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Money Laundering Proceeds of Environmental Crimes in the Perspective of the National Criminal Code: Strengthening Criminal Responsibility

Baginta Manihuruk[1*]
[1]Faculty of Law, Universitas Murni Teguh, Indonesia
: *bmanihuruksh@gmail.com*
Coresponding Author*

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ABSTRACT

This article analyzes the legal construction of money laundering from environmental crimes from the perspective of the *National Criminal Code* and the strengthening of criminal accountability that needs to be built to answer the challenges of its enforcement. The background of this research is based on the increasingly complex of environmental crimes with an economic dimension, where the results of crimes are often disguised through various financial instruments to appear legally legitimate. The research uses normative legal methods with a statutory and conceptual approach, sourced from primary legal materials in the form of regulations related to money laundering and the environment, as well as secondary legal materials in the form of scientific journals and previous legal literature. The results of the study show that environmental crimes have not been explicitly and consistently recognized as *the predicate crime* of money laundering, while the investigative authority that has been expanded through the Constitutional Court's decision still faces obstacles in inter-institutional coordination. The research recommends strengthening the harmonization of norms between *the National Criminal Code* and money laundering regulations, accompanied by the consolidation of cross-sectoral investigation authority, so that the countermeasures against money laundering resulting from environmental crimes can run more effectively and responsive to the dynamics of natural resource-based economic crimes in Indonesia.

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INTRODUCTION

Environmental damage in Indonesia in the past decade can no longer be seen as a mere administrative problem or violation of business licenses, but has transformed into an organized and profit-oriented economic crime on a large scale. Activities such as illegal mining, illegal logging, and the disposal of hazardous and toxic waste without permits are often carried out by corporations that deliberately disguise the proceeds of their crimes through various financial instruments to appear legally legitimate. This phenomenon confirms that environmental crimes are closely related to money laundering, as shown in the case of corporate criminalization for dumping waste into environmental media without permission, where the profits of crime are turned back into the formal economic system. [1] This condition is in line with the finding that criminal liability for the illegal disposal of toxic waste still faces obstacles to proving the flow of funds from crimes.[2]

Regulatively, Indonesia has placed criminal acts in the environmental sector as one of the *predicate crimes* in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. The presence of Law Number 1 of 2023 concerning the Criminal Code, hereinafter referred to as the *National Criminal* Code, then consolidates money laundering regulations into a special chapter while updating the corporate criminal liability scheme.[3] This reform also has consequences for strengthening the corporate accountability mechanism in environmental crimes, especially in the mineral and coal mining sector, by adopting a multi-layered accountability doctrine that reaches corporations, functional management, to controllers and beneficiaries.[4] This criminal law reform is also considered to bring a new direction in clarifying the legal subjects that can be held accountable for corporate crimes.[5]

Previous studies have shown variations in the focus of studies. Harefa and Nashir highlight the weak protection for victims in environmental crime cases involving corporations.[6] Setiyono et al. (2024) examine corporate accountability in cases of forest and land fires that exceed environmental quality standards.[7] Meanwhile, Rasyiqah found that the authority of civil servant investigators in the forestry sector in cracking down on money laundering is still limited by the unclear norms of reference.[8] Although these studies make important contributions, research that specifically links the construction of money laundering from environmental crimes with the framework of criminal responsibility in the *National Criminal Code* is still very limited, especially in the aspect of strengthening criminal liability after the new codification.

Based on these gaps, this study formulates problems regarding how the legal construction of money laundering resulting from environmental crimes is regulated in the *National Criminal* Code, as well as how strengthening criminal liability can be formulated to answer the challenges of its enforcement. This study aims to analyze the harmonization of norms between the *National Criminal Code* and money laundering regulations, as well as offer novelty in the form of the formulation of

[1] Pande Komang Novia Arsita Wijaya et al., "Criminalization of Corporations in the Crime of Dumping Waste to Environmental Media Without Permission (Study of Decision Number: 247/Pid. B/LH/2021/PN. Sng)," *UNES Law Review* 5, no. 4 (2023): 2130–49, https://doi.org/10.31933/unesrev.v5i4.569.

[2] Tofik Chandra and Bobur Sobirov, "Corporate criminal liability for illegal toxic and hazardous waste dumping," *Lex Publica* 10, no. 1 (2023): 123–40, https://doi.org/10.58829/lp.10.1.2023.123-140.

[3] Law of the Republic of Indonesia, "Law (Law) Number 1 of 2023 Criminal Code," 2023.

