



Follow the Money as an Attempt of State Financial Loss Restoration in Criminal Action of Money Laundering with Corruption as Predicate Crime

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Abstract

Money laundering is an attempt to conceal or disguise the origins of assets acquired from a crime. Money laundering is a follow-up crime because it is followed by a criminal act, one of which is a systematic and organized criminal act of corruption, law enforcement process is not easy. One effective way of preventing and combating money laundering and corruption can be done by follow the money approach. Follow the money approach can reveal who the perpetrator, the type of crime, place and amount of hidden. Then in addition to perpetrators remain criminally charged, state financial loss recovery efforts can also be achieved. The result of t research shows the obstacles implementation of follow the money is derived from the substance element that is conflicting interpretation of Article 77 and Article 69 of Law on TPPU, the element of legal structure namely the lack of good cooperation among law enforcers, as well as the legal culture element, is the low participation of the society against the legal compliance of the criminal act of washing money especially the approach of follow the money.

Keywords: Follow the Money; Money Laundering; Corruption

Introduction

The modern era develops more complex, advanced, global, and faster form of crime. Information openness, fast global communication access, easier transportation access, more practical and sophisticated financial and banking access, on the other side has provided a broader opportunity for the criminals to expand their criminal result to be more significant.¹

Technology advancement also allows financial system integrativeness, including banking system that offers trans-national fund traffic mechanism in a short period. For instance, through internet banking service and electronic fund transfer, a bank customer is allowed to transfer their monies from a bank account to other banks around the globe. The integrative financial system brings positive effect in one side and negative effect on the other side.

¹ Paku Utama. (2013). Memahami Asset Recovery dan Gatekeeper, Jakarta: Indonesian Legal, p. 55.

The negative effect of the integrative financial system can be seen when the source of wealth that comes from criminal activity is set into a financial system and is manipulated so the law enforcers cannot trace it. An attempt of activity to conceal or disguise the source of wealth as a result of criminal activity is known as money laundering.

Money laundering is a process where an individual conceals the existence of illegal sources, or illegal use of income, and then disguises such income to make it seems legal.²

Money laundering is a cross-border financial crime utilizing advanced technology, and its effects are very harmful to both national and global finance. For the actors, Money laundering is an illegal activity and highly profitable.³

The nature of money laundering criminality is related to the background of the acquisition of illegal money. Then such illegal money is managed through specific activities such as establishing a business, transferring or converting them to banks or foreign currencies to relieve the background of such illegal fund.⁴

Article 1 number (1) of Law no. 8 of 2010 regarding the Prevention and Eradication of the Criminal Act of Money Laundering (UU TPPU) depicts the element of money laundering namely the actor, the action against the law and the result of criminal activity.

UU TPPU emphasizes the assets searching and tracing by using an approach called follow the money. It can be seen in article 40 of UU TPPU that regulates the functions of Indonesian Financial Transaction Reports and Analysis Center (INTRAC/ PPATK) are as follows:

- a. prevention and eradication of the criminal activities of Money Laundering;
- b. management of data and information of which are acquired by PPATK;
- c. supervision against the Reporter Party's compliance; and
- d. analysis and examination of the report and information of Financial Transaction of which indicates the criminal action of Money Laundry and/ or other criminal action as outlined in Article 2 section (1).

There is also another regulation that emphasizes on follow the money approach. It is in article 44 section (1) item (1) of UU TPPU which states that while performing the function of analysis or examination report and information indicating the criminal action of money laundering, PPATK is authorized to forward the analysis result or examination to the investigator.

PPATK holds an authority to perform asset search and tracking as well as financial transactions information analysis since PPATK is an independent institution and is free from intervention and influence of any power that is in charge to carry out prevention and eradication of the criminal activities of Money laundering. Through the function of PPATK, it can be seen that this institution holds an authority to prevent and eradicate money laundering as well as establishing an anti-money laundering regime by searching the source of wealth, information management, or supervision against the actor's wealth.

² Iwan Kurniawan. (2013). Perkembangan TTPU dan Dampaknya Terhadap Sektor Ekonomi dan Bisnis. *Science of Law Padang Journal*, 3(1): 1.

⁴ Ni Komang Sutrisni. (2009). Pendekatan Follow the Money Dalam Penelusuran Tindak Pidana Pencucian Uang Serta Pidana Lain. *Faculty of Law Udayana University Journal*, 1(2): 5.

The function of PPAT, of course, is beneficial as an attempt to maintain the financial system stability and to ease the search of wealth source through follow the money approach since this approach will prioritize in locating the money or wealth as criminal action result instead of finding out the criminals by using financial analysis.

The data on PPATK' 2017 year-end reflection on the financial transaction of 228 bank account of reported parties and related parties who commit money laundering with corruption, narcotics, online gambling, customs, illegal logging, taxation as its predicate crime resulted in the finding of 747 trillion rupiahs of state loss. Several modes used were the utilization of nominee' account to gather incoming funds alleged corruption, the utilization of many accounts/names to gather funds and send it to the law enforcer apparatus, cash transaction, fictitious credit grants, utilization of personal account for business activities, markup pricing in service and goods procurement, bypass transaction and internet banking, the establishment of several legal companies with nil business activity, the use of fictitious invoice, and the use of management fee and success fee to obscure company' fund.⁵

The data showing that follow the money approach is capable of returning the state' assets can be seen from PPATK' data which showed that from 2015 until September 2017, 267 trillion rupiahs of state assets as the result of money laundering could be restored, it consisted of 21 trillion rupiahs of fine and 264 trillion rupiahs as money in substitution of state' loss. Such amounts were obtained through tracing of flow of funds.⁶

The data above showed that the main problem in eradicating money laundering is to return the state' financial loss. Follow the money approach as an attempt to trace the flow of funds is considered effective enough to return the state' loss. However, the implementation of follow the money has not been optimal since the state' loss that return is not as significant as the loss done by the actors. Also, the process of assets tracing does not really come into its root because of the complexity of mode of operation and the law enforcer' human resource or skill limitedness.⁷

Based on the background described above, the writer intends to provide a more in-depth explanation regarding follow the money in money laundering with the corruption as predicate crime as the attempt to recover the state' loss. The writer conducted a study entitled "Follow the money as an Attempt of State Financial Loss Restoration in Criminal Action of Money Laundering with Corruption as Predicate Crime". The main problems will be discussed further are as follows:

1. Why haven't the implementation of follow the money approach in money laundering with corruption as predicate crime as an attempt in restoring state' loss been optimal?
2. How should follow the money be implemented in money laundering with corruption as predicate crime so that the attempt of state loss restoration becomes optimal?

Methodology

The method used in the present study was the combination of normative and empirical study. It was considered as normative because the present study was begun by carrying out a correction towards the regulatory legislation⁸ regarding the implementation of follow the money against money laundering with corruption substance. While, the present study was considered as empirical because this study also

⁵ PPATK. (2017). Refleksi Akhir Tahun 2017 Pusat Pelaporan Analisis Dan Transaksi Keuangan. <http://www.ppatk.go.id/backend/assets/uploads/20171219165527.pdf> accessed 10 April 2018 at 15.49 WIB.

⁶ Ibid.

⁷ Interview with Raden Rara Rahayu, a Prosecutor in Office of the District Prosecutor General of Surakarta on 16 May 2018.

⁸ Salim H.S dan Erlies Septiana. (2013). Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi, Jakarta: Rajawali Pers, p. 20

looked after the data directly to the community⁹ which were done through interviews with Police and Prosecutor. The primary data were obtained from interviews with the primary source namely Prosecutor and police, while, the secondary data were obtained from the literature study. This legal study employed sociological juridical approach, conceptual approach, and statute approach. Qualitative data analysis method emerged as the technique of data analysis by using inductive reasoning based on the empirical approach. Interactive analysis model was employed to do the analysis.

