THE ANALYSIS OF CRIMINAL LAW POLICY ON ADVOCATE REPORTING IN PREVENTING AND ASSISTING MONEY LAUNDERING CRIME IN INDONESIA

Fauziah Lubis,* Bismar Nasution,** Ediwarman***

Abstract: *This study uses Sudarto's theory of criminal law policy by looking at legal policies in a narrow, broadest, and most broad sense. This research method is a normative research method by analyzing a statutory regulation. Besides, it also examines the sources of textbooks, library books, or as a journal in the study documentation. The results of the study show that the Law on the protection of witnesses and reporters is a criminal law policy for reporting provided by advocates as an effort to prevent and eradicate the occurrence of criminal acts of money laundering. In the broadest sense, the criminal law policy covers the entire function of law enforcement officials, including methods for working from courts and police. On the contrary in the narrow sense of the whole principle and method which becomes the basis of the reaction to law enforcement in the form of criminal. The policy of criminal law in the broadest sense is carried out through legislation and official bodies use the means of criminal law so that there are significant changes in the legal system, that is substance, culture, and legal structure.*

Keyword: *Money Laundering, Criminal, Law, Preventing and Assisting, Advocate*

INTRODUCTION

The International Monetary Fund (IMF) in 2015 estimated the size of money laundering to be at 2–5% of the world Global Domestic Production (GDP) with around USD800 billion to USD2 trillion being laundered. The global criminal activities are on the rise and the contribution of money laundering to exacerbate the problems associated with the upsurge in the criminal activities is unquantifiable. The negative effect of this on global economic development has grown to a staggering proportion. This is partly because the crisis experienced due an increase in criminal activities is borne out of the fact that the lifeblood of almost all the crimes is embedded in the financial system. Ironically, detecting money laundering becomes extremely difficult once it has been allowed to crystallize at layering level and finds its ways to the legitimate fund through integration mechanism. To combat money laundering, the parties must understand how money-laundering activities operate. The need to institute greater vigilance to prevent money laundering, therefore, becomes imperative. This has become the primary focus of most of the Anti-Money Laundering (AML) compliance measures and anti-crime initiatives at local and international levels.[1]

The research by Pamungkas[2] emphasized that investigation of money laundering works effectively and quickly based on Article 74 Law of Money Laundering, and it carried out

* Fauziah Lubis, Student at Doctor of Law Program, Universitas Sumatera Utara, Indonesia
** Bismar Nasution, Professor, Faculty of Law, Universitas Sumatera Utara, Indonesia
*** Ediwarman, Professor, Faculty of Law, Universitas Sumatera Utara, Indonesia

[1] MOHD YAZID BIN ZUL K., MARUF ADENIYI, N. Money Laundering: Analysis On The Placement Methods. *International Journal of Business, Economics, and Law*. 2016, Vol. 11, Issue 5.

[2] PAMUNGKAS, D. How Police Overcomes Money Laundering? Study Analysis of Role of Central Java Regional Police Department on Money Laundering Case. *Journal of Law and Legal Reform*. 2019, Vol. 1, No. 1, [online]. [2019-10-17]. Available at: <https://doi.org/10.15294/jllr.v1i1.35416>.

through systematic work management needed to support efficient and effective work so the handling of a case can run faster and measurable. The aim is to facilitate investigators in investigate of wealth from criminal acts, which are inseparable from the collection of evidence instruments in the investigation of all the 183 Jo 184 Criminal Procedure Code and article 73 Law on Criminal Procedure. 2) Factors that influence the investigator to investigate criminal acts of money laundering are legal factors, legal action, legal reasoning, or facilities that support the enforcement of law and elements of the community.

Furthermore, the research results by Akbar[3] that rapid development of information technology has given birth to a variety of services with a variety of digital information facilities, where the sophistication of information technology-based products can integrate all information media to make the world become borderless and cause significant social, cultural, economic and law enforcement changes take place quickly. Nevertheless, the conditions in Indonesia which are growing and developing towards an information technology-based industrial society, in some cases are still lagging to follow the development of information technology. The concepts and theories used to analyze are Criminal Law Policy, Law Number 8 of 2010 concerning Money Laundering. The development of information technology that is developing now, especially in the field of digital assets can become an opportunity for money laundering. In the case of committing the crime of money laundering is carried out using the digital currency-based information technology method and can be used for cross-country trade. So that the crime of money laundering based on digital assets is very easy to do and can have a worldwide network.

In addition to the findings and cases described above, other interesting phenomena in Indonesia about money laundering are the existence of indications of professionals can be involved in money laundering, even though there are laws that govern. The efforts carried out are felt to be not optimal, partly because the existing laws and regulations still provide a space for different interpretations, legal loopholes, imprecise sanctions, not yet utilized shifts in the burden of proof, limited access to information, the limited scope of reporters and the type of report, as well as the lack of clarity of duties and authorities of the implementers of the law. To fulfill national interests and adjust international standards, it is necessary to draft a Law on the Law of The Republic of Indonesia Number 15 the Year 2002 Concerning The Crime Of Money Laundering.[4]

The commencement of the money laundering crime eradication regime in Indonesia due to its inclusion in the list of countries/territories considered uncooperative in eradicating the crime of money laundering (Non-Cooperative Countries and Territories-NCCTs) in June 2001 by the Financial Action Task Force (FATF).[5] Indonesia is included in the NCCTs list because it has 4 (four) discrepancies to 40 FATF recommendations on Money Laundering. The four discrepancies are 1. the absence of provisions that place

[3] AKBAR, D. L. Criminal Law Policy in Handling Digital Asset-Based Money Laundering in Indonesia. *Journal of Law and Legal Reform*. 2019, Vol. 1, No. 1. [online]. [2019-10-17]. Avaliable at: <https://doi.org/10.15294/jllr.v1i1.35543>.

[4] Law Of The Republic Of Indonesia Number 15 the Year 2002 Concerning The Crime of Money Laundering.

