

Implementation of Follow-The-Money and Follow-The-Asset Approaches to Optimize Drug Crime Handling



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ABSTRACT: one of the efforts in eradicating drug crimes is enacting high penalties to drug dealers, however, this is remained unoptimal since they can still control the drug network from inside the prison. Therefore, extraordinary measures are required to overcome drug crime. This study aims to analyze the application and optimization of the follow-the-money and follow-the-asset approaches in handling narcotics crimes. Specifically, this study applies a normative juridical approach. This research discovered that the implementation of the follow-the-money and follow-the-asset approaches have been realized only by some of people, while are remained focused on solving drug crimes itself. In fact, the application of both approaches can be utilized as a reference for law enforcement officers as one of the strategies in optimizing the eradication of drug. Additionally, to punishing drug traffickers, they can also impoverish so the perpetrators could not run the business anymore. At the investigation level, investigators can trace the flow of funds from the drug business, the forms of assets resulting from criminal acts the storage location and on whose behalf, discover criminal accomplice who committing money laundering and then present it in the form of a case file. At the prosecution level, public prosecutors in pre prosecution stage can give instructions to investigators to develop a money laundering case from a drug crime, then in the prosecution stage, they can maximally prove it in court. Finally at the trial stage, the panel of judges can also explore further the facts of the trial related to the predicate crime (drug) and the crime of money laundering.

KEYWORDS: Follow-the-money Approach, Follow-the-asset, Drug

I. INTRODUCTION

Drug abuse is an extraordinary crime since the addiction can give impact on destroying the nation's generation, moreover, the cases are remained increasing over the time in Indonesia. The destruction nation's foundation can be seen from ideological damage, moral degradation, lowered productivity, and increased crime. In addition, the problem of drug abuse has a broad and complex dimension. The most concerning, victims of drug abuse are generally teenagers who still in their productive age. Currently, drug addicts in Indonesia are estimated has reached at 3.66 million people. The head of the National Drug Agency (BNN) revealed that there was an increase in the prevalence of drug users in Indonesia in 2021 by 0.15 percent, to 1.95 percent, or 3.66 million people (Wahyudi, 2021).

Broadly speaking, drug problems can be divided into three interrelated parts, namely the existence of illicit production, illicit distribution and drug abuse. In dealing with drug crime, the main attention must be directed to drug traffickers. Their actions can be linked to other interests of the community or the state. Then the political, economic, security and other aspects arise as a result of the drug trade. In the fields of politics and security, the drug trade and the widespread use of drug among youngsters greatly weaken the defense of the State against attacks from outside, whether frankly or not, which is usually called subversion. However, it should not *a priori* connect this issue with subversion, until there is sufficient evidence, according to the suitable law. In the economic field of the drug trade, if a very large profit is desired, then smuggling occurs which is very detrimental to the state's finances (Sudarto, 1986:42).

Drug crime has become a big threat to Indonesia. Various methods are used by professional, militant, organized and systematic syndicates or mafia networks to launch their business, either by developing their operation methods or patterns of crime. One of the patterns of drug crime they commit is to disguise the proceeds of drug crime to make it appear as if they are legal assets (money laundering). Therefore, it is necessary to make extraordinary measures. This effort can be adopted by applying a follow-the-money and follow-the-asset approach so that drug traffickers lose profits from its business

Furthermore, both of the approaches in eradicating criminal acts should be followed by the establishment of an asset confiscation law. However, to this day, the asset confiscation law has not yet been formed and promulgated in Indonesia, although the asset bill (RUU) has been proposed by the government since 2010. Even the state requires rules for confiscation of assets resulting from criminal acts or certain crimes for the sake of a sense of public justice. Indonesia has implemented confiscation of

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assets resulting from criminal acts as an additional crime in several laws related to financial crimes. Based on this background, this research was conducted to analyze application and optimization of the follow-the-money and follow-the-asset approaches in handling narcotics crimes.

II. METHODOLOGY

Research Design

This research categorized as a descriptive analysis and applied a normative juridical approach. Descriptive analytical research aims to obtain a systematic description of the circumstances and facts on the problems studied (Fajar, 2010: 192). Particularly, in normative juridical research, the law is often conceptualized as something written in the law or conceptualized as rules and norms for humans to behave appropriately (Amiruddin & Zainal, 2004: 118).

