



Criminal Liability of Perpetrators of Money Laundering in Narcotics Cases under the Framework of the United Nations Convention against Corruption (UNCAC) and Law Number 8 of 2010

Teguh Hidayat^{1*}, Ismaidar², Suci Ramadani³
Universitas Pembangunan Panca Budi

Corresponding Author: Teguh Hidayat, teguh.siregarr@gmail.com

ARTICLE INFO

Keywords: Money Laundering, Narcotics, Criminal Liability

Received : 10, April

Revised : 24, April

Accepted: 26, May

©2025 Hidayat, Ismaidar, Ramadani:
This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

A jurisprudential comparison of the United Nations Convention Against Corruption (UNCAC) and Indonesia's Money Laundering Act, particularly concerning narcotics predicate offenses, shows significant congruence in proscribing concealment and assigning criminal responsibility to individuals and entities. Nevertheless, potential disparities in predicate offense definitions and challenges in international legal assistance and asset repatriation necessitate further harmonisation. Recommendations to enhance Indonesia's framework involve reviewing Indonesia's Money Laundering Act for full UNCAC compatibility, improving mutual legal assistance and extradition, exploring non-conviction based asset forfeiture, assessing penal sanctions, building enforcement capacity, and increasing public and financial sector awareness to effectively suppress money laundering activities.

INTRODUCTION

The crime of money laundering constitutes a grave global threat, inflicting detrimental impacts upon economic stability and the integrity of financial systems across various jurisdictions. Beyond being merely a financial offense, money laundering also undermines democracy, the rule of law, and sustainable development, and disproportionately harms vulnerable segments of society (United Nations. 2004). Within Indonesia, this criminal offense specifically imperils national economic stability and the foundational fabric of societal, national, and state life.

Narcotics trafficking constitutes a principal generator of illicit funds that are subsequently integrated into the financial system through money laundering. The significant nexus between narcotics offenses and the crime of money laundering has been acknowledged at the international level for a considerable period. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1 explicitly identified the imperative of criminalizing money laundering as a fundamental element of strategies aimed at suppressing narcotics crime (Reza, A. A. 2020). Consequently, narcotics trafficking is recognized as a predominant predicate offense in money laundering cases, universally and within the Indonesian jurisdiction (Anwar, M. S., & Fadlian, A. 2022).

In confronting this global threat, the international legal framework plays a crucial role. The United Nations Convention against Corruption (hereinafter referred to as UNCAC) stands as the sole legally binding international multilateral instrument dedicated to combating corruption and related criminal offenses, including money laundering (United Nations. 2004). UNCAC aims to mitigate various forms of corruption, including money laundering, and to strengthen international cooperation in the tracing and recovery of assets derived from criminal offenses. This Convention establishes global standards for adoption by State Parties to reinforce their legal and regulatory regimes in the fight against corruption (United Nations. 2004).

In response to the issue of money laundering, Indonesia has enacted Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering. This Law serves as the primary legal instrument at the national level aimed at addressing the crime of money laundering (Gemilang, G., Ismaidar, I., & Zarzani, T. R. 2024). The enactment of this law was motivated by the necessity to align the national legal framework with evolving law enforcement needs, practices, and international standards.

Within the framework of law enforcement concerning the crime of money laundering derived from narcotics offenses, it is crucial to comprehend how the criminal responsibility of perpetrators is regulated under the international legal framework of UNCAC and Indonesian national law. A thorough analysis of both these legal frameworks is required to ascertain potential congruences or divergences, and to formulate ideal legal norms applicable in Indonesia based on the principles mandated by UNCAC.

