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Preventing Corruption Crimes of Money Laundering through Community Participation and *POLRI* Investigators

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Abstract

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Corruption Crimes related to money laundering in Indonesia are surging, causing a threat to the stability of the national economy and imbalance in financial planning and administration. In order to encourage public awareness to prevent criminal acts of corruption, this study aimed to examine the role of the community in eradicating criminal acts of corruption; and whether POLRI (Indonesian police) investigators can prevent money laundering crimes. The study adopted a qualitative and descriptive research design with a "pragmatic" approach considering the problem as a case study. Such a case based approach with a qualitative research design required citing regulations and legislations related to corruption, community participation, and community policing leading to a kind of normative juridical approach. The data was collected from different documentation sources with a close reading approach. The data comprised both primary and secondary. The primary legal material was sourced from the 1945 Constitution of Indonesia and the relevant laws like Law Number 8 Of 2010 Concerning Prevention and the Eradication of the Crime of Money Laundering and Law Number 2 of 2002 concerning the Indonesian National Police. The secondary legal material comprised library searches and archives, legislative books and journal articles. The findings revealed that corrupt practices and problem of corruption in Indonesia have reached the most dangerous state to destroy the whole nation, posing a threat to its stability and security as well. It was found that the Law No 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes had failed to prevent the corruption. The study recommends reviewing the relevant laws and granting more investigative authority to agencies like POLRI and establishing a synergized administrative system that combines both legislators and crime investigators.

Keywords: Corruption crimes, Community participation, POLRI, Investigator

Introduction

Corruption in society exists in various guises with long term social consequences against well-established social institutions in the context of community as well as the law (Transparency International, 2016a, 2016b). Corruption is responsible for

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retarded development and poverty (Zucman, 2015), psychological and behavioral issues (Lewis, 2008, 2011a; Lewis, 2011b). Corruption is also a threat to resilience (Davoudi et al., 2017), impeding systems of control established by the community proving social capacities to be inadequate. In such a state, studies (Lewis, 2013) reveal that community and organizational resilience only can bring 'radical self-sufficiency', autonomy and 'self-dependence' in the society.

UNISDR (2009) defined resilience as: "The ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions. In modern times, facing the kind of crime and corruption, when even law agencies are sometime inadequate, resilient societies and communities are competent to create a "social fabric" (UNISDR, 2009), as they possess the capacity to adapt and recover (Wisner, 2016). A resilient community believes in the concept of change (Manyena, 2006), technological, economic, behavioral, social, cultural (Gaillard, 2007) or political (Lewis, 2013).

However, in spite of resilience in social fabric and deeper into the community, corruption continues to increase both in quality and quantity. An increase in the number of criminal acts of corruption greatly affects the decrease in the quality of welfare for the community. Even though the state has an obligation to improve the welfare of the community, the impact of corruption is so large on society that it must be a shared responsibility of all institutions of the nation without exception. Hence, it is important to redefine the role of community as well as other institutions and agencies to join together to fight corruption.

This study aimed at finding the extent to which all elements of the Indonesian nation including the community and the authority of *POLRI* or the Indonesian National Police (Kepolisian Negara Republic Indonesia) investigator can unite together to solve the problem of corruption. The Indonesian National Police, abbreviated as *POLRI*, is the Indonesian law enforcement agency. Since 1946 when it was first formed, *POLRI* was a part of the military until 1999 when it was separated to work as an independent police force, responsible for preventing corruption, violence and incompetence. The *POLRI* started a special mission against White Collar Crime, a kind of crime committed by "respectable" and "elite" people who have excess wealth and hold important positions in government or in the world of economy (Sudarto, 1977). Such groups of people are the front runners of crimes related to money-laundering and other illegal financial transactions.

Crimes related to money laundering are very detrimental to the state because they can affect or damage the stability of the national economy or state finances by creating an imbalance in financial planning and administration. According to Adji (2006) it is undeniable that corruption is a White Collar Crime with actions that always experience dynamics of the modus operandi from all sides so that it is said to be an invisible crime whose handling requires a criminal law policy. Based on this background, the following two research questions were framed for the study.

1. What is the role of the community in eradicating criminal acts of corruption?
2. How can *POLRI* investigators prevent money laundering crimes according to Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes?