Data Sources

Secondary data sourced from the literature and official documents related to the subject matter are collected for this study. The data consists of primary, secondary, and tertiary legal materials. Specifically, the primary legal material used is the Law of the Republic of Indonesia No. 35 of 2009 concerning Drug, No. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, as well as the United Nations Convention Against Illegal Traffic in Drug and Psychotropic Substance. While the secondary legal materials used are literature that is relevant to the topic of the problem, research results, opinions from legal experts, journals, and legal articles. The tertiary legal materials used are in the form of dictionaries, encyclopedias, and indexes.

Data Collection Methods, Presentation, and Analysis

The data are collected through a literature study by conducting a library inventory then recorded based on its relevance to the research problem. Finally, the data are presented in the form of narrative text which is arranged systematically, logically, and rationally to be analyzed by using qualitative normative data analysis methods.

III. RESULTS

To prevent and eradicate the abuse and illicit trafficking of drug which is very detrimental and endangers the life of the community, nation and state, Indonesia established Law of the Republic of Indonesia No. 35 of 2009 concerning drug which regulates efforts to eradicate drug crimes through threats of fines, life imprisonment, and the death penalty. This criminal weighting is carried out based on the class, type, size, and amount of drug. The provisions regarding drug crimes as formulated in the Law of the Republic of Indonesia Number: 35 of 2009 concerning drug, are listed in Chapter XV, the formulation of offenses and criminal threats from drug crimes are contained in articles 111 to 116 for Drug Group 1, articles 117 to Article 121 for Drug Group II, and Articles 122 to Article 126 for Drug Category III. Afterwards, the article 127 which regulates the obligation of medical and social rehabilitation to article 148 which regulates the substitute for criminal penalties that cannot be paid.

Additionally, the criminal act of concealing and disguising the origin of assets from Drug which is included in the crime of Money Laundering is also regulated in the Law of the Republic of Indonesia Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering (TPPU). The provisions regarding the crime of money laundering are formulated and listed in Chapter II starting from Article 3 (three) to Article 10 (ten). Indonesia also ratified the United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances 1988 through the Law of the Republic of Indonesia Number 7 of 1997 on March 24, 1997. The consideration for the stipulation and promulgation of this Law is as a form of support for the convention that was born from the encouragement of a deep sense of concern over the increasing production, demand, abuse and illicit trafficking of drug and psychotropic substances as well as the fact that children and adolescents are used as a market for drug and drug users, psychotropic substances illegally, and as targets for the production, distribution and illicit trade of drug and psychotropic substances.

The results of research related to money laundering crimes originating from drug crimes in this study are further described as follows:

Table 1. Court Decision Research Results

Cilacap District Court Decision No 111/Pid.Sus/2011/PN.Clp		
Defendant's Identity	Case	Indictment
Full name: Rinal Kornial Date and place of birth (DOB): Lahat/27 th September 1992 Gender: Male Nationality: Indonesia Residence: <i>Rumah Dinas Lapas Besi</i> , District	The defendant Rinal Kornial between December 28, 2010 and February 16, 2011 or at least at other times that are still included in 2010 and 2011, located at the <i>Rumah Dinas Lapas Besi</i> , Nusakambangan, Cilacap or at least in another place that is still under the jurisdiction The Cilacap District	The defendant was charged with indictments in the form of alternative, as follows: First: Violating Article 137 letter b of Law Number 35 of 2009 concerning Drug or Second: Violating Article 137 letter b of Law Number 35 of 2009 concerning Drug in <i>jo</i> with Article 56 of the 1st Criminal Code

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<p>Nusakambangan, Cilacap Regency Religion: Islam Occupation: Student Education: High School</p>	<p>Court, or at least in other places where under Article 84 paragraph (2) of the Criminal Procedure Code, the Cilacap District Court has the authority to try him, participate in conducting trials, assistance or malicious conspiracy, who receives or controls the placement, transfer, payment, grant, donations, custody, exchange or use of Assets that he or reasonably suspects are the proceeds of criminal acts as referred to in Article 2 Paragraph (1) letter c of Law no. 8 Year 2010</p>	<p>or Third: Violating Article 137 letter b of Law Number 35 of 2009 concerning Drug <i>jo</i> with Article 56 of the 2nd Criminal Code or Fourth: Violating Article 5 Paragraph (1) letter b Jo. Article 10 of Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering</p>
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Cilacap District Court Decision No. 115/Pid.Sus/2011/PN.Clp