THEORETICAL REVIEW

Criminal Responsibility

The principal tenet in Indonesian criminal law is “no punishment without fault” (*geenstrafzonderschuld*), signifying that an individual cannot be punished unless fault is proven (Simatupang, B. N. 2021). This principle forms the bedrock of criminal responsibility in Indonesia. An individual may be held criminally responsible if proven to have committed an act prohibited by law and possessing the element of fault (*mensrea*) in said act. Furthermore, the perpetrator must possess the capacity to be held responsible (*toerekeningsvatbaarheid*) and there must be no excusing circumstances that negate fault for criminal liability to attach (Simatupang, B. N. 2021). In the context of money laundering, the principle of *mensrea* is paramount in establishing criminal responsibility. The public prosecutor must adduce proof that the defendant acted intentionally or with knowledge that the assets involved were derived from criminal activity, including narcotics offenses. Criminal law generally mandates proof of malicious intent for an act to be deemed a criminal offense. In money laundering cases, this entails demonstrating that the perpetrator knew or ought to have known that the funds originated from illicit sources. This element of intent distinguishes legitimate financial transactions from criminal activities aimed at concealing illicit gains.

The Crime of Money Laundering

Money laundering, recognized as a criminal offense, denotes the sequence of actions undertaken to obscure the unlawful origins of funds, thereby granting them the appearance of legitimacy via financial transactions. The Financial Action Task Force (FATF) identifies three principal phases within this process: placement, layering, and integration (FATF. 2012). The fundamental aim is to safeguard the financial infrastructure from the penetration of criminal proceeds, including those generated by corruption, narcotics-related activities, or terrorism. In the Indonesian legal context, Law No. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, through its Article 3, specifically defines money laundering as the act of converting or concealing assets derived from criminal conduct.

METHODOLOGY

The type of research employed is doctrinal or library legal research. This research essentially relies on library study as the primary method for collecting data and legal materials. This doctrinal research aims to provide an in-depth description, analysis, and interpretation of legal concepts, principles, and norms relevant to the issue of criminal responsibility for perpetrators of narcotics money laundering within the framework of UNCAC.

RESULTS AND DISCUSSION

Conceptualization of Legal Norms within the United Nations Convention against Corruption (UNCAC) regarding the Crime of Money Laundering

UNCAC comprehensively regulates the crime of money laundering, ranging from its definition to mechanisms for international cooperation in its handling. Article 2 of UNCAC defines “predicate offence” as any offense as a result of which proceeds have been generated that may become the subject of the crime of money laundering as set forth in Article 23 of this Convention (United Nations. 2004). This broad definition ensures that a wide array of criminal activities generating illicit proceeds can serve as the basis for money laundering charges. By not restricting the types of underlying offenses, UNCAC aims to establish a comprehensive framework for addressing illicit financial flows.

Pursuant to Article 23, the United Nations Convention against Corruption obliges State Parties to criminalize intentional conduct related to the laundering of criminal proceeds (United Nations. 2004). Such prohibited conduct comprises the conversion or transfer of assets known to be the fruits of crime, when undertaken for the purpose of concealing or disguising their unlawful provenance or of assisting individuals involved in the predicate offense to evade legal repercussions. Additionally, the provision extends to the concealment or disguise of the genuine nature, source, location, disposition, movement, or ownership of property recognized as deriving from criminal activity. A fundamental requirement underscored by UNCAC is the element of intent, mandating that proof be adduced demonstrating the perpetrator's knowledge of the illicit origin of the funds in question.

Furthermore, Article 23 of UNCAC encourages State Parties to consider criminalizing the acquisition, possession or use of property known to be the proceeds of crime at the time of receiving it (United Nations. 2004). This expands the scope of criminalization beyond the initial acts of conversion and concealment. The recognition that merely possessing or using illicit funds also perpetuates crime is a significant consideration in this expansion.

Chapter III of UNCAC generally governs criminalization and law enforcement, which is relevant to the criminal responsibility of money laundering perpetrators. This Chapter mandates the criminalization of various offenses that can serve as predicate offenses for money laundering, such as bribery, embezzlement, and obstruction of justice. The broad scope of offenses criminalized under UNCAC contributes to a robust framework for identifying the origin of illicit funds. By criminalizing diverse forms of corruption, UNCAC enhances the capacity to trace initial illegal activities.

