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Authority of Prosecutors in Enforcing Money Laundering Crimes in Strategic Economic Cases

Kewenangan Jaksa dalam Penegakan Tindak Pidana Pencucian Uang pada Perkara Ekonomi Strategis

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Abstract

Money laundering in strategic economic crimes requires a law enforcement approach that goes beyond punitive sanctions and prioritizes asset recovery to restore state financial losses. This study examines the evidentiary construction of money laundering offenses in the commodity trading case involving PT Timah Tbk. and evaluates the effectiveness of an asset recovery–oriented approach in recent law enforcement practices. The research applies a normative legal method through statutory and case approaches, supported by library research as the primary data collection technique. The analysis highlights the expansion of admissible evidence, including the recognition of electronic evidence under the Indonesian Criminal Procedure Code (KUHAP) and the Law on Electronic Information and Transactions (Indonesia), as well as prosecutorial authority under Law Number 11 of 2021 on the Prosecutor's Office of the Republic of Indonesia. The findings indicate that incorporating money laundering charges into indictments broadens the evidentiary scope to include placement, layering, and integration stages, thereby enabling broader asset tracing and control. However, the disparity between state losses and assets successfully recovered demonstrates that the effectiveness of asset recovery remains structurally limited in achieving proportional and sustainable economic restitution.

Abstrak

Tindak pidana pencucian uang dalam kejahatan ekonomi strategis memerlukan pendekatan penegakan hukum yang tidak hanya berorientasi pada pemidanaan, tetapi juga menekankan pemulihan aset untuk mengembalikan kerugian keuangan negara. Penelitian ini bertujuan untuk menganalisis konstruksi pembuktian tindak pidana pencucian uang dalam perkara perdagangan komoditas yang melibatkan PT Timah Tbk. serta menilai efektivitas pendekatan berbasis pemulihan aset dalam praktik penegakan hukum. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan kasus, yang didukung oleh studi kepustakaan sebagai teknik pengumpulan data utama. Analisis penelitian menyoroti perluasan alat bukti yang sah, termasuk pengakuan terhadap alat bukti elektronik berdasarkan Kitab Undang-Undang Hukum Acara Pidana (KUHAP) dan Undang-Undang Informasi dan Transaksi Elektronik, serta kewenangan penuntutan berdasarkan Undang-Undang Nomor 11 Tahun 2021 tentang Kejaksaan Republik Indonesia. Hasil penelitian menunjukkan bahwa penggabungan dakwaan pencucian uang dalam surat dakwaan memperluas ruang lingkup pembuktian hingga mencakup tahapan *placement, layering, dan integration*, sehingga memungkinkan penelusuran serta pengendalian aset secara lebih komprehensif. Namun demikian, kesenjangan antara besarnya kerugian negara dan aset yang berhasil dipulihkan menunjukkan bahwa efektivitas pendekatan pemulihan aset masih menghadapi keterbatasan struktural dalam mewujudkan restitusi ekonomi yang proporsional dan berkelanjutan.

A. INTRODUCTION

1. Background

crime of money laundering is a legal and economic phenomenon that ipso *facto* exists as a crime that follows the original criminal act that generates financial gain. This crime does not always start from the acquisition of property, but from a series of actions to disguise the origin, possession, or control of property so that it appears legal in economic traffic[1]. In practice, perpetrators utilize a multi-layered transaction structure, the use of third parties (*nominees*), and modern payment instruments to break the traces of the relationship between assets and the original criminal act[2]. This pattern shifts the focus of law enforcement from just *who did it* to *where the money went*, as net profit is a major incentive for crime. Money Laundering Crimes (TPPU) also cause distortions in the governance of financial institutions because transactions can be disguised as routine business activities, investments, or normal consumption.

[1] Firmansyah, V. Z., & Syam, F. (2021). Strengthening state administrative laws to prevent corrupt practices in the Indonesian government. *Integrity: Journal of Anti-Corruption*, *7*(2), 325–344.
[2] Harefa, B. (2025). Asset forfeiture of money laundering crimes: The protection of third parties in good faith from the perspective of Indonesian law. *Legal Treatise*, *21*(2), 135–149.

Table 1. "Analysis of the Development of Financial Transaction Reporting and Risk Indications of Money Laundering Crimes in Indonesia in 2024–2025"

Year	Transaction Report Received by PPATK	Suspicious Financial Transaction Report (LTKM)	Total Funds Analyzed (Rp.Trillion)	Report Increase Percentage (%)	Indications of TPPU Risk
2024	Report 35,650,984	Report 136,546	IDR1,459.65T	-	The risk of anti-trafficking is beginning to increase with the dominance of indications of fraud, corruption, and gambling activities in suspicious financial statements.
2025	Reports 43.723.386	Reports 183.281	Rp.2,085.48T	25,5%	The risk of TPPU is increasingly complex; Gambling dominated the indication of the original crime, followed by fraud and corruption, with a significant increase in the value of the analyzed funds.

Based on the table above, there is a significant increase in the Financial Transaction Reporting and Analysis Center (PPATK) in Indonesia. The number of reports received in 2025 will reach 43,723,386 reports, an increase of 25.5% compared to 2024 which amounted to 35,650,984 reports. The increase was also followed by an increase in

Suspicious Financial Transaction Reports (LTKM) from 136,546 reports in 2024 to 183,281 reports in 2025.

In addition, the total value of the funds analyzed also showed a significant spike, from IDR 1,459.65 trillion in 2024 to IDR 2,085.48 trillion in 2025. This increase indicates that the composition of the indication of the origin of the crime in (LTKM 2025) shows that gambling dominates, followed by fraud and corruption, so that the spectrum of TPPU risks does not rest on one type of crime alone[3]. These figures put the risk analysis of TPPU in a broader context, namely its relationship with the effectiveness of asset tracing and institutional capacity to follow up on the results of financial analysis.

The banking sector remains a crucial node in the prevention of anti-money laundering because it serves as the main gateway for the integration of funds into the formal financial system. PPATK emphasized that the reporting party is the frontline of the Anti-Money Laundering and Terrorism Financing Prevention (AML-PPT) regime, including the obligation to implement the Principle of Recognizing Service Users (PMPJ) and regularly updating customer profiles. In the context of TPPU derived from narcotics, PPATK describes modes that often appear such as the use of accounts in the name of other parties (*nominee*), the use of *e-wallets*, crypto assets, shell companies, and cross-border remittance services, which are services for sending or transferring money from one country to another that are carried out through financial institutions or payment [4]service providers. The construction of this mode shows that banking is often a *place placement* and *layering point*, while digital instruments accelerate the fragmentation of transactions, making it difficult to track the flow of funds.

The development of increasingly complex transaction patterns shows that the anti-money laundering regime cannot be separated from the effectiveness of the construction of evidence and law enforcement strategies applied in concrete cases. When TPPU is associated with strategic economic crimes that have a broad impact on state finances and the stability of certain sectors, the need to integrate the financial evidentiary approach with the institutional authority of prosecution becomes increasingly relevant. This places TPPU not only as an additional crime, but as a legal instrument to ensure that the profits of crime do not recirculate in the formal economic system. In this context, it is necessary to examine how

[3] Financial Transaction Reporting and Analysis Center. (2025). *Statistics on suspicious financial transaction reports in 2025*. Retrieved February 27, 2026, from https://www.ppatk.go.id/statistik
[4] *Ibid*

the expansion of evidence, the legitimacy of electronic evidence, and the authority of the prosecutor's office based on Law No. 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia shape the direction of handling strategic economic cases. This study is important to assess the extent to which the tracing and asset forfeiture-based approach is able to answer the structural challenges of TPPU in Indonesian law enforcement practices.

Based on the background description presented above, the formulation of the problem is how to construct the proof of TPPU in strategic economic cases for the tracing and confiscation of assets and the authority of the Prosecutor's Office of the Republic of Indonesia in its enforcement based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia?

2. Method

This research uses normative legal research methods with a legislative approach and a conceptual approach[5]. This approach is carried out by examining Law Number 8 of 2010 concerning the Prevention and Eradication of Anti-Corruption and Law No. 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia.The technique of collecting legal materials is carried out through literature studies on relevant primary, secondary, and tertiary legal materials. The analysis was carried out qualitatively to assess the suitability between legal norms and the practice of enforcing TPPU cases.