Defendant's Identity	Case	Indictment
<p>Full name: Dhiko Aldila Dirgantara DOB: Ujung Pandang/ December 14, 1987 Gender: Male Nationality: Indonesia Residence: <i>Jl. Kusuma Utara 3 Blok. 6A No. 37 Duren Jaya Village, District. East Bekasi, Bekasi Regency</i> Religion: Islam Occupation: Student Education: High School</p>	<p>The defendant Dhiko Aldila Dirgantara between 28 December 2010 and 24 January 2011 at BCA Bekasi Branch, West Java, under Article 84 Paragraph (2) of the Criminal Procedure Code The District Court authorized to hear his case is the Cilacap District Court, participating in conducting trials, assisting or conspiracy to commit a criminal act of accepting or controlling the placement, transfer, payment, grant, donation, safekeeping or reasonably suspected to be the result of a criminal act as referred to in Article 2 Paragraph (1) letter c of the 2010 Law concerning the Prevention and Eradication of the Crime of Laundering Money</p>	<p>The defendant was charged with indictments in the form of Alternative, as follows: First: The defendant's actions are regulated and subject to criminal sanctions as referred to in Article 137 letter b of Law no. 35 of 2009 concerning Drug or Second: The defendant's actions are regulated and subject to criminal penalties as referred to in Article 137 letter b of Law no. 35 of 2009 concerning Drug <i>jo</i> with Article 56 of the 1st Criminal Code or Third: The defendant's actions are regulated and subject to criminal sanctions as referred to in Article 137 letter b of Law no. 35 of 2009 concerning Drug <i>jo</i> with Article 56 of the 2nd Criminal Code or Fourth: The defendant's actions are regulated and subject to criminal sanctions as referred to in Article 5 Paragraph (1) letter b <i>jo</i> with Article 10 of Law no. 8 Year 2010</p>

Purwokerto District Court Decision of case No: 36/Pid.Sus/2011/PN.Pwt

Defendant's Identity	Case	Indictment
<p>Defendant I Name: Unun Haeni DOB: Banyumas/ 29th November 1983 Gender: Female Nationality: Indonesia Occupation: Private Islam Address: <i>Jl. H. Sutoyo RT 03/004 Sidabowa Village, District. Patikraja, Banyumas Regency</i></p> <p>Defendant II Name: Didi Riyanto DOB: Banyumas/ 30th August, 1977 Gender: Male Nationality: Indonesia Occupation: Civil Servant Religion: Islam Address: <i>Perum. Karang Pucung Permai Blok J-11</i></p>	<p>Defendant I Unun Haeni and Defendant II Didi Riyanto along with Ir. A.R. Farida, Khamil Yahyanoor, Laurens Joosvia Marpaung Als. Eddie Johnson Als. Hendrik, Mugilan Anguthan, Perumal G. Anguthan, A. Arivananthan Anguthan, Leo Nababan, Suryabhadur Tamang Als. Kiran Als. Borki Als. David, on Monday, November 5, 2008 to Friday, October 29, 2010 until December 2010, at Bank Central Asia Purwokerto Jl. General Sudirman Purwokerto, still included in the Legal Area of the Purwokerto District Court which has the authority to examine and hear cases, has committed or ordered to do or participated in several acts of transportation, so it must be considered as one of the actions that are continued, accept or controls the placement, transfer payments, grants, donations, safekeeping, exchanging,</p>	<p>The Defendants were brought before the Purwokerto District Court on charges of the Public Prosecutor with the Alternative Subsidiary charge, which are as follows: First: The actions of the defendants as regulated and threatened in Article 114 Paragraph (2) <i>jo</i> with Article 132 Paragraph (1) Law no. 35 of 2009 concerning Drug Subsidiary: The actions of the defendants as regulated and threatened in Article 112 Paragraph (2) <i>jo</i> with Article 132 Paragraph (1) Law no. 35 Year 2009 or Second: The actions of the defendants as regulated and threatened in Article 137 letter a of Law no. 35 of 2009 <i>jo</i> with Article 55 Paragraph (1) of the 1st Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code Subsidiary: The actions of the defendants as regulated and threatened in Article 137 letter</p>