[4] Bima Pratama, Rani Putri, and Sari Lestari, "Corporate Criminal Liability in Environmental Crimes: An Analysis of the Implementation of the 2023 National Criminal Code on the Mineral and Coal Mining Industry," *Legal Note* 2, no. 1 (2026): 25–33, https://ejournal.kalibra.or.id/index.php/legalnote/article/view/196.

[5] Kharisma Wulan Fadhila, "Criminal law reform and corporate accountability in the 2023 Criminal Code Law," *Action Research Literate* 8, no. 3 (2024): 649–57, https://arl.ridwaninstitute.co.id/index.php/arl/article/view/277 .

[6] Safaruddin Harefa and Muhammad Alvin Nashir, "Corporate Criminal Liability in Environmental Violation Cases in Indonesia: Corporate Criminal Liability in Environmental Violation Cases in Indonesia," *ADIL: Legal Journal* 16, no. 1 (2025): 36–60, https://academicjournal.yarsi.ac.id/index.php/Jurnal-ADIL/article/view/4966 .

[7] Rini Purwaningsih and Achmad Cholidin, "Corporate Accountability in Environmental Crimes Against Forest and Land Fires That Have an Impact on Exceeding the Quality Standards of Environmental Damage," *Al-Qisth Law Review* 7, no. 2 (2024): 275–94, https://jurnal.umj.ac.id/index.php/al-qisth/article/view/20044.

[8] Annisa Rasiqah et al., "The Challenge of Granting Authority for Investigators of Civil Servant Officials (PPNS) of Forestry in the Crime of Money Laundering," *Delicti : Journal of Criminal Law and Criminology* 1, no. 2 (2023): 15–25, https://doi.org/10.25077/delicti.v.1.i.2.p.15-25.2023.

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an integrated criminal liability model for corporations that commit environmental crimes based on money laundering. The significance of this research lies in its contribution to strengthening environmental criminal law enforcement policies in Indonesia during the transition period towards the full implementation of national criminal codification.

METHODS

This research was prepared using the normative legal research method or also known as *doctrinal legal research*, which is a method that focuses on the study of written legal norms as *law in books*, without involving empirical testing of social facts in the field. The characteristics of this method place the law as a coherent system of norms, so that the tracing of laws and regulations, doctrines, and legal principles becomes the most relevant analytical instrument to answer the legal issues raised, especially related to the construction of money laundering from environmental crimes in the *National Criminal Code*. The selection of this normative method is also based on the consideration that the problems studied are more oriented towards the synchronization and consistency of norms between regulations, rather than on testing social behavior that requires field data.[9]

The approach used in this study includes a statutory approach and a conceptual *approach*. The legislative approach is carried out by examining all regulations directly related to the issue of money laundering and environmental crimes, especially Law Number 1 of 2023 concerning the Criminal Code and Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. Meanwhile, the conceptual approach is used to explore the principles and legal doctrines that have developed among law scholars to deepen their understanding of the concept of corporate criminal liability.[10]

The legal materials used consist of primary legal materials in the form of related laws and regulations, as well as secondary legal materials in the form of books, scientific journals, and previous research results that are relevant to the theme of the study. The data collection technique is carried out through literature studies by systematically tracing legal documents and academic literature that discuss environmental crimes and national criminal law reforms. In line with the character of normative legal research in general, the identification of legal principles and the degree of synchronization between regulations is an important part of the analysis process.[11] The data that has been collected is then analyzed qualitatively with a deductive approach, which starts from the general premise in the form of applicable legal norms, then is linked to the concrete problem of money laundering from environmental crimes, so that a coherent and argumentative conclusion is obtained regarding the strengthening of criminal responsibility within the framework of *the National Criminal* Code.

RESULTS AND DISCUSSION

Legal Construction of Money Laundering Proceeds of Environmental Crimes in the National Criminal Code

Environmental crimes in Indonesia have often been classified as administrative violations of *malum prohibitum*, even though the impact causes ecological and economic losses equivalent to serious crimes. This classification has implications for the lightness of the threat of sanctions, even though some studies show that the element of intentionality and the serious consequences caused should place this crime in the category *of malum in se*.[12] The indecisiveness of this classification also affects how environmental crimes are recognized as *the predicate crime* of money laundering, considering that until now not all natural resource crimes are explicitly covered by the money laundering regime in Indonesia.[13]

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[9] Sidi Ahyar Wiraguna, "Normative and empirical methods in legal research: Exploratory studies in Indonesia," *Public Sphere: Journal of Socio-Political, Government and Law* 3, no. 3 (2024): 1–10, https://doi.org/10.59818/jps.v3i3.1390.

