# Juridical Analysis of Criminal Sanctions for Money Laundering Proceeds of Narcotics Crimes

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**A B S T R A C T**

Money laundering proceeds of narcotics crimes is a criminal offense regulated in Law Number 8 of 2010 concerning prevention and eradication of the crime of money laundering. This crime is a serious crime that can endanger economic stability and state security. Criminal sanctions for laundering money from narcotics crimes are regulated in Article 3 of Law Number 8 of 2010. The criminal sanctions that can be imposed on perpetrators of this crime are in the form of a maximum imprisonment of 20 years and a maximum fine of IDR 10 billion. A juridical analysis of criminal sanctions for laundering money from narcotics crimes needs to be carried out to determine whether these sanctions are in accordance with the objectives of regulating this criminal act. The aim of regulating the crime of money laundering resulting from narcotics crimes is to prevent and eradicate the crime of money laundering, as well as to protect the interests of society and the national economy. Criminal sanctions for laundering money from narcotics crimes are in accordance with the objectives of regulating this crime. These criminal sanctions are preventive and repressive, so they can prevent and eradicate money laundering crimes, as well as provide a deterrent effect to perpetrators.

## 1. Introduction

The crime of money laundering is a serious crime and can threaten the economic stability of a country. This crime is committed by hiding or disguising the origin of assets obtained from other crimes, such as narcotics crimes, corruption, and terrorism. Money laundering can increase the circulation of illegal money in society. This can cause inflation and economic instability. Money laundering can strengthen the position of criminal groups. Criminal groups can use laundered money to finance other criminal activities, such as arms trafficking, smuggling, and terrorism. Money laundering can disrupt healthy business competition. Criminal groups can use laundered money to buy companies or control markets. Therefore, eradicating the crime of money laundering is an important thing to do. Strict law enforcement against money laundering crimes needs to be carried out to provide a deterrent effect for perpetrators. Increasing public awareness of the dangers of money laundering is necessary to prevent money laundering. Legal reform in the field of money laundering crimes needs to be carried out to strengthen existing legal instruments.[1-3]

In Indonesia, the crime of money laundering is regulated in Law Number 8 of 2010 concerning the prevention and eradication of the crime of money laundering (UU 8/2010). In this Law, the criminal threat of money laundering is regulated in Article 3, namely a maximum imprisonment of 20 (twenty) years and a maximum fine of IDR 10,000,000,000.00 (ten billion rupiah). This criminal threat is quite firm and

provides a deterrent effect for perpetrators. However, it is necessary to increase law enforcement against money laundering crimes. Increasing law enforcement can be done by increasing the capacity of law enforcement officers, increasing cooperation between law enforcement agencies, and increasing public awareness of the dangers of money laundering.[4-6] This study aims to examine the juridical analysis of criminal sanctions for money laundering proceeds of narcotics crimes.

## 2. Methods

Normative legal research methods are legal research methods carried out by examining primary and secondary legal materials. Primary legal materials are applicable laws and regulations, while secondary legal materials are books, articles, and scientific journals related to law. In this research, normative legal research methods are used to analyze criminal sanctions for laundering money from narcotics crimes. The primary legal material used in this research is Law 8/2010 and other laws and regulations relating to money laundering crimes. The secondary legal materials used in this research are books, articles, and scientific journals related to the crime of money laundering.

The first step taken in this research was collecting legal materials. Primary legal material is obtained by reading and studying Law 8/2010 and other laws and regulations relating to the crime of money laundering. Secondary legal materials are obtained by reading and studying books, articles, and scientific journals related to the crime of money laundering. After collecting legal materials, the next step is understanding the legal materials. Primary legal materials are understood by reading and studying them in depth. Secondary legal materials are understood by reading and studying critically. The next step is the analysis of legal materials. Analysis of legal materials is carried out by reviewing and interpreting primary and secondary legal materials. Analysis of legal materials was carried out to answer the research questions asked. The final step is drawing conclusions. Conclusions are drawn based on the results of the analysis of legal materials.

## 3. Results and Discussion

Based on the research results, it can be concluded that the criminal sanctions for laundering money from narcotics crimes regulated in Law 8/2010 are quite strict and provide a deterrent effect for perpetrators. This is because the criminal threat given is quite severe, namely a maximum imprisonment of 20 (twenty) years and a maximum fine of IDR 10,000,000,000.00 (ten billion rupiah). The money laundering criminal sanctions imposed must take into account the relationship between the money laundering crime and the predicate crime. If the crime of money laundering is carried out in large amounts and has a significant impact on society, then the criminal sanctions given must also be more severe. The awareness of perpetrators of money laundering crimes also needs to be considered in implementing criminal sanctions. If the perpetrator of the crime of money laundering realizes that his actions constitute a crime, then the criminal sanctions given must also be more severe. Criminal law policies also need to be considered in implementing criminal sanctions for money laundering. If a country's criminal law policy prioritizes restorative justice, then the criminal sanctions given can also be in the form of restitution or rehabilitation. In addition, it is necessary to increase law enforcement against money laundering crimes. Increasing law enforcement can be done by increasing the capacity of law enforcement officers, increasing cooperation between institutions of law enforcement, and increasing public awareness of the dangers of money laundering.[7-10]