[5] Financial Action Task Force Anti-Money Laundering Reports. AML/CFT Evaluations and Assessments, AML/CFT Evaluations and Assessments. 2009. Jakarta; GAFI.

money laundering as a criminal offense; 2. the absence of Know Your Customer (KYC) principles for non-bank financial institutions; 3. low capacity in handling money laundering crimes, and 4. lack of international cooperation in handling money laundering crimes. With the change and improvement of the paradigm in the effort to prevent and eradicate money laundering crime. Reporting Financial Transaction Reports and Analysis Center (PPATK) has become a vital institution in the money laundering crime prevention and eradication system. In its report, Financial Transaction Reports and Analysis Center (PPATK) during 2013, has delivered 301 (three hundred and one) Analysis Results consisting of 70 (seventy) Proactive Analysis Results and 231 (two hundred thirty-one) Reactive Analysis Results. This number increased from the previous the year which reached 276 Analysis Results.[6]

Financial Transaction Reports and Analysis Center has optimized the effectiveness of the implementation of the provisions of Republic of Indonesia Government Regulation Number 43 the year 2015 concerning Reporters the Prevention and Eradication of Money Laundering[7] in June 2015. The efforts made by the PPATK coordinate and communicate related to the acceleration of the preparation of implementing regulations regarding the principle of recognizing service users for the profession, as well as socialization and training for the profession. As it is known that the profession determined to be the reporting party is an Advocate, Notary, Land Titles Registrar, Accountant, Public Accountant, and Financial Planner. Money Laundering crime called White Collar Crime which attracts the attention and concerns of the international community, including Indonesia. This is common considering the impact caused by the Money Laundering Crime is extraordinary, besides to threatening economic stability and financial system integrity, but also can endanger the joints of life in the community, nation, and state based on the Pancasila and the Constitution of the Republic of Indonesia in 1945. The obligation to report on Advocates raises legal issues in a juridical manner, the formulation of the reporting party regulated in Article 17 paragraph (1) Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering.

In the money laundering crime, the law firmly stipulates Advocates should report suspicious financial transactions. In recommendation 12 and recommendation 16 FATF (Financial Action Task Force) on Money Laundering has classified the reporting parties into 3 categories, namely financial institutions, non-financial institutions, and professions (including professions in the legal sector namely Advocates). So that it can be understood that the international community wants the legal profession to be made the reporting party for suspicious financial actions[8].

he inclination that the legal profession, such as an Advocate, has been made as the reporting party has existed as stated in Article 15 of the Republic of Indonesia Government

[6] YUNUS, H., TINDAK, P., PENCUCIAN, U. Money Laundering. Dalam Perspektif Hukum Internasional. *Jurnal Hukum Internasional.* Lembaga Pengkajian Hukum Internasional Fakultas Hukum Universitas, 2004.

[7] Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering.

[8] RIZKY, A. Effect of Financial Action Task Force on Money Laundering Against the Establishment of the Law on Money Laundering in Indonesia. *JoM FISIP Journal.* 2015, Vol. 2, No. 2, pp.1–3.

Regulation Number 43, the year 2015 concerning Reporters the Prevention and Eradication of Money Laundering Crime. The obligation to report aims to narrow the space for money laundering practices. In preventing and eradicating money laundering crimes, the system must cover the substance, structure, and legal culture. Law is a unit formed in one system. Systems intended to achieve a particular destination occur in a complex environment. The legal system is also part of the transformation of social symptoms into the norm. The legal system describes various legal norms. Legal norms can be specified in the Law, and implementing regulations, including the norms contained in the Judge's decision.

The role of Advocates is a form of humanitarian activity and as a form of professionalism in the field of law.[9] Advocates are given monopolistic rights to represent others in the court, to force the presence of witnesses and to maintain the confidentiality that must be disclosed by laypeople if called as witnesses. As such, statements made by lawyers by their clients that they commit certain crimes should not be used in evidence, but the same statement made for laypeople will be accepted as evidence. Advocates are asked to play a role in preventing and combating money laundering. Republic of Indonesia Government Regulation Number 43 the year 2015 concerning Reporters in the Republic Crime.[10]

Based on the results of the study Intelligent Traffic and Revenue Control System (INTRAC) vulnerable to be exploited by the perpetrators of money laundering to conceal or disguise the origin of the assets which are the result of a criminal act using of refuge behind the provisions of the confidentiality of professional relations with service users that are regulated by the provisions of the legislation.[11] In this case, the professions mentioned above are used as gatekeepers by money laundering agents.[12] As mandated by Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering, it is mandatory to report suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK) by the Advocate not running smoothly. For example, Advocates reject the provision of reporting suspicious financial transactions to the Financial Transaction Reports and Analysis Center (PPATK).[13]

First, because the profession can detect transactions, processes, and methods in laundering are inseparable actions. If the financial transaction between bookkeeping and money has been balanced, then the transaction seems correct. In fact, in the transaction, the proceeds of crime have been entered. The business transaction system is a legitimate method of entering money from a crime into a financial transaction. After entering into the system of legitimate business transactions, it mixes with other money. The entry of proceeds from crime into a legitimate business transaction system is a process of placing money into a business.

[9] BURGER, W. E. Standards Of Conducts For Preseqution Defense Personnel: A judge's Viewpoint. America. *School of Law American University*. 1966-1967, pp. 1–9.

[10] Republic of Indonesia Government Regulation Number 43 the year 2015 concerning Reporters in the Prevention and Eradication of Money Laundering Crime.

[11] In: *Annual Report Book Financial Transaction Reports and Analysis Center. Jakarta. Indonesia.* 2016, pp. 7–10.

[12] UTAMA, P. Understand Asset Recovery & Gatekeeper. In: *Indonesia Legal Roundtable. Jakarta*, 2013, pp. 20–25.

[13] [online]. [2017-08-04]. Avaliable at: <http://www.hukumonline.com>.

Second, the profession could discover that the money mingles, mixes with other money in business activity so that it is legal, and is coated, covered, surrounded and mixed with legitimate business proceeds. The money, if spent or used again, has become part of the legitimate proceeds of the business because its origins are no longer visible. Money laundering acts can use the services of professionals as gatekeepers in money laundering. Advocates are required as reporting parties for suspicious financial in Money Laundering Crime.[14]

According to Bismar Nasution, there are at least three reasons according to Guy Strassen's observation in *"Money Laundering," "A New International Law Enforcement Model*" questioning why *money laundering is* eradicated and declared a criminal act.[15] First, because the influence of money laundering on the financial and economic systems is believed to hurt the world economy, for example, the negative impact on the effective use of resources and funds. With the existence of money laundering, many resources and funds are used for illegal activities and may harm the community, besides that many funds are not optimally utilized, for example by conducting sterile investments in the form of expensive property or jewelry. This happens because the proceeds of crime are mainly invested in countries that feel safe to wash their money, even though the results are lower.

