



Consistency Of Corporate Criminal Law Enforcement Against Money Laundering Offenses

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Abstract. *The phenomenon of money laundering crimes committed by corporations shows an increasingly complex and organized trend. Law enforcement against corporate offenders often faces obstacles in terms of regulations and weaknesses of the criminal justice system. In this context, the consistency of law enforcement becomes crucial to ensure legal certainty and justice. This research aims to examine the consistency of corporate criminal law enforcement in money laundering cases and identify relevant challenges and solutions. The research method used is normative juridical with statutory approaches and case studies. The results of the study show that although there is an adequate legal umbrella, implementation in the field is still inconsistent, both in terms of proving corporate guilt and in imposing sanctions. It is necessary to harmonize regulations and increase the capacity of law enforcers to realize an effective corporate criminal law system in tackling money laundering crimes.*

Keywords: *Corporation, criminal offense, money laundering.*

1. BACKGROUND

In the era of globalization and advances in information technology, the practice of money laundering is not only carried out by individuals but also involves corporations as the main means to disguise the origin of assets derived from criminal acts. Corporations, which are legally recognized as legal subjects, are now often used as 'vehicles' to hide the proceeds of crime, such as corruption, narcotics, and illicit trade. This phenomenon shows that corporate crime has a more complex dimension because it involves a closed organizational structure and internal management system (Kurniawan & Fadilah, 2023).

Juridically, Law No. 8/2010 on the Prevention and Eradication of Money Laundering Crimes has regulated that corporations can be held criminally liable. However, in the practice of enforcement, there are still inconsistencies in the proof and sentencing of corporations. In a number of decisions, corporations escaped criminal charges because the evidence was considered insufficient, while in other cases the criminal sanctions were imposed progressively. This inequality raises concerns about injustice in the criminal justice system (Putra & Yuliani, 2022).

Criminal law enforcement against corporations in the crime of money laundering should be guided by the principles of justice and legal certainty enshrined in the constitution. Consequently, the state must establish a consistent and sustainable legal system between

normative regulations and technical implementation in the field. Thus, law enforcement is not only a repressive tool, but also acts as a preventive and educative instrument for corporations to run a clean and ethical business (Sari & Prasetyo, 2023).

2. THEORETICAL STUDY

The theory of corporate criminal liability has undergone significant development along with the complexity of the forms and modes of criminal offenses. In the perspective of modern criminal law, a corporation can be considered as a perpetrator of a criminal act if the unlawful act is committed by a person who has a position or authority in the organizational structure and the act provides benefits to the corporation. This principle is known as the doctrine of vicarious liability and corporate criminal liability (Wahyuni, 2022).

Corporation as a subject of criminal law raises a discourse in classical criminal law theory that only recognizes humans as perpetrators of crime (natural person). However, modern theory emphasizes the importance of expanding the subject of criminal law to include corporations (legal person), considering that the impact of crimes caused by corporations is far more massive than individuals, especially in cases such as money laundering, which often involves cross-border networks and the use of sophisticated technology (Lestari, 2021).

Money laundering itself is defined as the process of disguising the origin of the proceeds of crime so that they appear to come from legitimate activities. Law No. 8/2010 explicitly states that in addition to individuals, legal entities or corporations can be charged as perpetrators of this criminal offense. In practice, proving corporations requires a special approach because what is examined is not only individual actions, but also systems, policies, and omissions that occur within the organizational structure (Hakim & Rahmawati, 2023).

Consistent law enforcement against the crime of money laundering by corporations requires unity of perception and competence of law enforcement officials in understanding relevant doctrines and evidentiary techniques. Without it, corporations tend to be free from the law or subject to sanctions that are not commensurate with the impact of the crime. Therefore, the renewal of understanding and synchronization of regulations is an urgency in itself (Andini & Sulastri, 2023).

The theory of substantive justice is also a philosophical basis in answering the challenges of law enforcement inconsistency. Justice is not simply measured by the fulfillment of formal procedures, but by the ability of the law to provide a deterrent effect, public protection, and prevention of repeated crimes. Therefore, criminal law enforcement against

corporations must be oriented towards achieving the goals of balanced punishment and integrity.

3. RESEARCH METHOD

This research uses a normative juridical approach, which is a legal research method conducted by examining primary and secondary legal materials through the approach of legislation, doctrine, and relevant court decisions. This approach was chosen because the focus of the study is on legal norms governing corporate criminal liability and its enforcement mechanism in the context of money laundering crimes.

This type of research includes doctrinal legal research, where the main data sources are primary legal materials such as Law Number 8 Year 2010 on Prevention and Eradication of Money Laundering Crimes, the Criminal Code, and other laws and regulations related to corporate crime and economic crime. Secondary legal materials used include scientific journals, law books, and previous research results that are directly related to the topic.

Data collection techniques are conducted through library research, by conducting inventory and analysis of relevant legal documents, theories, and expert opinions. Data analysis is carried out qualitatively by interpreting legal norms and reflecting the actual practice of law enforcement in Indonesia.

In strengthening normative data, a case approach is also used to examine several court decisions involving corporations in money laundering crimes. This approach aims to assess the consistency between legal theory and existing judicial practice.

4. RESULTS AND DISCUSSION

The Act Provides Benefits to The Corporation

Law enforcement against money laundering crimes committed by corporations in Indonesia still shows inconsistencies in its implementation. Although legal norms are available, such as in Law No. 8 of 2010 and Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption, at the practical level, law enforcement officials still face obstacles in proving structural and systemic corporate involvement. In some cases, only individuals within the corporation are sentenced, while the corporate entity as a legal subject is untouched (Putri & Ramadhan, 2023).

In Decision Number 33/Pid.Sus/TPK/2021/PN.JKT.PST, for example, although it was proven that the company's management was collectively involved in the money laundering scheme, law enforcement still focused on the managing director alone without touching the

criminal liability of the company as an entity. This shows the weak use of the principle of vicarious liability or corporate criminal liability as a whole. Law enforcement officers still have difficulties in constructing corporate guilt juridically, especially when the organizational structure is complex and hidden (Wulandari & Nugroho, 2022).

The establishment of a Special Unit That Handles Corporate Crimes

In addition, variations in court decisions related to corporate crimes show inconsistencies in the application of sanctions. Some corporations are only given a light fine, while in other cases they are subject to suspension of business licenses or other additional penalties. This raises concerns about the emergence of legal discrimination and reduces the deterrent effect for other corporations that could potentially commit similar crimes (Rizki & Gunawan, 2023). Government action in the form of public laws arises from its special powers. This is in contrast to government action in the form of regulatory policy. This cannot be scrutinised. This is because it does not form a legal basis for the decisions that the policy regulates. The lack of clarity in the determination of additional punishment against corporations such as license revocation, asset freezing, or state loss recovery, also weakens the aspect of justice in corporate criminal law.

Another weakness is in the aspect of coordination between law enforcement agencies, such as PPATK, police, prosecutors, and courts. The lack of an integrated system in tracking and proving corporate financial transactions hampers the process of proving that certain assets are the proceeds of criminal acts. This is exacerbated by the low capacity of the authorities in understanding financial technology and accounting techniques used by corporations in hiding illicit assets (Surya & Kartika, 2022).

Efforts to improve the consistency of law enforcement should include reformulation of criminal liability mechanisms in legislation and improving the quality of human resources of law enforcement officers. The establishment of a special unit that handles corporate crimes, strengthening forensic accounting, and intensive training on proving corporations as perpetrators of criminal acts are strategic steps that need to be adopted by the state. In addition, the preparation of technical guidelines for criminal prosecution of corporations will help maintain uniformity in law enforcement throughout Indonesia.

5. CLOSING

1. Law enforcement against money laundering crimes committed by corporations in Indonesia is still inconsistent. Although there is a clear legal umbrella, its implementation at the level of law enforcement officials is not optimal, both in terms of proving corporate

guilt and imposing sanctions. This inconsistency results in a weak deterrent effect, legal injustice, and provides space for other corporations to repeat the same actions. Synchronization and harmonization of laws and regulations governing corporate crime are needed, especially in the crime of money laundering.

2. Law enforcement officers must be given technical training on the mechanism of proving corporations as perpetrators of criminal acts, including the use of financial technology and forensic audits. The establishment of a special corporate criminal law enforcement unit so that corporate criminal cases can be handled professionally and centrally. The Supreme Court and the Attorney General's Office need to develop technical guidelines for corporate criminalization to maintain uniformity in prosecution and judicial practices.

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