B. DISCUSSION

1. Construction of TPPU Proof in Strategic Economic Cases

Evidence in Indonesian criminal law classically relies on a negative system of proof according to the law (*negatief wettelijk stelsel*), which is the judge's conviction based on valid evidence[6]. Referring to Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP), the evidentiary system in Indonesian criminal law remains based on the judge's conviction formed from valid evidence according to the law. The latest Law Number 20 of 2025 concerning the Criminal Procedure Code expands the scope of evidence to answer the character of modern crimes based on technology and complex financial transactions, including money laundering crimes. The evidence admitted includes:[7]

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[5] Marzuki, M. (2017). *Legal research: Revised edition*. Medium Pregnancy.
[6] Cristina, J., & Manalu, I. (2025). Analysis of the role of evidence and witness statements in determining criminal court decisions. *Journal of Law and Public Policy Studies, 3*(1), 245–263.
[7] Mahfuzh, L. F., Sinambela, A. A., Ritonga, J. S., Anugrah, A., & Syarifuddin, S. (2026). *Money loundring* in special crimes. *Scientific Journal of Student Research, 4*(1), 1247–1254.

a. Witness testimony is information given by a person who hears, sees, or experiences a criminal event firsthand, and is submitted under oath at trial. In TPPU cases, witnesses often come from banks, accountants, or company officials who know the flow of transactions.
b. Expert testimony is a documentprovided by someone who has special expertise to explain the technical aspects of the case. In TPPU, financial forensic experts or information technology experts play a role in explaining transaction patterns and reconstruction of fund flows.
c. A letter that is awritten document related to a case, including contracts, financial statements, bank statements, or other administrative documents. In strategic economic cases, letter evidence is the main instrument to show the relationship between property and the original crime.
d. Clues that lead to an act, circumstance, or event that, because of its suitability, gives rise to belief about a criminal event. In TPPU, clues are often built from repeated transaction patterns, the use of *nominee accounts*, or the impropriety of the defendant's economic profile.
e. The defendant's statement is a statementgiven by the defendant regarding the act charged against him. This information is assessed together with other evidence and cannot stand alone to prove error.
f. Electronic evidence in the form of dataor information stored or transmitted digitally, including banking transaction records, *system logs*, electronic messages, and fund transfer history. In TPPU cases, electronic evidence is often the backbone of proving the flow of funds.
g. The judge's evidence and observations in the form of ojekthat were confiscated and shown at the trial as well as the results of the judge's direct observation of the facts revealed. In economic cases, evidence can be in the form of assets, electronic devices, or original documents that show ownership.
h. Everything that is legally obtained and can be used for the purpose of proof. This provision opens up a space for proof that is more adaptive to the development of modern crime modes, as long as its acquisition does not violate the law.

The expansion of recognition of electronic evidence and open categories is strengthened by Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016 concerning Information and Electronic Transactions. Vanessa and Firmansyah in their research explained that the ITE Law emphasizes that electronic information and electronic documents along with their printed results are legal evidence[8]. This regulation provides normative legitimacy for the use of digital transaction data, banking system recordings, *e-wallets*, crypto assets, and electronic communications as an integral part of proving at trial. In the context of TPPU, this legitimacy is crucial because money laundering schemes almost always leave a fragmented electronic trail across various financial *platforms*.

Strategic economic cases often include criminal acts involving the value of state losses substantially, influence on specific markets or sectors, and the involvement of complex corporate actors or public officials. In this context, TPPU is not positioned as an additional offense alone, but as a legal instrument to ensure that the profits obtained from the original crime do not recirculate in the formal economic system[9].

In practice for the past two years, the development of the TPPU article, in the case of corruption in the tin commodity trading system within PT Timah Tbk. shows how the construction of proof is extended to the dimension of asset control. In the 2015–2022 period, there were tin commodity trading activities in the Mining Business License (IUP) area of PT Timah Tbk, which later became the basis of this criminal case. During this period, there was cooperation between PT Timah and five smelter ownership companies, namely PT Refined Bangka Tin (PT RBT), PT Sariwiguna Bina Sentosa (PT SBS), PT Stanindo Inti Perkasa (PT SIP), PT Tinindo Inter Nusa (PT TIN), and CV Venus Inti Perkasa (CV VIP). It is known that Harvey Moeis played the role of initiator, mediator, and facilitator in the cooperation. The cooperation scheme includes the rental of metallurgical processing equipment and the purchase or compensation of tin ore from land mining. Payments for processing equipment rental *were* recorded at around IDR 3 trillion and compensation payments for onshore tin

[8] Vanessa, V., & Firmansyah, H. (2025). *Analysis of the validity of electronic evidence in criminal trial proceedings and the implementation of its admissibility (Judgment study): Analysis of the validity of electronic evidence in criminal trial proceedings and the implementation of its admissibility* (Decision study). *Indonesian Journal of Law and Economics Review, 20*(4), 10–21070.
[9] Margono, R. (2026). *Corporate criminal liability in money laundering: Theoretical construction, regulation, and judicial practice in Indonesia*. Professor Rudi Margono.

ore reached around IDR 26 trillion. In the same period, illegal tin mining occurred at PT Timah's IUP which caused environmental damage on a large scale[10].

The environmental damage is then calculated as part of the state's financial losses along with losses on the tin trading system's payment schemes. The audit of the Financial and Development Supervisory Agency (BPKP) recorded a total state financial loss of Rp300,003,263,938,131.14 consisting of two clusters of losses. Based on the results of the investigation, Harvey Moeis was filed as a defendant with a charge of corruption based on Article 2 paragraph (1) jo Article 18 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 as well as an indictment of money laundering based on Law Number 8 of 2010 concerning the Prevention and Eradication of Anti-Corruption Act. This configuration shows that the development of anti-trafficking indictments in strategic economic cases is not just a technical option, but part of a prosecution strategy to expand the scope of accountability and recovery of state assets.

2. the authority of the Prosecutor's Office of the Republic of Indonesia in the enforcement of strategic economic TPPU cases based on Law No. 11 of 2021

Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia emphasizes that the prosecutor's office is a government institution that exercises state power in the field of prosecution. This position places the prosecutor's office as *a dominus litis*, namely the controller of cases in the criminal justice system. In strategic economic cases developed with money laundering crimes, this position becomes central because the direction, scope, and evidentiary strategy are fully determined at the prosecution stage. The authority of the prosecutor's office in Article 35 of Law No. 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia is not only technical, procedural, but also contains a dimension of law enforcement policy. In this context, the authority can be described as follows:

a. Prosecution Authority

Based on Article 30 paragraph (1) letter a of Law No. 11 of 2021 states: "*In the criminal field, the Prosecutor's Office has the duty and authority to prosecute.*"This authority includes the preparation of indictments, the determination of legal

[10] Souisa, H. (2024, April 4). *The role and mode in the PT Timah corruption case which cost the state Rp271 trillion. ABC News (English).* https://www.abc.net.au/indonesian/2024-04-04/peran-dan-modus-korupsi-timah-harvey-moeis/103667550

construction, and the formulation of criminal charges at trial. In the Indonesian criminal procedure law system, this authority places the prosecutor as the controller of the case who determines whether an act is only charged based on the original offense or developed with other relevant offenses. Prosecution is not just a transfer of a case file, but a legal action that contains a policy dimension[11].

This authority intersects with the principle of opportunity, which provides space for the prosecutor's office to consider the public interest in determining the direction of the prosecution. In strategic economic cases, including corruption developed with TPPU, the decision to expand the indictment or include the money laundering article is a form of prosecutorial discretion that has a direct impact on the space for proof and asset recovery. The addition of the TPPU article allows prosecutors to prove the mastery and utilization of the proceeds of criminal acts, not just elements of unlawful acts. Thus, the prosecutor's authority in strategic economic cases moves at the intersection of the principle of legality and the discretionary space of opportunity owned by the prosecutor's office.

b. Authority to Investigate Certain Crimes

Based on Article 30 paragraph (1) letter d of Law No. 11 of 2021 states: *"In the criminal field, the Prosecutor's Office has the duty and authority to conduct investigations into certain criminal acts based on the law". The Prosecutor's* Office is authorized to conduct investigations into certain criminal acts based on the law. This provision is the basis for the prosecutor's authority in the investigation of corruption crimes. With this authority, the prosecutor's office not only plays a role in the final stage of the criminal process, but can also build the construction of the case from the initial stage. Investigations by the prosecutor's office allow integration between proving elements of criminal acts and tracking the flow of funds related to TPPU.