The proceeds from this crime can be switched from a country whose economy is good to a country whose economy is not good. Because of its negative influence on the financial market and its impact can reduce public confidence in the international financial system, sharp fluctuations in exchange rates and interest rates may also be a negative result of money laundering. Second, with the stipulation of money laundering as a criminal act, it will be easier for law enforcement officials to confiscate the proceeds of criminal acts that are sometimes difficult to confiscate, for example, assets that are difficult to trace or have been transferred to third parties.

In this way, the escape of money from the proceeds of crime can be prevented. Third, by declaring money laundering as a criminal offense and with a system of reporting certain amounts of transactions and suspicious transactions, this makes it easier for law enforcers to investigate criminal cases up to the characters behind them. These figures are difficult to trace and arrest because in general, they are not visible in the conduct of a crime, but much enjoy the results of the crime.

Likewise with the advancement of science and technology in the present is the progress of human civilization that has an impact on all aspects of life, including developing and increasingly diverse motives and forms of crime. Along with that progress, the world of business is not spared as a means of committing crimes by perpetrators, one of which is money laundering that utilizes technological advances and system advances found in the world of business such as bitcoin by utilizing the sophistication and ease of banking transactions and activities other business. In direct contrast to this, various efforts were made

[14] Article 1 Number 5 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.

[15] NASUTION, B. Anti Money Laundering Regime Law. *Article Law*. 2004, pp. 5–6.

to prevent and narrow the space for the money laundering actors to move, especially by building a legal system in the business world that could eradicate this white-collar crime, both nationally and internationally.[16]

The modus operandi of using professional facilitators is the emergence of a group of professional money laundering facilitators. This profession includes solicitors (lawyers), attorneys, financial accountants, notaries, and fiduciaries (pawnshops). These professionals are then known as gatekeepers in money laundering. The term gatekeeper is agreed by practitioners and academics of the world as professionals in the financial and legal fields with expertise, knowledge, and special access to the global financial system that uses their expertise to hide the results of Money Laundering Crimes. Gatekeepers are very important in the effort to recover state assets that have been stolen by money laundering agents. Besides that, Lawyers as gatekeepers must be able to do personal separation in a narrow and broad legal principle. It means both broad and narrow legal principles that impose obligations on lawyers separate yourself from client activities that violate the law or fraud. In doing so, the lawyer affects client behavior. The attorney's refusal to take certain actions on behalf of the client (such as submission fraudulent claims in the case where the lawyer is known to represent the client) can effectively prevent clients from inappropriate actions.

In some examples, the ability of advocates to reject the actions they have taken or document they prepared the same as allowing lawyers to reveal client errors. Professional code does not mince words. Lawyers must not be involved in dishonesty. Lawyers may not conspire with clients, help or commit illegal behavior, or participate directly in client crime or fraud. Besides, the fees they receive which are products of illegal behavior can be subject to confiscation. Therefore, lawyers are required to make themselves aware of the nature of client behavior and, through their reactions, play an important role in shaping the next client behavior. Therefore, the lawyer functions directly as a gatekeeper have proved very controversial in the recent reform proposals. Company and lawyers for other organizations, for example, are required to "take corrective action" to learn the illegality of the company and several other types of errors.

The strategy to eradicate money laundering requires Advocates to take part in these efforts, assuming that these two professions can play a role as gatekeepers in domestic and international financial transactions. However, the expectation of being a "gatekeeper" can harm the Advocate profession. Firstly, the right of the client to get seriously secrecy would be compromised nature. Secondly, the Government can apply criminal sanctions to lawyers. Special attorney and client relationships protect more than client privacy. This relationship must uphold the "public administration of justice". Therefore the lawyer must also examine the identity of his client, where the funds come from, and his motives for asking for help from a lawyer. The obligation of lawyers to report if they suspect money laundering activities. This is certainly not easy, moreover, it is very strong the establishment of a lawyer that he must keep the conversation with the client secret or findings that can burden his client.

[16] MARTIN et. al. Money Laundering and Its Modes in Business Law Perspectives. *Journal of De'Rechstaat.* 2015, Vol. 1, No.1, pp. 1–7.

Responding to the money laundering crime law, its policy against witnesses or Money Laundering Crime reporters by Advocates must be protected physically and non-physically (law) security and comfort. Criminal law policy is defined as a means to eradicate the occurrence of an event by using various efforts. Criminal policy in the politics of criminal law with the term using this means of reasoning in which there are two central problems, namely: the problem of determining what actions should be used as criminal acts and the problem of determining what sanctions should be used or imposed on violators. To deal with the central problem things must be considered in essence as follows: 1) improvement and utilization of law enforcement officials, including strengthening organizations, personnel, and facilities to solve criminal cases, 2) legislation that can function to analyze and stem crime and have the future reach, 3) effective criminal justice mechanism with fast, appropriate, cheap and simple terms and 4) coordination between law enforcement officials and other government apparatus related to increasing use in crime prevention, 4) public participation to accelerate the implementation of enforcement of a crime.[17] Furthermore, the provisions of the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering which requires Advocates as the reporting party to reduce the danger and losses of the state. Also, the role of advocates in preventing and eradicating money laundering has a very positive impact so as not to be ensnared by the law. Therefore, it is very important to study this.

LITERATURE REVIEW

Advocate Professional Settings and Responsibilities

In this case, the arrangements and responsibilities of the Advocate profession as a reporting party are contained in Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering and Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering. The law governing money laundering in Indonesia has changed several times in less than ten years and has been amended twice. This shows how complex the problem of Money Laundering. The first law is Law Number 15 the Year 2002 amended by Law Number 25 the Year 2003, and the last amended by Law Number 8 the Year 2010. In consideration, it is stated that the crime of money laundering does not only threatens economic stability and system integrity financial but also can endanger the joints of community, nation, and state life. Welling argues that "money laundering is the process by which one conceals the existence, illegal sources, or illegal applications of income, and then disguises that income to make it appear legitimate." While Frazer argues that "Money laundering is quite simply the process through which" dirty "money (proceeds of crime), is washed through" clean "or legitimate sources and enterprises so that the" bad guy "may more safely enjoy their ill'gotten gains".

