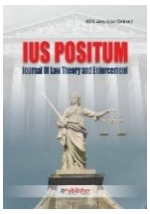

ISSN 2809-672X (Online)
IUS POSITUM: Journal of Law Theory and Law Enforcement
https://journal.jfpublisher.com/index.php/jlte
Vol. 1 Issue. 1, January 2022
doi.org/10.56943/jlte.v1i1.2

An Analysis of Judges Juridical Judex Factie Who Unchecking the Facts and Trial Evidence in Money Laundering: The Case Study of Judge's Decision No. 383 K/Pid.Sus/2017

Ahmad Afandi Maulana
fandimaulana91@gmail.com
Bhayangkara University

ABSTRACT

Money laundering is a series of actions that was done to hide or disguise the original process of criminal act (illegal money) from government or other competent authority. it is a crime that has characteristic of transnational, money laundering has an impact on economic stability of a country. This research is normative legal research, which include as a type of research that examines statutory rule or norm from certain legal force. This research supported by constitution No. 8/2010 concerning on the Prevention and Eradication of Crime for Money Laundering. This research began with the decision of East Jakarta District Court No. 605/Pid.B/2009/PN.Jkt. Tim which stated that the defendant Sudjatmiko was found not guilty of committing money laundering, however after the cassation applicant/public prosecutor was filed a cassation request, an appeal was filed. This decision was accepted by the Panel of Judges for Supreme Court and sentenced the defendant Sudjatmiko to 6 (six) years in prison (Decision No. 383K/Pid.Sus/2017). Based on the research analysis, it turned out that judex factie did not apply the law of evidence as intended in articles 183, 184 to 189 on The Code of Criminal Procedure.

Keywords: *Cassation, Corruption, Money Laundering*

INTRODUCTION

Indonesia is a state of law (Recht Staat), as stated in Article 1 paragraph 3 of Republic Indonesia 1945 Constitution, hereby every activities of citizens should comply with the regulations in Indonesia (positive law).[1] The committed violation should be the subject of sanctions related to the applicable regulations. If the violation is public, then it is included in category of criminal law and should be sanctioned by criminal law.

Alphonse Capone or better known as Al Capone was the biggest criminal in United States, money from the result of its crime by using the services of genius accountant from Poland named Meyer Lansky who had the task of laundering money from Al Capone's crimes through business laundry. Since then, it is believed that the term money laundering was first introduced.[2]

Money laundering is a series of activities which the processes carried out by a person or organization against the illegal money, money that was obtained from criminal act, within the aim of concealing and disguising the origin of money from government or the authorized side. theaction against criminal acts, by include the money into financial system, therefore the money can be removed from the financial system as a legal money.[3]

Money laundering is now a serious threat to every country in the world.[4] The worst effects which caused include instability in financial system, country's economic system and the whole process. As a crime of a new dimension, money laundering activities take sophisticated forms, techniques, and modes, even transnational activities (trans nation).

Indonesia criminalized money laundering in April 2002, under the enactment of constitution Number 15/2002 concerning on the Crime of Money Laundering, which was later revised by constitution Number 25/2003. Moreover, in 2010 the provisions against money laundering was replaced by Constitution Number 8/2010 concerning on the Prevention and Eradication of Money Laundering (hereinafter referred to as the PP-TPPU Law). 2003 revision was carried out because the previous provisions were considered weak, however after being implemented, it turns out that there are still weaknesses, in a second amendment. Constitution and regulations are being revised quickly, because it cannot be separated from the fact

[1] Diya Ul Akmal, "Indonesian State of Law Is an Aspired Concept," *Nurani Hukum* 4, no. 1 (June 14, 2021): 77, https://jurnal.untirta.ac.id/index.php/nhk/article/view/9265.
[2] Sumadi Sumadi, "Kasus Pencucian Uang Dalam Tinjauan Sistem Ekonomi Syari'ah," *Jurnal Ilmiah Ekonomi Islam* 3, no. 03 (November 30, 2017): 186, http://jurnal.stie-aas.ac.id/index.php/jei/article/view/131.
[3] Ayumiati Ayumiati, "Tindak Pidana Pencucian Uang (Money Laundering) Dan Strategi Pemberantasan," *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum* 1, no. 2 (May 11, 2017), https://jurnal.ar-raniry.ac.id/index.php/legitimasi/article/view/1428.
[4] Hitesh Patel and Bharat S., "Money Laundering Among Globalized World," in *Globalization - Approaches to Diversity* (InTech, 2012), http://www.intechopen.com/books/globalization-approaches-to-diversity/money-laundering-among-globalized-world.