In strategic economic cases, indications of money laundering often appear at the same time as criminal acts of origin such as corruption, mining sector crimes, or violations of natural resource governance that have environmental [12]impacts. Under these conditions, the authority of the investigation provides continuity between the

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[11] Kemal, G. (2023). *The authority of the prosecutor's office as a single prosecution system in corruption cases* (Master's thesis, Sultan Agung Islamic University, Indonesia).
[12] Syahrin, A., Anggusti, I. M., Alsa, A. A.. (2024). *Corruption and money laundering in the natural resources sector*. Merdeka Kreasi Group.

collection of evidence, analysis of financial transactions, and the development of indictments. This integration is important when the case involves a corporate structure, cross-entity transactions, or the use of a third party as an intermediary of assets. Thus, the authority of investigation not only strengthens the proof of the original crime, but also opens up room for proof of its financial dimension.

c. Authority to Implement Judge Determination and Court Decisions

Based on Article 30 paragraph (1) letter b of Law No. 11 of 2021 states: "*The Prosecutor's Office is authorized to carry out the appointment of judges and court decisions that have obtained permanent legal force as part of the executory function in the criminal justice system".* The Prosecutor's Office is authorized to carry out the appointment of judges and court decisions that have obtained permanent legal force. This authority includes the implementation of principal and additional criminal offences. In the context of TPPU and strategic economy cases, additional crimes in the form of payment of compensation and asset forfeiture are central elements of the penal system[13]. Law Number 20 of 2025 concerning (the latest Criminal Procedure Code) also strengthens the additional criminal position as an integral part of modern criminal accountability.

The implementation of judgments in high-value economic cases often faces challenges when assets are spread across various forms, including property, stocks, investment instruments, and digital assets. The success of proving TPPU does not stop at a guilty verdict, but is determined by the effectiveness of the execution of property that has been declared related to the criminal act. The authority of the prosecutor's office plays a direct role in ensuring that *the asset recovery approach* is truly implemented. The authority to implement the decision is a concrete indicator of the success of economic law enforcement.

d. Strategic Authority of the Attorney General

Based on Article 35 of Law No. 11 of 2021 states: "*The Attorney General has duties and authority, among others, to establish and control law enforcement policies on cases that have a wide impact on the country's society and economy as part of the strategic function of national law enforcement".* This provision provides a policy dimension in the

[13] Waluyo, B. (2022). *Eradication of Corruption: Strategy and Optimization*. Graphic Rays.

function of the prosecutor's office that goes beyond the technical role of the prosecution. The Attorney General has room to determine the priorities of cases that are considered strategic and have systemic implications for economic stability or the public interest[14]. In strategic economic matters, this authority allows the development of the TPPU article as part of the national strategy to eradicate economic crimes. However, the breadth of the discretionary space also requires the existence of objective parameters in determining a case as having a wide impact on the economy. Without clear boundaries, such discretion has the potential to spark a debate about the balance between law enforcement policy and accountability principles.

The configuration of prosecutorial authority as stipulated in Law No. 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia shows that the effectiveness of proving TPPU in strategic economic cases is highly dependent on how the space of authority is used. In the case of the tin commodity trading system within PT Timah Tbk., the integration between the authority to investigate, prosecute, and develop the TPPU indictment shows that the construction of the case does not stop at proving state losses, but is extended to the dimension of control and utilization of the proceeds of criminal acts. The decision to combine corruption crimes with TPPU is a concrete manifestation of prosecutorial discretion within the framework of the principle of opportunity and law enforcement policies. On the other hand, the magnitude of state losses and its systemic impact on the national mining sector place the case in a category relevant to the strategic authority of the Attorney General as stipulated in Article 35 of Law No. 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia[15].

C. CONCLUSION

The asset recovery-based approach in money laundering cases shows that the effectiveness of economic law enforcement can no longer be measured solely from the criminalization of the perpetrators, but from the success of breaking the financial cycle of crime proceeds and recovering state losses concretely. In the case of tin commodity trading within PT Timah Tbk., the integration of the TPPU article in the indictment expands the construction of proof to the stages *of placement*, *layering*, and *integration*, so that the scope

[14] Agnes, A. A. (2024). *The authority of the prosecutor's office in the implementation of restitution against perpetrators of sexual violence crimes (Study on the South Lampung District Attorney's Office).*
[15] Wiraguna, S. A. (2024). Dynamics of corruption and money laundering at PT Timah: Supervision and challenges. *JPS*, *3*(1).

of liability does not stop at the element of state losses alone. The authority of the prosecutor's office as stipulated in Article 35 of Law No. 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia, especially related to the prosecution and implementation of the verdict, provides a normative basis for the expansion of such evidence in strategic economic cases.

The provisions of Article 35 of Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia which gives the Attorney General the authority to establish law enforcement policies in cases that have a wide impact on the country's economy further affirm the strategic dimension of handling this case. Although the approach shows progress in financial proofing strategies, the comparison between the value of state losses and assets successfully recovered suggests that its effectiveness still faces structural challenges.

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