[17] NAWAWI, B. Criminal Law Policy. Bandung. *Citra Aditya Bakti Publication*. 1996, pp. 30–35.

Although there is diversity in defining money laundering, it contains the elements: "intent or intentional". The process of describing the identity or origin of assets obtained illegally so that these assets appear to come from legitimate sources. This shows that for the occurrence of the crime of money laundering, it is first proven the existence of a crime/other crime that has been committed by the perpetrators of Money Laundering, which is imitatively determined in Article 2 of Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering. Another opinion explains the description of money laundering, that is, if someone obtains a material benefit in the form of money generated from a criminal act or other illegal actions, such as getting money from gratuities, money from corruption, money from narcotics sales and illegal drugs.[18]

RESEARCH METHODS

The type of legal research method used in this study is a normative research method. In normative research secondary data as a source of information can be primary legal material, secondary legal materials, and tertiary legal materials. The specification of this research is specifically to analyze the implementation of legal principles, namely research on written positive law or research on legal methods that live in society. The method will be applied that approach to legislation (Statute Approach) and Case Approach. Case research in normative legal research aims to study legal norms or rules carried out in legal practice.[19]

The technique of collecting data using literature studies (normative legal research) which focuses on secondary data, the authors researched the laws and government regulations relating to this research. Then conducted interviews with informants, especially the public relations department of the Financial Transaction Reports and Analysis Center and the profession to obtain information to add to the lack of complete secondary data. Data collection tools in normative juridical research are derived from secondary data to obtain concepts, theories, and information and conceptual thinking from previous researchers in the form of legislation, scientific work, journals, and others.[20]

Making procedures and data collection in this study conducted in two ways: by studying the literature and interviews with key informants such as lawyers, and prosecutors and service providers finance. Data analysis technique begins with an examination of the data- done the collected data then conducts direct and directed interviews and then analyzes the data qualitatively, the data obtained is systematically compiled and then analyzed qualitatively in the form of rules. The process of legal analysis is linked to the theoretical framework to be able to answer the formulation of the problem under study.

---

[18] SUDARTO. Kapita Selekta Hukum Pidana. *Bandung: Alumni*. 1981, pp. 113–114.
PRASETYO, T., BARAKATULLAH, A. H. Politik Hukum Pidana, Kajian Kebijakan Kriminalisasi dan Dekriminalisasi. *Yogyakarta*. 2005, Pustaka Belajar, p. 15.

[19] JHONNY, I. *Teori dan Metode Penelitian Hukum Normative*. Malang Boymedia Publishing. 2006.

[20] SOEKANTO DAN SRI, S., MAMUDJI. *Penelitian Hukum dan Normatif Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, 1995.

RESULTS AND DISCUSSION

The results of the analysis carried out in this study show that the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering, Advocates have the nature of secrecy in professional relations with their respective clients and should report to Financial Transaction Reports and Analysis Center (PPATK) if a suspicious financial transaction is found by his client. Besides, professional arrangements as a reporting party and the implementation of reporting obligations by venture capital companies, infrastructure finance companies, microfinance institutions, export financing institutions, advocates, notaries, land deed officials, accountants, public accountants, and financial planners are intended to protect reporting parties from lawsuits, both civil and criminal.

As published in that the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering which is an obligation of Advocates to report criminal acts of money laundering to Financial Transaction Reports and Analysis Center (PPATK) based on observations, typologies, or modes of money laundering to prevent and eradicate the occurrence of money laundering. Advocates who have important positions also in law enforcement so that there are no more arguments stating hiding crimes behind client confidentiality. Advocates' philosophy as a client defender must be straightened out, to position the client in the right position because a profession justifies hiding someone's crime.

The professions have been able to understand the purpose of the Government Regulation to prevent money laundering crimes, but the problem is that the Government Regulation is allegedly in conflict with the Law Of The Republic Of Indonesia Number 18 the Year 2003 Concerning Advocates[21] plus there has been no verdict in the Supreme Court related to violations of Government Regulation Number 43 of 2015 Concerning the Prevention and Eradication of Money Laundering. Also, according to the results of this study with the Republic of Indonesia Government Regulation Number 43, the year 2015 Concerning the Prevention and Eradication of Money Laundering,as the implementing regulation of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering that includes Advocate as the reporting party, the advocate must strictly implement the provision. Analysis of some data on special criminal cases including money laundering that violates Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering that has been decided by the Supreme Court as follows:

[21] Article 19 (1) Advocates shall be obliged to keep all matters known or obtained from their client secret due to their profession, unless stipulated by law otherwise herein. (2) Advocates shall have the right on confidentiality of relationship with clients, including protection of materials and its documents against seizure or examination measures and protection against taking recording or electronic communication of advocates.

Table.1. Classification of Special Criminal Cases received by the Supreme Court of the Republic of Indonesia in 2010–2018[22]

Number	Classification	Total	Percentage (%)
1.	Corruption	13569	31.23
2.	Narcotics & Psychotropic	20689	47.61
3.	Juvenile Justice	6203	14.27
4.	Forestry	203	0.46
5.	Banking	74	0.17
6.	Terrorism	171	0.39
7.	Living environment	1202	2.76
8.	Domestic violence	1158	2.66
9 .	Money laundering	178	0.40
		43,447	100

The table above shows that of all the special criminal classifications of money laundering criminal acts are classified as low as many as 178 cases (0.40%), while the highest percentage is related to Narcotics and Psychotropic which are as many as 20689 cases (47.61%). Therefore, based on Also, according to the results of this study with the Republic of Indonesia Government Regulation Number 43 the year 2015 Concerning the Prevention and Eradication of Money Laundering,as the implementing regulation of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering that includes Advocates as the reporting party, the advocate must strictly implement the provision. Analysis of some data on special criminal cases including money laundering that violates Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering that have been decided by the Supreme Court as follows and the Republic of Indonesia Law No. 8 of 2010 concerning the prevention and eradication of criminal acts of money laundering, it requires professional professions to provide reports to Financial Transaction Reports and Analysis Center (PPATK) regarding suspicious and active transactions as gatekeepers to prevent and eradicate money laundering.