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Karang Pucung Village, District. South Purwokerto, Banyumas Regency	or using assets which are known or reasonably suspected to be the proceeds of a Narc	<p>b of Law no. 35 of 2009 <i>jo</i> with Article 55 Paragraph (1) of the 1st Criminal Code <i>jo</i> with Article 64 Paragraph (1) of the Criminal Code</p> <p>or</p> <p>Third: The actions of the defendants as regulated and threatened in Article 3 of Law no. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering</p> <p>Subsidiary: The actions of the defendants as regulated and threatened in Article 4 of Law No. 8 of 2010 <i>jo</i> with Article 55 Paragraph (1) of the 1st Criminal Code <i>jo</i> with Article 64 paragraph (1) of the Criminal Code</p> <p>More Subsidiary: The actions of the defendants as regulated and threatened in Article 5 Paragraph (1) of Law no. 8 of 2010 <i>jo</i> with Article 55 Paragraph (1) of the 1st Criminal Code <i>jo</i> with Article 64 Paragraph (1) of the Criminal Code</p>
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A. Cilacap District Court Decision No. 111/Pid.Sus/2011/PN.Clp

In this court decision, the defendant Rinal Kornial was guilty of the crime of "participating in assisting, or conspiracy to commit a criminal act of money laundering, having received or controlled the placement, transfer, payment of grants, donations, safekeeping, exchange, or using assets that he knows or reasonably suspects is the result of a drug crime" in violation of Article 5 Paragraph (1) in conjunction with Article 10 of the Law of the Republic of Indonesia No. 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering as indicted by the Public Prosecutor. The Public Prosecutor imposed a sentence of imprisonment for 2 (two) years and 6 (six) months reduced as long as the defendant is in temporary detention with an order that the defendant remains detained and a fine of Rp. 200,000,000,- (Two hundred million rupiah) subsidiary 3 (three) months of confinement. With evidence in the form of (1) 1 (one) Nokia 52220 Type RM-411 Express Music, Black, Blue trim, and Indosat Sim Card Number 6201 4000 1087 36399, (2) 1 (one) Nokia 1208 black cell phone IMEI number 359369/03/197207/4 following the US Sim Card Number 6210146749791040 and (3) 1 (one) KTP on behalf of Rinal Kornial Number 1672012709920004.

The Panel of Judges deciding this case based on the indictment of the Public Prosecutor, the defendant was charged with an alternative indictment. The indictment proven is the fourth alternative indictment, violating Article 5 Paragraph (1), in conjunction with Article 10 of Law No. RI. 8. The element that receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange, or use of assets that he or reasonably suspects is the result of a criminal act as referred to in Article 2 Paragraph (1), and (3) the element of Any Person who is inside or outside the territory of the Unitary State of the Republic of Indonesia which participates in conducting trials, assistance, or Conspiracy to commits the crime of money laundering.

The court's decision in this case is (1) to declare that the defendant, Rinal Kornial, has been legally and convincingly proven guilty of committing the crime of "money laundering"; (2) To sentencing the defendant with imprisonment for 1 (one) year; (3) Sentencing the Defendant to pay a fine of Rp. 200,000,000,- (two hundred million rupiah), provided that if the fine is not paid by the Defendant, then the Defendant himself is sentenced to prison for 2 (two) months; (4) Stipulates that the arrest and detention that has been served by the accused shall be deducted entirely from the said prison sentence; (5) Order the accused to remain in custody; (6) Stated that the evidence was returned to the Defendant Rinal Kornial; and (7) Stipulates that the Defendant must pay court fees of Rp. 5,000, - (Five Thousand Rupiah).

B. Cilacap District Court Decision No. 115/Pid.Sus/2011/PN.Clp

In this court decision, the defendant Dhiko Aldila Dirgantara was found guilty of committing the crime of accepting or controlling the placement, transfer, payment, grant, donation, safekeeping, exchanging, or using assets that he knew or reasonably suspected were the result of a criminal act, which was regulated and threatened with a criminal offense. in Article 5 Paragraph (1) *jo*. Article 10 of Law no. 8 of 2010, concerning the Prevention and Eradication of the Crime of Money Laundering. As stated in the fourth indictment. The Public Prosecutor sentenced the defendant Dhiko Aldila Dirgantara to a prison sentence of 3 (three) years reduced as long as the defendant was in custody with an order that the defendant remained in custody, and a fine of Rp. 200,000,000 (two hundred million rupiah) Subsider 8 (eight) months. confinement. and stated the evidence in the form of: (1) 1 (one) I Phone APPLE 3DS along with SIM Card 621004356239241, confiscated for the state; (2) 1 (one) BCA ATM card No. 601900255140670, seized for destruction; (3) 1 (one) ID card on behalf of Dhiko Aldila Dirgantara, returned to the defendant Dhiko Aldila Dirgantara; (4) 1 (one) bundle of Photo Copy of application and BCA Bank Statement Account No. 7390682861 on behalf of Dhiko Aldila

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Dirgantara; and (5) 1 (one) photocopy of the application and BCA Bank Statement Account No. 0510925874 on behalf of May Wulandari, is still attached in the Case File.