Article 26 of UNCAC mandates State Parties to establish the liability of legal persons for participation in criminal offenses established in accordance with the Convention, which may include money laundering (United Nations. 2004). UNCAC recognizes that corporations can be involved in money laundering and mandates their accountability. This acknowledges the role of corporate entities in facilitating or engaging in financial crime.

Article 30 of UNCAC emphasizes the necessity for effective prosecution, adjudication, and sanctions that take into account the gravity of the offense. UNCAC underscores the importance of proportionate and deterrent penalties for

money laundering. The objective is to prevent individuals and entities from engaging in such criminal activities.

Chapter IV of UNCAC sets forth standards for mutual legal assistance in investigations, prosecutions, and judicial proceedings. UNCAC recognizes the transnational nature of corruption and money laundering and encourages international cooperation in combating them. Facilitating the exchange of information and cross-border legal assistance is essential for effective law enforcement.

Chapter V of UNCAC establishes asset recovery as a fundamental principle, providing a framework for the tracing, freezing, seizure, and return of proceeds derived from corruption activities. UNCAC places strong emphasis on the recovery of the proceeds of corruption, including those laundered through the financial system. The objective is to remove illicitly obtained gains from perpetrators and provide compensation to victims.

Article 52 of UNCAC mandates measures for financial institutions to verify customer identity and to scrutinize closely high-value accounts held by individuals who hold prominent public functions. UNCAC encourages preventive measures within the financial sector to detect and prevent money laundering. This acknowledges the significant role of financial institutions in the money laundering process (Abdullah, F., & Eddy, T. 2021).

Conceptualization of Legal Norms within Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering

Narcotics crime, comprehensively regulated under Law Number 35 of 2009 concerning Narcotics, encompasses a range of criminal acts from production to illicit trafficking and abuse of narcotics, which are frequently perpetrated in an organized manner and yield significant financial gains (Ramadani, S. 2024, August). Given its nature as a transnational crime generating massive illegal profits, narcotics crime is closely linked to the crime of money laundering, whereby perpetrators endeavor to disguise or conceal the origin of funds derived from narcotics crime to make them appear legitimate (Ramadani, S., Danil, E., Sabri, F., & Zurnetti, A. 2021). This nexus is explicitly recognized, including through the criminalization of the proceeds of narcotics and psychotropic substances as stipulated in Article 137 of the Narcotics Law, which underscores perpetrators' efforts to legitimize illicit funds for the purpose of financing and expanding their criminal operations (Ramadani, S. 2023).

Law Number 8 of 2010 constitutes the main legal basis in Indonesia for addressing the crime of money laundering. Article 1 of Law Number 8 of 2010 defines money laundering as any act that fulfills the elements of a criminal offense in accordance with the provisions of this law. The definition within Law Number 8 of 2010 is broad and encompasses various actions related to the proceeds of crime. Its purpose is to cover the various methods employed in money laundering.

Article 2 explicitly lists narcotics as one of the predicate offenses for the crime of money laundering. Indonesian law specifically recognizes the nexus between narcotics and money laundering. This reflects the significant issue of

narcotics-related financial crime in Indonesia. Article 2 also enumerates various other predicate offenses, including corruption, bribery, and terrorism. Similar to UNCAC, Indonesian law applies to a wide range of underlying criminal activities. This ensures a comprehensive approach to combating money laundering from diverse sources.

Article 3 of Law Number 8 of 2010 criminalizes the acts of placing, transferring, spending, inter alia, assets known or reasonably suspected to be the proceeds of crime with the purpose of concealing their origin, punishable by a maximum sentence of 20 years imprisonment and a fine of Rp10 billion. Indonesian law imposes severe penalties for the principal acts of money laundering. This reflects the gravity of the offense and aims to deter potential perpetrators (Sitorus, T., Rahmayanti, & Sidi, R. 2024).

Article 4 regulates concerning the concealment of the origin, source, location, inter alia, of illicit assets, carrying the same maximum penalty as Article 3. This provision targets those who endeavor to obscure the trail of illegal funds. The recognition that concealment constitutes a key element of money laundering is a significant consideration (Rianto, K. A. D., & Sahlepi, M. A. 2024).

Article 5 outlines the penalties for the receipt or possession of illicit assets, with a maximum sentence of 5 years imprisonment and a fine of Rp1 billion. This provision targets individuals who benefit from or handle laundered money without necessarily being involved in the initial money laundering acts. Its purpose is to extend the scope of criminal responsibility to encompass those who facilitate the use of illicit funds (Rianto, K. A. D. 2023, June).

Article 6 establishes the criminal liability of corporations for the crime of money laundering under certain conditions. Indonesian law holds corporations liable for money laundering if committed by their controlling personnel for the benefit of the corporation. This addresses the potential for corporate entities to be utilized as vehicles for money laundering.

Law Number 8 of 2010 established the Financial Transaction Reports and Analysis Centre (PPATK) and outlines reporting obligations for financial service providers and other entities. The Law creates a framework for detecting and preventing money laundering through financial intelligence and reporting mechanisms. This recognizes the importance of early detection and the role of financial institutions in this process.

The Law also encompasses procedures for investigation, prosecution, and trial, stipulating that proving the predicate offense is not a prerequisite for prosecuting money laundering. Indonesian law permits the prosecution of money laundering even without a prior conviction for the underlying crime. This addresses situations where proving the predicate offense may be challenging, particularly in transnational cases.

Formulation of Ideal Legal Norms within Indonesia's National Legal Framework Based on the Principles of UNCAC

Both UNCAC and Law Number 8 of 2010 broadly define money laundering to encompass various acts aimed at concealing the origin of illicit funds. There is a fundamental alignment in the conceptual understanding of money laundering at the international and national levels. This shared

understanding facilitates international cooperation and the application of global standards. Both frameworks recognize various predicate offenses that can generate proceeds subject to money laundering, with the specific inclusion of narcotics (United Nations. 2004). The recognition of narcotics as a predicate offense in both frameworks underscores the global concern regarding narcotics-related financial crime. This shared focus enables targeted strategies and cooperation in addressing this specific type of money laundering. UNCAC emphasizes the intentional nature of the offense, while Law Number 8 of 2010 also requires knowledge or suspicion concerning the illicit origin of assets. Both frameworks mandate a certain degree of fault pertaining to the origin of the laundered funds. This ensures that individuals are not held liable for unintentionally handling the proceeds of crime.

Although Law Number 8 of 2010 encompasses a broad definition of predicate offense, it suggests that synchronization with UNCAC, particularly concerning corruption offenses, may not be entirely complete (Hiariej, E. O. S. 2019). Specific areas may exist where the definition or scope of predicate offenses differs between the two frameworks, potentially resulting in inconsistencies in the application of anti-money laundering laws, particularly in cases involving cross-border corruption. Potential disharmony also exists regarding international cooperation and asset recovery, key aspects emphasized in UNCAC (Hiariej, E. O. S. 2019). The effectiveness of Indonesia's legal framework in facilitating international cooperation and asset recovery in money laundering cases may warrant further examination in light of UNCAC provisions, as this could impede the ability to trace, freeze, and return illicit assets located in other jurisdictions. An article indicates that Indonesia's Anti-Corruption Law (UU Tipikor) may not be fully aligned with UNCAC, which could indirectly impact the prosecution of money laundering originating from corruption (Hiariej, E. O. S. 2019), itself also a potential predicate offense for narcotics-related money laundering. Weaknesses within the national anti-corruption framework can impact the effectiveness of combating related money laundering activities, as inadequate handling of the underlying corruption offenses can impede efforts to prosecute subsequent money laundering.

The principles derived from UNCAC relevant to the crime of money laundering encompass the comprehensive criminalization of all its stages, ranging from initial placement to the final integration of illicit funds (Article 23). Furthermore, UNCAC mandates the establishment of liability for both individual perpetrators and legal persons involved in money laundering (Article 26), while also ensuring the application of effective, proportionate, and deterrent sanctions that reflect the gravity of the offense (Article 30). The Convention strongly promotes international cooperation in investigations, prosecutions, and asset recovery (Chapters IV and V), and emphasizes the importance of preventing and detecting the transfer of the proceeds of crime through robust financial sector regulation (Article 52).

Table 1. Comparison of Key Provisions of UNCAC and Law Number 8 of 2010 concerning Money Laundering

Aspect	UNCAC (United Nations Convention against Corruption)	Law Number 8 of 2010
Definition of Money Laundering	Conversion or transfer of property known to be the proceeds of crime for the purpose of concealing its illicit origin; concealment or disguise of the true nature, source, location, disposition, movement, or ownership of property known to be the proceeds of crime; acquisition, possession, or use of property known to be the proceeds of crime.	Any act that fulfills the elements of a criminal offense in accordance with the provisions of this law.
Definition of Predicate Offense	Any offense as a result of which proceeds have been generated that may become the subject of money laundering; minimum coverage includes various offenses established in accordance with UNCAC, whether committed within or outside the jurisdiction of the State Party (subject to the principle of dual criminality).	Assets obtained from various criminal offenses, including corruption, bribery, narcotics, terrorism, and others, punishable by imprisonment of 4 years or more, whether committed within the territory of Indonesia or outside the territory of Indonesia, provided that such offense is also a criminal offense under Indonesian law.
Main Elements of the Crime	Committed intentionally; knowledge that the property is the proceeds of crime.	Known or reasonably suspected to be the proceeds of crime; purpose of concealing or disguising the origin.
Maximum Individual Penalty	Not specifically stipulated, emphasizing effective, proportionate, and deterrent sanctions.	Articles 3 & 4: 20 years imprisonment and a fine of Rp10 billion (for principal money laundering acts); Article 5: 5 years imprisonment and a fine of Rp1 billion (for receiving/possessing proceeds of crime).
Corporate Liability	Mandates State Parties to establish the liability of legal persons for participation in criminal offenses established in accordance with the Convention.	Article 6 establishes the criminal liability of corporations if the crime of money laundering is committed or ordered by controlling personnel of the corporation, done to achieve the corporation's objectives, in accordance with the perpetrator's duties and functions, and intended to benefit the corporation.
International Cooperation	Sets forth standards for mutual legal assistance in investigations, prosecutions, and judicial proceedings; encourages cooperation in asset recovery.	Regulates cooperation in the prevention and eradication of money laundering, both nationally and internationally, including the exchange of information with law enforcement agencies and financial intelligence units of other countries.
Emphasis on Asset Recovery	Establishes asset recovery as a fundamental principle, providing a framework for the tracing,	Regulates concerning the seizure and forfeiture of assets suspected to be the proceeds of money laundering,

freezing, seizure, and return of the proceeds derived from corruption activities. including mechanisms for the management of seized assets.

A comparison between the United Nations Convention Against Corruption (UNCAC) and Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering indicates a fundamental alignment in global and national efforts to combat financial crime. Law No. 8 of 2010 implements various key aspects of UNCAC, evident in its definition of money laundering which includes acts of concealing the origin of property derived from criminal offenses, the establishment of a broad “predicate offense” definition encompassing various serious criminal offenses (including corruption) with the principle of dual criminality for extraterritorial application, and the recognition of the main elements of the crime as intent and knowledge concerning the proceeds of crime.

Furthermore, national law responds to UNCAC's emphasis on effective sanctions by stipulating severe maximum penalties, adopts the concept of corporate criminal liability in accordance with the Convention's mandate, explicitly regulates the framework for international cooperation in investigation and prosecution, and strengthens the aspect of asset recovery through mechanisms for the seizure and management of assets derived from crime, reflecting Indonesia's commitment to combating money laundering in alignment with international standards.