[10] Tunggul Ansari Setia Negara, "Normative legal research in Indonesia: Its originis and approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

[11] Markuat Markuat, "The Impact of Lockdown Determination for a Country in Meeting Needs Based on the Principle of Justice," *JPeHI (Indonesian Journal of Legal Research)* 3, no. 1 (2022): 80–97, https://ejournal.undaris.ac.id/index.php/jpehi/article/download/336/242.

[12] Hanafi Amrani, "Criminal Policy on Environmental Crimes : Indonesia's Perspective," *Academic Journal of Interdisciplinary Studies* 11, no. 3 (2022): 360–65, https://doi.org/10.36941/ajis-2022-0088.

[13] Felix Aglen Ndaru, "Limitation of criminal acts in the field of natural resources as a criminal offense originating from money laundering in Indonesia," *Indonesian Journal of Environmental Law* 9, no. 2 (2023): 239–78, https://doi.org/10.38011/jhli.v9i2.532.

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Empirically, the link between environmental crime and money laundering has been proven through various international studies. Barone and Masciandaro show that corruption acts as a lubricant that accelerates the conversion of environmental crime proceeds into seemingly legitimate assets, with the value of losses increasing significantly in areas with weak governance.[14] These findings are in line with reports that environmental crimes generate hundreds of billions of dollars in illegal revenue every year, but the handling of money laundering in Indonesia is still far behind the number of environmental crime cases handled.[15]

In terms of law enforcement authority, the Constitutional Court's decision Number 15/PUU-XIX/2021 is a crucial point that provides legitimacy for civil servant investigators in the environment and forestry sectors to participate in investigating money laundering crimes.[16] Maizaroh et al. emphasized that the decision expands investigative authority while unifying previously fragmented sectoral arrangements. The concept of parallel investigations that combines the investigation of originating crimes and money laundering simultaneously is considered to be able to increase the effectiveness of asset tracing, although its implementation still requires the improvement of inter-institutional coordination mechanisms.[17]

Strengthening Criminal Accountability for Money Laundering of Environmental Crimes

Strengthening criminal liability cannot be separated from the recognition of corporations as subject to criminal law. Supreme Court Regulation Number 13 of 2016 is an important instrument that affirms that corporations, whether legal entities or not, can be held accountable for criminal acts that harm the state and society, including environmental crimes.[18] This regulation answers the need for special legal instruments, considering that the modus operandi of corporate crime is structurally different from conventional crimes committed by individuals.

The development of corporate liability regulations in Indonesia shows a significant shift, from what was originally not recognized in the old Criminal Code, to now spread in various special regulations such as the Environmental Protection and Management Law and the Money Laundering Law.[19] The fragmentation of these regulations emphasizes the urgency of consolidating norms in the National Criminal Code so that corporate accountability for money laundering from environmental crimes has a more integrated foundation and does not depend on cross-legal interpretation.

In the aspect of individual accountability, the application of criminal sanctions for money laundering perpetrators relies on Law Number 8 of 2010 as *a lex specialis*, which is strengthened by general provisions regarding errors and the ability to be responsible in the National Criminal Code.[20] Setiawan et al. found that the implementation of this provision still faces obstacles in proving the flow of funds, so that strengthening coordination between the Financial Transaction Reporting and Analysis Center and law enforcement officials is an urgent need.[21] This issue of proof becomes even more complex when environmental crime is intertwined with global dynamics, as demonstrated in the context

[14] Raffaella Barone dan Donato Masciandaro, "Green Grease: Environmental Crime, Corruption and Money Laundering," *Kyklos*, 2025, 991–1006, https://doi.org/10.1111/kykl.12455.
[15] Budi Saiful Haris, "The Added Value and Challenges of the Follow the Money Approach in Environmental Crimes," *AML/CFT Journal: The Journal of Anti Money Laundering and Countering the Financing of Terrorism* 02, no. 02 (2024): 111–25, https://doi.org/10.59593/amlcft.2024.v2i2.71.
[16] Constitutional Court of the Republic of Indonesia, "Decision on the Crime of Money Laundering Number 15/PUU-XIX/2021," 2021, https://jdih.ppatk.go.id/produk-hukum/detail/751/putusan-mahkamah-konstitusi-nomor-15puu-xix2021.
[17] Muthi Maizaroh, