTP Law	- Criminal threats of 3 years deviating from the maximum criminal threat of 20 years - 1 unit of Honda Jazz and BPKB cars returned to the defendant
2	That the Decision of the PT Judge which applied a 3-year criminal sanction to the Defendant alial GBRP and Honda Jazz and BPKB cars.	Article 3 of the TTPU Law	Criminal sanctions of 3 years and return of Honda Jazz cars and BPKB do not have a deterrent effect
3	That the Decision of the Hakum PT which examines and adjudicates cases a quo does not apply the rule of law.	- Article 3 of the TTPO Law - KUSHMIR	The PT Judge's Putuan was proven not to apply the rule of law as it should so that the threat of a 3-year sentence did not reflect the sense of justice of the community and the state
4	That the PT Judge has the authority and may corroborate and take over the consideration of the PN.	Article 3 of the TTPO Law	The PN Judge's decision did not consider the consequences caused by the defendant's actions
5	That the prosecutor did not agree with the PN Decision of the 3-year sanction and the return of the Honda Jazz Car and BPKB to the defendant That the Supreme Court Judge accepted the JPU's Cassation.	Article 3 of the TPU Law	- Justifying the prosecutor's excuse for the type of criminal sanction is only 3 years, does not consider the origin of the money obtained and the defendant is a recidivist narcotics defendant. - The Panel of Judges of PT did not consider/pay attention to the witness statements, evidence, evidence of transaction letters for the period from 10 Dec 2007 to March 2013 belonging to the defendant (12 years)
6	That the PT did not pay attention to and consider the prosecutor's reasons on how to adjudicate.	Article 3 of the Constitution and the Criminal Procedure Code	- The PT should consider the prosecutor's reasons on how to apply the law in PT. - The PT is proven not to be prosecuting in accordance with the applicable law

Source: primary legal materials, processed 2025.

Based on the exposure of the legal material from the research results of Table 4, it can be seen that based on the main considerations of the Supreme Court Panel of Judges, the results of the research were obtained that the Decisions of the PN and PT have not applied material legal rules and formal legal rules in

applying criminal sanctions to the defendant with the initials GBRP in the case of money laundering from the crime of narcotics crimes.

DISCUSSION

Qualification of Criminal Sanctions for the Acts of Perpetrators of Money Laundering Crimes Resulting from Narcotics Crimes According to Indonesian Criminal Law

The discussion on the qualification of criminal sanctions for the criminal acts of the perpetrator of money laundering from the crime of narcotics will analyze several legal aspects that are related, especially to the indicators that have been determined in the framework of research thinking whose narrative is put forward in the following subchapters.

Perpetrators of Money Laundering Crimes from Narcotics Crimes

In the context of criminal law actors, especially Law No. 10 of 2022 and criminal law doctrine, perpetrators of money laundering crimes are qualified as main perpetrators (*dader*) and auxiliary perpetrators (*mededader*). In this case, GBRP alias Deny has been proven to be the main perpetrator of money laundering, receiving funds from narcotics crimes (predicate crimes), managing these funds through various modes such as asset purchases and deposits, and organizing the flow of funds in a structured manner from 2007 to 2013. Then carry out the act of organizing and controlling the crime of money laundering resulting from the crime of narcotics (ninth chronology).

In addition, GBRP is a non-criminal recidivist of Narcotics (Tenth Chronology, Table 2 point 2 and Table 6 point 5) and continues to commit criminal acts of money laundering from Narcotics crimes continuously and is used to buy a Pearl White Honda Jazz car. The qualification of 32 people as customers who are proven to have transferred a certain amount of funds is an assistant to a criminal act as stipulated in Article 3 of the Anti-Corruption Law in conjunction with Article 55 of the Criminal Code.

Criminal Sanction System for Perpetrators of Money Laundering Proceeds of Narcotics Crimes

In the doctrine of criminal law, the sanction system is the absorption system which emphasizes the application of criminal sanctions to perpetrators of one of the heaviest types of criminal sanctions (absorption). The criminal sanctions system emphasizes on summing up all criminal sanctions threatened by the perpetrator by applying one type of criminal sanction that can be aggravated and reduced. In the context of the GBRP case, the aggravated accumulation system is the most relevant approach because the perpetrator commits a combination of criminal acts (*concursum realis*) and continuing crimes (*voorgezette delict*). GBRP has been proven to carry out a series of interrelated acts: money laundering, narcotics trafficking, purchase of assets from illegal funds, and systematic organization of criminal activities. He received a criminal threat of 27 years in prison and a fine of 10 billion (Table 3 number 1 and table 4 number 8).