that criminalizing money laundering that was not based on self-awareness, however it happens rather because of political pressure and international pressure.[5]

Based on the various international political pressures, it seems that Financial Action Task Force (FATF) is the most influential, because previously there was also pressure from the International Monetary Fund (IMF). The action taken by the FATF in June 2001, which included Indonesia on the black list along with 17 other countries as non- cooperative countries and territories to combat money laundering (NCCT). After Indonesia criminalized money laundering, it turned out that it did not automatically get out of the FATF black list, it was proven that until 2004 Indonesia was still on black list, then after going through international lobbying in early 2005 Indonesia was out of the black list but still under formal monitoring. It was only in March 2006 that Indonesia came out of monitoring, and it seems that it will continue to be monitored until it is truly assessed that Indonesia is serious about enforcing the law against money laundering crimes.

The basic characteristic of money laundering is a crime that caused by the pursuit of maximum profit.[6] This is different from other conventional crimes that frighten society. This crime has the nature of creating creativity in the development of new crimes that are international, professionally organized using high technology and with profitable business services. Broadly speaking, it can be concluded that money laundering is a process to hide or disguise assets obtained from the proceeds of crime to avoid prosecution and or confiscation.

In making judicial decisions in Indonesia, they are divided into two types, namely judex factie and judex juris, what is meant by judex factie in law is a panel of judges at the first level who is obliged to examine evidence from a case incident and apply rules and other legal provisions to facts. In other words, judex factie means a judicial system in which the Panel of Judges plays the role of discovering which facts are true. Decisions taken from the judicial system are called Judex Factie Decisions and the Judex factie judicial institutions are District Courts and High Courts.

In this case, the judge examining the case No. 605/Pid.B/2009/PN.Jkt.Tim with the defendant named Sudjatmiko contradicts what was mentioned above, namely the judex factie judge did not examine the facts and evidence of the trial so that every fact and evidence of the trial was not considered by the judge this is contrary to the law of evidence in the legislation.

From the background above, the author conclude that this research aim to analyze the juridical analysis of judex factie judges does not examine facts and

[5] Erna Dewi, "Tindak Pidana Pencucian Uang," *Pranata Hukum* 8, no. 1 (2013): 48–53, http://jurnal.ubl.ac.id/index.php/PH/article/view/186/186.
[6] Natasha Georgieva, "Concept, Definition and Characteristic of The Money Laundering Phenomenon," *(JPMNT) Journal of Process Management – New Technologies, International* 8, no. 2 (2020): 23–37, https://aseestant.ceon.rs/index.php/joupromanarticle/download/26220/15401/.

evidence by the trial in crime of money laundering (Judge's Decision Study Number 383k/Pid.Sus/2017).

RESEARCH METHODOLOGY

This research is normative legal research, which include as a type of research that examines statutory rule or norm from certain legal force. The method used in this research is descriptive qualitative method. This research supported by constitution No. 8/2010 concerning on the Prevention and Eradication of Crime for Money Laundering. This research began with the decision of East Jakarta District Court No. 605/Pid.B/2009/PN.Jkt.

RESULTS AND DISCUSSION

Money Laundering Based on Constitution No. 8/2010 Concerning The Crime of Money Laundering

In Article 1 of Constitution No. 8/2010 concerning on the Prevention and Eradication of Money Laundering. it is stated that, money laundering is any act that fulfills criminal elements in accordance with the provisions of this Law. The referred provisions are actions of placing, transferring, spending, paying, granting, entrusting, bringing abroad, changing forms, exchanging with currency or securities or other actions on assets which known orreasonably suspected to be the result of criminal act.