Discussion

Hindrance of Follow the Money Approach as the Attempt of State Financial Loss Restoration in Criminal Acts of Money Laundering

The regulation regarding money laundering in Indonesia is firstly formulated in 2002 by the enactment of Law no. 15 of 2002 about Criminal Action of Money laundering that was enacted and was in force since 17 April 2002. Article 3 paragraph (1) and paragraph (2) of law no. 15 of 2002 contains the formulation of punishable behavior because of money laundering. The attempt in this law was considered had not been optimal because the existing regulatory legislation evidently provide a space for different interpretation, legal gap, inaccurate sanction imposition, reverse burden of proof that had not implemented yet, information access limitedness, narrow scope of reporting parties and its type of reports, and the less clarity of duty and authority of the legislation implementer. Then, the Law on prevention and eradication of the criminal action of Money Laundering in substitution of Law no. 15 of 2002 about the Criminal action of Money Laundering is formulated by the enactment of law no.25 of 2003 regarding the Amendment of Law no. 15 of 2002 about the Criminal action of Money Laundering.¹⁰

Article 2 paragraph (1) item a of Law no. 25 of 2003 on Criminal Action of Money Laundering states that the result of a criminal action is a wealth obtained from criminal acts committed inside or outside the territory of Indonesia and is categorized as a crime under the Law of Indonesia. The criminal act of corruption is one of the origins of money laundering. It stands in the first position as a predicate crime in money laundering. The content in UU TPPU is intentionally designed to prevent and to eradicate money laundering as well as its origin namely corruption as the object of money laundering itself.¹¹ Along with the development of prior laws, it is still considered as not optimal in handling money laundering.

The enactment of law no. 8 of 2010 on the prevention and eradication of the criminal action of Money Laundering (UU TPPU) becomes a new paradigm in preventing and eradicating money laundering through follow the money principle. This principle tracks the money as the result of a criminal act that is disguised so that it seemed to be legal, easily-detected and traced, even until its intellectual actors. Criminalization of money laundering is an action of disguising and obscuring wealth obtained from the criminal action so that it is like a legal wealth. Through follow the money approach, the actors, the type of criminal activity, the place and the amount of concealed wealth can be discovered.¹²

Follow the money approach in money laundering is an attempt to track the flow of obscured and disguised funds as the result of a criminal activity which is manipulated so that it seems to be a legal wealth. Through this approach, it is expected that the state financial loss restoration can be more maximal.¹³ Follow the money approach in UU TPPU is more effective in overcoming the hindrance of law enforcement on money laundering. Before the UU TPPU is enacted, law enforcers are still oriented to

⁹ Ibid.

¹⁰ Aal Lukmanul. (2015). Tindak Pidana Pencucian Uang dan Modusnya Dalam Hukum Bisnis. Juanda University Journal. 1(1): 7.

¹¹ Halif. (2012). Pencegahan dan Pemberantasan Tindak Pidana Korupsi melalui Undang-Undang Pencucian Uang, Faculty of Law Diponegoro University Journal, 2(2): 6.

¹³ Ibid

follow the suspect so that the law enforcers cannot access the wealth obtained from corruption since the corruptors try to transfer or disguise their wealth obtained from corruption to the other parties.¹⁴

Related to the ability in detecting the alleged money laundering, PPATK that is formed to prevent and to eradicate money laundering is not only authorized to track the wealth obtained from criminal action put into the financial system regarding money laundering process but also to stop and establish a collaboration with relevant institution to take back the state' assets the actor has stolen. Sometimes, in committing money laundering, the actors conspire with other parties such as financial institution official, bank official/ bank officer, lawyer, accountant, or other professionals. The involvement of such parties, of course, will ease the actors' attempt to legalize their wealth without being detected by the law enforcers.¹⁵