Prevention and crime prevention policies, including criminal policies, are inseparable from broader policies, namely social policies that consist of policies for social welfare and policies for the protection of the social community. Thus, if the prevention of crime (criminal politics) is carried out employing of penal (criminal law) the policy of criminal law (penal policy), especially at the stage of the judicial policy must pay attention and lead to the attainment of the objectives of social policy in the form of social welfare and social defense. Penal policy or 'penal law enforcement policy' which the functions and operates through several stages:

1. Policy formulation stage
2. Application stage
3. Execution phase

[22] *Mahkamah Agung Republik Indonesia* [online]. [2020-10-12]. Available at: <https://mahkamahagung.go.id/id>.

In the formulation stage, prevention of crime is not only the duty of law enforcement officials but also legislators in this matter the legislature. Legislative policy is the most strategic stage of reasoning policy. The basic strategy of crime prevention is directed at efforts to eliminate or cope with and improve the overall power and conditions that become criminogenic factors for the occurrence of crime. So an integral approach is needed in the sense of:

1. Not only are asymptotic and repressive coping strategies through law reform and enforcement but also causative and preventive countermeasures;
2. Not only do law reform but also social-economic, political, cultural, moral and administrative reform; and
3. Not only do renewal of one law, but also all legislation that allows the occurrence of crime.

Besides that, it is very important to hold elections to achieve the results of criminal legislation that are best in the sense of meeting the requirements of justice and usability. In the broad sense, the criminal law policy covers the whole function of law enforcement officials, including the workings of the Court and the police, while in the narrow sense the overall principles and methods are the basis of the reaction to violations of laws in the form of criminal. Criminal law policy in the broadest sense is carried out through legislation and official bodies use the means of reasoning (criminal law) so that there are significant changes in the legal system, namely substance, culture, and legal structure.

Efforts to combat crime with criminal law policies are essentially part of law enforcement efforts, especially the enforcement of criminal law. Therefore it is often said that politics or criminal law policies are also part of the law enforcement policy. Besides, the efforts to address crime through criminal legislation in effect also an integral part of the business community protection (social welfare). Therefore, it is also natural that the policy or politics of criminal law is an integral part of social policy. It is seen in the broad sense that criminal law policy can cover the scope of policy in the field of material criminal law, in the field of formal criminal law and the field of implementation criminal law.

This is in line with his opinion Sudarto[23] stated that in the policy approach and the value approach in criminal law policy there are two central problems in criminal policy by using the penal means (criminal law) is the problem of determining what actions should be used as criminal acts and what sanctions should be used or imposed on violators. The airlift of the policy approach, Sudarto also found in the face of the first central problem above is often called the problem of criminalization, to be aware of things that are basically as follows:

1. The use of criminal law must pay attention to the objectives of national development, namely to create a just and prosperous society that is materially evenly distributed based on the Pancasila; In connection with this, the use of criminal law aims to combat crime and impose a counter-action against itself, for the welfare and protection of the community.

[23] SUDARTO. *Hukum dan Hukum Pidana*. Bandung: Alumni, 1986.

2. Acts that are attempted to be prevented or overcome with criminal law must be undesirable actions, namely actions that bring harm (material, or spiritual to the community)
3. The use of criminal law should also take into account the principle of cost and yield
4. The applicability of criminal law has also to consider the capacity or power of the work of law enforcement agencies and there are no overloaded tasks.

Furthermore, it was stated that the problem of a policy-oriented approach is the tendency to be pragmatic and quantitative and does not provide the possibility for the inclusion of subjective factors such as values into the decision-making process. However, criminal politics must be rational. A rational approach is indeed an approach that should be attached to every policy step. This is a logical consequence because as stated by Sudarto in carrying out politics (to wisdom) people make assess the selection of the alternatives faced. This means that criminal politics by using criminal law policy must be an effort or steps made intentionally and consciously.

This means choosing and establishing criminal law as a means of tackling crime must take into account all the factors that can support the functioning or operation of the criminal law in reality. So a rational approach is also needed, and this too is an approach that is attached (inherent) on any rational policy. So, in this case, it needs to be considered how this professional profession can understand well about the real criminal law policy.

In the discussion of the Money Laundering Crime of Law many parties argued that when the Advocate was made a reporting party, this contradicted the privacy rights held by advocates and other professions. However, if we examined it more deeply, it can be seen that the argumentation is an incorrect argument. Because in Article 19 paragraph (1) Law of The Republic of Indonesia Number 18 the Year 2003 Concerning Advocates has provided *Advocates shall be obliged to keep all matters known or obtained from their client secret due to their profession, unless stipulated by law otherwise herein, (2) Advocates shall have the right to confidentiality of relationship with clients, including protection of materials and its documents against seizure or examination measures and protection against taking recording or electronic communication of advocates*, an exception to the privacy rights or the confidentiality rights between Advocates and their clients, namely by the existence of clauses except for other entitlements by Law. That is, indeed in carrying out their duties and work that has to do with the client, then the Advocate must maintain the confidentiality of information that is known or obtained from his client.

In the context of the prevention and eradication of money laundering crimes, protection is provided for third parties with good intentions, with the consideration that it is not expected that the family of the owners of property seized by the State will be neglected because the 1945 Constitution guarantees protection for people abandoned people will be administered by the state. Deprivation of assets is not intended to confiscate property belonging to innocent people or of good faith. Confiscation of assets must be intended to control the gain derived from the crime so that such action is also the effort to prevent the possibility of continuing acts of crime or to commit other crimes in the future.