Money laundering is a series of activities that carried out by a person or organization against an illegal money, money from criminalacts, with the intention of hiding, disguising the origin of the money from the government or the competent authority to take action againstcriminal acts by means of among other things and in particular include the money in the financial system (financial system). So that the money can then be issued with the financial system as halal money.[7]

In the provisions of Article 1 number (1) of the PP-TPPU Law, it is stated that money laundering is any act that fulfills the elements ofa criminal act in accordance with the provisions of the law. In this sense, the elements in question are elements of perpetrators, elements of unlawful acts and elements that are the result of criminal acts.

Regarding the crime of money laundering, the juridical arrangement in the PP-TPPU Law, money laundering is divided into three criminal acts[8], such as:

1. First

   An Active money laundering, namely any person who places, transfers, transfers, spends, pays, grants, entrusts, takes abroad, changes

[7] R. Wiyono, *Pembahasan Undang-Undang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang*, 1st ed. (Jakarta: Setara Press, 2014).
[8] Riyanda Elsera, "Kebijakan Hukum Pidana Dalam Pemberantasan Tindak Pidana Pencucian Uang Di Indonesia," *Journal Equitable* 5, no. 1 (April 19, 2021): 55–67, https://ejurnal.umri.ac.id/index.php/JEQ/article/view/2464.

form, exchanges for money or securities or other actions on assets which he knows or reasonably suspects is proceeds of criminal acts as referred to in Article 2 paragraph (1) with the aim of hiding or disguising the origin of assets in Article 3 of UU PP-TPPU (Law of Prevention and Eradication of Money Laundering Crime).

2. Second

   Passive money laundering, which include any person whoreceives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange, or using assets which he knowsor reasonably suspects is the result of a criminal act as referred toin Article 2 paragraph (1). This is also considered the same as money laundering, however, except for the reporting party who carries out reporting obligations as regulated in this law especially in Article 5 of Prevention and Eradication of Money Laundering Crime Law.

3. Third

   In Article 4 of the PP-TPPU Law, those who enjoy the proceeds of the crime of money laundering are imposed on anyone who hides or disguises the origin, source of location, designation, transfer of rights, or actual ownership of assets known to him. or reasonably suspected to be the result of a criminal act as referred toin Article 2 paragraph (1). This is also considered the same as money laundering.

   Broadly speaking, the elements of money laundering consist of an objective element (actus reus) and a subjective element (mens rea).[9] The objective element (actus reus) can be seen by the existence of an activity of placing, transferring, paying or spending, donating or donating, entrusting, taking abroad, exchanging or other actions on assets (which are known or reasonably suspected of originating from crime). Meanwhile, the subjective element (mens rea) is seen from the actions of a person who knowingly, knowingly or reasonably suspects that the assets originate from the proceeds of crime, with the intention of hidingor disguising the property.[10]

In Constitution of Prevention and Eradication of Money Laundering Crime Law there is an article that regulates criminal provisions for money laundering perpetrators. The articles are in CHAPTER II, which include in articles 3, 4, 5 (1), 6 (1&2), 7 (1&2), 8 and 10. Based on the articles above, it shows that there are

[9] Eko Anugerah Debryansyah Putera, Pujiyono & Soponyono, "Kebijakan Hukum Pidana Pencucian Uang Menurut Undang-Undang Nomor 8 Tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang," *Diponegoro Law Review* 1, no. 2 (2013), https://caritulisan.com/media/18919-ID-kebijakan-hukum-pidana-pencucian-uang-menurut-undang-undang-nomor-8-tahun-2010-t.pdf.

[10] Muh. Afdal Yanuar, *Tindak Pidana Pencucian Uang Dan Perampasan Aset,* (Malang,: Setara Press, 2021).

arrangements for the types of money laundering crimes and their sanctions[11], such following below:

