

Research Article

Legal Implications of the Concealment of the Origin of Assets in Money Laundering Criminal Offences

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ORCIDAngga Aidry Ghifari: <https://orcid.org/0009-0004-8712-9743>**Abstract.**

One of the crimes that often occur in Indonesia is money laundering. The problem that often occurs with perpetrators of money laundering is that they try to hide or disguise assets that are the result of criminal acts in various ways so that they are difficult to trace by law enforcement officers. This study aims to determine and analyze the construction of norms for concealing or disguising the origin of assets in money laundering crimes and to determine and analyze the legal implications of concealing or disguising the origin of assets in money laundering crimes. The approach method used in this study is the normative legal approach. The results of the study show that the regulation of norms on concealment or disguising the origin of assets in money laundering crimes in Indonesian legal provisions has not regulated further in the formulation of how to determine whether a person can be said to have concealed the origin of his assets in committing money laundering crimes, only to the extent of regulating that if a person hides the origin of assets there will be legal consequences, so it is necessary to create a regulation that can accommodate the vacuum of these legal norms in order to achieve legal certainty, one of which is the “follow the money approach” which attempts to find money/property/other wealth that can be used as evidence of the object of the crime.

Keywords: assets, concealment, money laundering

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1. Introduction

Crime problems in Indonesia still occur frequently recently, especially those related to criminal acts (Adrian Sutedi, SH, 2018). According to Simons, a criminal act is an unlawful act that has been carried out intentionally or unintentionally by someone who can be held responsible for his actions and has been declared by law as an act that can be punished.

One of the crimes that often occur in Indonesia is money laundering. Money Laundering does not or has not been defined universally and comprehensively, but some



experts put forward the following According to the Black Law Dictionary, the definition of money laundering is as follows:

“Money Laundering is the term applied to taking money gotten illegally and washing or laundering it so it appears to have gotten longer again”

The meaning is:

“Money laundering is a term used to describe the investment or other transfer of money flowing in the form of extortion, drug transactions and both illegal sources to legitimate channels so that the original cannot be traced”

Meanwhile, in the provisions of laws and regulations in Indonesia, money laundering itself is regulated in the provisions of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, hereinafter referred to as the PPTPPU Law, in the provisions of Article 1 number 1 of the PPTPPU Law it is stipulated that:

“Money Laundering is any act that fulfills the elements of a criminal act in accordance with the provisions of this Law.”

The problem that often occurs to perpetrators of money laundering is that money launderers try to hide or disguise the wealth that is the result of criminal acts in various ways so that it is difficult to trace by law enforcement officers. Conceptually, the meaning of law enforcement lies in the activity of harmonizing the relationship of values that are outlined in solid and embodied rules and attitudes as a series of final stage value descriptions, to create, maintain, and defend peaceful social interactions (Waluyo, B., 2022). Where the purpose of law enforcement is to achieve order and justice in community life. Law enforcement can also be interpreted as enforcing or maintaining the law by law enforcers if there has been a violation of the law will or may be violated. Each of these officers has their respective duties and authorities in accordance with the provisions of laws and regulations to enforce the law, so that the function of these law enforcement officers plays a very important role in enforcing the law against a crime of money laundering.

The problem that arises is the crime of money laundering as a process or act that aims to hide the origin of money or assets, obtained from criminal acts which are then changed into assets that appear to originate from legitimate activities (Nugroho, N., Sunarmi, S., Siregar, M. & Munthe, R., 2020). Hiding refers to making something invisible or unknown to others, keeping it secret, slipping it away, disguising it. The act of obscuring the source of illegal money is increasingly easy to do by using increasingly

sophisticated information technology tools. This is further supported by the globalization of the banking sector, causing many banks to become targets for money laundering crimes. The banking sector offers many financial traffic instrument services (fund transfers) so that it is very easy to use to hide and disguise the origin of illegal funds.