The criminal sanctions against the helpers (*medeplegen*) who are proven to have committed the crime of laundering narcotics proceeds (transferring) to the initials GBRP are applied with a weighted absorption system, considering their involvement from 2007 to 2013. Therefore, the criminal sanctions applied are a minimum prison sentence of 4 years and a fine of 800 million (Table 4 number 1) because the perpetrators' actions violated Article 111 of the Narcotics Law and Article 65 of the Criminal Code. The non-prosecution of the perpetrators of the crime of assisting in the crime of money laundering from narcotics crimes shows that there is an inequality in the enforcement of hulum, because there are still some non-criminal perpetrators (*medeplegen*) *in casu*, who are not processed in a *criminal justice system*.

Criminal Liability of Perpetrators of Money Laundering Proceeds of Narcotics Crimes

In the case of money laundering from narcotics crimes, *in casu*, the perpetrator with the initials GBRP is the only perpetrator of a criminal act that is processed in the criminal justice system, starting from investigation, prosecution and criminal justice. The criminal liability of the perpetrator has not included several acts that have been committed, especially the act of organizing and controlling the crime of money laundering and the act was carried out continuously from 2007 to 2013 as a combined act (*concursum*) of continuous criminal funds or *voorgezette delict*.

In addition, the perpetrators of the crime of laundering narcotics proceeds carried out with the initials GBRP are not suspects in this case. Even though the perpetrators of the assistance in casu, it was proven that they had committed the act of transferring funds from the sale of narcotics to the perpetrator with the initials GBRP. Therefore, according to the researcher's analysis, the helpers who commit criminal acts should be accountable for their actions through the criminal justice system.

Judges' Considerations in Applying Criminal Sanctions to Perpetrators of Money Laundering Crimes from Narcotics Crimes

The researcher analyzed the considerations of the panel of judges of *the judex fakti* and the *judex jurispruce court* that processed the perpetrator with the initials GBRP in the crime of money laundering resulting from the crime of narcotics crimes. These two aspects are very important to analyze because in the court decision of the two institutions, they have become the basis for describing the law enforcement process in the case of the perpetrator with the initials **GBRP alias Deny** the crime of money laundering resulting from the crime of narcotics crimes.

Judge *Judex Facti's* Considerations

Some *of the legal considerations of judex facti* are used as the basis for the application of criminal sanctions to *a quo* perpetrator as shown in Table 4 below.

Table 4. Points of Consideration of the Panel of Judges *Judex Facti* on the Application of Criminal Sanctions Against Perpetrators of Money Laundering Proceeds of Narcotics Crimes

Yes	Points of Consideration of Judge <i>Judex Facti</i>	Legal Basis	Judge's Results
1	That the decision of the PN/PT Judge did not apply the rules of criminal sanctions as they should	Article 3 of the TTP Law	- The 3-year criminal threat deviates from the maximum criminal threat of 20 years. - 1 unit of Honda Jazz and BPKB cars was returned to the defendant.
2	That the Decision of the PN/PT Judge which applied a 3-year criminal sanction to the Defendant initials GBRP and returned the Honda Jazz and BPKB cars to the defendant	Article 3 of the TTPU Law	Criminal sanctions of 3 years and return of Honda Jazz cars and BPKB do not have a deterrent effect
3	That the Decision of the Hakim PN/PT which examines and adjudicates cases <i>a quo</i> does not apply the rule of law	- Article 3 of the TTPO Law - KUSHMIR	The Putuan Hakim PN/PT was proven not to apply the rule of law as it should so that the threat of a 3-year sentence did not reflect the sense of justice of the community and the state
4	That the PN/PT Judge is authorized and may strengthen and take over the legal considerations of the PN	- Article 3 of the TTPO Law	The PN Judge's decision did not consider the consequences caused by the defendant's actions
5	That the Public Prosecutor did not agree with the PN Decision on the 3-year sanction and the return of the Honda Jazz Car and BPKB to the defendant That the Supreme Court Judge	Article 3 of the Constitution	- Justifying the prosecutor's reason for the type of criminal sanction is only 3 years, does not consider the origin of the money obtained and the defendant is a recidivist of narcotics. - The Panel of Judges of PN/PT did not consider/pay attention to the witness statements, evidence, evidence of transaction

	accepted the Prosecutor's Cassation		letters for the period from 10 Dec 2007 to March 2013 belonging to the defendant (12 years)
6	That the PN/PT did not pay attention to and consider the prosecutor's reasons on how to adjudicate	Article 3 of the Constitution and the Criminal Procedure Code	- The PN/PT should consider the prosecutor's reasons on how to apply the law in PT. - PN/PT is proven not to be prosecuting in accordance with applicable law

Source: primary legal materials, processed 2025.