1. Money laundering include as active if it has the actions to place, transfer, transfer, pay, spend, donate, deposit, take abroad, change form, exchange with currency or other securities, or other actions on known assets. or reasonably suspected to be the result of a criminal act with the aim of concealing or disguising the origin of the said assets shall be sentenced to a maximum of 20 years in prison and a fine of 10 billion rupiahs.
2. Money laundering crime, namely: the act of hiding or disguising the origin, source, location, designation, transfer of rights, or actual ownership of assets which are known or reasonably suspected to be the result of a criminal offense of 20 years in prison and a fine of 5 billion rupiahs.
3. Passive criminal acts in the form of receiving or controlling the placement, transfer, payment, grant, donation, safekeeping, exchange or use of assets that he knows or reasonably suspect is the result of a criminal act are punished with a maximum of 5 years in prison and a fine of 1 billion rupiahs.
4. Criminal acts of trial, assistance or conspiracy to commit money laundering are punished according to the type of crime between a, b, and c.
5. The criminal acts committed by corporations as referred to in points a, b, and c are punished with the main punishment in the form of a maximum fine of 100 billion rupiah and additional penalties as mentioned before.

In relation to criminal fines, perpetrators of criminal acts asmentioned in points a, b, c, and d who are unable to pay the fine are replaced with imprisonment for maximum of 1 (one) year and 4 (four) months.

Predicate crimes are offenses that causes in criminal act or laundered crime. Thus, the crime of money laundering is an underlying crime from the predicate crime. According to the PP-TPPU Law, the scope of predicate crimes is further expanded to 27 types, the details of which are almost the same as those contained in Article 2 paragraph (1) of Law No. 25/2003, with the addition of customs crimes and excise crimes, as well as changes marine crimein Article 2 paragraph (1) of Law No. 25/2003 becomes a marine and fishery crime, and the mention of a criminal act of human trafficking in Article 2 paragraph (1) of Law No. 25/2003 is changed to a criminal act of trafficking in persons Meanwhile, the crime of smuggling of goods which was originally contained in Article 2 paragraph (1) of Law Number 25 of 2003, is no longer contained in Article 2 paragraph (1) of the PP-TPPU Law.

[11] Irman. S, *Money Laundering, Hukum Pembuktian Tindak Pidana Pencucian Uang Dalam Penetapan Tersangka* (Jakarta: PT Gramedia Pustaka Utama, 2017).

The forms of predicate crime in money laundering are thoselisted in Article 2 paragraph 1 of the PP-TPPU Law, such as corruption, bribery, narcotics, psychotropic substances, labor smuggling, migrant smuggling, in the banking sector, in the capital market, in the field of insurance, customs, excise, trafficking in persons, trafficking in illicit weapons, terrorism, kidnapping, theft, embezzlement, fraud, counterfeiting of money, gambling,prostitution, in the field of taxation, in the field of forestry, in the fieldof the environment, in the field of marine and fisheries, or other acts other crimes punishable by imprisonment of 4 (four) years or more, which are committed in the territory of the Unitary State of the Republic of Indonesia or outside the territory of the Unitary State of the Republic of Indonesia and such crimes are also criminal acts according to Indonesian law.

Money Laundering Law Enforcement

For perpetrators of predicate crimes, Money laundering is used as a tool or an effort to cover up the proceeds of crime so that for perpetrators of crimes, especially corruptors, they can hide their crimes, so that in other forms such as establishing companies, hotels and so on, thus people will see the corruptors as rich. The eyes purely from the results of his business, because that business is what is referred to as the practice of money laundering. In this case, law enforcers must really be able to track and find evidence that the business is an attempt to hide the proceeds of crime and it is a crime of money laundering, as well as it must be proven that the origin of the business funds is the proceeds of crime.[12]

Money laundering are carried out in various ways, begin from simple too difficult to trace or uncover. Methods or modes that are often used include transferring, spending, sending, donating, or other actions on assets originating from crimes with the aim of hiding or disguising the proceeds of the crime so that it appears as if they camefrom legitimate activities and safe to enjoy or use. In a simple example, if someone has committed a crime such as corruption and then he transfers or spends the proceeds of his corruption, that personmeans that he has committed two crimes, namely corruption as a major crime (predicate crimes) and money laundering as a follow-up crime. he transfers the proceeds of corruption.[13]

Money laundering is a crime that has different characteristics from other types of crime in general, especially that this crime is"not a single crime but a double crime". However, between the main crime and the crime of money laundering, it is a separate crime (as a separate crime). In this context, it means that the indictment of a criminal act of corruption with money laundering must be viewed as two crimes because from the chronology of the acts it is impossible for a crime of money laundering to occur without a predicate crime, and with this approach to thinking, the indictments must be compiled cumulatively. The

