OPTIMIZING THE DIRECTOR GENERAL OF CUSTOMS SUPERVISION OF CRIMINAL ACTS MONEY LAUNDERING IN THE EFFORT TO RESCUE STATE ASSETS

Yasmirah Mandasari Saragih, Redyanto Sidi*, Muhammad Mahendra Maskhur Sinaga
Master of Health Law Department, Universitas Pembangunan Panca Budi, Indonesia
*Corresponding author: redysidi.unpab@gmail.com

ABSTRACT

Money laundering crimes (TPPU) are increasingly complex, crossing jurisdictional boundaries, using increasingly varied modes. ML has penetrated into various sectors, so that it can threaten the integrity and stability of the financial system and the economy, as well as endanger the foundations of social, national and state life. The Directorate General of Customs and Excise (DJBC) is an institution that is responsible for carrying out customs supervision of the flow of money and/or other payment instruments into and out of Indonesia's customs areas. This study aims to describe and analyze the regulatory dimensions of policies in controlling cash and/or other payment instruments whose implementation is borne by DJBC. This research uses a type of normative legal research method with a qualitative descriptive approach. The results of the study show that DGCE's policy in supervising the carrying of cash is based on 2 (two) dimensions of different laws and regulations. First, the dimensions of prevention, monitoring and supervision of the potential of ML. Second, the dimension of the manifestation of Bank Indonesia's authority to request information and data regarding foreign exchange activities that cross national borders. The DGCE's role is increasingly important and strategic in overseeing the transfer of cash and/or other payment instruments to and from the territory of the Unitary Republic of Indonesia in order to prevent and eradicate money laundering crimes.

Keywords: Supervision, Crime, Money laundering

INTRODUCTION

The development of science and technology is like a double-edged sword, on the one hand it provides extraordinary benefits to the economy and business, on the other hand it increases the risk of irregularities in the use of this technology for evil purposes (Husein, 2006). Several types of crimes in the economic field that take advantage of technological sophistication and information, including fictitious L/C issuance; the crime of attacking the security of banking information systems; credit card theft; breaking into accounts through automated teller machines (ATMs); crimes through counterfeiting of securities (bonds and mutual funds) and foreign currency; and money laundering (Kurniawan, 2012).

Money laundering is one of the most dominant and widely used types of crime (modus), especially financial instruments offered by the banking sector (Yani, 2013). The problem of money laundering has attracted much attention from the international community due to its dimensions and implications that violate national borders. Money laundering is a type of crime that is worldwide and is part of organized crime (Amrullah, 2003). Money laundering has caught the attention of the international community due to its dimensions and implications that violate national boundaries.

Indonesia is suspected of being a haven for money laundering, because Indonesia adheres to a free foreign exchange regime, bank secrecy is still very strict, and the level of corruption always ranks high (Trinugroho, 2004). Based on PPATK data for 2019, there were 404 ML cases that had been decided by the courts from January 2005 to. June 2019 with a maximum sentence of life imprisonment and a maximum fine of IDR 32 billion (PPATK, 2019). During this period, most of the court decisions related to money laundering

offenses were decided by the courts (including the District/Tipikor Court, the High Court, and/or the Supreme Court) in the DKI Jakarta area as many as 140 decisions or 34.7 percent. The court's decision regarding ML is a maximum sentence of life imprisonment and a maximum fine of IDR 32 billion.

The crime of money laundering (TPPU) not only threatens economic stability and financial system integrity, but can also endanger the foundations of social, national and state life, based on Pancasila and the 1945 Constitution of the Republic of Indonesia, so that the Government of Indonesia through the Law -Law Number 8 of 2010 regulates the prevention and eradication of money laundering crimes. Law Number 8 of 2010 is a substitute for Law Number 15 of 2002 concerning the Crime of Money Laundering, which is deemed necessary to be adapted to developments in law enforcement needs, practices and international standards. Law Number 15 of 2002 was only issued to comply with the wishes of international countries, so it is still not perfect and it is suspected that it still contains many weaknesses.