Based on the exposure of the legal material from the research results of Table 7, it can be seen that based on the main considerations of the Panel of Judges *yudex facti*, the results of the research were obtained that the PN and PT Decisions have not applied material legal rules and formal legal rules (Table 7) in applying criminal sanctions to the defendant with the initials GBRP in the case of money laundering from the crime of narcotics crimes.

Judgment of Judge *Yudex Juris*

In this case, the jurisprudence in this study is the Supreme Court. The Supreme Court, in the case of *in casu*, has received an appeal from the public prosecutor to review the judicial decision of *the yudex facti* on the case a quo. Some of the considerations of the *judez jurisprudence* judge regarding the application of criminal sanctions against the perpetrators of money laundering from narcotics crimes are, namely,

First, the 3-year criminal threat deviates from the maximum 20-year criminal threat. Criminal threats that should be applied use a aggravated accumulation system in accordance with applicable criminal provisions.

Second, 1 unit of Honda Jazz and BPKB cars was returned to the defendant which should have been confiscated by the state. The seizure of the car was evidence used by the defendant during the crime of money laundering of narcotics.

Third, PN/PT Judges are proven not to apply the rule of law as they should so that the threat of a 3-year sentence does not reflect the sense of justice of the community and the state. If this aspect is analyzed, the criminal threat should be heavier because the perpetrators of criminal acts commit a combination of several acts and organize or control the crime of laundering narcotics proceeds.

Fourth, *the* supreme court judge justified the prosecutor's reason for the type of criminal sanction of only 3 years, not considering the origin of the money obtained and the defendant being a recidivist narcotics defendant. According to the author, this aspect also agrees because the defendant's actions violated several applicable criminal provisions.

Fifth, the panel of PN/PT Judges did not consider/pay attention to the witness statements, evidence, and evidence of the transaction letter for the period from Dec 10, 2007 to March 2013 belonging to the defendant (12 years). The consideration of *the yudex jurisprudence*, according to the writing of the *yudex jurisprudence* panel of judges, is very much in accordance with the applicable laws and regulations. However, according to the author, I disagree with the decision of the *yudex jurisprudence* panel of judges who upheld the district court's decision with the application of criminal sanctions for only 3 years (Table 7 number 1) even though it should have been heavier because they committed several criminal acts (*concursum and vorzette delict*).

CONCLUSION

That the application of criminal sanctions against perpetrators of money laundering crimes from the proceeds of narcotics crimes is qualified as very light and not in accordance with the purpose of justice and hurts law *enforcement* of laws and regulations that regulate the eradication of money laundering crimes and narcotics legislation. The qualification of criminal sanctions applied to the perpetrator (*dader*) is very light, the criminal act is only qualified as one criminal act, even though the perpetrator has committed a combination of several criminal acts (*concursum and vorzette delict*). In addition, SPP does not process auxiliary perpetrators (*medeplegen*) as perpetrators who are proven to be involved in the realization of the crime of

money laundering from narcotics crimes (*predicate crime*) that divorce law enforcement (*law enfocemen*) and the economic system and social order of Indonesian society.

The basis of the judge's consideration in sentencing the perpetrators of the crime of money laundering from the crime of narcotics crime is that it does not pay attention to and consider the legal facts revealed in the trial, the evidence and evidence submitted by the public prosecutor, especially on the legal considerations of the *judex facti* court and the *judex jurisprudence* court so that the type of criminal sanctions applied is very light and deviates from the criminal sanctions system adopted in the applicable laws and regulations (KUHP) and the doctrine of criminal law in Indonesia.