[12] M. Arief Amrullah, *Tindak Pidana Pencucian Uang Dalam Perspektif Kejahatan Terorganisasi Pencegahan Dan Pemberantasannya* (Jakarta: Kencana, 2020).
[13] Ibid.

relationship between predicate crime and money laundering is very close, it can be seen from the purpose of the perpetrator processing the proceeds of the crime (money laundering) is to hide or disguise the proceeds of the predicate offense so that theorigin of the proceeds of the crime is not known for further purposes and eliminates a direct connection with the original crime. Thus, it is clear that various financial crimes (enterprise crimes) will almost certainly be carried out by money laundering or at least moneylaundering must be carried out as soon as possible to hide the proceeds of the crime in order to avoid being prosecuted by criminal law or from threats by tax officials.[14]

Beside active and passive division, there are also those who group the perpetrators into 3 (three) other groups, namely: first, principle violators, namely those who commit predicate offenses and also commit money laundering. cumulatively, namely the perpetrator ofthe original crime and article 3 or article 4, and the act is concursus realis. The second perpetrator is an aider, namely an actor who is not involved in the predicate crime but he helps to do the money laundering which in this case he only does article 3 or article 4. Aider was only charged with one charge. Of course, this perpetrator did not stand alone, meaning that he had to be linked to the principal violator.The perpetrator who at the time was a bettor, namely an actor whowas also not involved in the original crime, but only received the proceeds of the crime and the recipient knew or at least should suspect that what he received came from the proceeds of the crime. The perpetrator of the bettor is the perpetrator according to article 5.[15]

The Relation Between Money Laundering and Corruption

In the crime of money laundering, the crime of corruption is a crime that is most often associated as a predicate crime, in the sense that if there is a crime of corruption, it will be accompanied by a crime of money laundering.

Article 2 of the PP-TPPU Law mentions various predicate crimes,one of which is corruption. What is meant by "criminal act of corruption" is a criminal act of corruption as referred to in Law No. 31/1999 in conjuction with Law No. 20/2001.[16]

From the provisions contained in Law No. 31/1999 jo. Law No. 20/2001, which constitutes a criminal act of corruption is only Article 2, Article 3, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 12 B, Article 13, and Article 14. Thus, the provisions on criminal acts contained in Law No. 31/1999 jo. Law of 2001, such as Article 21, Article 22, Article 23, Article 23, and Article 24 are not provisioning for criminal acts of corruption. Therefore, the definition of "corruption" in Article 2 paragraph (1)

[14] Ibid.
[15] Ibid.
[16] R. Wiyono, *Pembahasan Undang-Undang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang*.

letter a is a criminal act of corruption as referred to in Article 2, Article 3, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 12 B, Article 13, and Article 14 of Law No.20/2001.[17]

Comparison of Money Laundering in Constitution No. 8/2010 with Constitution No. 25/2003

In general, anti-money laundering provisions, in Law no. 8 of 2010 there is a money laundering offense there is a change where in the provisions of the previous law there were only two articles, namely active money laundering Article 3 and passive money laundering Article 6, then changed to three articles, namely Article 3, Article 4 as active money laundering and Article 5 as passive washing. In addition, there is a change in sanctions where in Law No. 8/2010 no longer includes specific minimum criminal threats, this will certainly have an impact on the sanctions that will be imposed, which can be very light. Second, initially the sanctions for active and passive actors were the same, but now the sanctions for passive actors are much lighter. This difference will be a problem when facing a case where the perpetrator turns out to have committed a series of money laundering offences starting from the year before the enactment of Law No. 8/2010, before October 21, 2010 and continues until the enactment of Law No. 8/2010. Regarding problems that arise due to differences or changes in sanctions, it is explained quite clearly in Article 95 and Article 99 of PP-TPPU Law.

Basic Analysis of Judges' Legal Considerations at The Cassation Level No. 383 K/Pid.Sus/2017

In the court, the judge is required to give a decision as fair as possible by considering the facts and evidence of trial and using his belief before sending a verdict against the defendant, in making his decision, the judges should be accompanied by the reasons for the decision which can clearly explained, if not, then the decision will certainly cause controversy.