Literature Review

- *Role of community and social control to prevent corruption*

With regard to law enforcement, Arief (2008) argues that law enforcement is upholding “the values of truth and justice”. This means that law enforcers are trusted by the community to uphold the values of truth and justice contained in the law. However, in law enforcement there is an important side, namely the participation of the community (Mtapuri, 2016; Zaloznaya, Claypool, & Reisinger, 2018), which is then referred to as social control (Hartanti, 2005). Corruption that is carried out by using power is basically carried out because of weak social control, or the social environment that shapes it, especially the environment that is in power which has been seized by a loss of responsibility (Adji, 2006).

Social control, according to Soemitro (1990), is a normative aspect of social life or can be called a provider of definitions and rationale of the deviant behavior and its consequences including prohibitions, demands, punishment and compensation. In fact, Soemitro (1990) added, deviant behavior depends on social control which means it determines a particular behavior as deviant behavior. The more dependent the behavior is on social control, the more severe the deviation value of the perpetrator becomes (Seregig et al., 2018). Hence, deviant actions are not justified because society in general feels these actions are unacceptable

The attitude of society's rejection of this deviant behavior can be qualified as a crime, where the crime is a disgraceful thing for society. Durkheim (1972) observes crime as an action that is not generally agreed upon by members of each society. An act is criminal when it violates a strong and defined shared conscience. So crime is something that society agrees on as something that should not be done (Durkheim, 1972). Reiss (1995), too, explicitly defines “social control as the ability of social groups or institutions in society to implement norms or regulations to be effective”. With regard to social control, Soekanto (1989) explains that social control is everything that is done to carry out, such as planned or unplanned processes to educate, invite or even force citizens to adapt to the habits and values of community life concerned.

According to Rahardjo (2009), social control is a process carried out to influence people to behave in accordance with the expectations of society, this social control is carried out by mobilizing various activities that involve the use of state power as an institution that is organized politically (Putra & Linda, 2022). If a social disorder does not occur, it is necessary to have rules in order to overcome the evil actions and consequences of acts of corruption, which in essence can damage social life, and these regulations must be in accordance with the aspirations of society in general.

- *Money laundering Legislation*

The handling of the crime of money laundering in Indonesia began with the enactment of Law Number 15 of 2002 concerning the Crime of Money Laundering as amended by Law Number 25 of 2003 and later amended as Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes. Such legislations have shown a positive direction which is elucidated in the increased awareness of implementers of the Law on Money Laundering (Wahid, Nurqalbi, & Hamdani, 2022), such as financial service providers in carrying out reporting

obligations, Supervisory and Regulatory Agencies in making regulations, and the Financial Transaction Reports and Analysis Center (PPATK) in analysis activities and law enforcers (Lytvyn et al., 2023).

- *Role of police*

The Indonesian law follows up the results of the analysis up to the imposition of criminal sanctions and/or administrative sanctions, authority to investigate all criminal acts. This means that for money laundering crimes, the Police have the authority to conduct investigations into these crimes. The role of the Police in the process of enforcing criminal law (*criminal justice system*) in the field of money laundering crimes can be seen from the investigative actions of the Financial Transaction Reports and Analysis Center (PPATK) report on an act identified as a money laundering crime (Ali, 2008).

A few studies have argued that getting police closer to the community will strengthen the accountability of the police for the public (Andika, Witasari, & Purnawan, 2022; Umam, Wahyuningsih, & Sulchan, 2022). Community-based policing models are known to promote partnerships between police and communities, helpful to address community concerns and making police morally responsible to respond to the needs of the public (Leheza et al., 2023). As an internationally acclaimed policing model, it promotes broad goals of professionalism, responsiveness and accountability (Suhayatmi et al., 2022). In some countries, it is recognized as an anti-corruption tool including Nigeria, Serbia, Mexico and the United States (Doig & Riley, 1998). These countries have introduced community policing as a reform measure to prove police efficiency and improve their public image in eradication of corruption (Hamzah, 2008). On the contrary, however, it is also believed that community policing could increase corruption and unethical practices as the closer connections between the police and the community and long-term personal interactions, and preferential treatments will develop corrupt networks (Lukito, 2016).

Methodology

The study adopted a qualitative and descriptive research design taking a “pragmatic” approach (Creswell & Miller, 2000) of an issue as philosophical like community participation in preventing the corruption, considering the problem as a case study (Patton, 2014). Such a case based approach with a qualitative research design, required citing regulations and legislations related to corruption, community participation, community policing leading to a kind of normative juridical approach (Simatupang, 2010).