The defendant was charged with an alternative charge. Bearing in mind and taking into account the considerations of the article elements of the Alternative One indictment as well as in the Alternative Two indictment and the Third Alternative indictment are not proven or not fulfilled, then the Panel of Judges considers the Fourth Alternative indictment, namely violating Article 5 Paragraph (1) letter (b) in conjunction with Article 10 Law -law no. 8. The element that receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange, or use of assets that he or reasonably suspects is the result of a criminal act as referred to in Article 2 Paragraph (1), and (3) Elements of any person who is inside or outside the territory of the Unitary State of the Republic of Indonesia which participates in conducting trials, assistance, or Conspiracy to commits the crime of money laundering.

The court's decision in this case is (1) to declare that the defendant, Dhiko Aldila Dirgantara, has been legally and convincingly proven guilty of committing the crime of "money laundering"; (2) To sentence the defendant with imprisonment for 1 (one) year and 6 (six) months; (3) Sentencing the defendant to pay a criminal fine of Rp. 100,000,000 (one hundred million rupiah), provided that if the fine is not paid by the defendant, the defendant himself is sentenced to imprisonment for 4 (four) months; (4) Determine that the arrest and detention that has been served by the accused shall be deducted entirely from the said prison sentence; (5) Order the accused to remain in custody; (6) To declare evidence of 1 (one) I Phone APPLE 3DS along with SIM Card 621004356239241, confiscated for the state; 1 (one) BCA ATM card No. 601900255140670, seized for destruction; 1 (one) ID card of on behalf of Dhiko Aldila Dirgantara, returned to the defendant Dhiko Aldila Dirgantara; 1 (one) bundle of copy of the application and BCA Bank Statement Account No. 7390682861 on behalf of Dhiko Aldila Dirgantara; and 1 (one) bundle of copy of the application and Bank BCA Statement Account No. Account 0510925874 on behalf of May Wulandari, which is still attached to the Case File; and (7) Stipulates that the defendant is burdened with paying court fees of Rp. 5,000 (five thousand rupiah).

C. Purwokerto District Court Decision No: 36/Pid.Sus/2011/PN.Pwt

In this court decision, the Public Prosecutor acquitted Defendant I Unun Haeni and Defendant II Didi Riyanto from the First and Second Indictments, Declaring Defendant I Unun Haeni and Defendant II Didi Riyanto have been legally and convincingly proven guilty of committing the crime of money laundering together and Continue as the third alternative indictment is more subsidiary to Article 5 of Law no. 8 of 2010 in conjunction with Article 55 Paragraph (1) of the 1st Criminal Code in conjunction with Article 64 Paragraph (1) of the Criminal Code, Sentenced Defendant I Unun Haeni for 1 (one) year and Defendant II Didi Riyanto for 2 (two) years. also fined Defendant I Unun Haeni and Defendant II Didi Riyanto each in the amount of IDR 250,000,000 (two hundred and fifty million rupiah) subsidiary of 3 (three) months in prison each; and stating that pieces of evidence 1 to 7 were confiscated for the state and evidences 8 to 12 were attached to the mighty dossier; then stipulates that Defendant I Unun Haeni and Defendant II Didi Riyanto must pay court fees of Rp. 10,000 (ten thousand rupiah) each.

Because the indictments are prepared on an alternative basis, the Panel is allowed to choose one of the indictments that is following the facts revealed at trial. Based on the facts at trial, the Panel of Judges chose to consider the third indictment with an indictment structure, namely: (1) the primary charge, violating Article 3 of Law no. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, the Third Primary indictment is not proven the defendants must be acquitted of the Third Primary indictment. Since the three primary charges are not proven, the Panel will consider the following charges, namely the third subsidiary charges; (2) The subsidiary indictment violates Article 4 of Law no. 8 of 2010 in conjunction with Article 55 Paragraph (1) of the Criminal Code in conjunction with Article 64 Paragraph (1) of the Criminal Code, the indictment of the Three Subsidiaries is not proven the defendants must be acquitted of the charges of the Three Subsidiaries. the third charge is more subsidiary; and (3) More Subsidiary Charges, violating Article 5 Paragraph (1) of Law no. 8 of 2010 in conjunction with Article 55 Paragraph (1) of the 1st Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code. Because all the elements in the Third Charge are more than subsidiary fulfilled the indictment is proven legally and convincingly the defendants must be found guilty and punished according to their actions. Criminal imposition basically must fulfill the philosophy of punishment, namely that criminal imposition is not a form of retaliation but criminal imposition is a preventive means, namely preventing others from following the actions of the defendant, and curative means, namely making the defendant aware of his mistakes and the effect of deterring the defendants they do not repeat themselves. his actions (Wiyono, 2014). Based on the considerations mentioned above, the Assembly obtained the belief that the defendants have been legally and convincingly proven guilty of committing a crime as charged in the Third More Subsidiary indictment and because there was no excuse for forgiveness that negates the nature of being against the law and a justification that negates the guilt in oneself. the defendant, the defendant must be found guilty and the defendant must be sentenced to

The court's decision in this case is (1) to declare that Defendant I Unun Haeni and Defendant II Didi Riyanto have not been legally and convincingly proven guilty of committing a crime in the Third Primary and the Third Subsidiary charges; (2) acquit the Defendants of the Third Primary and the Third Subsidiary charges; (3) Declaring that Defendant I Unun Haeni and Defendant II Didi Riyanto are legally and convincingly proven guilty of committing the crime of "Receiving, Controlling Placements and

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Transfers which are Presumably the Result of Crimes Related to Drug Together and Continuingly”; (4) Sentencing Defendant I Unun Haeni therefore with imprisonment for 10 (ten) months and Defendant II with Didi Riyanto with imprisonment for 2 (two) years, and a fine of Rp. 250,000,000 each. - (two hundred and fifty million rupiahs) provided that if the Defendants do not pay the fine, it will be replaced with imprisonment for 2 (two) months each; (5) Determine that the period of detention that has been served by the Defendants will be deducted entirely from the sentence imposed, except specifically for Defendant I Unun Haeni when he was hospitalized in a hospital outside the State Detention Center not included in the deduction; (6) Stipulates that the Defendants remain in custody; (7) stipulates that evidence 1 to 7 is confiscated for the state and evidence 8 to 12 is attached to the case file; and (8) Charge the Defendants to pay court fees of Rp 7,500 each (seven thousand five hundred rupiah).

IV. DISCUSSION

A. Application of Follow-the-money and Follow-the-asset Approaches in Handling Drug Crimes Today

Drug crimes are currently not only limited to the misuse of illegal drugs but are also considered extraordinary crimes, which lead to criminal acts of human rights violations, including money laundering. Rusydi (2018:2-3) states that money laundering is the act of transferring, using or carrying out other actions on the proceeds of a criminal act which is often committed by crime organizations and individuals who commit acts of corruption, drug trafficking, crimes in banking, capital markets. and other criminal acts to hide or obscure the origin of the money derived from the proceeds of the crime. This dirty money was obtained by the perpetrators against the law. The practice of money laundering is a way of concealing, disappearing traces, or disguising the proceeds of drug crime which will then be used as protection for the proceeds of such illegal activities. For this reason, regulations or provisions regarding the crime of money laundering are very useful to cover drug crimes.

The paradigm shift in the prevention and eradication of money laundering which used to be oriented to the following the suspect approach changed to follow-the-money where this approach prioritizes finding money or assets resulting from criminal acts compared to looking for criminals (Irman, 2006: 242). This follow-the-money approach has resulted in the control of assets suspected of being the proceeds of this crime to be important, the indicated money or assets can be returned to the state or parties who were harmed by the act. The follow-the-money regime is more asset-oriented, so uncovering criminal acts can be started from the assets found, and then looking back on whether the assets were legally obtained or not, which then becomes the burden of proof on the defendant. This is known as the reversal of the burden of proof (Kristiana, 2015:15). In finding the results of criminal acts with a follow-the-money approach, financial analysis is used. By following the flow of funds, it will be able to reveal who the perpetrators are, the type of crime, as well as where and the number of hidden assets (Husein, 2008:63).