The Law on Money Laundering does not describe the definition of protection. The definition of protection is contained in Article 1 Number 6 of Act Number 13 of 2006 concerning the Protection of Witnesses and Victims, namely:

> *"All efforts to fulfill the rights and the provision of assistance to provide safe services to witnesses and/or victims must be carried out by the Witness and Victim Protection Agency or other institutions".*

Besides, the Money Laundering Crime Acts also does not expressly define witnesses, however, this has been implied in Article 86 paragraph (1) that:

> *"Everyone who gives testimony in the examination of money laundering crimes must be given special protection by the State from possible threats that endanger themselves, their souls and/or property, including their families".*

However, as is the case with the understanding of the reporter in the explanation of Article 83 paragraph (1) of the Money Laundering Crime Acts Law, it is stated that the reporter is:

> *"Every person who has good intentions and voluntarily submits reports of alleged money laundering crimes".*

Furthermore, Article 84 stipulates that:

> *"Everyone who reports an alleged money laundering crime must be given special protection by the State from the possibility of threats that endanger themselves, their lives and/or their assets, including their families".*

Advocate Professional Arrangements in Preventing and Combating Money Laundering Crimes

Success in the implementation of Money Laundering Crime Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering and the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering is the existence of law enforcement that is carried out seriously and responsibly and the existence of Advocate Professional collaboration in providing information if it finds suspicious financial transactions by its clients. But from the data obtained it is known that the Advocate Profession is still apathetic in carrying out the mandate due to several things such as the existence of the Advocate Law which regulates client confidentiality and an oath for the Advocate profession. It means the Money Laundering Crime Law in Indonesia has not fully gone well. This was conveyed by Informant Mr. Isnu from PPATK said as follows:

> "We, in October 2018, had a meeting with advocates and related institutions to discuss the regulation which pressured advocates to be able and willing to register with PPATK. However, in the journey, there was a deadlock between us and fellow advocates. Here we emphasize that it is very important for our advocates to be able to register with us. This is done for the open disclosure of information between advocates and PPATK. Besides, we hope that if there is one advocate to report, it is expected to be reported. So with the advocate's desire to register and report openly with PPATK, it is hoped that it will be easier to trace suspicious accounts or transactions."

The informant above explained that the Advocate Profession addressed the mandate of the Money Laundering Crime Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering and Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering is still not cooperative. Because there are still obligations that have been forgotten by the Advocate Professional, namely registering to Financial Transaction Reports and Analysis Center (PPATK) as an Advocate Professional to make commitments and agreements to openly provide information by their clients. Besides, the registration aims to protect the Advocate Profession from being entangled in money laundering practices as a gatekeeper. So with the willingness of the Advocate Professional to register and provide open reports to Financial Transaction Reports and Analysis Center (PPATK), it is expected to make it easier to trace suspicious accounts or transactions. Further informant Mr. Isnu said that:

> "From our data, our Advocates who can be called hundreds of Advocates throughout Indonesia, there are only 2 people from professional advocates, but if we count from the statistics that we have registered we haven't found or there is no data that we have or that is in us. Another thing that we asked our fellow Advocates what obstacles they had previously registered, they said that they were busy doing and did not get the information to do the registration."

From the informant's data, it explains that the key is the Advocate Profession itself. Due to a large number of Advocate Professionals, not all of them can understand and know about reporting suspicious financial transactions. So even for registration at Financial Transaction Reports and Analysis Center (PPATK), they refused on the grounds of busyness and limited information. Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering and Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering have been fully carried out by the Advocate Profession. Even to register as a Professional Advocate to make a commit report suspicious financial transactions has not been implemented. From the data submitted by informants from all Advocate Professionals in Indonesia, only 2 people have registered. This indicates that the need for more optimal socialization by Financial Transaction Reports and Analysis Center (PPATK) by going down to the regions to cover all Advocate Professions in Indonesia. According to Article 8 paragraph (1) Reporting Parties as referred to in Article 3 are required to submit Suspicious Financial Transaction reports to the Financial Transaction Reports and Analysis Center (PPATK) for the benefit of or for and on behalf of the User, regarding:

1. buying and selling property;
2. management of money, securities and/or other financial service products;
3. management of current accounts, savings accounts, deposit accounts and/or securities accounts;
4. operation and management of the company; and/or
5. establishment, purchase, and sale of the legal entity.

Advocates as professionals should report Money Laundering Crime indications to Financial Transaction Reports and Analysis Center (PPATK). Therefore, the urgency is that the Advocate is expected to be able to apply the principle of getting to know the client (Know Your Customer) to avoid all types of crime, including Money Laundering Crime. Law enforcement for money laundering crime or money laundering is still little revealed in Indonesia. Although the effects of state losses arising from Money Laundering Crime actions are far greater than the original criminal offenses, such as corruption cases, narcotics trade, and other growing illegal business activities.

The various modes of perpetration of money laundering crimes start from using other parties such as lawyers to manipulate the flow of funds from illegal business activities as if they are a source of halal funds. So that the Advocate Professional, who is expected to be a law enforcer, is included in the vortex of this criminal act. Because the competence of Advocates can be misused to cover up these crimes only for the benefit of clients. In terms of money laundering, the Advocate Profession has a strategic role, either as an actor or position used by his client or as a reporter. It could be a crime of money laundering and is known by lawyers but does not want to report it for fear of losing a client.

The growing potential of the Advocate Professional involved in money laundering crimes is listed in the Head of Financial Transaction Reports and Analysis Center (PPATK) Regulation Number Per-02/1.02/PPATK/02/15. In Article 5 of the Financial Transaction Reports and Analysis Center (PPATK) Chairperson's Regulation, Advocates and other professions such as curators, notaries, land deed officials, accountants, public accountants, financial planning or tax consultants, and employees who work in these professional offices have high potential to be involved in Money Laundering Crime. Therefore very effective arrangements are made to prevent and eradicate the crime of money laundering as mandated in the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering. Potential Advocates involved Money Laundering Crime because one of the professions that can be the power of attorney of the main perpetrators of money laundering crimes because it can regulate the flow of funds so that illegal activities are not indicated. Advocates can be making new companies so they are not suspected.

Therefore, the Advocate has the power to handle corruption cases as well as the Money Laundering Crime and is indicated to be involved in this crime being asked to immediately report to Financial Transaction Reports and Analysis Center (PPATK). If an Advocate makes an excuse, then the person concerned can be convicted for being involved in this crime. However, lawyers cannot be penalized if they report the criminal actions of their clients. As stated in the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering as follows:

> "Article 5 of Law Number 8 the Year 2010 concerning Prevention and Eradication of Mobey Laundering Crime states" Every person who receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange or use of assets that he knows or deserves is a criminal offense as referred to in Article follows 2 paragraph (1) shall be sentenced to a maximum of 5 (five) years in prison and a maximum fine of Rp 1,000,000,000,000 (one billion rupiahs).

While Article 5 paragraph (2) of the 2010 Law above states "The provisions referred to in paragraph (1) do not apply to report parties that carry out reporting obligations as regulated in this Law.