Determination of the amount of fines and the mechanism for depositing it in the state treasury is harmonized with the norms that apply in other laws and regulations related to carrying cash, including Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (TPPU) and Government Regulation Number 99 of 2016 concerning Bringing Cash and/or Other Payment Instruments Into or Outside the Indonesian Customs Area. Based on this, the amount of fines imposed on people (individuals or corporations) who do not have permits and approvals is 10% (ten percent) of the total amount of foreign banknotes brought with a maximum fine of IDR 300 million. Sanctions in the form of fines will also be imposed on Permitted Agencies that carry foreign banknotes in an amount exceeding the approval of Bank Indonesia's foreign banknotes, amounting to 10% (ten percent) of the excess amount of foreign banknotes carried with a maximum fine of IDR 300 million.

In order to maintain and maintain the stability of the value of the rupiah, as well as supervise the circulation of money, the Governor of Bank Indonesia through Bank Indonesia Regulation Number 20/2/PBI/2018 regulates the carriage of foreign banknotes into and out of the Indonesian Customs Area. Bank Indonesia Regulation Number 20/2/PBI/2018 amends several provisions in Bank Indonesia Regulation Number 19/7/PBI/2017 regarding bringing foreign banknotes into and out of the Indonesian Customs Area, which are related to the application of sanctions for violations of the PBI regarding the carrying of banknotes foreigners (UKA). Previously, what was regulated was only in the form of prevention of carrying foreign banknotes and after the provisions were amended, it became an obligation to pay sanctions (fine).

Since September 3, 2018, the policy of imposing sanctions on any person or corporation carrying foreign banknotes with a value equivalent to or more than IDR 1 billion has been enforced. The said sanctions are exempted for Permitted Bodies, namely banks and organizers of Non-Bank Foreign Exchange Business Activities (KUPVA) that have obtained permits and approval from Bank Indonesia.

Carrying cash and/or other payment instruments is a mode of carrying out an attempt to obscure the origin of assets originating from criminal acts. Regulations for carrying foreign banknotes are not a foreign exchange control policy. This policy emphasizes regulating the traffic of carrying foreign cash in cash. For Indonesian Citizens (WNI) and Foreign Citizens (WNA) who need to carry foreign currency above the threshold for carrying foreign banknotes, they can still do so in cashless. It is hoped that the implementation of the

provisions for carrying foreign banknotes will support the effectiveness of monetary policy, particularly in maintaining rupiah stability. Sutedi explained the importance of controlling the carrying of cash into and/or outside the Indonesian Customs Area, not only in the context of maintaining the stability of the rupiah exchange rate and preventing internationalization of the rupiah currency, but very important in the context of preventing and eradicating money laundering crimes (Sutedi, 2008).

Ayu's research results show that in order to eradicate money laundering, there are 2 (two) institutions, namely the Directorate General of Customs and Excise (DJBC) and the Financial Transaction Analysis Reporting Center (PPATK) have the authority to follow up on perpetrators who do not carry out reports of carrying cash, because DJBC and PPATK are the main focus is on preventing perpetrators from bringing cash into and out of the country, as stipulated in the Money Laundering Law, and in terms of prevention perpetrators are required to carry out and notify reports of carrying cash not exceeding IDR 100,000,000.00 so as not to be subject to criminal sanctions and administrative sanctions and prevent engineered finance (Ayu, 2018).

One of DGCE's duties is to oversee the borders of Indonesia's territory with other countries, especially for the export or import of goods to/from outside the territory of Indonesia. In carrying out its supervisory duties, DGCE performs one of its roles as a community protector, which is to provide protection to the community from prohibited or restricted goods that can cause disruption to health and safety as well as morality (Ministry of Finance, 2019). The role of community protector is reflected in one of the supervisory duties on goods that are determined by ministries/technical agencies as prohibited or export-restricted goods.

Customs and Excise officials carry out supervision of bringing cash and/or other payment instruments into or out of the Customs Area, as stated in Article 2 paragraph (1) of Minister of Finance Regulation Number 100/PMK.04/2018 concerning Amendments to Minister of Finance Regulation Number 157 /PMK.04/2017 Concerning Procedures for Notification and Supervision, Suspicious Indicators, Carrying Cash and/or Other Payment Instruments, as well as the Imposition of Administrative Sanctions and Deposits to the State Treasury. The challenges faced by DGCE in supervising the entry and exit of cash and/or other payment instruments into or out of the Indonesian Customs Area in accordance with the applicable provisions are quite difficult to do, considering that the object of supervision, namely cash in the form of rupiah and foreign banknotes, has different dimensions of interest but equally urgency.

Based on these conditions, this study aims to examine and analyze the regulatory dimensions of policies in controlling cash and/or other payment instruments whose implementation is borne by DJBC. This research is expected to provide theoretical benefits as a contribution to scientific literature and information to understand, explore, and develop insights and knowledge regarding the scope of duties, functions, and authorities of DGCE in supervising the carrying of cash and/or other payment instruments into or out of Indonesian Customs Area. The practical benefits of the results of this research are as a paradigm of thinking and a frame of reference for legal practitioners and legislatures to formulate appropriate and efficient policies, in order to form a legal construction for controlling cash flow properly and effectively as a measure to prevent and eradicate money laundering offences.

Problem Formulation

Based on the description above, the problems that can be drawn in this study are:

1. What are the arrangements for Optimizing Customs Oversight of Money Laundering Crimes in the Perspective of UUTPU?
2. What are the arrangements for Optimizing Customs Oversight of Money Laundering Crimes in the Regulations of Banking Laws?

METHODS

1. Type of Research This research uses normative law research method. According to (Fajar and Achmad, 2017), normative legal research is research that has an object of study on legal norms or rules. The author's reason for using normative legal research is because this research is based on written legal materials relating to supervision in carrying cash and/or other payment instruments, in connection with the prevention and eradication of money laundering crimes. In analyzing the research results, the authors used a qualitative descriptive approach to present an overview of the regulatory dimensions of DGCE policies in supervising cash and/or other payment instruments brought into and out of the Customs Area.

2. Data Source Data is the most important thing in a research. The main data source in the normative juridical research method is secondary data obtained through library research. In this study, secondary data sources are divided into 3 (three) legal materials, as follows:
a. Primary legal materials. Primary legal material is legal material that is authoritative in the form of statutory regulations. This study examines and analyzes the various purposes and meanings contained in:
1) Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs.
2) Law Number 6 of 2009 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2008 concerning the Second Amendment to Law Number 23 of 1999 concerning Bank Indonesia to Become Law.
3) Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.
4) Bank Indonesia Regulation Number 20/2/PBI/2018 concerning Amendments to Bank Indonesia Regulation Number 19/7/PBI/2017 concerning Carriage of Foreign Banknotes Into and Outside the Indonesian Customs Area.

b. Secondary legal materials. Secondary legal material consists of evidence, records, or historical reports that have been compiled in published and unpublished archives (documentary data), including legal opinions/doctrines/theories obtained from journals, textbooks, scientific papers, articles in magazines and web pages related to research.

c. Tertiary legal materials. Tertiary legal materials provide instructions and explanations of primary and secondary legal materials that the author obtains from dictionaries, encyclopedias, cumulative indexes, and other sources that support the object of research.

3. Data Collection Techniques
Data collection techniques need to be carried out with the aim of obtaining valid data in research. The author uses library and documentation techniques. Library techniques are very important in conducting research, this is because research cannot be separated from scientific literature (Sugiyono, 2012), while documentation techniques are methods of collecting data by searching or digging up data from literature related to what is meant in the problem formulation. The data that has been obtained from various literature is collected as a single document that is used to answer the problems that have been formulated.