In Indonesia, the follow-the-money approach is regulated in Law Number 25 of 2003 concerning the Crime of Money Laundering (TPPU), and further refined in Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering. Article 2 paragraph (1) letter c of Law Number 8 of 2010 mentions drug as one of the proceeds of wealth which includes crimes that can be charged as money laundering offenses and vice versa in Article 137 of Law Number 35 of 2009 concerning Drug alludes to criminal acts money laundering or in terms of the flow of funds resulting from the drug crime. Therefore, there is a link between the crime of money laundering and drug crime. Wibawa (2021:944-945), seeing the correlation between the crime of illicit drug trafficking as a predicate crime and money laundering as its derivatives, it is very clear that the success of the war against drug illicit trafficking is largely determined by the effectiveness of the anti-money laundering regime in that country. In the context of Indonesia, an interesting question is whether the Indonesian anti-money laundering regime is sufficient to support efforts to prevent and eradicate illicit drug trafficking. Indonesia's efforts to build an effective anti-money laundering regime have been implemented since the promulgation of the Anti-Money Laundering Law. Placement of Drug crime as a predicate crime can be qualified from the actions of the perpetrator by hiding or disguising the origin of the assets obtained from the proceeds of Drug crime so it appears as if the assets are the result of legitimate activities. In more detail, the determination of the crime of money laundering can be seen in Article 1 number 1 of Law No. 8/2010 concerning the Prevention and Eradication of all acts that meet the elements of a criminal act under the provisions of this Law or the sense of every act of placing, transferring, pay, spend, donate, donate, deposit, take abroad, exchange/other actions on assets which are known or reasonably suspected to be the proceeds of criminal acts with the intention of hiding or disguising the origin of the assets they appear to be legal assets. . These crimes usually leave no physical evidence and do not result in individual victims.

As stated by Sasangka (2003:4), in Indonesia the law that supervises and controls the use of drug and tackles drug abuse and treatment of its victims is known as drug law. Consideration letter e of Law no. 35 of 2009 concerning Drug, it is stated that the law that regulates Drug is very necessary considering its increasing distribution in various regions, both nationally and transnationally. The law governing the use of drug begins with the enactment of Law no. 9 of 1976. Along with its development, the regulation regarding the supervision of the use of drug was replaced by Law no. 22 of 1997 concerning Drug which was later renewed and changed again to Law no. 35 of 2009 concerning Drug because the old law was deemed insufficient in dealing with the spread and illicit traffic of drug. Law No. 35 of 2009 was ratified in Jakarta on October 12, 2009 as a revision of Law no. 22 of 1997 concerning Drug through the State Gazette of the Republic of Indonesia of 2009 No. 143, and Supplement to the State Gazette of the Republic

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of Indonesia Year 2009 No. 5062. The government assesses Law no. 22 of 1997 cannot prevent drug crime which is increasing both quantitatively and qualitatively and the forms of organized crime.

B. Applying to Follow-the-money and Follow-the-asset Approaches Can Be More Optimal in the Application of Drug Crime

The follow-the-money approach seeks to find money/property/other assets that can be used as evidence (objects of crime). In searching for the results of criminal acts, financial analysis is used. Of course, after going through the analysis of financial transactions, it can be suspected whether the money was the proceeds of a crime, in contrast to the conventional approach which focuses on searching for the culprit directly after the initial evidence is found. However, financial analysis has not been able to confirm the occurrence of a crime and does not provide evidence of the occurrence of the crime. These two things are the task of the investigator who receives the results of the financial analysis from the Center for Financial Transaction Reports and Analysis (PPATK). When allegations of money laundering are reported, law enforcers will use the principle of follow-the-money which refers to the flow of funds to find out what forms of assets resulting from criminal acts are, where they are stored and to identify the person/institution that assisted the perpetrator. The defendant was also allowed to prove that his assets did not originate from a criminal act (Yuda et al., 2020:235-236).

Article 1 number 1 of Law Number 8 of 2010 states that "Money laundering is any act that fulfills the elements of a criminal act in line the provisions of the law". The elements referred to here are elements of perpetrators, elements of acts against the law and elements of results of criminal acts. Money laundering does not only involve the circulation of large and illegal amounts of money, but the modus operandi and consequences and implications often cross the boundaries of a country. Wiyono, (2014:40) also states that Article 2 Paragraph (1) of Law Number 8 of 2010 also regulates the conditions for the object of money laundering, where assets that are the object of money laundering must be assets obtained from criminal acts that are only mentioned in Article 2 Paragraph (1) letters a to z only. Juridically, money laundering is regulated in Law Number 8 of 2010, where money laundering is divided into 2 (two) criminal acts, namely active money laundering (Article 3 and Article 5 of Law No. 8 of 2010) and criminal acts of passive money laundering (Article 4 of the Republic of Indonesia Law No. 8 of 2010).

