



Habitus of Money Laundering Practices in Indonesia: Triangle Symbiotic Mutualism of 'Politicians-Professionals-Entrepreneurs

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Money Laundering

Money Laundering is a term that is able to link three things at once, namely Bureaucrats, Professionals and Businessmen. The three of them are interconnected and work together in practice. The money laundering act is part of a dirty strategy of political actors who want to secure assets of state wealth plunder so that it is difficult to detect by existing legal instruments.

In practice, it must be admitted that law enforcement still faces difficulties in prevention as well as enforcement. This is due to the mutual symbiotic collaboration of mutualism which is 'Politician-Professional-Businessman'.



Money Laundering

Reported from the journal.kpk.go.id that:

"Activities carried out to search for and find assets, by tracking assets owned by suspects, defendants, convicts and other related parties that are suspected as the result of means of committing criminal acts of corruption and or money laundering."

https://jurnal.kpk.go.id/Dokumen/SEMINAR_ROADSHOW/Korupsi-dan-pencucian-uang-sbg-rangkaian-kejahatan-luar-biasa-abdul-basir.pdf

Money Laundering

Money laundering practices were first carried out on money obtained from:



The liquor trade traffic



Narcotics, and the like

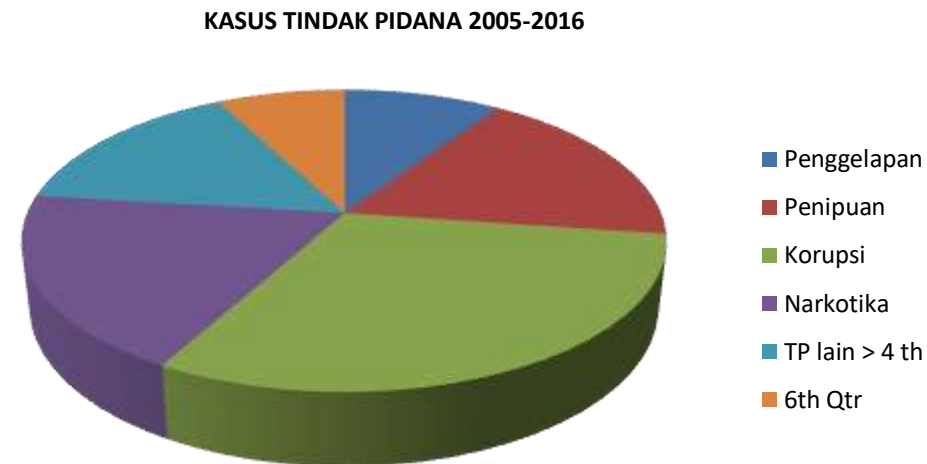
Money Laundering

The practice of money laundering is often a way for politicians, professionals, and business people to capture wealth funds without having to use transactions with the original Rupiah.



Money Laundering

Based on the results of the PPATK data register, it is known that since the 2005 to.d. In December 2016 there were 189 Money Laundering cases that had been decided by the court, with the predominant criminal acts being Corruption, 52 decisions (29%), Narcotics 32 decisions (19%), Fraud 30 decisions (17%), as illustrated in the following chart:



The graph shows that corruption has the highest percentage of crimes committed in 2005-2016. (Data refer to PPATK, accessed on December 1, 2018).

Global Money Laundering

Reporting from the PPATK website accessed on December 1, 2018 states that: "Global money laundering is estimated to reach around USD 1 trillion to USD 2.5 trillion per year.

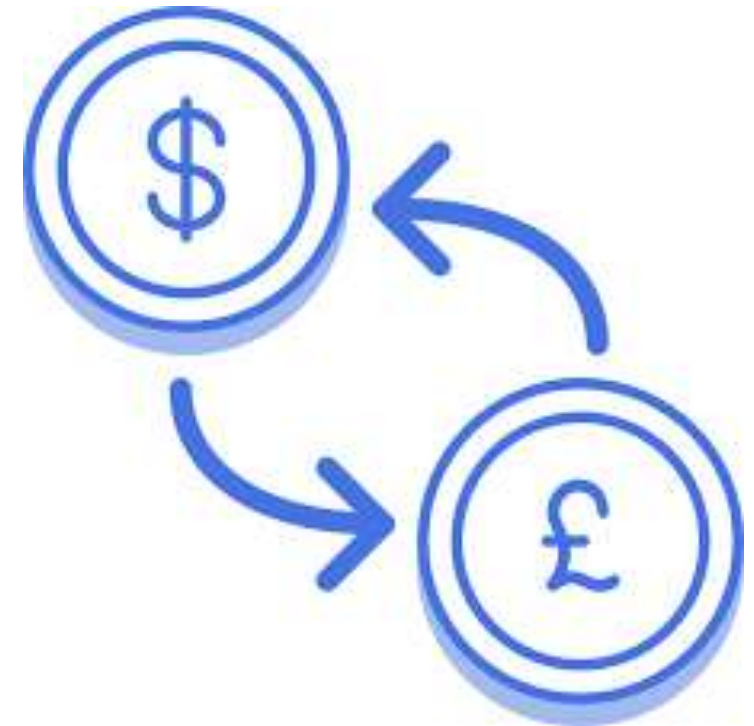
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Money Laundering Typology

APG Yearly Typologies Report "Method and Trends of Money Laundering and Terrorism Financing" explains that: "there are several typologies of money laundering based on the results of Asia Pacific Group (APG) research including Foreign Currency Exchange / Cash Conversion.

Diakses dari <http://www.apgml.org/methods-andtrends/page.aspx?p=a4a11dca-75f2-4dae-9c25-6215103e56da>



Lack of Money Laundering Supervision


There is no strong form of supervision through financial transactions aimed at money changers so as to minimize the amount of money exchanged.

Stockpiling wealth without having to be a source of fear for actors such as Politicians-Professional-Businessmen to launch a crime. So what happens, the practice of money laundering by the three links can run smoothly.



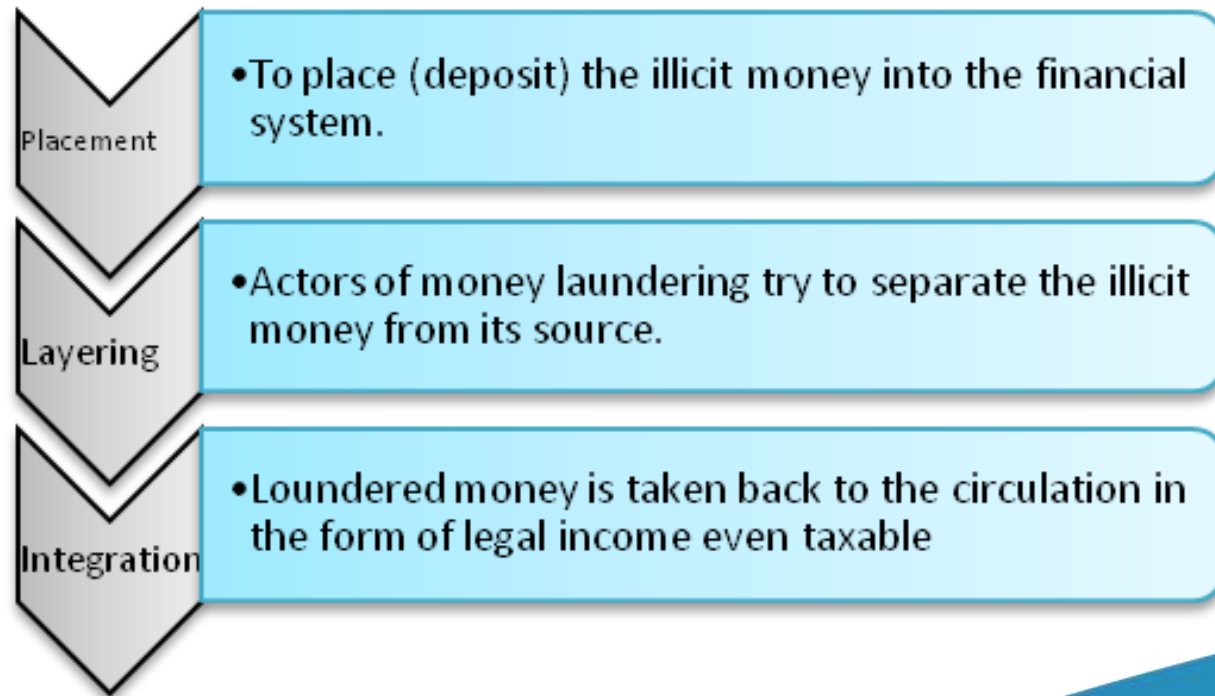
Background of Money Laundering Players

The symbiotic triangle of mutualism in question is to move or distance the perpetrators from crimes that produce proceeds of crime, separate the proceeds of crime from crimes committed, enjoy the proceeds of crime without suspicion of the perpetrators, and to re-invest the proceeds of crime for further acts of crime. into a legitimate business. So that they freely carry out their crimes without having to be suspected. **The process was carried out as a result of the collaboration between three variables namely Politicians-Professionals and Businessmen.**



Tahapan Money Laundering

The stages of money laundering according to (Sjahdeini, 2007: 33-37), that is:



Explaining the typology of the stages of money laundering, the explanation in the picture taken from the Financial Analysis and Transaction Reporting Center (PPATK) was accessed on December 1, 2018.

RESULT AND DISCUSSION

Habitus in Money Laundering Practices is a new style or 'tradition' of corruption with a model of securing assets or using money from corruption then processed into assets that are compromised by politicians, professionals and business people.