BIBLIOGRAPHY

Books

- Adami Chazawi, 2010, Criminal Law Lesson I, PT. Raja Grafindo, Jakarta.
- Adrian Sutedi, 2008, Money Laundering Crime, Citra Bakti, Bandung.
- Ali, Mahrus, 2017, Principles of Corporate Criminal Law, Raja Grafindo Persada, Jakarta.
- Andi Hamzah, 2008, Indonesian Criminal Procedure Law, Sinar Grafika, Jakarta.
- , 2004, Principles of Criminal Law, Rineka Cipta, Jakarta.
- Amrullah, Arief M, 2004, Money Laundering Crime, Bayu Media Publishing, Malang.
- Bambang Poernomo, 1998, Principles of Criminal Law, Ghalia Indonesia, Jakarta.
- , 2016, Legal Research Methodology, Raja Grafindo Persada, Jakarta.
- Bambang Waluyo, 2008, Crime and Criminality, Sinar Grafika, Jakarta.
- Barda Nawawi Arief, 2002, Bunga Rampai Criminal Law Policy, PT. Citra Aditya Bakti, Bandung.
- , 2010, Criminal Law Policy, Prenada Media Group, Jakarta.
- Cholid Narbuko and Abu Achmadi, 2021, Research Methodology, PT. Bumi Aksara, Jakarta.
- Djoko Prakoso, Bambang Riyadi.L, 1981, Amir Muhsin, Crimes that Harm and Endanger the State, Bina Aksara, Jakarta
- Djoko Prakoso, Indictment, Criminal Charges and Examination of Cases in Criminal Proceedings, Liberty, Yogyakarta.
- Dwidja Priyanto, 2009, Prison Penalty Implementation System in Indonesia, PT. Rafika Aditama, Bandung.
- Evi Hartanti, 2009, Corruption Crime Second Edition, Sinar Grafika, Jakarta.
- E.Y. Kanter & S.R Sianturi, 2002, Principles of Criminal Law in Indonesia and Its Enforcement, Sinar Grafika, Jakarta.
- Fence M.Wantu, 2011, Legal Certainty, Justice and Utility, Yogyakarta Student Library
- Supramonon. 2009. Indonesian Drug Law. Djambatan Publisher, Jakarta.
- Gorys Keraf, 2004, Composition of an Introduction to Language Proficiency, NusaIndah Publisher, Flores.
- Halim, Pathorang, 2013, Law Enforcement Against Money Laundering Crimes in the Era of Globalization, Yogyakarta: Total Media, Yogyakarta.
- Hamzah Andi, 2008, Indonesian Criminal Procedure Law, Sinar Grafika, Jakarta.
- Hendar Soetarma, 2011, Law of Proof in Criminal Proceedings, Alumni, Bandung.
- Huda, Chaerul, 2008, From No Crime Without Fault to No Criminal Liability Without Fault, Kencana, Media Group, Jakarta.
- Ikin A. Ghani and Abu Charuf, 1993, The Dangers of Narcotics Abuse and Its Countermeasures, Bina Taruna Foundation, Jakarta.
- Sister. S, 2017, Money Laundering: The Law of Proving the Crime of Money Laundering in the Determination of Suspects, Gramedia, Jakarta.
- Irmawaty et al., 2022, Guidebook for Thesis Writing for the Postgraduate Master of Law Study Program, University of Muhammadiyah Palu, Palu, Central Sulawesi.
- I Ketut Donder and I Ketut Wisarja, 2010, Philosophy of Science: What, How, for What is Science, Knowledge and Its Relationship with Religion, Paramita, Surabaya.
- Ishaq, 2018, Basics of Law, Sinar Grafika Publisher, Jakarta.
- Jahja, June Sjafrin, 2012, Against Money Laundering! Knowing, Preventing & Eradicating Money Laundering Crimes, Media Vision, Jakarta.