Strengthening the alignment of the definition and scope of predicate offenses in Law Number 8 of 2010 with UNCAC, particularly concerning corruption and other relevant offenses. Enhancing provisions related to international cooperation in the investigation and prosecution of narcotics-related money laundering, ensuring smoother processes for mutual legal assistance and extradition. Further strengthening the legal framework for asset recovery in narcotics-related money laundering cases, potentially by adopting non-conviction based asset forfeiture mechanisms as suggested by UNCAC (Usmar, W., & Somawijaya, N. S. P. 2021).

Non-conviction based asset forfeiture can be a valuable tool in cases where the perpetrator cannot be prosecuted but the illicit origin of the assets is evident. This aligns with UNCAC's emphasis on the recovery of the proceeds of crime regardless of the perpetrator's status. Review and potentially increase the maximum penalties for money laundering originating from serious predicate offenses like narcotics to ensure such penalties are sufficiently deterrent (Usmar, W., & Somawijaya, N. S. P. 2021). Enhance the clarity and effectiveness of provisions concerning the criminal liability of corporations involved in narcotics-related money laundering. Consider adopting measures to address “illicit enrichment” as encouraged by UNCAC, if deemed necessary to complement existing provisions in the Anti-Corruption Law (Hiariej, E. O. S. 2019).

Ensure that any new or amended legal norms are consistent with the Indonesian Constitution and fundamental principles of criminal law. Provide adequate training and resources for law enforcement officials, prosecutors, and

judges to effectively implement the revised legal framework. Promote greater awareness and understanding of anti-money laundering laws and regulations among financial institutions and the general public.

A deep understanding of how the current legal framework is applied in practice is key to informing the strengthening recommendations previously made; therefore, analysis of court decisions is relevant. Examination of specific court decisions (e.g., Tanjung Karang District Court Decision Number 1093/Pid.Sus/2014/PN.Tjk) to illustrate the application of Law Number 8 of 2010 in narcotics-related money laundering cases (Hasibuan, S. F. L. 2021).

Analyzing jurisprudence can reveal how the existing legal framework is interpreted and applied in practice. This provides valuable insights into practical challenges and potential areas for improvement. Analyzing cases that highlight challenges in proving the link between narcotics offenses and laundered assets.

Difficulties in establishing the predicate offense can impede successful money laundering prosecutions. This underscores the need for effective investigative techniques and legal provisions. Reviewing cases involving corporate liability for narcotics-related money laundering, if any, to assess the effectiveness of Article 6 of Law Number 8 of 2010 (Marlina, A., Imron Rizki, A., & Salam, S. 2023). Examining corporate liability cases can provide insights into the practical application and potential limitations of this provision. This is important to ensure that corporations are held accountable when involved in money laundering. Analyzing cases demonstrating successful asset recovery in narcotics-related money laundering and the mechanisms utilized (Hutahaean, O. H. B., & Pujiyono, S. 2016). Studying successful cases can identify best practices and effective strategies for asset recovery. This can inform future law enforcement efforts and policy development.

Potential legal gaps and challenges in prosecuting money laundering cases with cross-border elements due to inconsistencies with UNCAC. Difficulties in international cooperation and asset recovery if national law is not fully aligned with international standards. Risk of inconsistent interpretation and application of the law by courts if there are ambiguities or divergences between national law and international conventions.

Addressing concerns regarding human rights and fair legal process when implementing UNCAC principles such as non-conviction based asset forfeiture (Usmar, W., & Somawijaya, N. S. P. 2021). Addressing potential resistance to legal reforms from various stakeholders. Opportunities to strengthen Indonesia's legal framework and enhance its international reputation in combating corruption and organized crime. Potential for increased effectiveness in combating narcotics trafficking by targeting the financial proceeds of these illegal activities.