RESULTS AND DISCUSSION

Arrangements for Supervision of the Directorate General of Customs and Excise Against Money Laundering Crimes Based on the TPPU Law

After the tragedy of the September 11, 2001 attacks (9/11 attacks), the FATF has issued the 9th Special Recommendation (SR-IX) which later became the 32nd of the 40 FATF Recommendations. This recommendation was issued with the aim that countries/jurisdictions have 5 (five) steps in strengthening the Anti Money Laundering and Counter Financing of Terrorism regime, among others to detect the physical transfer of cash and other payment instruments across borders; stop or withhold cash and/or other payment instruments suspected of being linked to terrorism financing or money laundering and to apply appropriate sanctions for false notifications.

In point 60 of International Best Practices for the implementation of SR-IX, the FATF states that many UT and IPL that are disclosed will eventually be returned to the violators due to a lack of evidence linking cash and/or other payment instruments, the offender with the crime committed, resulting in an act of concealment, smuggling or its attempt to avoid the notification obligation deserves a separate criminal sanction.

Jahja (2012) argues that bringing cash and/or other payment instruments into or out of the Indonesian Customs Area is one of the means or modes of ML. Sutedi (2008) describes the modus operandi of ML in several ways, as follows:

1. Capital cooperation
   Cash proceeds from crime are taken abroad. The money goes back in the form of joint venture projects. Investment profits must be reinvested in various other businesses. The profits from these other businesses are enjoyed as clean money because it appears to have been processed legally, even being taxed.
2. Credit collateral
   Cash is smuggled out of the country, then stored in certain state banks whose banking procedures are relatively lenient. From the bank it is transferred to the Bank of Switzerland in the form of a deposit. After that, a loan was made to a bank in Europe with the guarantee of the deposit. Money from credit is invested back into the origin of the illicit money.
3. Overseas travel
   Cash is transferred abroad through foreign banks in their countries. Then the money is disbursed again and brought back to its home country by a certain person. As if the money came from abroad.
4. Disguise domestic business
   Establishing an undercover company with proceeds of crime with the aim of making clean money, so that it doesn't matter if the company makes a profit or a loss.
5. Disguise gambling
   The money was used to set up a gambling business. It doesn't matter whether you win or lose, but it will appear that you have won, so there is a reason for the origin of the money. If in Indonesia there was still a lottery or something else like that, owners of illicit money could be offered winning numbers at a higher price. Thus, the money gives the impression to the person concerned as the winning result of the gambling activity.
6. Disguise documents
   The money physically doesn't go anywhere, but its existence is supported by various fake documents or those that are held, such as making double invoices in buying and selling and export-import, to give the impression that the money is the result of foreign activities.
7. Foreign loans
   Cash is taken abroad in various ways, then the money is put back as foreign loans. This seems to give the impression that the perpetrators are obtaining foreign credit

assistance.

8. Engineering foreign loans
   Physically, the proceeds of crime remain in the country, but documents are manipulated as if aid or loans were given from abroad.

The pattern of movement of money traffic related to the crime of money laundering is the proceeds of crime or dirty money that exists in legal jurisdictions crossing the border into clean money in other legal jurisdictions, after becoming clean, legal, legal money in other legal jurisdictions, it returns to entering crossing the border into the original legal jurisdiction, becomes legal money, as illustrated in figure 2 below:

Pursuant to Article 34 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, it stipulates that anyone who carries cash in rupiah and/or foreign currency, and/or other payment instruments in the form of checks, traveler's checks 100,000,000.00 (one hundred million rupiah) or an equivalent value into or outside the Indonesian customs area must notify DJBC.

