



Legal Analysis of Laundering in Article 137 Letter a of Law Number 35 of 2009 on Narcotics (Case Study Supreme Court Decision No. 994 PK / Pid.Sus / 2024)

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ABSTRACT

Current technological developments help society and a country in doing daily activities, these activities can be engaged in economic, social and political. Wrong one act that uses the development of technology in the form of crimes involving financial system for example divert some money obtained from the proceeds of crime generally referred to as money laundering or money laundering ang done with trying to hide money through the bank to look like money earned from legitimate activity and avoid suspicion that the money is illegal. As for the a problem in this study is how criminal liability perpetrators money laundering from narcotics. Legal research methods used in this study is the type of normative juridical research that reveals rules - normative and Basic Rules - the principle of law which is the policy in formulating action criminal and analyze library materials, one of which is the Supreme Court decision number 994 PK / Pid.Sus/2024. Based on the results of research on the Supreme Court Decision No. 994 PK/Pid.Sus / 2024 can be concluded that that the judge decided the case based on elements - elements of Juridical consideration of judges based on Law- Law No. 35 of 2009 on narcotics and witness statements and tools evidence is a legal legal conclusion on the facts revealed in the trial. For that Panel of judges to be more wise in sentencing the perpetrators of criminal acts Money laundering derived from narcotics acts by imposing penalties that can provide a deterrent effect for the perpetrators of the crime.

INTRODUCTION

The development of technology today is very helpful to society and a country in doing activities a day - day, these activities may be engaged in economic, social and political. In line with the development of technology that diman make use of it for things - things that benefit every person and country, can also become a means to harm someone or many people. One of the actions that use technological developments in the form of crime melibatk a financial system that is now completely digital. Crimes involving the financial system such as diverting a number of money earned from crime is also for example narcotics. The act generally referred to as doing money laundering or money laundering . Money laundering done by trying to hide the money through the bank for look like money earned from legitimate activity and avoid suspicion that the money was obtained illegally. So that through this activity also the perpetrators of crime can enjoy the proceeds of crime freely as if it looks like the result of a legal activities.

The District Court trial Pangkalpinang for being charged with : The actions of the convict as regulated and threatened criminal in Article 3 of Law Number 8 year 2010 on the Prevention and Eradication of acts Money laundering; convicted acts as regulated and threatened criminal in Article 4 of Law Number 8 year 2010 on the Prevention and Eradication of acts Money laundering; and convicted acts as regulated and threatened crime in Article 5 of Law No. 8 of 2010 on the Prevention and Eradication of acts Money laundering; furthermore, the actions of the convict as regulated and threatened criminal in Article 137 letter A of Law Number 35 of 2009 on narcotics.

That briefly at the time of arrest, there is evidence secured by officers from BNNP Bangka Belitung Islands, namely 3 (three) plastic bags with details of narcotics types of methamphetamine as much 50.40 (fifty point four zero) grams that are in the bag plastic, narcotics types of methamphetamine as much as 1,000 (one thousand) grams or 1 (one) kilograms in packs of Chinese green tea and narcotic types of methamphetamine as much as 100.12 (one hundred point one two) grams that are in plastic bag Furthermore, that the convict confirmed the bank account mutation transaction data BRI Account Number 719601009020530 on behalf of ROSAWATI, data BRI account mutation Transaction Account Number 564701013696530, on behalf of Ema Nataliah, BRI bank account mutation transaction data number Account 719601009020530 in the name of Rosnawati, transaction data BRI bank account

mutation Account Number 564701013696530 above name Ema Natalia;

From the latest law on human rights set forth, the author is interested in studying the law in Narcotics Criminal lawsuit followed by criminal TPPU through Supreme Court Decision No. Number 994 PK / Pid.Sus / 2024

METHOD

This study uses the type of Social Research juridical. The nature of this research is exploratory. Exploratory research was conducted to search for new ideas or relationships of certain phenomena. Researchers are trying to find relationship of symptoms to be studied and try to figure out The Shape of the relationship. Types and sources of data used by researchers are primary data obtained or sourced through direct interviews with relevant sources and secondary data obtained from books and writings writings related to this study. The method used in this study is based on the method used in the literature (Library method) and field method (Field Methode). In accordance with the problem to be answered and the objectives to be achieved in this study, then all the collected legal material is analyzed qualitatively, then described to answer the problems in this study.

RESULTS AND DISCUSSION

Considering that the reason for the proposed review by the applicant for reconsideration / convict the Supreme Court argue as follows:

- a) That the reason for the application for reconsideration submitted by Applicant for reconsideration / conviction with respect to the existence of oversight judge or a real mistake in the form of preparation of letters unclear and inaccurate indictment, witness Hariyansyah, S.T., and Witness Dika Juwantri) is not in an objective position that can describe the factual conditions because their job is to prove alleged criminal acts ascribed to the convict, based on the above verdict if calculated, the defendant was sentenced to imprisonment for 23 (twenty-three) years 1 (one) month, related to the penalty imprisonment exceeding the maximum limit of 20 (twenty) years, and Convicts have been convicted of several crimes after calculated entirely has exceeded the maximum penalty according to intent Article 12 paragraph (4) of the criminal code

- in conjunction with Article 66 Paragraph (1) of the Criminal Code, the criminal a quid pro quo is a quid pro quo;
- b) That the reason for the application for reconsideration submitted by The applicant for reconsideration/conviction cannot be justified because what is postulated by the reconsideration applicant / convict as the existence of a judge's oversight or error that is clearly contrary to true legal facts revealed at the trial on which it is based determination of guilt and conviction of the convicted, namely: That the convict understands examined by the criminal investigator Money Laundering National Narcotics Agency Of The Republic Of Indonesia regarding the convict has used / using BRI Bank account on behalf of Ema Natalia who is the wife of the convict and accounts Bank BCA on behalf of Junaidi will run a narcotics business type of methamphetamine belonging to convicts Correctional class II a narcotics Pangkalpinang; That on October 20, 2017 the convict had been involved in Narcotics Criminal Case at the time the convict was arrested by members of the Sat West Bangka polishing drugs on ownership 23 (two twenty-three) pills ektation and then on the actions of the convict the convict was sentenced to 9 (nine) years in the District Court Sungailiat and until now the convict is serving a sentence in the penitentiary Class II a Pangkalpinang; That the convict at the time of serving the sentence in the institution The class action lawsuit is back on track criminal narcotics and sentenced to 11 (eleven) years in Pangkalpinang District Court; That the convict controlled the BRI account number in the name of Ema Natalia with account number 564701013696530 and in addition also master BCA bank account in the name of Junaidi Norek 3000762309 the convict use to buy and sell / narcotics business types of methamphetamine belonging to convicts; That at the time of the arrest, there is evidence secured by officers from BNNP Bangka Belitung Islands, namely 3 (three) plastic bags with details of narcotics types of methamphetamine as much 50.40 (fifty point four zero) grams that are in the bag plastic, narcotics types of methamphetamine as much as 1,000 (one thousand) grams or 1 (one) kilograms in packs of Chinese green tea and narcotic types of methamphetamine as much as 100.12 (one hundred point one two) grams that are in plastic bag; that the role of the witness Ema Natalia who is also the wife of the convict is as part of the financial task of transferring and receiving money from the sale of narcotics types of methamphetamine belonging to the convict; That the convict confirmed the bank account mutation transaction data BRI Account Number 719601009020530 on behalf of ROSAWATI, data BRI account mutation Transaction Account Number 564701013696530, on behalf of Ema Natalia, BRI bank account mutation transaction data number Account 719601009020530 in the name of Rosnawati, transaction data BRI bank account mutation Account Number 564701013696530 above name Ema Natalia; That true witness Rosnawati binti Landu (alm. let's start explaining doing narcotics business with convicts since 2020; That witness Ema Natalia binti Abdullah accept and master bank account BCA Normor account 3000762309, in the name of Junaidi in June 2021, after the witness of Ema Natalia bint Abdullah get a delivery from the convict in the form of ATM BCA card and to Mobile Banking is controlled by convicts in narcotics prisons LIA Selindung class, Pangkal Pinang City, Bangka Islands province Belitung;
- c) That thus the act of placing money on an account- account in the name of witnesses Ema Natalia and Junaidi as outlined above it is the proceeds of crime of narcotics and the use of other party accounts (use of nominees) by the convict has met the elements of Article 3 of the Act- Law No. 8 of 2010 on prevention and Eradication Money Laundering;
- d) That the application of the convict to be sentenced to him nil cannot be justified because of the verdict handed down judex juris has been in accordance with the circular of the Supreme Court Number 1 of 2022 December 15, 2022 regarding the implementation of the Meeting Results formulation Plenary chamber of the Supreme Court in 2022 as a guideline Implementation, the task for the court, in part a formulation of the chamber Criminal Number 1 mentioned: Convicts who are serving imprisonment for 20 (twenty) years in cases that have permanent legal force, can sentenced to prison next in another case

committed during the imprisonment; Maximum imprisonment in special criminal cases such as Corruption, Money Laundering, And Crime Narcotics and other criminal acts that the maximum threat 20 (twenty) years, if there is a weighting such as concurrency (concursum) both proposed in combination (cumulative) or not combined or because it is determined Article 52 of the Criminal Code, as long as it is not regulated in special laws, the maximum the maximum penalty applies to the principal criminal threat plus 1/3 (one third) in accordance with Article 65 of the Criminal Code and Article 103 of the Criminal Code;

Considering that these reasons can not be justified, therefore not included in any of the reasons for reconsideration as referred to in Article 263 Paragraph (2) letters A, b and c of the code of Criminal Procedure; Considering that by virtue of Article 266 Paragraph (2) letter A of the code of Criminal Procedure, then the application for reconsideration is rejected and the decision applied for reconsideration is declared permanent apply;

Considering that because the convicted convicted then the cost of the case on judicial review examination is charged to the convict; Considering Article 3 of Law No. 8 of 2010 on Prevention and Eradication of Money Laundering, Act- Law No. 8 of 1981 on Criminal Procedure Law, Law No. 48 of 2009 on Judicial Power and legislation No. 14 of 1985 on the Supreme Court as amended with Law No. 5 of 2004 and the Second Amendment with Law No. 3 of 2009 and legislation others concerned;

That in casu in this case is about the crime of narcotics goods evidence has been set in the Law No. 35 of 2009 on narcotics, where narcotics as prohibited goods in principle should be immediately destroyed, this can be seen from : 1. Article 92 which obliges investigators to immediately destroy narcotic plants Within 2 x 24 hours of discovery; 2. Article 101 and Article 136 States narcotics, narcotic precursors and tools or goods used or related in the crime of narcotics and the results were sent to the state; 3. Explanation of Article 101 says that the article is to assert in establishing narcotics or narcotic precursors seized for the state, the judge paid attention to the provisions in the process of investigating the act of pi narcotic funds or narcotic precursors; 4. That Article 2 Paragraph (1) of Law No. 8 of 2010 on prevention and Eradication of money laundering States the results of criminal acts are Assets obtained from narcotics.

CONCLUSION

Criminal law analysis of money laundering perpetrators who comes from narcotics crime in the Supreme Court decision Number: Number 994 PK / Pid.Sus/2024 based on the demands of the public prosecutor is based on the provisions of Article 2 Paragraph (1) with the aim of concealing or disguising the origin of wealth; as the actions of convicts as regulated and threatened criminal in Article 137 letter A of Law Number 35 of 2009 on narcotics, in the indictment Primair so that the panel of judges decided to defendant ASHADI alias Adi bin RUSLAN criminal imprisonment for 10 (ten) years and fines RP. 5.000.000.000,00 (Five billion rupiah) with the provision that if the fine is not paid replaced by criminal brackets for 10 (ten) months.

REFERENCES

- Dian, R., Pakpahan, K., & Pakpahan, E. F. (2024). Process of Confiscation of Assets Proceeding from Crime of Selling Narcotics Carried Out by the National Narcotics Agency of Aceh Province. *JUSTICES: Journal of Law*, 3(1), 1-12.
- Dowongi, A. (2024). Implementasi Hukum Mengenai Tindak Pidana Pencucian Uang (Money Laundryng) Menurut Undang-Undang No 8 Tahun 2010. *Lex Privatum*, 13(5).
- Fuadi, G., Putri, W. V., & Raharjo, T. (2024). Tinjauan Perampasan Aset dalam Tindak Pidana Pencucian Uang dari Perspektif Keadilan. *Jurnal Penegakan Hukum Dan Keadilan*, 5(1), 53-68.
- Ginting, E. T., & Simamora, J. (2025). Peranan Kejaksaan Dalam Penanganan Perkara Tindak Pidana Narkotika di Kejaksaan Negeri Kota Binjai. *HELIUM: Journal of Health Education Law Information and Humanities*, 1(2), 858-867.
- Hasibuan, E. S., & Syauket, A. (2023). Efforts to eradicate narcotics in the national police: a case study of teddy minahasa. *International Journal of Social Service and Research*, 3(4), 900-905.
- Joshua, M., & Rahaditya, R. (2024). Quo Vadis Perampasan Aset dalam Tindak Pidana Pencucian Uang Sebagai Pemenuhan Keadilan Terhadap Korban. *UNES Law Review*, 6(4), 10089-10098.

- Manurung, M. A. A. (2024). *Penjatuhan Hukuman Tindak Pidana Pencucian Uang Dengan Kejahatan Asal Penyalahgunaan Narkotika (Studi Putusan Nomor 2408/Pid. Sus/2020/PN. Mdn)* (Doctoral dissertation, Universitas Malikussaleh).
- Nouval, M. D., & Prasetyo, B. (2024). Pengalihan Pertanggungjawaban dalam Kasus Tindak Pidana Pencucian Uang. *Jurnal Hukum Lex Generalis*, 5(7).
- Nurhilmiyah, N., Hanifah, I., & Asliani, A. (2020). Existence Of Criminal Fine In Criminal Act Of Corruption.
- Priambodo, I. D., & Irawan, A. (2025). Penegakan Hukum Terhadap Tindak Pidana Penyalahgunaan Narkoba oleh Anggota Kepolisian Resor Sukoharjo. *JURNAL MADANI HUKUM-Jurnal Ilmu Sosial dan Hukum*, 32-43.
- Putra, R. D., Sinlae, E. S. P., Syafa, T. S., Syahda, I. F., & Siswajanthi, F. (2024). Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang Dalam Perbankan. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 2(1), 70-80.
- Ramadhan, F., & Yusuf, H. (2024). Analisis Yuridis Penerapan Pasal 3 Undang-Undang Nomor 8 Tahun 2010:(Studi Kasus Tindak Pidana Pencucian Uang dari Hasil Tindak Pidana Narkotika pada Putusan Perkara Nomor 438/Pid. Sus/2014/PN Stb). *ULIL ALBAB: Jurnal Ilmiah Multidisiplin*, 3(3), 56-62.
- Reza, M. G. (2024). Kebijakan Hukum Pidana Perampasan Aset "Non-Conviction Based Asset Forfeiture" Dalam Tindak Pidana Pencucian Uang. *Wacana Paramarta: Jurnal Ilmu Hukum*, 23(1), 57-71
- Silaban, F. E. S., Erwina, L., & Mulyadi, M. (2013). Kebijakan Hukum Pidana Terhadap Pengaturan Tindak Pidana Narkotika di Indonesia. *Jurnal Mahupiki*, 1(1), 1-26.
- Silalahi, S. M. T., Syahrin, A., Ekaputra, M., & Sutiarnoto, S. (2024). Peran Penyidik Badan Narkotika Nasional Provinsi Sumatera Utara dalam Penegakan Hukum Tindak Pidana Pencucian Uang yang Berasal dari Tindak Pidana Narkotika. *Locus Journal of Academic Literature Review*, 3(3), 283-296.
- Sitompul, A. (2023). *Eradication Of Corruption By Tracing Money Laundering As An Integral Legal System That Can Not Be Separated. International Asia Of Law and Money Laundering (IAML)*, 2 (3), 111–118.
- Sitompul, A. (2024). The Role Of The State In Conducting Civil Suits In The Results Of Corruption Controlled By The Heirs Of The Perpetrators Of Corruption. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 23(3), 1614-1623.
- Sitompul, A., & Hasibuan, E.S. (2023). Establishment of The Law On The Seizure of Assets Resulting From Money Laundering Based On Fair Law Enforcement In Indonesia. *SASI*, 29(3), 596-604. DOI: <https://doi.org/10.47268/sasi.v29i3.1504>
- Sitompul, A., & Sipayung, I. M. (2025). The Development of the Death Penalty for Corruption Committed by Judges in Indonesia. *Pakistan Journal of Criminology*, 17(02), 95-109.
- Sitompul, A., Gayo, S., & Mary, D. (2024). *Mediation in the Settlement of Inheritance and Joint Property Matters in the Medan Religious Court. International Asia Of Law and Money Laundering (IAML)*, 3 (2), 34–39.
- Sitompul, A., Kartika, A., Wahyuni, W. S., & Maswandi, M. (2022). Money Laundering Crime in the Perspective of Islamic Law in the System of Proof. *Justicia Islamica*, 19(2), 279–298. <https://doi.org/10.21154/justicia.v19i2.3744>
- Sitompul, A., Sitompul, R. M., & Sitompul, M. N. (2024). *Gratification development in corruption in Indonesia. International Asia Of Law and Money Laundering (IAML)*, 3 (1), 17–22.
- Sitompul, M. N. ., & Sitompul, A. . (2023). Application of money laundering in corruption cases in maintaining state stability. *The International Journal of Politics and Sociology Research*, 11(1), 94–102. <https://doi.org/10.35335/ijopsor.v11i1.121>

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- Sumarwan, U. (2024). Pencucian Uang Dalam Perdagangan Narkoba (Studi Tinjauan Kriminologis). *IKRA-ITH HUMANIORA: Jurnal Sosial dan Humaniora*, 8(2), 140-147.
- Zulyadi, R., Kartika, A., & Siregar, F. Y. D. (2022). The Role of Islamic Law and Tradition in the Prevention of Corruption by Political Experts in Indonesia. *International Journal of Criminal Justice Sciences*, 17(2), 114-127.

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