In general, there are three steps in committing money laundering namely placement, layering, and integration. Through these steps, the actor obscure, conceal, and disguise their wealth from the criminal action so that the law enforcers cannot track it.¹⁶

PPATK will always try to provide trusted and reliable financial intelligent information so that such information may assist law enforcers to handle a case in general or money laundering in particular.¹⁷ The function and authority of PPATK mentioned in article 40 of UU TPPU (to analyze wealth alleged the result of criminal activity) is one of the embodiments of implementation of follow the money in UU TPPU. Article 44 of UU TPPU also allows PPATK to forward the result of its analysis or investigation of a suspicious financial transaction from money laundering to the investigators.

According to Lawrence Meir Friedman, the success of the implementation of a law depends on three factors namely legal substance, legal structure, and legal culture.¹⁸

1) Legal Substance

A legal substance can be defined as a norm, rule, and real behavior of a man in a particular system. In this case, the term product means a decision which is designed and established based on an event. As it is mentioned in article 1 of Penal Code of Indonesia, "No act shall be punished unless by virtue of a prior statutory penal provision". This system significantly affects the legal system in Indonesia. The legal substance also covers living law, not only the regulation within the law books. Indonesia is one of the countries that still adheres to the Civil law system, or Continental Europe (although some regulatory legislations have already adhered to Common law).

2) Legal Structure

Legal structure is a permanent framework of a legal system that keeps a process in its boundaries. The structure comprises the number as well as trial size, its jurisdiction (types of the case being investigated and procedural law utilized), the structure also includes the arrangement of the legislative body.

¹⁴ Shesha Marcus. (2016). Efektivitas Penerapan Undang-Undang Tindak Pencucian Uang Dalam Pemulihan Kerugian Negara. *USU Journal*, 2: 5.

¹⁵ Toetik Rahayuningsih. (2013). Analisis Peran PPATK Sebagai Salah Satu Lembaga Dalam Menanggulangi Money Laundering di Indonesia", *Faculty of Law Airlangga University Journal*, 8(3): 3.

¹⁶ Rozmita Dewi Yuniarti. (2015). Teknik Audit Investigatif Dalam Pengungkapan Money Laundering. *Pendidikan Indonesia University Journal*, 3(1): 2.

¹⁸ Sabian Ustman. (2009). *Restorative Justice*, Yogyakarta: Social Agency, p. 213.

3) *Legal Culture*

Friedman formulates legal culture as attitudes and values related to the law and system of law, as well as attitudes and values that bring either a positive or negative effect towards the behavior related to the law. Indulgence to litigate is the part of a legal culture. Accordingly, legal culture can be defined as the entire factors that determine how a legal system gain its logical place within the cultural framework of the general community.

According to Friedman, culture holds an essential role in law enforcement. Sometimes, the attempt of law enforcement in a community is high for it is supported by the community culture such as by the public participation in preventing crime, report and file a complaint about a crime occurs in their environment and team up with the law enforcer in crime countermeasure, although its structural and substantial component is not good enough, and the public do not want such formal procedure is it should be.

Nowadays, legislation regulating follow the money in UU TPPU namely article 40 of UU TPPU has regulated in detail the function of PPATK in the attempt of implementing follow the money.¹⁹ In addition, article 41, 42, 42, and 44 of UU TPPU also provide detail explanation regarding the function and authority for PPATK to supervise and to analyze suspicious wealth. PPATK is also authorized to manage data and information of transaction indicating money laundering as well as is authorized to ask and receive information from the reporting parties.

However, there are still several hindrances to implementing follow the money. It is related to the structure of the law enforcement apparatus. For instance, the function of PPATK indeed has been regulated in detail in UU TPPU. However, the investigators in corruption criminal action namely Corruption Eradication Commission (KPK) investigators often face severe challenges in performing investigation against the corruptors who commit money laundering. It occurs because in law no. 8 of 2010 does not firmly state the authority to perform an investigation by KPK. Article 74 state "The investigation for the criminal action of Money Laundering shall be conducted by the investigator of the predicate crime under the provision of the criminal procedures law and the provision of law and regulation unless otherwise stipulated herein."²⁰ Consequently, in implementing follow the money, it needs quite a long time to ensure who is authorized in performing the investigation.

While, the hindrances KPK faces in investigation and prosecution process are:²¹

- a. The provision regarding KPK authority as the investigator and general prosecutor has not been regulated explicitly in UU TPPU. It is one of the hindrances for KPK in eradicating money laundering originated from corruption.
- b. The pressure from the suspect supporter in the form of demonstration or threat towards KPK officers and leaders.
- c. Confusion regarding the proof of predicate crime related to the money laundering criminal action.

¹⁹ Ibid

²⁰ Interview with Agus Sriyono, Banit Sat Reskrin Unit IV of City Subregional Police of Surakarta on 9 May 2018.

²¹ Fredrigk Rogate Hutajulu. (2016). Kewenangan Komisi Pemberantasan Korupsi (KPK) Menuntut Tindak Pidana Pencucian Uang (TPPU)", *USU Journal*, 1(1): 10.

Another hindrance is in article 77 of UU TPPU which states that for the interest of the examination in the trial, the defendant shall be obliged to evidence that his/ her assets are not the result of criminal activity. This is one of the singularities of money laundering compared to the regulation of the Criminal Code where the defendant is not obliged to proof. However, the reverse burden of proof on money laundering can only be done by the defendant in trial level. In the other side, article 69 of UU TPPU states that In order to be eligible for conducting the investigation, prosecution, and examination in the trial against the criminal action of Money Laundering, prior it shall not be obliged to evidence the predicate crime. Confusion of interpretation among articles of UU TPPU also becomes the obstacles for the investigator to conduct follow the money approach in the attempt of state' loss restoration.

The factor of other law enforcement apparatus structure that is considered powerless in implementing follow the money are as follow:²²

- a. First, there has not been the same perception among the law enforcers, for example, between the police as the investigator, Prosecutor as the general prosecutor and the Judge who adjudicate.
- b. Second, to date, the investigator of money laundering still experiences human resource and skill limitedness in performing the financial investigation, and
- c. Three, the general prosecutor (Prosecutor), although there has been a guideline to prosecute a case by using the allegation of money laundering and predicate crime (cumulative), is still reluctant to implement it. Prosecutors prefer to use alternative or subsidiary indictment with "corruption criminal action" as the first indictment and "money laundering" as the second indictment.

Dissimilarities of perception and collaboration among the law enforcers in implementing follow the money make this approach have not been optimally implemented.²³ For instance, in 2016, more than 300 Analysis Result Report (LHA) of PPATK is delivered to the law enforcers, 100 of them are delivered to KPK, 185 to the police, and 87 of them to the Prosecutor, whereas, their feedbacks have not been optimal. This kind of obstacle is caused by dissimilarity of perception between Police and Prosecutor. As a result, this obstacle leads to the minimal implementation of follow the money in which the primary goal is to restore the state' loss.²⁴

The last factor is cultural factors, as it has been described above that according to Friedman, culture holds an essential role in law enforcement. Cultural factor that results in the minimal implementation of follow the money approach comes from the community as law enforcement apparatus which have not had high awareness towards legal conformity regarding money laundering, particularly awareness on the restoration attempt through follow the money approach. In addition, the community also has not understood and possessed legal awareness on follow the money and regulatory legislation that regulates it.²⁵ Legal awareness here refers to a process covering legal knowledge, attitude, and behavior. Since community obedience is one of the indicators of law to functions, if the community has not had high legal awareness, law enforcement has not been able to be implemented optimally.