The existence of Law 8/2010, apart from narrowing the space for the perpetrators of money laundering activities, is also expected to deter the perpetrators of money laundering activities. The principal provisions of ML listed in Law 8/2010, among others :

1. Regulations regarding penalties for perpetrators of money laundering crimes.
2. Any person who deliberately commits, assists, or conspires to commit money laundering activities may be subject to criminal prosecution and fines.
3. Arrangements regarding reporting obligations that must be carried out by financial institutions for suspicious financial transactions or financial transactions in the amount of IDR 500,000,000.00 (five hundred million rupiah). These negligence and obligations can be threatened with criminal sanctions and fines.
4. Establishment of PPATK as an independent institution to prevent and eradicate money laundering activities.
5. Obligation to report by financial institutions to PPATK on cash receipts of Rp. 500,000,000.00 (five hundred million rupiahs) or better in one receipt or several receipts. The financial reporting obligations include receiving payments, deposits, and transfers from other financial institutions or the safekeeping of funds that are known or reasonably suspected to have originated from criminal acts.
6. The obligation to report by DGCE to PPATK regarding cash in the amount of IDR 100,000,000.00 (one hundred million rupiah) or more brought by anyone, both from within and outside the territory of the Unitary State of the Republic of Indonesia.
7. It is the obligation of depositors (individuals or corporations) to submit their identity completely and correctly at the bank, including customers of mutual funds and securities companies.
8. Setting the authority of the PPATK in the process of investigation, investigation, prosecution and examination in court, including the possibility of carrying out bilateral and multilateral cooperation with other countries in these processes.
9. Arrangements for protection for reporters and witnesses.

DGCE is an institution that has a special role with regard to monitoring the bringing of cash and/or other payment instruments into or out of the Indonesian Customs Area (NRA Indonesia, 2015). If you do not notify the Customs officer that you will bring cash, then based on Article 35 of Law Number 8 of 2010 stipulates the imposition of an administrative sanction in the form of a fine of 10% (ten percent) of the total amount of cash and/or other payment instruments carried with a maximum amount of IDR 300,000,000.00 (three hundred million rupiah). Likewise, if a person has notified the carrying of cash and/or other

payment instruments, but the amount of cash and/or other payment instruments brought is greater than the amount notified, then an administrative sanction will be imposed in the form of a fine of 10% (ten percent). from the excess amount of cash and/or other payment instruments brought in a maximum amount of IDR 300,000,000.00 (three hundred million rupiah). The administrative sanction is taken directly from the cash brought and deposited into the state treasury by DJBC.

For the implementation of its supervision, DGCE is obliged to make a report regarding the carrying of cash and the imposition of administrative sanctions to be submitted to PPATK. Of course, the report submitted by DGCE will then become PPATK's analysis material. PPATK is a body with an intelligence function (Financial Intelligence Unit) for certain transactions and suspicious transactions, and the results of analysis of PPATK's intelligence work are then used as evidence.

Dimensions of Arrangements for Oversight of Money Laundering Crimes by the Director General of Customs and Excise based on the Bank Indonesia Law

The term money laundering was first used as a crime terminology in the United States in 1930, which refers to the actions of the mafia in processing the proceeds of their crimes to be mixed with legitimate businesses with the aim of making the dirty money clean or seen as money from legitimate business results (Noble and Golumbic, 1998).

Money laundering can be carried out using a wide variety of modus operandi, from depositing money in a bank to buying luxury houses or stocks. Money laundering is carried out for various purposes, including:

1. Hiding money or assets obtained from crimes, with the aim that the money or assets are not legally disputed and are not confiscated by the authorities or also so that many people are not suspected.
2. Avoiding investigations and/or lawsuits. The perpetrators of crime want to get their own money/wealth resulting from crime, for example by saving it in the name of another person.
3. Increase profits. The perpetrator of the crime may have several other legal businesses. Often, the proceeds of crime are included in the circulation of their legitimate businesses. As a result, money from crime can merge into legitimate businesses or businesses, making it more difficult to detect as proceeds of crime, and can also increase the profits of these legitimate businesses (PPATK, 2016).

Basically all of these modes can be classified into 3 (three) types of typology, which do not always occur gradually, but are even carried out simultaneously. The three typological stages are placement, layering, and integration (Insani and Haryadi, 2020).

Money laundering is a form of invisible crime which is explained at the bottom of the prism. At a lower level, invisible crime indirectly harms many people over a long period of time. The impact of this type of hidden crime is not directly felt, so that the public's reaction is even less because many victims do not realize that they feel a loss and that they are actually victims of this action.

In fact, the impact of money laundering is quite large and widespread. Money laundering acts have an impact on the country's economic stability. First, the activity disrupts the legitimate private sector. Money launderers who disguise the proceeds of their crime in a legitimate business structure, but do not aim to invest their wealth, but to hide the proceeds of their crime. Business owners dare to offer prices that are much lower than market prices, resulting in bankruptcy for the private sector in the same business sector. Second, if criminals succeed in laundering the proceeds of their crimes, they can enjoy the wealth

generated or use it to develop crime and its criminal organizations. Money laundering can create economic distortions and make it difficult for monetary authorities to control the amount of money in circulation. Third, money laundering activities have an impact on increasing the state's social costs used to deal with perpetrators (Henry and Lanier, 2006).

In addition to the arrangements for bringing cash and/or other instruments based on Law Number 8 of 2010, there are arrangements for carrying cash set forth in Law Number 6 of 2009 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2008 concerning the Second Amendment to Law Number 23 of 1999 concerning Bank Indonesia Becomes Law, which determines that the objective of Bank Indonesia is to achieve and maintain stability in the value of the rupiah. The stability of the value of the rupiah and a reasonable exchange rate are some of the preconditions for achieving sustainable economic growth which in turn will increase people's welfare. Bank Indonesia's goal of achieving and maintaining stability in the value of the rupiah needs to be supported by 3 (three) main pillars, namely prudent monetary policy, a fast and precise payment system, and a sound banking and financial system.

The regulation by Bank Indonesia is a reflection of either authority related to money circulation policy. In general, the direction and objectives of the money circulation policy are to meet the public's need for money (banknotes and coins) in sufficient nominal quantities, maintain the quality of money fit for circulation, and tackle acts of counterfeiting money (Dermawan, 2018).

There are 2 (two) strategic objectives of the money circulation policy, namely maintaining the smooth and efficient supply of cash (Ensuring a smooth and efficient supply of cash) and maintaining the integritys currency (Maintaining the integrity of the currency) (Sigalingging, et al, 2004).

In addition, there are implications for the implementation of the free foreign exchange system policy by Indonesia. The implementation of the policy on the foreign exchange system and the exchange rate system is carried out by Bank Indonesia as the monetary authority responsible for maintaining the stability of the rupiah. This effort needs to be supported by an effective foreign exchange monitoring system. Therefore, Bank Indonesia was given the authority to request information and data regarding foreign exchange activities and to stipulate provisions regarding foreign exchange activities based on the principle of prudence. This is stated in Law Number 24 of 1999 concerning Foreign Exchange Flows and the Exchange Rate System.

Based on the type of currency, arrangements for carrying cash by Bank Indonesia are as follows:

1. Provisions regarding the carrying of rupiah currency

Preamble to Bank Indonesia Regulation Number 4/8/PBI/2002 concerning Requirements and Procedures for Carrying Rupiah Currency Out of or Entering the Customs Territory of the Republic of Indonesia is an implementing regulation for the provisions contained in Article 3 of Law Number 23 of 1999 concerning Bank Indonesia determining the carrying of money rupiah regulated by Bank Indonesia, including bringing in or out of the customs territory of the Republic of Indonesia. Consideration of the existence of regulations for carrying rupiah currency either leaving or entering the Indonesian customs territory is in the framework of regulating, maintaining and maintaining the stability of the value of rupiah currency, as well as in the framework of monitoring the traffic of money circulation including monitoring counterfeit money.

The main provisions stipulated in Bank Indonesia Regulation Number 4/8/PBI/2002 regulate

the determination of the amount of rupiah that can be taken out or entered into the territory of Indonesia; procedures for permits to carry rupiah currency out or into Indonesian territory; and administrative sanctions for violating provisions on transferring rupiah currency from or to foreign countries without permission.