In addition, Article 137 of Law Number 35 of 2009 concerning Drug, shows the relationship/relationship of money laundering offenses with drug crimes. In article 137, it is stated that the money from the drug crime has a high possibility that money laundering will be carried out against it. Likewise, Article 90 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, indicates that in handling this money laundering crime, other parties or agencies are needed to handle it. Related to this, it could be that the BNN whose TTPU originated from drug crimes. The linkages between them are very clear, both in terms of handling and in terms of the rules that govern them. The link between the crime of money laundering (TPPU) and drug crime is because often the money laundering mode is used by perpetrators as an effort to secure assets obtained from the drug crime committed.

This can be seen in the three cases of court judges' decisions in this study. The first case is the decision of the Cilacap District Court Number 111/Pid.Sus/2011/PN.Clp. It is stated that the defendant, Rinal Kornial, has been legally and convincingly proven guilty of committing the crime of "Money Laundering"; Sentencing the defendant with imprisonment for 1 (one) year; Sentencing the Defendant to pay a fine of Rp. 200.000.000.- (two hundred million rupiah). provided that if the fine is not paid by the Defendant. then the Defendant himself is sentenced to prison for 2 (two) months; Ordered the defendant to remain in custody. The second case is the Cilacap District Court Decision Number 115/Pid.Sus/2011/PN.Clp. Defendant Dhiko Aldila Dirgantara. has been legally and convincingly proven guilty of committing the crime of "money laundering". Sentencing the defendant with imprisonment for 1 (one) year and 6 (six) months; Sentencing the defendant to pay a criminal fine of Rp. 100.000.000 (one hundred million rupiah). with the stipulation that if the fine is not paid by the defendant. the defendant is sentenced to imprisonment for 4 (four) months); Ordered the defendant to remain in custody. and the third case in the decision of the Purwokerto District Court Case Number: 36/Pid.Sus/2011/PN.Pwt. regarding the crime of "Receiving. Controlling Placements and Transfers Which Are Presumably the Result of Crimes Related to Drug Together and Continuously ". Declaring that Defendant I Unun Haeni and Defendant II Didi Riyanto are legally and convincingly proven guilty of the crime of "Receiving. Controlling Placements and Transfers Which Are Presumably the Result of Crimes Related to Drug Together and Continuingly"; Sentenced the Defendant I Unun Haeni therefore with a prison term of 10 (ten) months and the Defendant II Didi Riyanto with a prison term of 2 (two) years. and a fine of Rp. 250.000.000 each. hundred and fifty million rupiahs) provided that if the Defendants do not pay the fine. it will be replaced with imprisonment for 2 (two) months each; Determined that the Defendants remain in custody.

The judge deciding this case must analyze the criminal act and criminal responsibility in the case. If a defendant is found guilty of committing a criminal act in violation of a certain article. the judge analyzes whether the defendant can be declared responsible for the criminal act he has committed. When investigating whether the defendant who has committed a criminal act can be held accountable for his actions. what is considered primary is the person himself. To be sentenced. a person must meet two conditions. namely. first. an act that is against the law as the joint of a criminal act. and secondly. the act committed can be accounted for as a mistake (Rifai. 2011: 97).

Implementation of Follow-The-Money and Follow-The-Asset Approaches to Optimize Drug Crime Handling

CONCLUSION

Currently, the law enforcers can apply a follow-the-money and follow-the-asset approach to suspected drug crimes. When conducting investigations, they can refer to the flow of funds to find out forms of assets resulting from criminal acts re, the stored place and whom helps the perpetrator commits the crime of money laundering. In addition. it can also avoid direct contact with perpetrators to minimize conflicts between field officers and perpetrators. The application of this approach can be more optimal if tracing the accounts of the perpetrators who can reveal the parties involved in drug crime activities. and where the sources of the money were obtained from the perpetrators. From the flows of proceeds from crimes that are traced. they can be used as facts and evidence of drug crimes.

From these conclusions, some recommendation can be drawn for the government to optimize the application of the follow-the-money and follow-the-asset approach to suspected drug crimes by making a legal umbrella in the form of a memorandum of understanding because the Drug Law and the Money Laundering Law do not regulate the use of the follow-the-money instrument separately which regulates technical instructions and implementation instructions. Furthermore, there is also a need for optimal coordination and synergy between law enforcement officers and Bank Indonesia and PPATK in law enforcement of the crime of money laundering proceeds from drug crime. Moreover, it is necessary to make internal rules for each agency law enforcement officers are serious in implementing both of the approaches in handling drug crimes. For instance, at the Indonesian Police environment in the form of the National Police Chief Regulation (PERKAP), the Indonesian Attorney General's Office in the form of a Prosecutor's Circular Supreme Court (SEJA), and at the the Supreme Court in the form of a Supreme Court Circular (SEMA).

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