Establishment of the Financial Transaction Reports and Analysis Center or abbreviated as PPATK, which is an independent institution that is given the task and authority to eradicate money laundering crimes in Indonesia. PPATK is authorized to request information and analyze financial transactions that are considered suspicious. PPATK itself is regulated in the Regulation of the Financial Transaction Reports and Analysis Center Number 1 of 2021 concerning Procedures for Submitting Reports of Suspicious Financial Transactions, Cash Financial Transactions, and Financial Transactions of Fund Transfers From and to Abroad Through the Goaml Application for Financial Service Providers in the provisions of Article 1 number 1 stipulates that:

“The Financial Transaction Reports and Analysis Center, hereinafter abbreviated as PPATK, is an independent institution established in order to prevent and eradicate the crime of money laundering.”

The main task of PPATK is to detect the occurrence of money laundering crimes and assist in law enforcement related to money laundering and predicate crimes. In its procedures, PPATK analyzes financial transactions and then makes a report of suspected money laundering to the police.

The act of hiding illegal money sources is very common in Indonesia, this is what causes money laundering crimes to increase, this is in line with what was conveyed by the Chairman of PPATK Ivan Yustiavandana on Tuesday, February 14, 2023 that “throughout 2022 there were 1,290 reports of analysis results related to 1,722 suspicious transaction reports with a nominal value suspected of being a crime reaching IDR 183.88 trillion, of which corruption crimes amounted to IDR 81.3 trillion, gambling crimes worth IDR 81 trillion, green financial crime or crimes related to natural resources amounting to IDR 4.8 trillion, narcotics crimes of IDR 3.4 trillion, and embezzlement of foundation funds of IDR 1.7 trillion.”

2. Methods

The research method used in this study is the Approach Method. The types of approaches used in writing this research are the Statute Approach, Conceptual

Approach and Case Approach. The type of research used in this legal research is a type of normative law legal research. For the data sources used in this study, there are 3 (three) types, namely primary legal material sources, secondary legal materials, and tertiary legal materials. The technique of collecting legal materials in this study uses several methods, one of which is Library Research.

3. Result and Discussion

3.1. Regulations on Concealment of Origin of Assets in Money Laundering Crimes

Criminal acts basically tend to look at behavior or actions (which result in) prohibited by law. Special criminal acts are more on issues of legality or those regulated by law. Special criminal acts contain references to legal norms alone or legal norms, matters regulated by law are not included in the discussion. These special criminal acts are regulated in laws outside of general criminal law.

1. In essence, every criminal act must be from external elements (facts) by the act, containing behavior and consequences caused by it. Both give rise to events in the external world (world).

In the dynamics of modern crime, perpetrators of criminal acts do not only stop at obtaining the proceeds of crime, but also try to hide or disguise the origin of the assets they obtain. This activity is known as money laundering. The crime of money laundering (TPPU) was born as a response to the need to prosecute further crimes aimed at legalizing the proceeds of the predicate crime.

Basically, the term suspicious financial transaction is a transaction that deviates from the usual or is not normal and is not always related to a particular crime. This transaction in anti-money laundering terminology was first used by the Financial Action Task Force on Money Laundering (FATF) in the forty recommendations on money laundering (Terina, T., & Renaldy, R., 2020). Suspicious Financial Transactions according to the provisions contained in Article 1 number (5) of the TPPU Law stipulates that:

- a. Financial Transactions that deviate from the profile, characteristics, or transaction pattern habits of the Service User concerned;
- b. Financial Transactions by Service Users which are reasonably suspected of being carried out with the aim of avoiding reporting of the relevant Transactions which must be carried out by the Reporting Party in accordance with the provisions of this Law;

c. Financial transactions carried out or cancelled using assets suspected of originating from criminal acts; or

d. Financial transactions requested by the PPATK to be reported by the Reporting Party because they involve assets suspected of originating from criminal acts.”

Concealment of the origin of assets is at the heart of the crime of money laundering. This act is carried out to disguise or hide the illegal source of an asset, so that it appears to have come from a legitimate activity (Ginting, YP., 2021). The main purpose of the act of concealment is to make the wealth derived from criminal acts appear to come from legitimate activities, so that the act does not have a list of limitations. Concealment according to SR Sianturi that concealment must have an action against an active act that is covered up by someone

In general, criminals try to hide or disguise the origin of wealth that is the result of criminal acts in various ways so that the wealth from their crimes is difficult to trace by law enforcement officers. So that they can freely use the wealth for both legitimate and illegitimate activities (Haris, BS., 2016). Therefore, the Crime of Money Laundering (TPPU) not only threatens the stability and integrity of the economic system and financial system, but can also endanger the foundations of social, national and state life based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

The phrase “with the purpose” in Article 3 indicates the presence of mens rea in the perpetrator in the form of an inner attitude that wants the act to occur or be realized. In other words, “with the purpose” means that the perpetrator has a goal to be achieved that is fully realized, namely to hide and disguise the assets. Thus, in the perpetrator there is already an element of guilt (*opzettelijk, schuld*) because there is deliberate intention that is consciously realized. This means that the perpetrator has absolute knowledge and perfect awareness that the assets come from a criminal act, but deliberately hides or disguises them so that they appear not to be the result of a crime.