Bank Indonesia Regulation Number 4/8/PBI/2002 contains a stipulation that the limit on the amount of rupiah that can be freely brought in or out of the territory of Indonesia is less than Rp. 100,000,000.00 (one hundred million rupiah). If the rupiah currency being carried is IDR 100,000,000.00 (one hundred million rupiah) or more, then there is an obligation to first obtain a permit from Bank Indonesia and have the authenticity of the money checked at the Customs and Excise officer at the place of arrival. The violation is subject to administrative sanction in the form of a fine of 10% (ten percent) which is imposed from the amount of rupiah currency brought both into and out of the customs area, with a maximum sanction limit of Rp. 300,000,000.00 (three hundred million rupiah) . For carrying rupiah banknotes that have obtained permission from Bank Indonesia but are found to be in excess, they will be subject to administrative sanctions in the form of a fine of 10% (ten percent) of the amount carried after deducting the amount granted the permit, with a maximum sanction of Rp. 300. 000,000.00 (three hundred million rupiah).

2. Provisions regarding the carrying of foreign banknotes.
According to Bank Indonesia Regulation Number 20/2/PBI/2018 concerning Amendments to Bank Indonesia Regulation Number 19/7/PBI/2017 concerning Carriage of Foreign Banknotes into and Outside the Indonesian Customs Area determines that Bank Indonesia has the authority to carry out monetary control , one of which is through regulation of traffic for carrying foreign banknotes into and out of Indonesian customs areas. Regulations regarding permits for carrying foreign banknotes into and out of the Indonesian Customs Area are in line with efforts to support Bank Indonesia's policy in realizing a non-cash national movement and implementing the mandatory use of rupiah in transactions within the territory of the Unitary State of the Republic of Indonesia (NKRI).

CONCLUSION

DGCE's policy in supervising carrying cash and/or other payment instruments is based on 2 (two) dimensions of different laws and regulations. First, the dimension of prevention, monitoring and supervision of the potential for ML, according to the mandate of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. Second, the dimensions of the manifestation of Bank Indonesia's authority in requesting data and information on foreign exchange flow activities, as referred to in Law Number 6 of 2009 concerning Bank Indonesia. Both of these dimensions highlight the same thing, namely cash that crosses national borders, so that the DGCE's role is increasingly important and strategic in overseeing the bringing of cash and/or other payment instruments into and out of the territory of the Republic of Indonesia in order to prevent and eradication of TPPU.

Laws and regulations related to the carrying of cash and/or other payment instruments, as a whole are quite adequate, but in practice they are still not running effectively, because the TPPU Law and BI Law currently in force are considered to have limitations in efforts to detect ML, there are various the interpretation of several normative formulations in the existing laws and regulations related to ML, and the application of conventions related to ML are still in conflict with the Indonesian legal system, including provisions regarding serious crime that are not recognized in Indonesian Criminal Law. Therefore, harmonization needs

to be carried out by adjusting the provisions of the 1988 UN Convention and the 1990 European Union Convention which have been ratified by Indonesia, as well as provisions of other relevant laws and regulations in order to avoid overlapping regulations and conflicts of interest. Given the limitations of this research, it is suggested to future researchers to discuss matters that need to be strengthened so that money laundering crimes can be handled properly.

REFRENCES

Amrullah. (2003). Money Laundering and Organized Crime. Journal of Law, Volume 10 No. 22 p. 130-146.

Ayu. (2018). Law Enforcement of Supervision of Cash Carrying Based on Laws and Regulations. Media Iuris, Volume 1 No. 3 h. 496- 513.

Bawole, G. Y. (2011). The Proof System in Money Laundering Crimes in Indonesia According to Law Number 23 of 2004. Manado: Faculty of Law, University of Sam Ratulangi.

Bonang. (2011). Criticism of the Time Value of Money. El-Hikam Journal, Volume IV Number 2, h. 95-108.

Philanthrope. (2018). The Role of Bank Indonesia in Money Circulation Policy in Indonesia. Medan: Faculty of Islamic Economics and Business, State Islamic University of North Sumatra.