The data was collected from different documentation sources with a close reading approach. The data comprised both primary and secondary. The primary legal material was sourced from the 1945 Constitution of Indonesia and the relevant laws like Law Number 8 Of 2010 Concerning Prevention and the Eradication of the Crime of Money Laundering and Law Number 2 of 2002 concerning the Indonesian National Police. The secondary legal material comprised library searches and archives, legislations, books and journal articles related to juridical fields, which was a prerequisite to use when there is an applied hierarchy of law or when law evolves in accordance with the need and requirement (Kelsen, 1967).

The data was then analyzed through a qualitative analysis method, using various methods like content analysis, coding and construct building to ensure scientific conclusions are drawn (Simatupang, 2010). Moreover, this study was prescriptive because it described the applicable laws and regulations associated with the community participation in preventing corruption and preparedness of the police enforcement to bring a social change.

Results

• *Regulations Governing Public Participation in Corruption Eradication*

In order for social control to be institutionalized in the statutory system and as a form of absorbing people's aspirations, Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, has formulated a few regulations regarding community participation, as stated below:

Article 41 of the Law states that

1. The community can play a role and help efforts to prevent and eradicate criminal acts of corruption.
2. Community participation as referred to in paragraph (1) is realized in the form of:
 - a. the right to seek, obtain, and provide information on allegations of corruption;
 - b. the right to obtain services in seeking, obtaining and providing information on allegations that corruption has occurred to law enforcers handling corruption cases;
 - c. the right to submit suggestions and opinions responsibly to law enforcers who handle cases of corruption;
 - d. the right to obtain answers to questions regarding the report submitted to law enforcement within a maximum period of 30 (thirty) days.
 - e. the right to obtain legal protection in terms of:
 - i. exercise their rights as referred to in letters a,b, and c;
 - ii. asked to be present in the process of investigation, investigation and in court
 - iii. hearings as reporting witnesses, witnesses, or expert witnesses, in accordance with applicable laws and regulations;
 - iv. The community as referred to in paragraph (1) has rights and responsibilities in efforts to prevent and eradicate criminal acts of corruption.
 - v. The rights and responsibilities referred to in paragraphs (2) and (3) are carried out by adhering to the principles or provisions stipulated in the applicable laws and regulations and by complying with religious norms and other social norms.
 - vi. Provision regarding procedures for implementing community participation in the prevention and eradication of criminal acts of corruption as referred to in this Article, shall be further regulated by Government Regulation.

Article 42 of the Law states that:

1. The government gives awards to community members who have contributed to efforts to prevent, eradicate, or disclose criminal acts of corruption.
2. Provisions regarding the awards referred to in paragraph (1) are further regulated by Government Regulations.

As mandated by Article 41 paragraph (5) and Article 42 paragraph (2) as described above, the government has issued Government Regulation Number 71 of 2000 concerning Procedures for Implementing Community Participation in State Administration, where Article 7 emphasizes that:

1. Everyone, community organizations, non-governmental organizations, who have contributed to efforts to prevent or eradicate criminal acts of corruption, is entitled to receive an award. This form of appreciation is in the form of a charter and a premium of 2 per mille of the returned state wealth.

However, the Government Regulation above has not yet manifested itself, in fact, many law enforcers from the prosecutor's office stated that they were not aware of the existence of this Government Regulation. This is a separate problem for efforts to prevent corruption by involving the public.

- *Authority of POLRI Investigator in Money Laundering Crime*

The authority of the police as investigators to reveal criminal acts can be seen again in Article 1 numbers, paragraph (8) and (9), and Article 14 paragraph (1) letter g of Law Number 2 of 2002 concerning the Indonesian National Police. The police are tasked with carrying out investigations against all criminal acts in accordance with criminal procedural law and other laws and regulations. For the investigation of the Crime of Money Laundering, it refers to the provisions of the Criminal Procedure Code (KUHAP) and is authorized to investigate the Crime of Money Laundering according to the provisions in Article 1 paragraph (1) of the Criminal Procedure Code, which stipulates, "an investigator is an official of the Indonesian National Police or a certain civil servant official who is given the authority specifically by law to carry out investigation."

In addition, Article 74 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, in Chapter VIII of the Investigation, Prosecution and Examination section at court hearings, especially in the second part concerning Investigations, authorizes predicate crime investigators to conduct an investigation into the criminal act of money laundering. It says, "Investigation into money laundering crime is carried out by predicate crime investigator in accordance with statutory provisions, unless otherwise stipulated by this law."¹⁰ The "predicate crime investigators" are officials from agencies that are authorized by law to carry out investigations, namely the Indonesian National Police, the Attorney General's Office, the Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), and the Directorate General Taxes and the Directorate General of Customs and Excise, Ministry of Finance of the Republic of Indonesia.

Predicate crime investigators can carry out investigations of money laundering crimes if they find sufficient preliminary evidence of the occurrence of predicate crimes according to their authority. If the investigator finds sufficient preliminary evidence of the occurrence of the crime of money laundering and predicate crime, the investigator may combine the predicate crime investigation with the money laundering crime investigation and notify the PPATK.

Article 3 of the Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes states: "Everyone who places, transfers, diverts, spends, pays, grants, deposits, takes abroad. Changing the form, exchanging it with currency

or securities or other actions on assets which he knows or reasonably suspects constitute the proceeds of crime as referred to in Article 2 paragraph (1) with the aim of concealing or disguising the origin of assets shall be punished for the crime of money laundering by maximum imprisonment of 20 (twenty) years and a maximum fine of IDR 10 billion.”

Article 4 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes states: “Anyone who hides or disguises the origin, source, location, designation of transfer of rights or actual ownership of assets that he knows or reasonably suspects are the proceeds of crime as referred to in Article 2 paragraph (1) shall be punished for money laundering with a maximum imprisonment of 20 (twenty) years and a maximum fine of IDR 5 billion.”

Furthermore, Article 5 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes states: “Everyone who accepts or controls the placement, trans-requests, payments, grants, donations, safekeeping, exchanging, or using assets which he knows or reasonably suspects are proceeds of crime as referred to in Article 2 paragraph (1) shall be subject to imprisonment for a maximum of 5 years and a fine of up to IDR 1 billion, the provisions referred to in paragraph (1) do not apply to reporting parties who carry out reporting obligations as stipulated in this Law.”

The above provisions in Articles 3, 4 and 5 are in line with the provisions of Article 2 which explain the existence of a predicate crime in the Crime of Money Laundering. In other words, to determine that there has been a crime of money laundering and the perpetrators, it is necessary to first prove the existence of a predicate crime. Taking into account these provisions, it will be unclear or contradictory with the provisions of Article 69 of Law Number 8 of 2010 which states: “In order to be able to carry out investigations, prosecutions, and examinations in court of law against money laundering crimes, it is not obligatory to prove the crime in advance.” These provisions of Article 69 result in a lack of legal certainty and can be misused by law enforcement officials because Articles 2, 3, 4 and 5 clearly state that for the Crime of Money Laundering there must be a predicate crime, which must be proven first or at least proven together.

Article 69 to facilitate investigation and proof, the anti-money laundering law does not focus on proving the predicate crime, but only proving that the TPPU originates from the alleged predicate crime. This means that the proceeds of crime are derived from predicate crimes, while the law does not require that predicate crimes be materially proven. So that there is no reason for investigators to stop the case because the predicate crime has not been proven, however with regard to further criminal acts, investigators are still obliged to trace the origins.

The consequence of the formulation of Article 69 is that it must be proven whether the assets are the result of a predicate crime, means that the predicate crime must also be proven whether it is true and that the assets are the result of a predicate crime, while Article 69 states that a predicate crime does not need to be proven or does not have to be proven (its nature is independent).

The authority of the Police of the Republic of Indonesia as *POLRI* investigators has been explained in the Criminal Procedure Code (KUHP) and Article 16 paragraphs (1) and (2) of Law Number 2 of 2002 concerning the Indonesian National Police, which reads:¹¹

1. In order to carry out the tasks referred to in Articles 13 and 14 in the field of criminal proceedings, the Indonesian National Police has the authority to:
 - a. carry out arrests, detentions, searches and confiscations;
 - b. prohibit everyone from leaving or entering the scene of the incident for the purpose of investigation;
 - c. bring and present people to investigators in the context of investigations;
 - d. order the suspect to stop and ask for a letter to check identification;
 - e. examine and confiscate documents;
 - f. summon people to be heard and examined as suspects or witnesses;
 - g. bring in the necessary experts in connection with the examination of cases;
 - h. carry out the termination of the investigation;
 - i. submit the case file to the public prosecutor;
 - j. submit a request directly to the authorized immigration official at the immigration checkpoint in an urgent or sudden situation to prevent or deter a person suspected of having committed a Criminal Act; and
 - k. provide instructions and assistance with investigations to Civil Servant Investigators and receive results of investigations from Civil Servant Investigators to be submitted to the public prosecutor; and take other actions according to responsible law.
2. Other actions referred to in paragraph (1) letter l are investigative and investigative actions that are carried out if the following conditions are met:
 - a. not contrary to a rule of law;
 - b. in accordance with legal obligations that require the action to be carried out;
 - c. must be appropriate, reasonable, and within the scope of his position;
 - d. reasonable consideration based on compelling circumstances; and respect human right.

In carrying out their duties and functions, the *POLRI* Money laundering Crime investigator must carry out a legal process starting from receiving the analysis results from the PPATK, police investigator then carry out Interrogation and investigation based on the Book of Law Number 8 of 1981 is like the process of handling other criminal acts.

The Financial Transaction Reports and Analysis Center/PPATK (Indonesian Financial Transaction Report and Analysis Center/INTRAC), under the President of the Republic of Indonesia, and as mandated in Law Number 8 of 2010 concerning the Crime of Money Laundering, is an institution authorized by law to deal with money laundering cases. The institution was entrusted the task of preventing and eradicating money laundering crime and has the following functions:

1. prevention and eradication of criminal acts of Money Laundering;
2. management of data and information obtained by PPATK;
3. supervision of the compliance of the reporting party; and
4. analysis or examination of reports and information on financial transaction with indication of money laundering and/or other criminal acts as referred to in Article 2 paragraph (1).

Despite these broad functions, the authority of the Financial Transaction Reports and Analysis Center/PPATK is very limited, confined to administrative functions like collecting and processing information relating to suspicions of indications of money laundering. It also functions as a driving force to analyze suspicions of money laundering, especially through detection of suspicious transaction flows. The results of the analysis by this institution are not treated as evidence because they still need to be followed up during an investigation. However, based on suspicious financial transaction reports, these results are accepted as preliminary evidence that a money laundering crime has been committed. Based on this preliminary evidence, it can submit the case to the *POLRI* Investigators in Money Laundering Crime for conducting prime investigations.

Discussion

Corruption is a term that is familiar to Indonesian society. In principle, the juridical understanding of criminal act of corruption is contained as confirmed by Law number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crime, it is said that corruption is Article 2, which is written as follows: "Anyone who unlawfully commits an act of enriching himself or a corporation that can harm state finances." Apart from that, in Article 3 of Law number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts, Corruption is said to be written as follows: "Any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunity or facility available to him because of his position or status which can be detrimental to state finances or the country's economy."

In Article 2 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 Concerning the Eradication of Corruption, there are several important elements, namely:

- a. Each person;
- b. Against the law;
- c. Enrich yourself/others/corporations;
- d. Can be detrimental to state finances or the country's economy.

Everyone is an individual including corporations (Article 1 point 3 Law number 31 of 1999 in conjunction with Law Number 20 of 2001 Concerning the Eradication of Corruption), everyone can also be related to a position or civil servant.

Regarding the element "against the law" contained in the juridical sense above, according to Andi Hamzah (Hamzah, 2005), it can be interpreted without the right to enjoy the proceeds of corruption, while "enriching yourself" according to Sudarto (1977) is doing anything so that the maker gets richer, for example transferring books, signing contracts and so on (Hartanti, 2005). Specifically, regarding the nature of unlawfulness, in the literature on criminal law there are at least two things, namely the nature of unlawful formality and the nature of unlawful materialism. According to Schaffmeister, Keijzer, and Sutorius (1995), the nature of formal violations of law is "all the written parts of the offense formula have been fulfilled (so all the written conditions to be punished)" and that the nature of formal violation of law occurs because it fulfills the offense formulation of the law. The nature of being against the

law is a prerequisite for being punished for an act based on the principle of legality, which is the most important principle in criminal law) (Sapardjaja, 2002). An act that is against the law can be said to be a crime, and corruption is a crime that has an extraordinary impact.