- Jimly Asshiddiqie, 2009, Introduction to Constitutional Law, PT. Raja Grafindo Persada, Jakarta.
- Leden Marpaung, 2011, The Process of Handling Criminal Cases, Sinar Grafika, Jakarta.
- , 2017, Principles-Theory-Practice of Criminal Law, 9th Edition, Sinar Grafika, Jakarta.
- Lilik Mulyani, 2007, Judge's Decision in Criminal Procedure Law, PT Citra Aditya Bakti, Bandung.
- Lamintang, P.A.F. 2013, Basics of Indonesian Criminal Law, PT Citra Aditya Bakti, Bandung.
- Mahmud Mulyadi, 2008, Criminal Policy: An Integral Approach to Penal Policy and Non-Penal Policy in Countering Violent Crimes, Pustaka Bangsa Press, Medan.
- Makardo, Moh. Taufik, et al., 2003, Narcotics Crimes, Ghalia Indonesia, Jakarta.
- Matiman Prodjohamidjojo, 2001, Application of Reverse Proof in Narcotics Delik (Law No. 31 of 1999), Mandar Maju, Bandung.
- Mukti Fajar ND and Yulianto Achmad, 2015, Dualism of Normative and Empirical Law Research, Pustaka Siswa, Yogyakarta.
- Muladi and Barda Nawawi Arief, 1982, Criminal and Criminal Justice, FH UNISULA, Semarang.
- , 2010, Criminal Theories and Policies, 4th Edition, Bandung Alumni, Bandung.
- Peter Mahmud Marzuki, 2017, Legal Research, Kencana Predana Media Group, Jakarta.
- Prasetyo Teguh, 2011, Criminal Law, Raja Grafindo Persada, Jakarta'
- Rimdan, 2012, Judicial Power, Prenada Media Group, Jakarta.
- Roeslan Saleh, 1983, Criminal Acts and Criminal Responsibility; Two Basic Definitions in Criminal Law, 3rd Edition, New Script, Jakarta.
- Rusli Muhammad, Portrait of the Indonesian Court Institution, PT Raja Grafindo Persada, Jakarta.
- Russel Butarbutar, 2016, Complications of Criminal Prosecution and Its Application in the Community, Gramata Publishing, Bekasi.
- Salim, H. and Hj Rodyah, 2017, Special Criminal Law, Elements and Sources of Crime, Raja Grafindo, Depok.
- Sudarto, 1983, Criminal Law and Community Development, Sinar Baru, Bandung.
- , 1987, Criminal Law 1, Faculty of Law Student Affairs , Semarang.
- Soerjono Soekanto, 1993, Factors Influencing Law Enforcement, Raja Grafindo, Jakarta.
- , 2010, Introduction to Legal Research, UI Press, Jakarta.
- and Sri Mamudji, 2009, Normative Law Research, ed.1, PT. Raja Grafindo Persada, Jakarta.
- Sujono and Daniel, B, 2011, Comments and Discussion of Law Number 35 of 2009 concerning Narcotics, Sinar Grafika, Jakarta.
- Sutiyoso Bambang, 2006, Legal Discovery Method, Yogyakarta, 2006.
- Sutedi, Adrian, 2008, Money Laundering Crimes. 1st printing, Citra Aditya Bakti, Bandung.
- Syarifuddin Pettanasse, 2017, Several Criminal Acts Outside the Criminal Code, Faculty of Law, Sriwijaya University, Palembang.
- Teguh Prasetyo, 2014, Criminal Law, Revised Edition, Rajawali Press, Jakarta.
- and Abdul Halim Barkatullah, 2005, The Politics of Criminal Law (Study of Criminalization and Decriminalization Policy), Pustaka Siswa, Jakarta.
- Theodarus M Tuanakotta, 2009, Calculating State Financial Losses in Corruption Crimes, Salemba Empat, Jakarta.
- Van Apeldoorn, 2010, Introduction to Law, Pradnya Paramita, Jakarta.
- Wildan Suyuthi Mustofa, 2013, Code of Ethics for Judges, Second Edition, Prenadamedia Group, Jakarta.
- Wirjono Projodikoro, 2003, Legal Principles of Indonesian Funds. PT. Refika Aditama, Bandung.
- Wiyono, R. 2014, Discussion of the Law on the Prevention and Eradication of Money Laundering, Sinar Grafika, Jakarta.
- Yahya Harahap, M. 2005, "Discussion of Problems and Implementation of the Criminal Code; Examination of the Court of Appeal, Cassation, and Review Hearing" Second Edition, Sinar Grafika, Jakarta.
- , 2005, Discussion of Problems and Implementation of the Criminal Code, Sinar Grafika, Jakarta.
- Zainal Abidin Farid, 2014, Criminal Law I, Sinar Grafika, Jakarta.

Laws and Regulations

Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP).

Law Number 1 of 1946 concerning the Criminal Code (KUHP).

Law Number 35 of 2009 concerning Narcotics Crimes.

Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (PP-TPPU Law).

Journals

Ayumiati, 2012, Journal "Money Laundering and Eradication Strategies, Journal of Criminal Law and Legal Politics"

Bagir Manan, 2012, Cross-Disciplinary Legal Research Methods, Judicial Varia Year XXVII Number 315, (Jakarta: IKAHI).

Perbawa, Putra., (2015). Item 7; Money Laundering in the Indonesian Banking System, Journal of Advocacy. Denpasar: Faculty of Law, Mahasaraswati University.

Tambunan, M. P. (2016). Corporate criminal liability in money laundering crimes. Journal of the Judiciary of the Pulpit. Thing. 4

Yunus Hussein, "The Importance of the Implementation of the Anti-Money Laundering Law and the Principle of Knowing Customers for Banks and Customers", Paper presented in SESPIBI Program Batch XXVI – 2004 dated March 26, 2004 at Bank Indonesia, p. Sec. 2.