Fajar and Ahmad. (2017). Dualism of Normative and Empirical Legal Research. Yogyakarta: Student Libraries.

Henry and Lanier. (2006). The Prism of Crime: Arguments for an Integrated Definition of Crime. Journal Justice Quarterly, Volume 15 Number 4, p 609-627.

Holsty. (1969). Content Analysis for the Social Science and Humanities. Massachusetts: Addison.

Husein. (2006). Economic Scientific Forum for Accounting Studies and the National Meeting of the Indonesian Accounting Student Network. Padang: FIESTA.

Insani and Haryadi. (2020). Money Laundry Through Online Games. Journal of Multi-Dimensional Accounting, Volume 3 No. 1p 321-330.

Irman. (2017). Money Laundering, Law of Proving the Crime of Money Laundering in Determining Suspects. Jakarta: Gramedia.

Jahja. (2012). Against Money Laundering. Jakarta: Visimedia.

Ministry of Finance. (2019, December 30). Directorate General of Customs and Excise As Trade Facilitator and Industrial Assistance. Retrieved from https://www.beacukai.go.en/news/directorate-general-customs-and-excise-as-trade-facilitator-and-industrial-assistance.html

Koentjaraningrat. (1983). Community Research Methods. Jakarta: Gramedia. Cash. (2018). Penalties for Carrying Foreign Banknotes of More Than IDR 1 Billion Apply Early Week. Retrieved from https://nasional.kontan.co.id/news/sanksi-bawaan-uang-kertas-asing-lebih-dari-rp-1-miliar-berlaku-awal-pekan

Kurniawan, I. (2012). The Development of Money Laundering Crimes and Its Impact on the Economic and Business Sectors. Journal of Law Science.

Famous. (2005). Economic Theory in Islam. Yogyakarta: Discourse Creations. Miles and Huberman. (2009). Qualitative Data Analysis. Jakarta: UI-Press.

Nasution, et al. (2007). Exclusive Introduction to Islamic Economics. Jakarta: Kencana Prenada Media Group.

Noble and Golumbic. (1998). A New Anti-Crime Framework for The World: Merging the Objective and Subjective Models for Fighting Money Laundering. Pol, Volume 30 Number 79 p 79.

Nopirin. (1992). Monetary Economics. Yogyakarta: BPFE.

Indonesian NRAs. (2015). Indonesia's Risk Assessment of Money Laundering Crimes. Jakarta: Center for Financial Transaction Reporting and Analysis.

PPATK. (2019). Anti-Money Laundering and Prevention of Terrorism Financing. Jakarta: PPATK.

PPATK. (2019, July 17). Money Laundering in the Prism of Crime. Retrieved from http://www.ppatk.go.id/siaran_pers/read/963/Money-Laundering-and-Organized-Crime.html

Sari. (2016). The Development and Thoughts of Money from Time to Time. An-Nisbah Journal, Volume 03 Number 01, p 39-58.

Sholihin. (2010). Sharia Economics Smart Book. Jakarta: Gramedia Pustaka Utama. Sigalingging, et al. (2004). Money Circulation Policy in Indonesia. Jakarta: Center for Central Banking Studies and Education.

Soekanto and Mamudji. (2001). Normative Legal Research (A Brief Overview). Jakarta: Rajawali Pres.

Solikin and Suseno. (2002). Money: Definition, Creation, and Its Role in the Economy. Jakarta: Center for Central Banking Studies and Education.

Sugiyono. (2012). Quantitative Research Methods, Qualitative, and R&D. Bandung: Alphabet.

Sutedi. (2008). Money Laundering Crime. Bandung: Devotional Image.

Trinugroho. (2004, September). Developments in the Eradication of Money Laundering Crimes in Indonesia. Newsletter No. 58, p. 9.

Yani. (2013). Money Laundering Crimes (Review of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes). WIDYA Yustisia Journal, Volume 1 No. 1 p. 20-28.