The above reinforcement is an opportunity for Advocates to not be afraid of reporting because they receive honorariums from their clients as long as they find suspicious financial transactions, they report it to Financial Transaction Reports and Analysis Center (PPATK). If (client acceptance) is a business and reports to the Financial Transaction Reports and Analysis Center (PPATK), the Advocate will receive protection and immunity. Besides that, Advocates also should maintain the confidentiality of the data of each client. In Law of The Republic of Indonesia Number 18 the Year 2003 Concerning Advocates themselves, they have explicitly regulated client secrecy. Article 19 paragraph (1) of the Advocate Law states that lawyers are required to keep everything that is known or obtained from their clients because of professional relations. Paragraph (2) states that an advocate is entitled to the confidentiality of his relationships with the client. Including, protection of files and documents against confiscation or inspection and protection against eavesdropping on Advocate electronic communications.

Based on Article 19 above, it is explained that the confidentiality of the relationships with the client does not apply when law enforcement agencies ask lawyers or their law offices to disclose data in connection with the alleged TPPU. The Advocate Act provides confidentiality of data (clients) to Advocates. However, if it relates to TPPU it does not apply. This is stated in Money Laundering Crime Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering Article 45 that:

> In exercising its authority as referred to in this Law, the PPATK does not apply provisions of laws and regulations and a code of ethics governing confidentiality.

For this reason, every lawyer and law office must apply the principle of knowing your customer (KYC) or get to know his client's profile in depth. This is necessary so that lawyers can avoid all forms of crime including Money Laundering Crime. Because so far the practice of law offices often ignores knowing your customer (KYC) principle. For the sake of obtaining service fees provided with an unspecified nominal. Advocates do not care about the source of their clients' funds. However, back to the Advocate itself because it is a challenge in implementing professionalism.

Various ways to mitigate (prevent) the risk so that Advocates avoid Money Laundering Crime involvement. One of them is Advocates must ensure compliance and discipline in the process of screening clients through standards and requirements. Then, philosophically Advocates instill the mind that the legal profession is not immune to the crime of money laundering and must recognize human resources and aggressively socialize anti-Money Laundering Crime principles periodically. Besides legal risk, there is a reputation and operational risk for lawyers involved in Money Laundering Crime, namely the loss of reputation and trust from the community.

Professional Advocate's Responsibility in Preventing and Eradicating Money Laundering Crimes

The Advocate profession is vulnerable to being a gatekeeper in money laundering. The Advocate profession is also part of law enforcement officers who can contribute better in preventing money laundering crimes from developing. The responsibilities of an Advocate Professional who can suppress the occurrence of money laundering crimes are contained in the enactment of the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering, which places the Advocate Professional as one of the reporting parties on the agenda of eradicating money laundering. However, the substance of the regulation has drawn criticism from some Advocate Professionals who have misinterpreted the purpose and objectives of the regulation. Moreover, some Advocate Professionals consider that the regulation is contrary to the regulations governing the rights of immunity to the Advocate Professional. The lack of Advocate Professional collaboration in reporting suspicious financial transactions has caused the work of the Advocate Professional to be considered irrelevant.

The basic purpose of the regulation in the Republic of Indonesia Government Regulation Number 43 the year 2015 Concerning the Prevention and Eradication of Money Laundering, which places the Advocate Professional as one of the reporting parties on the agenda of eradicating money laundering crimes, is a form of respect for the Advocate Profession which is a noble profession, by prioritizing its professional responsibilities to the state. This is important so that the understanding of the Advocate Professional is not only seen in the review of the concept of regulation, but also an understanding of the philosophy of law is needed, so understanding the position and roles of the profession above really sits in a scientific concept. As stated by the Informant Mr. Rizal regarding the implementation of the regulations and responsibilities of the Advocate profession in preventing and combating money laundering as follows:

> "Nowhere is the interesting one. If the implementation itself is not good because this Advocate always argues and takes refuge under oath and the Advocate Code of Ethics Law. Even though there is an obligation that must be carried out by following Law No. 8 of 2010 Article 45. In that article, it is explained that the profession is obliged to provide information disclosure towards assistance and recognize service users. Because this Advocate in assisting his clients there is no limit of honorarium given, therefore the honorarium is used as a transaction tool carried out by the Money Laundering Crime's behavior to obscure the results of his forbidden money."

The regulation governing criminal sanctions related to money laundering crimes is Money Laundering Crime Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering as stated in Article 3 reads:

> Any person who places, transfers, transfers, spends, pays, grants, entrusts, carries abroad, changes forms, exchanges for currency or securities or other acts of Assets that he knows or deserves to be the result of a criminal offense as referred to in Article 2 paragraph (1) to conceal or disguise the origin of the assets is sentenced for money

laundering with a maximum imprisonment of 20 (twenty) years and a maximum fine of Rp 10,000,000,000.00 (ten billion rupiahs).

Given that the Advocate in the previous discussion is a profession that is considered as a profession that has extraordinary access to the bureaucracy and law so that if he commits a crime related to money laundering, it can easily manipulate the risk of tracking from the government or law enforcement officers. And for possible criminal offenses related to money laundering, the crime is regulated in Article 3, 4, 5, and 10 of Money Laundering Crime Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering. So for the Advocate Professionals who carry out money laundering activities, either by transferring, spending, to bringing assets overseas from their clients, and it is known by them that this is a result of the acquisition of a criminal offense, then the advocate may be subject to criminal sanctions by following the provisions in Article 3 of Money Laundering Crime Law of The Republic of Indonesia Number 8 the Year 2010 Regarding Prevention And Eradication of Money Laundering.

Advocates in carrying out their profession are upholding justice based on the law for the benefit of justice seekers, providing legal services both within the court and outside the court of good legal consultation, legal assistance, exercising power, representing, assisting, defending and carrying out other legal actions in the interests of law client. All of these must meet the requirements based on the provisions of Law of The Republic of Indonesia Number 18 the Year 2003 Concerning Advocates.

Then the role and function of the Advocate is a free, independent, and responsible professional in the context of upholding justice for the benefit of humans and accountability to their Lord. Moreover, if it is associated with money laundering crimes. The nature of money laundering is related to human nature. Humans are perpetrators who commit criminal acts, as a result of these actions forming dirty actions then strived to become clean actions whose substance is derived from dirty actions processed in the gross form as if they look clean.