²² Bismar Nasution. (2017). Aset Recovery Dalam Tindak Pidana Korupsi melalui Undang-Undang Tindak Pidana Pencucian Uang. *USU Journal*, 5(2): 1.

²³ Interview with Dody S Nugraha, a prosecutor in Office of the district prosecutor general of Yogyakarta on 10 May 2018.

²⁴ PPATK. (2016). Feedback Laporan Hasil Analisis PPATK Belum Optimal. http://www.ppatk.go.id/siaran_pers/read/404/feedback-laporan-hasil-analisis-ppatk-belum-optimal.html accessed 15 May 2018 at 10.10 WIB.

²⁵ *Ibid.*

Follow the Money Approach that Supposed to Be Implemented in Money Laundering in Corruption Substance as the Restoration Attempt to State Financial Loss

Follow the money approach that supposes to be implemented so that the state' loss can be restored optimally is by revising articles in UU TPPU. Detail elucidation in article 77 and article 69 is necessary to be revised to prevent multi-interpretation and meaning confusion. Whether or not the predicate crime is obliged to evidence previously. So it will ease the investigator to perform follow the money approach immediately.

Another factor that can be improved is by improving the structure of the law enforcement apparatus. The concept of state' financial loss restoration, in performing supervision shall pay attention to the law related to state' treasury and state' finance. It is essential to fully understand how much loss is done as well as to attempt the optimal state financial loss restoration by follow the money approach.²⁶ In addition, the law enforcers involved in it shall really possess the skill relevant to the complex problem being faced. The law enforcer apparatus must have good analysis so that follow the money approach as an attempt in restoring state' loss can be obtained more optimally.

Law enforcement apparatus namely Police, Prosecutor, or Judge are demanded to possess more juridical technical of law enforcement particularly against money laundering with corruption as its predicate crime. KPK investigator as the investigator in the corruption case related to money laundering shall comprehend all strategies in eradicating corruption, started from searching the flow of fund as result of corruption until the individual who savors the corruption result. Either investigator, prosecutor, or judge shall collaborate and coordinate well so that anyone who commits such crime will be dragged to the trial, be imprisoned, and be imposed with wealth seizure.

The example of implementation of follow the money can be retrieved in a case involving Gayus Halomoan Partahanan Tambunan as the defendant that happened in 2012. The defendant was allegedly committing several activities considered as crimes, that if these activities are connected with his status as a civil servant, would be considered as gratification namely bribery in which it violated his obligation and duties. Judex facti ruled by High Court of Jakarta on 21 June 2012 strengthened the Ruling of Criminal Action of Corruption Court on the State Court number 34/Pid.B/TPK/2011/PN.Jkt.Ost. Based on the full investigation, there were facts found that:

- "It is true that the defendant cannot prove that the money he receives come from the source justified by the legislation."
- " It is revealed that the defendant preserves his money he gets from gratification in several banks."
- "On some evidence, some amount of money and precious stones were found."

The facts above obtained by the investigator through follow the money on all defendants' wealth. After the search for the flow of funds, it was found that the defendant' wealth was more beyond his earnings as a civil servant. Based on the data reports, it was categorized as suspicious or indicating crime. Through follow the money approach, the investigator, in collaboration with the Prosecutor and KPK, secured and frosted the defendant' assets that had not been executed. It was done by searching assets, securing assets, maintaining assets, seizing assets, and assets repatriation. Indeed, follow the money is considered far more effective in revealing corruption and money laundering case for its base is very robust so that the state can seize the actor assets or criminal results. That case evidence that follow the

²⁶ Bismar Nasution. (2017). Aset Recovery Dalam Tindak Pidana Korupsi melalui Undang-Undang Tindak Pidana Pencucian Uang. USU Journal, 5(2): 1.

money approach is effective for money laundering case with corruption as its predicate, the total wealth seized were 74 Billion.