CONCLUSIONS AND RECOMMENDATIONS

An in-depth analysis of the legal norms within the United Nations Convention Against Corruption (UNCAC) and Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering reveals a fundamental alignment in the approach to the crime of money laundering, including that rooted in narcotics offenses. Both legal instruments

converge in criminalizing a range of acts aimed at concealing or disguising the origin of illicit funds, and establishing the principle of criminal liability for both individuals and corporate entities involved in such activities. Nevertheless, the identification of potential inconsistencies and disharmonies, particularly concerning the specific definition and scope of some predicate offenses (such as corruption, as a case example mentioned), as well as operational challenges in the effectiveness of international cooperation and asset recovery, indicates that continuous efforts for the harmonization of norms and enforcement practices remain crucial.

To strengthen Indonesia's legal and institutional framework in combating narcotics-related money laundering, in line with the principles of UNCAC, a series of strategic recommendations become relevant. These measures encompass the undertaking of a comprehensive review of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering and other related regulations to ensure full alignment with all provisions of UNCAC, particularly regarding the classification and definition of predicate offenses. It is also important to optimize mechanisms and procedures for international cooperation, including the expedition of mutual legal assistance and extradition, as well as considering the adoption of non-conviction based asset forfeiture mechanisms as an effective additional law enforcement tool. Furthermore, the evaluation of applicable penalties, the enhancement of capacity building for law enforcement officials, prosecutors, and judges in handling complex cases, and the improvement of socialization and education for the financial sector and the general public, constitute essential efforts to achieve maximum effectiveness in combating the crime of money laundering.

FURTHER STUDY

Although the preceding analysis has established a fundamental congruence between UNCAC and Law Number 8 of 2010 regarding money laundering norms, it simultaneously highlights areas warranting deeper study. Subsequent research could beneficially delve into a detailed comparative mapping concerning the definition of predicate offenses, particularly within the domain of corruption-related crimes, to precisely ascertain the extent of harmonization or divergence and propose specific legislative adjustments. Furthermore, empirical investigation into the practical effectiveness and inherent challenges of existing mechanisms for international cooperation, including mutual legal assistance and extradition in complex transnational money laundering cases stemming from narcotics trafficking, remains a vital avenue for academic and policy-oriented follow-up.

A crucial dimension for subsequent study involves a comprehensive evaluation of Indonesia's asset recovery framework, specifically exploring the feasibility and legal implications of adopting non-conviction based asset forfeiture mechanisms aligned with UNCAC principles, including analysis regarding potential human rights and due process of law considerations. Investigating the application and effectiveness of corporate criminal liability provisions in practice, potentially through focused case studies from relevant

jurisprudence, would also provide valuable insights. Ultimately, such continued empirical and doctrinal research is essential to inform targeted legislative reforms, refine enforcement strategies, and enhance judicial capacity, thereby contributing substantively to strengthening the legal framework against money laundering and improving its effectiveness in domestic and international contexts.

ACKNOWLEDGMENT

The author expresses profound gratitude for the invaluable support and provision of facilities extended by Universitas Pembangunan Panca Budi, which served as the institutional base for the conduct of this research. Highest appreciation is also duly conveyed to the Formosa Journal of Science and Technology (FJST) for the opportunity afforded for the publication of this work. It is hoped that this contribution will be beneficial to the advancement of knowledge.

REFERENCES

- Abdullah, F., & Eddy, T. (2021). Perampasan aset hasil tindak pidana korupsi tanpa pemidanaan (Non-conviction based asset forfeiture) berdasarkan hukum Indonesia dan United Nations Convention Against Corruption (UNCAC) 2003. *Jurnal Ilmiah Advokasi*, 9(1), 19-30.
- Anwar, M. S., & Fadlian, A. (2022). Analisis penegakan hukum tindak pidana pencucian uang yang berawal dari peredaran gelap narkoba berdasarkan UU No. 8 Tahun 2010 tentang pencegahan dan pemberantasan tindak pidana pencucian uang (Studi Putusan No. 697/Pid. Sus/2020/PN. Mdn). *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana*, 4(2), 590-601.
- FATF. (2012). *International standards on combating money laundering and the financing of terrorism & proliferation*. FATF Publications.
- Gemilang, G., Ismaidar, I., & Zarzani, T. R. (2024). Pertanggungjawaban pidana korporasi dalam tindak pidana pencucian uang. *Innovative: Journal Of Social Science Research*, 4(2), 8455-8471.
- Hasibuan, S. F. L. (n.d.). Penegakan hukum tindak pidana pencucian uang terhadap kejahatan narkoba berbasis teknologi pada sistem lembaga jasa keuangan. *Jurnal Pro Justitia*, 2(2).
- Hiariej, E. O. S. (2019). United Nations Convention Against Corruption dalam sistem hukum Indonesia. *OLD WEBSITE OF JURNAL MIMBAR HUKUM*, 31(1), 112-125.
- Hutahaean, O. H. B., & Pujiyono, S. (2016). Peran penyidik Badan Narkotika Nasional (BNN) dalam penegakan hukum tindak pidana pencucian uang (TPPU). *Diponegoro Law Journal*, 5(2), 1-9.

- Marlina, A., Imron Rizki, A., & Salam, S. (2023). Penegakan hukum terhadap tindak pidana pencucian uang oleh jasa umrah Abu Tours. *Delictum: Jurnal Hukum Pidana Dan Hukum Pidana Islam*, 1, 166-183.
- Ramadani, S. (2023). KEBIJAKAN HUKUM PIDANA DALAM PENANGGULANGAN TINDAK PIDANA NARKOTIKA DI INDONESIA (Doctoral dissertation, Universitas Andalas).
- Ramadani, S. (2024, August). The Role of Government and Society in Preventing Narcotics Crime in Indonesia. In 1St International Conference Epicentrum of Economic Global Framework (Vol. 1, No. 1, pp. 632-637).
- Ramadani, S., Danil, E., Sabri, F., & Zurnetti, A. (2021). Criminal law politics on regulation of criminal actions in Indonesia. *Linguistics and Culture Review*, 1373-1380.
- Reza, A. A. (2020). *Tindak pidana pencucian uang*. Masyarakat Pemantau Peradilan Indonesia, MaPPI, Fakultas Hukum Universitas Indonesia.
- Rianto, K. A. D. (2023, June). Accountability for corruption in the crime of money laundering in the principles of criminal law in Indonesia. In *International Conference on Health Science, Green Economics, Educational Review and Technology* (Vol. 5, No. 1, pp. 516-522).
- Rianto, K. A. D., & Sahlepi, M. A. (2024). Legal measures to overcome the crime of money laundering committed by the Indonesian national army (TNI). *Journal of International Islamic Law, Human Right and Public Policy*, 2(2), 270-285.
- Simatupang, B. N. (2021). Pertanggungjawaban pidana terhadap pelaku pasif dalam perkara tindak pidana money laundering. *Jurnal Juristic*, 1(2).
- Sitorus, T., Rahmayanti, & Sidi, R. (2024). Legal study on evidence in money laundering criminal cases within environmental criminal cases. *Asian Journal of Multidisciplinary Research and Analysis*, 2(1), 154-161. <https://journal.berpusi.co.id/index.php/Ajomra/article/view/916>
- Talaohu, A. R., Sopacua, M. G., & Leasa, E. Z. (2023). Pertanggungjawaban pidana terhadap pelaku tindak pidana pencucian uang pasif. *MATAKAO Corruption Law Review*, 1(1), 1-18.
- Undang-Undang Republik Indonesia. (2010). *Undang-Undang Republik Indonesia Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang*.
- United Nations. (2004). *United Nations Convention Against Corruption*. United Nations Office on Drugs and Crime.

Usmar, W., & Somawijaya, N. S. P. (2021). Urgensi pengesahan rancangan undang-undang perampasan aset sebagai upaya pemberantasan tindak pidana pencucian uang dengan predicate crime tindak pidana narkoba. *Jurnal Ilmiah Galuh Justisi*, 9(2), 219-240.