The existence of an Advocate's role is important in preventing money laundering. The nature of the Advocate profession is an honorary profession in carrying out its profession in the protection of the law, the Law and the Code of Ethics has freedom based on honor and personality. Advocates hold fast to independence, honesty, confidentiality, and openness. This task and role are not easy to do. So based on Article 3 paragraph 1 of Law of The Republic of Indonesia Number 18 the Year 2003 Concerning Advocates, the following conditions were formulated: (1). Indonesian citizens. (2). Residing in Indonesia. (3). Not a civil servant or state official. (4). Be at least 25 (twenty-five years old). (5). Certify a legal degree with legal education background as referred to in Article 2 paragraph (1) of the Republic of Indonesia Law No. 18/2003 on Advocates. (6). Pass the exam conducted by the Advocate Organization. (7). An internship of at least 2 (two) years continuously at the Advocate's office. (8). Never been convicted of a criminal offense threatened with a crime of 5 (five) years or more. (9). Good behavior, honest, responsible, fair and have high integrity.

Explanation of the requirements to become an Advocate above shows that Advocates, in essence, are quite difficult professions to play. Because Advocates carry out professional duties for the sake of upholding justice based on the law for the benefit of justice seekers based on high moral, noble and noble values and in carrying out their duties upholding

the law, the 1945 Constitution, the Advocate's Code of Ethics and oath of office. To strengthen the capacity of Advocates by following in by following with Article 28 paragraph 1 of the Advocate Law, an Advocate organization is formed as the only container for the Advocate profession that is free and independent formed by following with the provisions of the Advocate Law with the intent and purpose of improving the quality of the Advocate profession.

Improving the quality of the Advocate profession is a strengthening of the nature of the Advocate profession and then reinforced in the Advocate's Code of Ethics itself. In this case, the emphasis was placed on the personality of the Advocate. Based on article 4 of the Advocate's Code of Ethics it is emphasized that:

1. Advocates may refuse to give legal advice and assistance to anyone who needs services or and or legal assistance with consideration because it is not by following their expertise and contrary to their conscience but cannot refuse on the grounds of differences in religion, beliefs, ethnicity, descent, type, sex, political beliefs, and social position.
2. Advocates in carrying out their duties do not aim solely to obtain material rewards, but rather prioritize the rule of law, truth, and justice.
3. Advocates in carrying out their profession are free and independent and are not influenced by anyone and are obliged to fight for human rights in the Indonesian rule of law.
4. Advocates are required to maintain a sense of solidarity among their peers.
5. Advocates are required to provide legal assistance and defense to colleagues who are suspected or not charged in a criminal case or request or because of the appointment of a professional organization.
6. Advocates are not justified to do other work that can harm the freedom of the degree and dignity of the Advocate.
7. Advocates must always uphold the Advocate profession as a respectable profession.
8. Advocates in running the profession must be polite to all parties but must defend the rights and dignity of the Advocate.
9. An Advocate who is subsequently appointed to occupy a state position (executive, legislative and judiciary) is not permitted to practice as an Advocate and is not permitted to have his name listed or used by anyone or any office in a case being processed/carried out during his occupation of that position.

Money laundering related to the Advocate profession is urgently needed. Moreover, money laundering is the biggest legal crime after corruption. The role of the Advocate's process is obliged to report what must be reported if there are suspicious financial transactions, cash financial transactions in the amount of at least Rp. 500,000,000 (five hundred million rupiahs) or in foreign currencies of equal value, whether made in one report or several transactions within 1 (one) business day of funds or financial transactions for the transfer of funds from and abroad. The transaction was reported to the Financial Transaction Reports and Analysis Center (PPATK) because of suspicious transaction indicators or suspicious customers.

Advocates who have been included as reporting parties in Article 3 of the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention

and Eradication of Money Laundering, by following Article 8 of the Government Regulation, Advocates are required to submit reports if there are Suspicious Financial Transactions to Financial Transaction Reports and Analysis Center (PPATK). Suspicious Financial Transactions according to Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes and according to the Republic of Indonesia Government Regulation Number 43 the year 2015 concerning the Prevention and Eradication of Money Laundering namely Suspicious Financial Transactions are:

1. Financial Transactions that deviate from the profile, characteristics, or habits of the Transaction pattern of the relevant User;
2. Financial Transactions by Service Users that are reasonably suspected of being carried out to avoid reporting the relevant Transactions which must be carried out by the Reporting Party by following the provisions of the laws and regulations governing the prevention and eradication of money laundering crimes;
3. Financial Transactions conducted or canceled conducted using Assets that are suspected to originate from criminal proceeds; or
4. Financial Transactions requested by Financial Transaction Reports and Analysis Center (PPATK) to be reported by the Reporting Party because it involves Assets that are suspected to originate from the proceeds of crime.

CONCLUSION

The obligation of the profession in preventing and eradicating money laundering is considered to be caused by pressure from the FATF (Financial Action Task Force) and vulnerable professions are used by perpetrators of money laundering to conceal and disguise the origin of assets which are the result of criminal acts by taking refuge reversed the provision between the relationship of maintaining the confidentiality of the client which is regulated by the law. However, advocates either as witnesses or as exporters continue to be given safeguards as stipulated in the 2010 law on legal reporting and protection procedures. The legal policy is an effort to prevent and eradicate the occurrence of money laundering crimes. The policy of criminal law covers the entire function of law enforcement officers, including the way of working from the Court and the Police. Also, the overall principles and methods are the basis of the reaction to violations of laws in the form of criminal acts. Criminal law policies can be carried out through legislation and official bodies use the means of penalty (criminal law) so that there are significant changes in the legal system.

Advocates' Professional Arrangements in preventing and eradicating Money Laundering crimes are normatively effective, as evidenced by the disclosure of information from various institutions and law enforcement parties such as cooperation between the Financial Services Authority (OJK), Financial Transaction Reports and Analysis Center (PPATK) and the Police. However, in its implementation, the Advocate profession has not been able to work optimally with Financial Transaction Reports and Analysis Center (PPATK) in providing information disclosure if it finds suspicious financial transactions from its clients. Because until now there has not been a single lawyer who came to the Financial Transaction Reports and Analysis Center (PPATK) to report his client.