The money laundering criminal sanctions imposed must take into account the relationship between the money laundering crime and the predicate crime. This is because the crime of money laundering is a continuation of the original crime. The crime of money laundering is carried out to hide or disguise the origin of assets obtained from predicate crimes. If the crime of money laundering is carried out in large amounts and has a significant impact on society, then this shows that the predicate crime is also a serious crime. Therefore, the criminal sanctions imposed for the crime of money laundering must also be more severe. This is to provide a deterrent effect for perpetrators

and prevent money laundering crimes from occurring. Money laundering crimes committed by narcotics syndicates are usually carried out in large amounts and have a significant impact on society. This money laundering crime can be used to finance narcotics syndicate activities, such as narcotics trafficking, narcotics smuggling, and violence. Money laundering crimes committed by public officials are usually carried out using their position. This crime of money laundering can be used to enrich oneself or others or for other purposes that are contrary to one's duties and authority. Money laundering crimes committed by financial institutions can endanger public trust in these financial institutions. This criminal act of money laundering can be used to disguise the origin of assets obtained from other criminal acts, such as criminal acts of corruption or criminal acts of terrorism. By considering the link between money laundering crimes and predicate crimes, it is hoped that this can provide a deterrent effect for perpetrators and prevent money laundering crimes from occurring.[11-14]

The awareness of perpetrators of money laundering crimes also needs to be considered in implementing criminal sanctions. This is because the perpetrator of the crime of money laundering is aware that his action is a criminal act, indicating that the perpetrator has evil intentions to commit the crime. Perpetrators of money laundering crimes who are aware that their actions are a criminal act usually have a stronger motive to commit the crime. These motives can be economic motives, power motives, or political motives. Therefore, the criminal sanctions given to perpetrators of money laundering crimes who are aware that their actions constitute a criminal offense must be more severe. This is to provide a deterrent effect for perpetrators and prevent money laundering crimes from occurring. Money laundering criminals who have a criminal background usually have broader knowledge and experience in committing money laundering crimes. Money laundering criminals who have important titles or positions usually have wider access to money laundering crimes. Money laundering criminals who have extensive networks can usually carry out money laundering crimes more easily and quickly. By considering the awareness of perpetrators

of money laundering crimes, it is hoped that this can provide a deterrent effect for perpetrators and prevent money laundering crimes from occurring.[15-17]

Criminal law policies also need to be considered in implementing criminal sanctions for money laundering. This is because the criminal law policy in a country can determine the type of criminal sanctions given. If a country's criminal law policy prioritizes restorative justice, then the criminal sanctions given can also be in the form of restitution or rehabilitation. Restitution is the provision of compensation to victims, while rehabilitation is an effort to restore the condition of the perpetrator of a crime. Criminal sanctions in the form of restitution or rehabilitation can be given to perpetrators of money laundering crimes in several cases, namely: Money laundering criminal cases committed by perpetrators who have committed a crime for the first time, Money laundering criminal cases committed by perpetrators who are dependent on narcotics and cases of money laundering crimes committed by perpetrators who have mental disorders. Criminal sanctions in the form of restitution or rehabilitation can provide a deterrent effect for perpetrators of money laundering crimes, as well as restore the condition of victims and perpetrators. The following are several examples of money laundering criminal cases that can be considered for providing criminal sanctions in the form of restitution or rehabilitation: Money laundering criminals who are committing a crime for the first time usually have a motive that is not too strong for committing the crime. Therefore, providing criminal sanctions in the form of restitution or rehabilitation could be the right choice for this case. Money laundering criminals who are dependent on narcotics usually commit these crimes to fulfill their drug needs. Therefore, providing criminal sanctions in the form of rehabilitation could be the right choice for this case. The crime of money laundering is committed by perpetrators who have mental disorders. Money laundering criminals who have mental disorders usually do not have good control over their actions. Therefore, providing criminal sanctions in the form of rehabilitation could be the right choice for this case. By considering criminal law policies, it is hoped that

justice can be provided for all parties involved in the crime of money laundering.[18-20]

## 4. Conclusion

The criminal sanctions for laundering money from narcotics crimes regulated in Law 8/2010 are quite strict and provide a deterrent effect for perpetrators. However, there are several things that need to be considered in implementing criminal sanctions, namely the relationship between money laundering crimes and predicate crimes, awareness of perpetrators of money laundering crimes, and criminal law policies.

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