Money laundering (TPPU) is a derivative crime that aims to obscure or hide the origin of assets derived from predicate crimes. In Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering, concealment or disguise of the origin of assets is the core of the unlawful acts that are regulated. This concealment is carried out so that assets obtained illegally appear legal, so that perpetrators can use them without arousing suspicion from law enforcement officers or the public. Legally, the element of concealment of the origin of assets in TPPU can be analyzed through several elements

a. The existence of assets known or reasonably suspected to originate from criminal acts

b. The Act of Concealing or Concealing Origins

c. The presence of an element of intent

Concealment of the origin of assets in TPPU has serious impacts on the legal and financial systems of the country. From a legal perspective, the act:

a. Hindering the law enforcement process because it makes it difficult for authorities to trace the flow of criminal funds.

b. Opens up opportunities for recidivist crime because perpetrators can refinance crimes with laundered proceeds.

c. Undermining the integrity of the financial system as illegal assets enter the legitimate system and create distortions.

The Supreme Court through various decisions also emphasized that proof of the origin of assets in TPPU can be done in reverse (reverse burden of proof), especially in the context of proving unreasonable assets compared to the economic profile of the perpetrator. In essence, the crime of money laundering does not stand alone like other crimes, but this crime is related to other crimes (predicative offense), so it is right to state that the crime of money laundering is a condition sine qua non (related) to the predicate crime as regulated in Article 2 paragraph (1) of Law Number 8 of 2010. The process of the crime of money laundering is very much determined by the predicate crime.

The limitation of the PP TPPU Law on money laundering stems from the fact that the activity is closely related to the use of very large amounts of money. Meanwhile, money obtained through money laundering operations is often disguised, with the source of the money hidden through the use of services such as banking, insurance, capital markets, and financial instruments. Because of the potential losses caused by increased money laundering activities to society and the state, such actions must be prohibited. In other words, the stability of the national economy can be harmed or affected by money laundering practices.

The action is done intentionally (*dolus*), namely with the intention of benefiting oneself using a series of lies and tricks to move the victim to hand over a sum of money to him. Furthermore, intentionally spending the proceeds of the fraudulent crime to meet his needs as an element of intent (*dolus*) is a form of error that is the basis for criminal responsibility. The defendant's actions have fulfilled the elements of a crime as regulated

in Article 378 in conjunction with Article 55 paragraph (1) 1 of the Criminal Code and Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering. This Supreme Court decision is in accordance with the provisions regulated in the Criminal Code and the TPPU Law. The TPPU Law does not regulate a minimum limit for imprisonment and fines. In this case, the shortest time limit for imprisonment is one day, as regulated in Article 12 paragraph (2) of the Criminal Code. Therefore, the amount of imprisonment and fines imposed on the defendant reflects the discretion of the Panel of Judges in this case, taking into account the facts and evidence revealed at trial.

4. Conclusion

The regulation of the norm of concealment or disguise of the origin of assets in money laundering crimes in Indonesian legal provisions has not regulated further in the formulation of how to determine whether a person can be said to have concealed the origin of his assets in committing money laundering crimes, only to the extent of regulating that if a person hides the origin of assets there will be a legal consequence, so it is necessary to make a regulation that can accommodate the absence of the legal norm in order to achieve legal certainty, one of which is by using the follow the money approach, trying to find money/property/other wealth that can be used as evidence of the object of the crime and of course after going through an analysis of financial transactions and it can be suspected that the money is the result of a crime related to hiding or disguising the origin of assets carried out through a pattern of placement, layering, and integration through the follow the money approach requires a source of financial information.

