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Implementation of "follow the money" approach in money laundering legal instruments for effective asset recovery in corruption

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Abstract
This study aims to find alternatives to return assets of corruption with the application of money laundering legal instruments. To answer these problems, the research method used is the doctrinal research method. This type of research uses normative legal research that is legal research conducted based on laws and regulations and library materials or what is known as secondary material. Money laundering legal instruments can be applied for effective asset recovery in corruption because there is a follow the money approach. The follow the money approach prioritizes looking for assets of criminal offenses compared to looking for perpetrators. Perpetrators must be hiding or disguising the assets of the corrupt act through the banking and non-banking systems. Assets allegedly originating from these criminal acts of corruption are known through an analysis of financial transactions by the Reporting Center for Financial Transaction Analysis. Reports on the results of the analysis and examination of the Reporting Center for Financial Transaction Analysis on these suspicious financial transactions can be used as preliminary evidence to begin the investigation, prosecution, and trial hearings.

Keywords: money laundering, asset recovery, corruption

1. Introduction
Until now, most countries in the world have problems with corruption as happened in Indonesia. Corruption has engulfed the country for a long time and almost touched all sectors of life in society. This phenomenon becomes a very difficult problem to overcome. Corruption is no longer perceived as something that only harms the country's finances and / or economy but also violates the social and economic rights of the community. Therefore, corruption is said to be an extraordinary crime [1].

The logical consequence that corruption is an extraordinary crime is that it requires remedies from the extraordinary juridical aspects and extraordinary legal instruments because conventional methods have not been able to eradicate corruption even though this is increasingly sophisticated, both the modus operandi and the amount of corruption of state wealth [2]. Unlike conventional crime, corruption is a crime that develops dynamically over time [3]. Along with technological developments, the method of operating is also increasingly sophisticated and varied while the legal development is relatively left behind [4].

Eradicating corruption is not an easy matter because corruption is classified as white-collar crime, which is a crime committed by highly educated, important and respected people in government and in the economy [5]. Harkristuti Harkrisnowo said that the perpetrators of corruption were not arbitrary because they had access to corruption by abusing their authority, opportunities, or infrastructure [6].

Eradication of corruption today is focused on three main issues, namely: prevention, eradication, and the return of assets resulting from corruption (asset recovery) [7] This means that eradicating corruption lies not only in efforts to prevent and punish corruptors, but also to repay state losses resulting from these criminal acts of corruption. In addition, in order to prevent and eradicate corruption, it turns out that convicting the perpetrators is not enough to be deterred but must be followed by other important steps such as seizing the stolen property and returning it to the state [8]. The return of assets resulting from corruption is the most important issue today because corruption has taken the country's wealth. While the country's wealth is needed to reconstruct and rehabilitate people through sustainable development which is the basic principle of development in Indonesia.

However, efforts to recover state assets stolen through corruption according to Eddy O.S Hiariej that this tends to not be easy because the perpetrators of corruption have extraordinary broad access and are difficult to reach in

[1] Muh. Arif Syahroni, Reversal of the Burden of Proof in Corruption, DIH: Journal of Legal Studies, August 2019-January 2020, p. 124.
[2] Prasetyo Budi W, 2016, Juridical Problem in Implementing Death Penalty Sanctions Against Corruption Crimes According to Law Number 31 of 1999 Jo Law Number 20 of 2001 concerning Eradication of Corruption, Diponegoro Law Review, Vol. 5 No. 4, p. 2
[3] Budi Suharyanto, 2016, Progressivity of Criminal Decisions Against Corporations as Actors of Corruption, Journal of Legal Research De Jure, Vol. 16 No. 2, p. 201.
[4] Kristwan Genova Damanik, 2016, Between Replacement Money and State Losses in Corruption, Legal Matters, Vol. 45 No. 1, p. 2
[5] Sutherland said that white collar crime is a crime committed by perpetrators from the upper class or with a high social standing and dignity and is carried out within the scope of his work, Vide: Kristian, 2018, Execution Policy in the Corporate Criminal Liability System, Sinar Grafika, Jakarta, p. 10
[6] Ridwan, 2014, Efforts to Prevent Corruption through Community Participation, Legal Studies Journal, Vol. 16 No. 64, p. 386.
[7] Agustinus Pohan, 2008, Return of Crime Assets, Anti-Corruption Study Center of the Faculty of Law UGM, Yogyakarta, 2008, p. 1
[8] Yenti Ganarsih, 2010, Asset Recovery Act As a Strategy in Returning Corruption Asset from Corruption, Vol. 7 No. 4, p. 2

hiding the proceeds of crime or because of the perpetrators of money laundering resulting from the acts criminal corruption [9].

In Law, Number 31 of 1999 jo. Law Number 20 of 2001 concerning Eradication of Corruption returns of proceeds of crime suspected of originating from corruption can be done with the mechanism of criminal law *(in personem forfeiture)* and civil law *(in rem forfeiture)*.

The mechanism of criminal law can be carried out by confiscation and criminal payment of compensation money as regulated in Article 18 Paragraph (1) letters a and b of the Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning Eradication of Corruption. Aliyth Prakasa and Rena Yulia said that the return of assets of corruption through criminal law has weaknesses such as when the process of proving the accused's wrongdoing and for the act of appropriation of assets must be declared before the defendant is guilty in a court decision. Meanwhile, in the process assets can change hands so that the state cannot be seized and the existence of criminal subsidiary provisions complicates the asset recovery process when the defendant chooses to carry out a substitute imprisonment so that the goal of recovering state losses is not achieved [10].

The civil mechanism is to use a civil suit conducted by the Prosecutor's Office. This lawsuit can also be made against the assets of heirs of corruptors. However, the former Deputy Attorney General for Civil and Administrative Affairs of Indonesia, Soehadibroto, said that in the case of a civil suit proving the element of state loss was not an easy matter because, in the civil law, there was no reversal burden of proof so that the Prosecutor had to be able to prove the evidence that there was a real state loss [11].

Another alternative to the two ways above is to use Law Number 8 of 2010 concerning the revention and Eradication of Money Laundering. According to Sutan Remy Sjahdeini, the Attorney General's Office can use money laundering snares to recover state losses because, in practice, money resulting from corruption is often rushed with money laundering mode [12]. Suhartoyo said that in various financial crimes money laundering would almost certainly be carried out to hide the proceeds of the crime in order to avoid the law [13]. Furthermore, Marwan Efendi also stated that the handling of criminal acts of corruption that are parallel with the crime of money laundering is in accordance with the spirit of returning the proceeds of corruption [14]+. It can be concluded from the opinion of the experts that the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering can be implemented because the perpetrators of criminal acts of corruption will try to hide the assets and flow the funds obtained through the banking or non-banking system.

While the opinions of legal practitioners, former head of the Reporting Center for Financial Transaction Analysis, Muhammad Yusuf and Yunus Husein, they asked the Corruption Eradiction Commision of Indonesia to implement Law Number 8 of 2010 concerning the revention and Eradication of Money Laundering in handling corruption cases. Furthermore, Muhammad Yusuf said that Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering makes it easier to prove the wrongdoers of corruption. Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering gives the effect of justice because the bribe and the bribed party can be legally processed. Muhammad Yusuf stated that the use of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering can accelerate the return of corrupted assets because in the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering it allows for temporary suspension of transactions, transaction delays, blocking, and does not need the permission of the governor of Bank Indonesia because there are exceptions to bank secrecy [15]. The same thing was conveyed by Yunus Husein who stated that the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering had further reached to uncover corrupt practices through asset tracing [16]. From the opinion of the legal practitioner, it can be concluded that the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering makes it easier to carry out asset tracing assets of criminal acts of corruption and can also ensnare more people who enjoy the assets resulting from corruption.

It should be understood that the results of crime are "life-blood of crime" which means that the results of the crime are the "blood flow" that supports the crime and at the same time become the weakest point in the chain of crime so that it is easily detected. Efforts to cut this link are carried out by seizing and seizing the proceeds of crime. Besides being relatively easy to do, it will also eliminate the motivation of the offender to commit the crime again because the perpetrator's goal to enjoy the results of his crime will be hindered [17].

Based on this background and problems, the author is interested in discussing further about how to apply follow the money approach to legal instruments for money laundering to make effective asset recovery of corruption.

2. Legal Research

This type of research uses normative legal research, legal research conducted based on laws and regulations and library materials, known as secondary materials. Related to this type of research, the approach used is the law approach and conceptual approach [18]. This approach is carried out by reviewing Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes and Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption, which is related to the problem that is happening is discussed in this study.

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[9] Eddy O.S Hiariej, 2013, Return of Crime Assets, Journal of Opinion Juris Vol. 13, p. 2

[10] Aliyth Prakasa and Rena Yulia, 2017, Asset Recovery Model as an Alternative to Restoring State Losses in Corruption, Journal of Legal Proris, Vol. 6 No. 1, p. 44

[11] https://www.hukumonline.com/berita/baca/hol12317/hunting-aset-corruptor-with-dispersing-training-washing-money/, accessed on 3-02-2019.

[12] *Ibid.*

[13] Suhartoyo, 2019, Arguments of Proof Burden Reversal, Jakarta: Raja Grafindo, p. 96.

[14] Marwan Effendy, 2012, Capita Selekta of Criminal Law: Developments and Actual Issues in Financial Crimes and Corruption, Jakarta: Reference, p. 67.

[15] http://ditjenpp.kemenkumham.go.id/kilas-berita-perkembangan-peraturan-perundang-angan/2160-kpk-diminta- use-uu-anti-pencucian-uang.html, Accessed Date 13-03-2019.

[16] https: // anticorruption accessed on 13-03-2019..org / en / news / uu-money-laundering-can-trap-corruptors, accessed on 13-03-2019.

[17] Yunus Husein, 2007, Bunga Rampai of Anti Money Laundering, Bandung: Terrace & Library, Pg. 289.

[18] Peter Mahmud Marzuki, 2014. Legal Research-Revised Edition, Kencana Prenada Media Group, Jakarta, p. 93-95.

3. Discussion and research result

Implementation of Follow the Money Approach in Money Laundering Legal Instruments for Effective Asset Recovery in Corruption

In the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering, there are at least 3 possible processes of proof of the money laundering including [19]:

a. Money laundering is proven after the predicate crime, is decided by the court (*inkrach*).
b. Money laundering is proven together, combining it with predicate criminal cases.
c. Money laundering is proven without prior proof, the predicate criminal act is by the money laundering.

It can be seen from the three possible processes of proof of money laundering above as follows: in point (a), Money laundering is processed after the predicate criminal act, gets an inkrach decision, point (b) the handling of the money laundering is carried out by combining the predicate criminal case, if related to this study, the handling of money laundering is carried out simultaneously with corruption, and point (c) Money laundering is proven without first proving the predicate criminal act or money laundering as an independent crime. The point an approach is the follow the suspect approach while the points (b) and (c) approaches are the follow the money approach, in which to process the money laundering it is not necessary to obtain a court decision that has a permanent legal force on the predicate criminal case in order to be able to process a money laundering case.

The system or mechanism of law enforcement for money laundering is different from conventional law enforcement. Disclosure of criminal acts and perpetrators of money laundering crimes is more focused on tracking follow the money or financial transactions. In other words, tracking the flow of funds through financial transactions is the easiest way to find the type of crime, perpetrators of crime, and the place where the proceeds of crime are hidden or disguised.[20]

The Junior Attorney General for Special Crimes of the Republic of Indonesia issued Letter No. B-2107 / F / Fd.1 / 10/2011, on 11 October 2011, concerning the investigation of money laundering cases with criminal offenses in the form of corruption. The contents of these provisions include:

1. Investigation of the money laundering is carried out if it finds sufficient preliminary evidence when conducting an investigation of a criminal offense as long as it is in accordance with the authority.
2. The Prosecutor's Office as an investigator of a criminal act of corruption, if he finds a Corruption Eradication Commission, the investigation is combined. Provisions for combining the investigation of corruption as predicate crime with money laundering investigation in accordance with Article 75 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering Law.
3. Money laundering whose predicate crime is unknown but indicates the involvement of state administrators and state finances. Prosecutors' investigations can directly investigate Money laundering without investigating corruption.
4. If the investigation is proceeding, it is known that the predicate crime is not a criminal act of corruption, the Prosecutor's Investigator can delegate it to the authorized investigator.
5. If the Prosecutor's Office investigates corruption and money laundering, all articles of the investigation suspicion shall be included in the Investigation Order and other Warrants related to the investigation and notification to the Reporting Center for Financial Transaction Analysis.

Based on the Letter of the Deputy Attorney General for Special Crimes of the Republic of Indonesia Number B-2107 / F / Fd.1 / 10/2011, the first point explains that to be able to carry out an investigation of the money laundering with criminal acts of origin of corruption after sufficient preliminary evidence. The second point of money laundering investigation by the prosecutor's office can be combined with the investigation of predicate criminal acts (criminal acts of corruption). The third point is the follow the money approach in handling money laundering because the point is that formulating a Prosecutor's Investigation can conduct an investigation regarding the indication of involvement of state administrators and state finances so that the Prosecutor's investigator can conduct an investigation directly without having to wait for the criminal prosecution of his predicate crime (corruption). The fourth point is closely related to the third point because, on the third point, the Prosecutor's Investigation can conduct an investigation of the money laundering even though the predicate criminal act has not been convicted so that if in the course of the Investigator finds the money laundering but not from a criminal act of corruption, the Prosecutor's Investigator can delegate it to the Investigator from the agency other authorities.

The Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering can be maximized because in the money laundering Law there is a follow the money approach. The follow the money approach prioritizes finding money or assets as a result of crime compared to finding perpetrators. After the results of a criminal offense are obtained through a financial transaction analysis (financial analysis) then the culprit is searched and the criminal act committed [21].

It needs to be understood beforehand that the crime of money laundering is a crime that is very dependent on the predicate crime as a further criminal act that begins with the predicate crime. However, money laundering is a criminal act which stands by itself (*as separate crime*). In the provisions of Article 2 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering, it shows that assets constitute an element in a money laundering crime originating from crime as a formulation of Article 2 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering.

[19] Muh. Afdal Yanuar, 2019, Discourse Between the Standing of Money Laundering as an Independent Crime After the Constitutional Court Ruling, Number 90 / PUU-XIII / 2015, Journal of Constitution Vol. 16 No. 4, p. 726.

[20] Budi Handoyo, 2017, Money Laundering Mechanisms in banking, At-Tasyri Vol. 9 No. 2, p. 209.

[21] Education and Training for the Establishment of a Prosecutor, 2019, the Money Laundering Crime Module, Attorney Training Agency of the Republic of Indonesia, Jakarta, p. 16

In handling money laundering the predicate crime does not have to be proven first, this is based on Article 69 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering:

"To be able to carry out investigations, prosecutions, and examinations in court hearings against the crime of money laundering, it is not mandatory to prove the predicate criminal offense".

Muh. Afdal Yanuar states that the meaning of money laundering as an independent crime as referred to in Article 69 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering does not mean that there is no predicate criminal offense over the occurrence of the money laundering but rather because the perpetrators (materiele dader) of criminal acts provided the unknown or no whereabouts are found. However, assets that are suspected to originate from criminal offenses are controlled by other parties, the flow of funds comes from the origin of the perpetrators and is identified by law enforcement. So, those other parties can be charged with money laundering without having to wait for the legal process of the predicate criminal offender [22].

R. Wiyono states that what is meant by "does not have to be proven first" in that article is not obligatory to be proven by a court decision that already has permanent legal force or inkrach [23]. Muh. Afdal Yanuar said that the phrase "is not obligatory to always be proven first" has the intention to be able to carry out investigations, prosecutions, and hearings in a court of law against the money laundering not obliged to prove the predicate criminal act first with a decision that has a permanent legal force (*inkrach*) [24]. It is not necessary to prove it first, it does not need to be proven at all, but the money laundering does not wait a long time until the original case is decided and obtains permanent legal force [25].

It should be understood that since 1986, the money laundering is a separate crime from predicate criminal offenses or independent crime [26]. Historically, the birth of Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering has been determined from the beginning that money laundering is an independent crime. In the Academic Paper of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering, it is also explained that there are fears of unproven crime as long as it does not affect the legal process of the money laundering case because the nature of the money laundering is a case that stands on its own [27].

This was confirmed again by the Constitutional Court Decision Number 77 / PUU-XII / 2014 proposed by Akil Muchtar. In the Constitutional Court Decision Number 77 / PUU-XII / 2014 dated 15 December 2014, one of the decisions stated that in proving money laundering, it is not necessary to prove the predicate criminal act first [28]. This is in accordance with the formulation of Article 69 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering which confirms that the money laundering is a criminal act that stands by itself. This is confirmed again in the legal considerations contained in the decision of the Constitutional Court Number 77 / PUU-XII / 2014, that what is meant by "does not have to be proven first" in the relevant article is that it is not mandatory to prove a court decision that has legal force permanent.

Regarding criminal procedural law in the process of handling money laundering at the level of Investigation, Prosecution and Examination in the trial of procedural law used is as stipulated in the Criminal Procedure Code and the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering. This is confirmed in Article 68 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering as follows [29]:

"Investigations, prosecutions, and hearings in court hearings and enforcement of decisions that have obtained permanent legal force over criminal offenses as referred to in this Law are performed in accordance with statutory provisions unless otherwise stipulated in this Law".

Pursuant to Article 68 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering that formal criminal law used in conducting money laundering legal processes, both at the level of investigation, prosecution, and examination in court, still refers to the Criminal Procedure Code and several rules that have specificity referring to the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering.

To handle money laundering, the most important thing is sufficient preliminary evidence. The terminology of preliminary evidence can be found in the Criminal Procedure Code. In Article 1 number 14 of the Criminal Procedure Code, it is stated that a suspect is a person who due to his actions or circumstances, based on preliminary evidence that is reasonably suspected of being the perpetrators of a criminal offense [30].

Article 1 number 14 of the Criminal Procedure Code mentions the term "preliminary evidence" when defining a suspect, in which the suspect is a person who due to his actions or because of his condition is based on preliminary evidence that is reasonably suspected of being a criminal offender. Therefore Article 1 point 14 of the Criminal Procedure Code does not provide a definition of preliminary evidence. However, from the provisions of Article 1 number 14 of the Criminal Procedure Code, at least it can be seen that the status of the suspect is based on the existence of preliminary evidence while the extent to which the preliminary evidence is used to determine the suspect is not found at all in Article 1 number 14 of the Criminal Procedure Code [31].

Furthermore, Article 17 of the Criminal Procedure Code states that: "an arrest warrant is carried out against a person suspected of committing a crime based on sufficient preliminary evidence" [32] In the explanation, it is stated that "sufficient preliminary evidence" is preliminary evidence to suspect the existence of crime in accordance with the sound

[22] Muh. Afdal Yanuar, *Op.Cit., p*. 728.
[23] Academic Paper on the Money Laundering Bill, 2006, p. 57.
[24] Muh. Afdal Yanuar, *Op.Cit.*, p. 726.
[25] *Ibid.*, p. 734.
[26] The National Money Laundering Strategy for September, 1999, United States p. 5 & 15
[27] Academic Manuscript, *Op.,Cit*, p. 57
[28] Junaidi Muhammad, 2018, Separation of Money Laundering Investigations from Corruption Crimes as Predicate Crimes, USU Law Journal, p. 146.
[29] See, Explanation of Article 68 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.
[30] See, Explanation of Article 1 number 14 of the Criminal Procedure Code.
[31] Yudi Kritiana 2015, Eradication of the Crime of Money Laundering Perspective of Progressive Law, Yogyakarta: Thafa Media, p. 207.
[32] See, Explanation of Article 17 of the Criminal Procedure Code.

of article 1 number 14 of the Criminal Procedure Code. So this article determines that an arrest order cannot be carried out arbitrarily but is directed at those who commit a criminal offense. Thus, the term sufficient initial evidence itself has no definition because it is limited to its use, which can be used as a means of determining an arrest order so that the arrest is not carried out arbitrarily [33].

P.A.F Lamintang stated practically the phrase "sufficient preliminary evidence" in the formulation of Article 17 of the Criminal Procedure Code must be interpreted as minimal evidence in the form of evidence as referred to in Article 184 Paragraph (1) of the Criminal Procedure Code [34]. M. Yahya Harahap states that if we examine the meaning of "sufficient preliminary evidence", the understanding is almost the same as that formulated in Article 183 of the Criminal Procedure Code [35], which must be based on the principle of a minimum limit of proof consisting of at least 2 pieces of evidence consisting of two witnesses or one witness plus other evidence [36]. H.M.A Kuffal said that what is meant by "sufficient preliminary evidence" is the same as valid evidence, whereas sufficient evidence according to the Criminal Procedure Code is the same as the minimum evidence as regulated in Article 183 and Article 184 of the Criminal Procedure Code [37].

Based on the opinions of the legal experts, the authors conclude that what is meant by "sufficient preliminary evidence" is the same as the minimum evidence contained in the Criminal Procedure Code or equal to at least two valid proofs, both in terms of two valid legal pieces of evidences, for example two witnesses, and evidence that is not the same as for example one witness statement plus other evidence such as letters. So, it can be concluded that the investigator can only conduct an investigation after obtaining at least two valid pieces of evidences. In addition, Article 73 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering regulates legal evidence in money laundering cases, namely the evidence contained in the Criminal Procedure Code and electronic evidence.

Regarding the preliminary evidence in the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering, Article 75 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering also does not explain what is meant by the adequate preliminary evidence. Article 75 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering only regulates sufficient preliminary evidence to be used as a condition for merging cases between the money laundering investigation and an predicate crime. The formulation is as follows [38]:

"In the event that the investigator finds sufficient preliminary evidence of the occurrence of a money laundering and predicate crime, the investigator combines the investigation of the predicate crime with an Investigation of the money laundering crime and notifies the Reporting Center for Financial Transaction Analysis".

In addition to being found in Article 75 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering, sufficient initial evidence can also be found in the explanation of Article 74 of the Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering as follows [39]:

"Originally criminal investigators can investigate money laundering crimes if they find sufficient preliminary evidence of the occurrence of a money laundering crime when conducting an investigation of an predicate crime in accordance with their authority".

According to Yudi Kristiana, the initial evidence of the money laundering does not only mean that it is narrowed down to the beginning of the money laundering with a criminal act of corruption that is being investigated, but it can be interpreted that the sufficient initial evidence originates from another criminal act of corruption. Yudi Kristiana further added that for investigators / Prosecutors' investigators if they find preliminary evidence that according to their opinions and subjective beliefs find preliminary evidence that is considered sufficient about the occurrence of money launderings can conduct money laundering investigations [40].

The results of the analysis and the results of the Financial Transaction Analysis Reporting Center examination on suspicious transactions can be used as evidence for the onset of money laundering. It's just, according to Yudi Kristiana, whether the preliminary evidence by the Prosecutor's investigator is considered as sufficient preliminary evidence. This is important because after all the investigator must be able to predict the possibility of getting other evidence support before deciding to improve the case and start conducting a money laundering investigation. If the investigator believes that the results of the analysis and the results of the Financial Transaction Analysis Reporting Center examination are sufficient as preliminary evidence with all the calculations, then an investigation can be conducted. This means that the analysis results and the Financial Transaction Analysis Reporting Center examination results can be used as preliminary evidence [41].

4. Conclusion

The Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering can be implemented to make effective asset recovery of criminal acts of corruption because only by moving the proceeds of corruption from one place to another can already be called a money laundering crime. Moreover, if the money from the corruption act is handed over to other parties, it is stored in the banking system, buying valuables or carrying out other activities that cause the proceedings of crime to be out of shape as before. In order to process the money laundering, it is not mandatory to prove a criminal act of corruption through a court decision that has permanent legal force (*inkrach*). The Law Number 8 of 2010 concerning the Revention and Eradication of Money Laundering is easier to apply because using the follow the money approach is to

[33] Yudi Kristiana, Eradication of Money Laundering Crime, Op. Cit, p. 208.
[34] P.A.F Lamintang, 2010, Discussion of KUHAP, Jakarta: Sinar Grafika, p. 113.
[35] See, Explanation of Article 183 of the Criminal Procedure Code.
[36] M. Yahya Harahap, 2007, Changes to the Problems and Implementation of the Criminal Procedure Code, Investigations and Prosecutions, Jakarta: Sinar Grafika, P. 158.
[37] H.M.A Kuffal, 2007, Implementation of KUHAP in Law Practice, Malang: Muhammadiyah University of Malang Press, P. 28
[38] See, Article 75 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.
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[40] Yudi Kristiana, Eradication of Money Laundering Crime, Op. Cit, Pg. 208.
[41] *Ibid*,. p. 208.

prioritize seeking money or assets resulting from criminal acts rather than looking for perpetrators. The follow the money approach will be very effective if it is applied to hunt down the assets of perpetrators from corruption because the perpetrators must hide or disguise the proceeds of corruption, both using the banking and non-banking system. The assets of the criminal act of corruption can be identified through an analysis of financial transactions (financial analysis) by the Reporting Center for Financial Transaction Analysis and then it is sought who the culprit is and what the predicate crime is. To process a money laundering, the investigator needs sufficient preliminary evidence. The results of the analysis and the results of the Reporting Center for Financial Transaction Analysis examination on suspicious transactions can be used as evidence for the beginning of the money laundering and subsequently, an investigation is conducted to find evidence of the existence of the money laundering. Then it is submitted to the prosecution and hearing stages of the court.

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