As a crime the impact is very extraordinary, and the impact of corruption can have very detrimental consequences for the people. So Klitgaard (2005) detailed a number of things categorized as corruption, including:

- a. Bribery funds for cheap housing construction to fall into unauthorized hands;
- b. Commission for those responsible for procuring goods and services for local governments mean that contracts fall into the hands of companies that do not meet the requirements;
- c. The police because they have been bribed, pretend not to know when there is a crime that they should be investigating;
- d. Local government officials use community facilities for personal gain;
- e. In order to obtain permits and licenses, members of the public must pay facilitation payments to officials and sometimes even have to pay bribes so that permits or licenses can be issued;
- f. By giving bribes, members of the public can act as they please, violating work safety regulations, health regulations, or other regulations, thereby causing danger to the rest of society;
- g. Local government services are provided only when residents have paid an additional amount of money beyond the official fee;
- h. Decision regarding urban land use is often influenced by corruption.
- i. Tax officers extort citizens, or more amicably with taxpayers, giving tax breaks to taxpayers in return for bribes.

As a disease, corruption in essence does not only endanger state finances, Suseno (2021) explained, but "corrupt practices in Indonesia has reached the most dangerous state to destroy the whole nation." Such a broad impact will basically be a very serious threat to the survival of the nation as Atmasasmita (2003) stated: "the problem of corruption is already a serious threat to the stability and security of the national and international community." In such condition, it is certain that the people at the grassroots level will be greatly disadvantaged, who should receive welfare guarantees in accordance with the guarantees set forth in the constitution" (Soemodihardjo, 2008). As emphasized in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".

Conclusion

Public participation in the prevention of criminal act of corruption is needed and has a very important role as a form of social control. A high social control narrows down the space for corruption and widens the space for anti-corruption. In order for the growth rate of corruption to continue to be suppressed, efforts to encourage public awareness in preventing criminal act of corruption need to be continuously pushed, one of which is giving awards to the community for eradicating criminal acts of corruption as stipulated in Government Regulation Number 71 of 2000 concerning

Procedures for Implementing the Role of Corruption as well as in accordance with the norms laid down by the Community and the State Administration.

The authority to investigate money laundering is not regulated specifically and strictly in accordance with the Law Number 8 of 2010 concerning the Crime of Money Laundering. The law enforcers and police administration, on the contrary, refer to Law Number 8 of 1979 concerning Criminal Procedure Code and its Articles 1, Article 6 and Article 7 which have the authority to carry out the Crime of Money Laundering (TPPU). The POLRI investigators also conduct their investigation of all criminal acts accordingly. This is reaffirmed by Article 1 point 8, 9, and Article 14 paragraph (1) letter g of Law Number 2 of 2002 concerning the Indonesian National Police. As for Article 74 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, it gives investigative power to predicate crime investigator. So if predicate crime investigator finds indications of Money Laundering Crime, then the predicate crime investigator can convey it to POLRI investigator to follow up on it.

The study issued a few recommendations. First, in order for the growth rate of corruption to continue to be suppressed, efforts must be made to encourage public awareness for preventing criminal acts of corruption. Such incentives like giving rewards to the community for eradicating criminal acts of corruption as stipulated in Government Regulation Number 71 of 2000 concerning Procedures for Implementation of Community Participation in State Administration must be given and continuously pursued. There is also a need for strict and clear legal rules in the Law governing Money Laundering Crime regarding the granting of authority to institution that will carry out investigation of Money Laundering Crime, as well as special rules regarding the mechanism of cooperation between predicate crime investigators and Money laundering Crime investigators who have been given investigative authority so that the Law of Money Laundering Crime (TPPU) can run effectively and is not weak in implementing a synergized administrative system because giving authority to predicate crime investigators has the potential to cause its own problems, parties suspected of committing crimes will be faced with so many officers. Thus the investigators must have a strong legal umbrella for the eradication of money laundering crimes.

References

- Adji, I. S. (2006). *Corruption Policy of the State Apparatus and Criminal Law*. Diadit Media, Jakarta.
- Ali, A. (2008). *Revealing the Law*. Ghalia Indonesia, Bogor.
- Andika, D., Witasari, A., & Purnawan, A. (2022). The Juridical Analysis of Potential Asset Recovery Using Act No. 8 of 2010 Concerning the Crime of Money Laundering. *Ratio Legis Journal*, 1(3), 322-329. <http://dx.doi.org/10.30659/rlj.1.3.%25p>
- Arief, B. N. (2008). *Criminal Law Enforcement Issues in Crime Control*. Kencana Prenada Media Group, Jakarta.
- Atmasasmita, R. (2003). *Introduction to Business Crime Law*. Jakarta, Kencana.
- Creswell, J. W., & Miller, D. L. (2000). Determining validity in qualitative inquiry. *Theory into practice*, 39(3), 124-130. https://doi.org/10.1207/s15430421tip3903_2
- Davoudi, S., Bohland, J., Knox, P., & Lawrence, J. (2017). *The Resilience Machine*. Urban Resilience Research Network <http://www.urbanresilienceresearch.net/2017/02/09/the-resilience-machine>

- Doig, A., & Riley, S. (1998). Corruption and anti-corruption strategies: Issues and case studies from developing countries. In *Corruption and integrity improvement initiatives in developing countries* (pp. 45-62). <http://www.anti-corruption.org/wp-content/uploads/2016/11/Chapter03.pdf>
- Durkheim, E. (1972). Crime as Normal Behavior. In D. David (Ed.), *Readings in Criminology and Penology* (pp. 4-9). New York Chichester, West Sussex: Columbia University Press. <https://doi.org/10.7312/dres92534-003>
- Gaillard, J.-C. (2007). Resilience of traditional societies in facing natural hazards. *Disaster Prevention and Management*, 16(4), 522-544. <https://doi.org/10.1108/09653560710817011>
- Hamzah, A. (2005). *Eradicating Corruption Through National and International Criminal Law*. Raja Grafindo Persada, Jakarta.
- Hamzah, A. (2008). *Comparison of Criminal Laws of Several Countries*. Jakarta : Sinar Grafika.
- Hartanti, E. (2005). *Corruption Crime*. Sinar Graphic, Jakarta.
- Kelsen, H. (1967). *Pure theory of law*. Univ of California Press.
- Klitgaard, R. (2005). *Guide to Eradicating Corruption in Local Government*. Yayasan Obor Indonesia, Jakarta.
- Law Number 2 of 2002 concerning the Indonesian National Police.
- Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crime.
- Leheza, Y., Dorokhina, Y., Shamara, O., Miroshnychenko, S., & Moroz, V. (2023). Citizens 'participation in the fight against criminal offences: political and legal aspects. *Cuestiones Políticas*, 39(69), 212-224. <http://biblio.umsf.dp.ua/jspui/handle/123456789/4936>
- Lewis, J. (2008). *Corruption and earthquake destruction: observations on events in Turkey, Italy and China*. RADIX. <https://www.researchgate.net/publication/266477383>
- Lewis, J. (2011a). Climate-proofing development: Corruption risks in adaptation infrastructure. In *Global Corruption Report: Climate Change*. Routledge. <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315870274-45>
- Lewis, J. (2011b). Corruption costs lives: A guide for journalists covering disaster risk reduction. In *Disaster through a distant lens: Behind every effect there is a cause* (pp. 183-185). UNISDR. http://www.preventionweb.net/files/20108_mediabook.pdf
- Lewis, J. (2013). Some realities of resilience: A case-study of Wittenberge. *Disaster Prevention and Management*, 22(1), 48-62. <https://doi.org/10.1108/09653561311301970>
- Lukito, A. S. (2016). Building anti-corruption compliance through national integrity system in Indonesia: A way to fight against corruption. *Journal of financial crime*, 23(4), 932-947. <https://doi.org/10.1108/JFC-09-2015-0054>
- Lytvyn, N. A., Artemenko, O. V., Kovalova, S. S., & Kobets, M. P. (2023). Administrative and legal mechanisms for combating corruption. *Journal of financial crime*, 30(1), 154-166. <https://doi.org/10.1108/JFC-11-2021-0241>
- Manyena, S. B. (2006). The concept of resilience revisited. *Disasters*, 30(4), 434-450. <https://doi.org/10.1111/j.0361-3666.2006.00331.x>
- Mtapuri, O. (2016). Corruption and Citizen Participation: A Critical Analysis. *Bangladesh e-Journal of Sociology*, 13(1), 6-17.
- Patton, M. Q. (2014). *Qualitative Research & Evaluation Methods: Integrating Theory and Practice*. Sage Publications. <https://us.sagepub.com/en-us/nam/qualitative-research-evaluation-methods/book232962>

- Putra, N. R., & Linda, R. (2022). Impact Of Social Change On Society From The Crime Of Corruption. *Integritas: Jurnal Antikorupsi*, 8(1), 13-24. <https://doi.org/10.32697/integritas.v8i1.898>
- Rahardjo, S. (2009). *Law and Social Change, A Theoretical Review and Experiences in Indonesia*. Genta Publishing, Yogyakarta.
- Reiss, A. J. (1995). Diversion and Social Control: Alternative Measures of Crime Control. In G. Albrecht & W. Ludwig-Mayerhofer (Eds.), (pp. 35-46). De Gruyter. <https://doi.org/10.1515/9783110815757.35>
- Sapardjaja, K. E. (2002). *Teachings Against Material Law in Indonesian Criminal Law*. Alumni, Bandung.
- Schaffmeister, D., Keijzer, N., & Sutorius, E. P. (1995). *Criminal Law*. Yogyakarta: Liberty.
- Seregig, I. K., Suryanto, T., Hartono, B., & Rivai, E. (2018). Preventing the Acts of Criminal Corruption Through Legal Community Education. *Journal of Social Studies Education Research*, 9(2), 138-159. <http://www.jsser.org/index.php/jsser/article/view/265>
- Simatupang, D. P. (2010). *Research Methods Lecture Module*. Jakarta: Master of Law Study Program Unkris.
- Soekanto, S. (1989). *Fundamentals of legal sociology*. Press Rajawali.
- Soemitro, R. H. (1990). *Legal and jurimetric research methodologies*. Ghalia Indonesia, Jakarta.
- Soemodihardjo, D. (2008). *Preventing and Eradicating Corruption, Observing its Dynamics in Indonesia*. Prestasi Pustaka Publisher, Jakarta.
- Sudarto. (1977). *Law and Criminal Law*. Alumni, Bandung.
- Suhatyati, S., Septiani, R., Nuraini, S., Syahidah, F. N., Nuryana, S., & Giannova, W. (2022). The Role of International Cooperation in the Eradication of Money Laundering in Indonesia. *Journal of Social Political Sciences*, 3(4), 367-400. <https://doi.org/10.52166/jsp.v3i4.138>
- Suseno, F. M. (2021). What Pancasila Can Still Be Hold? An Essay. *Journal of Pancasila Grounding*, 1(2), 93-101. <https://jurnalpembumihanpancasila.id/index.php/jpp/article/view/2>
- Transparency International. (2016a). *Corruption Perceptions Index*. Transparency International. <https://www.transparency.org/en/cpi/2016>
- Transparency International. (2016b). *What is Corruption?* Transparency International. <https://www.transparency.org/what-is-corruption/#define>
- Umam, A. K., Wahyuningsih, S. E., & Sulchan, A. (2022). The Authority of Police in Implementation of Restorative Justice in Framework of Enforcement of Criminal Actions in Indonesia. *Law Development Journal*, 4(1), 9-18. <http://dx.doi.org/10.30659/lj.4.1.9-18>
- UNISDR. (2009). *UNISDR terminology on disaster risk reduction*. United Nations Office for Disaster Risk Reduction. <https://www.undrr.org/publication/2009-unisdr-terminology-disaster-risk-reduction>
- Wahid, A., Nurqalbi, V., & Hamdani, F. (2022). The Effects of Decision Number: 15/PUU-XIX/2021 of the Constitutional Court on Indonesia's Money Laundering Law Enforcement. *European Journal of Law and Political Science*, 1(5), 42-47. <https://doi.org/10.24018/ejpolitics.2022.1.5.39>
- Wisner, B. (2016). *Vulnerability as Concept, Model, Metric, and Tool*. Oxford University Press. <https://doi.org/10.1093/acrefore/9780199389407.013.25>
- Zaloznaya, M., Claypool, V. H., & Reisinger, W. M. (2018). Pathways to corruption: institutional context and citizen participation in bureaucratic corruption. *Social Forces*, 96(4), 1875-1904. <https://doi.org/10.1093/sf/soy007>
- Zucman, G. (2015). *The Hidden Wealth of Nations: The Scourge of Tax Havens*. Chicago: University of Chicago Press. <https://doi.org/10.7208/9780226245560>

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