References

- [1] Ginting YP. Pemberantasan Pencucian Uang dengan Pendekatan Follow the Money dan Follow the Suspect. *Mulawarman Law Review*. 2021;105-114.
- [2] Haris BS. Penguatan Alat Bukti Tindak Pidana Pencucian Uang Dalam Perkara Tindak Pidana Korupsi Di Indonesia. *Integritas: Jurnal Antikorupsi*. 2016;2(1):91–112.
- [3] Nugroho, N., Sunarmi, S., Siregar, M. and Munthe, R., 2020. Analisis terhadap Pencegahan Tindak Pidana Pencucian Uang oleh Bank Negara Indonesia. *ARBITER: Jurnal Ilmiah Magister Hukum*, 2(1),

- [4] Nuryanto AD. Problem Penyidikan Tindak Pidana Pencucian Uang Yang Berasal Dari Predicate Crime Perbankan. *Bestuur*. 2019;7(1):54–65.
- [5] Siallagan, H., 2016. Penerapan Prinsip Negara Hukum Di Indonesia. *Sosiohumaniora*, 18(2),
- [6] Terina T, Renaldy R. Problematika Kewajiban Notaris Dalam Melaporkan Transaksi Keuangan Mencurigakan. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*. 2020;9(1):23–35.
- [7] Udaya, I.W.W.J., Dewi, A.A.S.L. And Widyantara, I.M.M., (2023). Tindak Pidana Terhadap Pelaku Penyembunyian Kekerasan Seksual Pada Wanita Dan Anak. *Jurnal Analogi Hukum*, 5(1).
- [8] Adrian Sutedi SH. Tindak Pidana Pencucian Uang. Bandung: PT Citra Aditya Bakti; 2018.
- [9] Rahayu DP. SH, M. and Ke, S., Metode Penelitian Hukum. Yogyakarta: Thafa Media; 2020.
- [10] Yu, Shiqing. “Still Keeping Secrets. Bank Secrecy, Money Laundering, and Anti Money; 2019.
- [11] Wangga, Maria Silvy E., Kardono, R. Bondan Agung., & Wirawan, Aditya. Penegakan Hukum Korupsi Politik. *Kanun Jurnal Ilmu Hukum*, 2019; Vol.21, No.1, 3960.
- [12] Tumiwa, Adrian F. Pespektif Undang- Undang Tindak No. dan Pemberantasan Tindak Pidana Crimen, 2018; Vol.7, No.2. 74-80.
- [13] Tan, Veltrice. “The art of deterrence: Singapore’s anti-money laundering regimes.” *Journal of Financial Crime*, 2018; 25 (2). 467-498.
- [14] Sutedi, Adrian. Hukum Perbankan Suatu Tinjauan Pencucian Uang, Merger, Likuidasi, Dan Kepailitan. Jakarta: Sinar Grafika; 2010.
- [15] Susato. Penafsiran Asas Manfaat Tentang Asset Recovery Korban Tindak Pidana Pencucian Uang. *Jurnal Yudisial*, 2020; Vol.13, No.1. 89–105.
- [16] Sopacua, Margie Gladies., & Sakharina, Iin Karita. The Legal Protection of Women from Violence (Human Rights Perspective). *International Affairs and Global Strategic*, 2018; Vol. 67, No.8. 44–52.
- [17] Waluyo B. Penegakan Hukum Di Indonesia. Bandung: Sinar Grafika; 2022.
- [18] Wibowo, Muhtar H. Corporate Responsibility in Money Laundering Crime (Perspective Criminal Law Policy in Crime of Corruption in Indonesia). *Journal of Indonesian Legal Studies*, 2018; Vol.3, No.2, 213–236.
- [19] Yanuar, Muh. A. Diskursus Antara Kedudukan Delik Pencucian Uang Sebagai Independent Crime Dengan Sebagai Follow Up Crime Pasca Putusan MK Nomor 90/PUU-XIII/2015. *Jurnal Konstitusi*, 2019; Vol.16, No.4, 721–739.

- [20] Sonata, Depri L. Metode Penelitian Hukum Normatif Dan Empiris Karakteristik Khas Dari Metode Meneliti Hukum. *Fiat Justisia Jurnal Ilmu Hukum*, 2014; Vol. 8, No.1, 1535.