Regarding the investigator' obligation performing follow the money as an attempt to obtain trusted and accountable fact, the investigator can see the bank account suspected money laundering. The investigator must understand and ensure the truth of the facts to be used as a legal item of evidence so that the investigator can be authorized to detain the individual alleged committing money laundering. It becomes the basis for the investigator in performing follow the money approach by directly go to the field to obtain trusted and accountable facts. One of the possible methods is by seeing the bank accounts suspected money laundering in order to direct them proving such money is obtained from criminal activities.²⁷ The investigator can also perform the physical check upon the defendant' and other relevant parties' immovable assets to ensure the existence and the ownership of such assets. It is done by searching the relevant data and information in the database, both electronic, non-electronic, formal and non-formal information network.

The factor of facilities and infrastructures that support law enforcement on the implementation of follow the money shall be concerned with the complexity of money laundering. The factor of human resource shall be concerned where the parties who handle money laundering must directly comprehend money laundering from the mastery of technology until the mastery of regulatory legislation on money laundering. In addition, the technology utilized in handling money laundering through follow the money shall satisfy the technology and the complexity of the actors in committing money laundering.²⁸

Through follow the money approach and the improvement of the legal system, it is expected that money laundering with corruption as its predicate crime can be handled more optimal in restoring state financial loss. Moreover, through adequate and improved facilities, criminal action of money laundering can be handled faster and more efficient. The last thing that needs improvement is community awareness, it can be done through legal socialization on handling money laundering through follow the money approach so that community is aware of its importance and is knowledgeable about the danger of money laundering.

Conclusion

Follow the money approach is one of the effective methods for preventing and eradicating both money laundering and corruption as an attempt to restore state' financial loss. Through follow the money, the actors, the type of criminal activity, the place and the amount of disguised wealth can be revealed so that the actor is not only imposed by punishment but also is obliged to give back the money obtained from the criminal action. The obstacle in implementing follow the money comes from the substantial factors caused by the confusion between article 77 and 69 of UU TPPU regarding whether or not the predicate crime shall be previously evidenced. Besides, article 74 of UU TPPU regarding the authority of law enforcement apparatus namely KPK investigator, its authority has not been specifically regulated as the investigator of predicate crime in the money laundering criminal case. Moreover, the investigator is often receiving pressures from the actors' supporter in the form of demonstration and threat. Another obstacle to the structure of the law enforcement apparatus is caused by the absence of proper collaboration and coordination among the law enforcers. The cultural factor that becomes the obstacle was low legal awareness and participation of the community concerning legal obedience to money laundering particularly their awareness of its settlement through follow the money approach.

²⁸ Abd Razak Musahib. (2012). Pengembalian Keuangan Negara Hasil Tindak Pidana Korupsi. Faculty of Law Tadulako University Journal, 3(1): 2.

Suggestion

In order to optimally implement follow the money approach in money laundering with corruption as its predicate crime to restore the state' financial loss, from the substantial side, revision on article 77 and article 69 of UU TPPU regarding whether or not the predicate crime shall be evidenced first. In addition, article 74 of TPPU shall also explain in detail that KPK investigator is fully authorized in performing investigation against criminal acts of corruption. From the angle of the law enforcement apparatus structure, a good collaboration among the law enforcement apparatus in the process of law enforcement on money laundering shall be established. Because of the complexity of money laundering which is done by advanced technology, the law enforcer, in analyzing the wealth resulted from criminal action, must have special skills in analyzing financial transaction alleged money laundering. The law enforcer skills are obtained through special education/ training related to assets searching in criminal acts of money laundering so that the state financial loss restoration can be obtained more optimal. Both investigator and general prosecutor who handle money laundering must possess a special certificate in assets tracking. Meanwhile, from the factor of legal culture, legal socialization by the component of community is necessary, such as the community in university, regarding the danger of corruption and money laundering and the implementation of follow the money as an attempt in restoring state' financial loss.

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