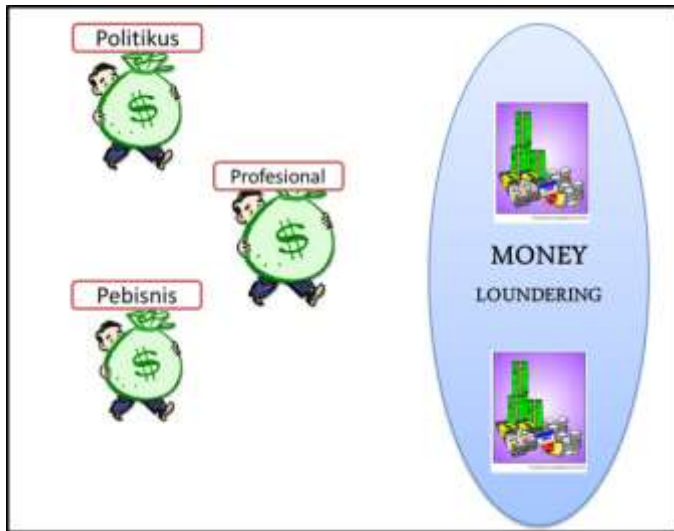
This habituation practices the process of laundering money obtained in a dirty way so that the money looks legal and becomes a property, even though the road used to make money is from illegal activities in the form of stealing, robbing, cheating, corruption, illegal business, and others.

Discussion

Habitus in Money Laundering Practices

Habitus has a form of "arena" in it. There are various arenas, like arenas

**Education,
Business arena,
Arena artists, and
Political arena.**




Politicians-Professionals-Businessmen are people born from higher education, mastery of the "arena" referred to by Boerdieu they have gained, hoarding wealth by carrying out money laundering practices into a new habitus in corrupt practices in Indonesia.

Discussion

Habitus in Money Laundering Practices

The essence of money laundering is to get money that is obtained by dirty making this money look legal and become property rights, even though the road used to get the money is from illegal activities obtained, robbing, challenging, corruption, illegal business, etc. .



Symbiotic Triangle of Political-Professional-Businessman Nualism

Based on the survey results, it is known that the 3 main characteristics of TPPU actions that are most understood by the public are

- Using funds / assets resulting from crime to purchase property assets,
- Keep funds / assets resulting from crime in a place that is not known by others, and
- Using funds / assets resulting from crime to buy motorized vehicles.

Whereas the 3 characteristics of an act "tend not to be well understood by the public are entrusting / empowering funds / assets resulting from crime to **Professional services such as: consultant services, notary public, etc.** Using funds / assets from proceeds of crime to buy insurance policies, and Using funds / assets from proceeds of crime to buy auction products. “

The biggest obstacle in law enforcement regarding money laundering is regarding the evidentiary matter that must be done by the Prosecutor.

Habitus Dalam Praktik Money Laundering

In recommendation 12 and recommendation 16 of the FATF (Financial Action Task Force) on Money Laundering has classified the reporting party into 3 categories, namely financial institutions, non-financial institutions, and professions (including legal professions). Therefore, it can be understood that the international world actually requires the legal professions to be reported as parties to suspicious financial actions. At the same time, PP Number 43 Year 2015, **one of them** the Advocate profession is classified as a reporting party required to submit suspicious financial transaction reports to the PPATK. This is intended to separate the Advocates from money laundering.

The FATF was established by countries that joined the G-7 group in Paris in 1989 consisting of Canada, France, Germany, Italy, Japan, Britain and the United States.

The Advocate's Dilemma

After the issuance of PP No. 43 of 2015 concerning the Reporting Parties in the Prevention and Eradication of the Crime of Washing, this creates obstacles for the professions. In PP No. 43 of 2015, one of the Advocate professions is classified as a reporting party that is required to submit suspicious financial transaction reports to PPATK. The enactment of this PP resulted in the existence of a professional obligation to report to the PPATK related to suspicious financial transactions for the sake of interest or for and on behalf of the User as stated in Article 3 and Article 8 paragraph (1). **The results of criminal offenses by way of protection behind the provisions of the confidentiality of professional relations with service users are regulated in accordance with statutory provisions.**

Closing

Money laundering is still an interesting problem for the world community. The process of transferring funds from proceeds of crime from one country to another and the process of laundering dirty money through placement in the economic system has raised serious problems both nationally and internationally.

Politicians-Professionals-Businessmen in Indonesia are able to carry out money laundering practices smoothly, without being caught up in serious punishment. They are able to master the washing stage in Indonesia.

One of the factors driving the rise of money laundering even though it has been regulated in Law Number 8 of 2010 in detail regarding the problem of preventing and eradicating money laundering is still rampant, colliding with the existence of legal provisions stating that the relationship of lawyers or advocates with clients is a relationship confidentiality that must not be disclosed.

Thank you

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