In the district court or first instance the judge is obliged to examine the evidence of case incident and apply the rules and legal provisions toward the case facts. In this case, the panel of judges in making decisions did not comply with the applicable provisions, the judge did not consider all the evidence and facts of the trial however, they immediately stated that the defendant was not proven to have committed the acts as stated in the Primary and Subsidiary indictments.

In this case, the Panel of Judges did not apply the law of evidence as referred in Articles 183, 184 to 189 of Criminal Code (KUHAP). Thefollowing are the legal facts that prove the defendant's guilt but were not considered by the panel of judges such following below:

1. Between the defendant Sudjatmiko and the convict Agus Saputra, they have known each other for a long time, so there has been a strong

[17] Ibid.

psychological relationship between the two.

2. The purchase of a house at Jalan Cawang Baru Blok E 1 No. 28 Cipinang Cempedak, East Jakarta, was carried out using the proceedsof a crime committed on February 12, 2007 and when the crime committed was discovered by PT. Bank Mandiri at the end of March 2007, then to hide or disguise the origin of the assets of the convict Agus Saputra, assisted by the defendant Sudjatmiko, carried out fictitious transactions as if on March 30, 2007 a house sale andpurchase transaction had taken place.
3. The defendant Sudjatmiko did not have any documents or evidence regarding the origin of the dollar currency used in the sale and purchase transaction of the house, according to the convict Agus Saputra that USD 300,000 was received at a Money Changer in the Kelapa Gading area, North Jakarta, while the defendant explained that the payment was made using the dollar currency of USD 290,000 carried out at his home Jalan Tulip III Number 27 Taman Galaxi Bekasi.
4. It is an unusual thing for the defendant to keep as much as USD 290,000 at home, even though the defendant is a car buying and selling businessman, who fully understands the use of this nearly three-billion-dollar money if it is used for the car buying and selling business.
5. The defendant made the first payment of IDR 50,000,000.00 on April 18, 2007 where Agus Saputra was already on the loose (DPO) by the police, then the second payment of IDR 20,000,000.00 was made by the defendant on August 2, 2007 and Agus Saputra was arrested. and the status of being detained at the Polda Metro Jaya detention center (Agus Saputra has been detained since 19 August 2007).
6. Besides, to carry out the alleged fictitious house transaction, the convict Agus Saputra also bought a car using the proceeds of the same crime which was then given to Sudjatmiko for resale with the aim of hiding or disguising the origin of the assets obtained from the crime.
7. The land which is located on Cawang Baru Blok E. 1 Number 28 has been leased by Indomaret and the one who received the rent was the convict Agus Saputra, not the defendant, who is said to have bought the land.

If the judex factie applied the law of evidence and at the same time guided the provisions of Article 182 Paragraphs 3 and 4 of the Criminal Procedure Code, the verdict that would be handed down would not be a decision stating that the defendant's actions were not proven either in the Primary indictment and the Subsidiary indictment, but unfortunately the judex factie not only did not consider, but in fact have never read at allthe contents of the criminal charges from the prosecutor/publicprosecutor in which it is clear that there is an analysis of evidence that shows the guilt of the defendant.

The author agrees with the results of cassation decision Number 383 K/PID.SUS/2017, because judex factie incorrectly applied the law because it did not properly consider matters that were juridically relevant, such as the act of the defendant buying a house from Agus Saputra who had been convicted in a corruption case involving means that the defendant helped Agus Saputra disguise or hide by making a fictitious house purchase transaction.

Defendant paid the money for the purchase of a house in dollars which was kept at his house, is an unreasonable act by a person who works as a trader or buys and sells a car. The defendant made payment of IDR 50,000,000.00 (fifty million rupiah) on April 18, 2007 even though Agus Saputra was already on the Police Wanted List (DPO), the defendant made payment of IDR 20,000,000.00 (twenty million rupiah) on August 20, 2007, even though Agus Saputra was already a prisoner at Polda Metro Jaya.

Based on the legal facts of the trial, it was revealed that thedefendant and Agus Saputra had known each other for a long time and were involved in a car buying and trading business relationship before, itis quite sure that they knew each other's economic conditions and capabilities, each party include the defendant understand the sources of Agus Saputra's income and vice versa.

It was also revealed at trial that the purchase of a house on Jalan Cawang Baru Blok E Number 28, Cipinang Cempedak, East Jakarta wascarried out using the process of a crime committed on February 12, 2007and the crime committed by Agus Saputra was discovered by PT. Bank Mandiri at the end of March 2007, then to disguise the origin of the assets obtained by Agus Saputra by carrying out fictitious transactionsas if on March 30, 2007 a house sale had taken place; The validity of the sale and purchase transaction is doubtful because of some reasons, such following below:

1. According to Agus Saputra that USD 300,000 (three hundredthousand US dollars) was received at a money changer in the Kelapa Gading area, North Jakarta, while according to theDefendant the payment was made using USD 290,000 (two hundredand ninety thousand US dollars). carried out at his home at St. Tulip III No. 27, Taman Galaxi, Bekasi.
2. The house on Jalan Cawang Baru Blok E 1 Number 28 wasactually rented to Indomaret but the one who received the rent was Agus Saputra and not the defendant.

Based on the considerations above, it can be concluded that the defendant's role is in an effort to obscure or disguise the origin of the assets obtained by Agus Saputra by committing a criminal act, so thatthe defendant's actions are legally and convincingly proven guilty of committing a crime of participating in money laundering as regulated in Article 3 Paragraph (1) letter G of Law No. 15/2002 in conjunction with Law No. 25/2003 in conjunction with Article 55Paragraph (1) of the 1st Criminal Code.

In this case the defendant who committed money laundering on Friday, March 30, 2007 and the latest law that regulates the crime of money laundering under the constitution No. 8/2010, therefore, the legal basis used by the judge in ensnaring the suspect is correct, it used The legal basis of the defendant under constitution No. 15/2002 in conjunction with Constitution No. 25/2003 as stated in Article 1 paragraph (2) of Criminal Code.

The panel of judges is correct in making decision when there is a difference of opinion between the panel of judges (dissenting opinion), namely by trying earnestly to reach consensus, but no consensus is reached, then in this case the panel of judges deliberates and makes a decision by majority vote. namely granting the cassation request from the cassation applicant/public prosecutor at the East Jakarta DistrictAttorney. In this case, the judge's actions are appropriate in accordance with Article 182 Paragraph (6) of Criminal Code.

Because the appeal from the cassation applicant/public prosecutor was granted, the East Jakarta District Court's decision number 605/Pid.B/2009/PN Jkt. Tim was annulled and the defendant was declared legally and convincingly guilty of committing a crime in violation of Article 3 Paragraph (1) letter G of Law No. 15/2002 in conjunction with Law No. 25/2003 in conjunction with Article 55 Paragraph (1) of the 1st Criminal Code.

CONCLUSION

Based on the results of the research and discussion, the authorscan conclude that the legal considerations used by the district court judges in deciding the case of the criminal act of laundering with the Defendant Sudjatmiko were inaccurate, in the district court the judge should have considered all the evidence and facts of the trial, but in the decision of the District Court East Jakarta No. 605/Pid.B/2009/PN Jkt. The team of judges did not consider all the evidence in the trial but immediately stated that the Defendant was not proven to have committed the acts as stated in the Primary and Subsidiary indictments. That if the judex factie applied the law of proof as referred to in Articles 183, 184 to Article 189 of the Criminal Procedure Code and at the same time guided the provisions of Article 182 Paragraphs 3 and 4 of the Criminal Procedure Code, the verdict that would be handed down would not be a decision stating that the actions of the Defendant were not proven either in the Primary and Subsidiary Indictment. The judge's consideration in this case was deemed inappropriate. Therefore, in accordance with the cassation decision No. 383 K/Pid.Sus/2017 that judges with mature knowledge and consideration and in accordance with applicable regulations, namely making decisions with Article 3 Paragraph (1) letter g of Law No. 15/2002 in conjunction with Law No. 25/2003 in conjunction with Article 55 Paragraph (1) 1st of the Criminal Code. moneylaundering. The cassation decision was deemed sufficient and appropriate.

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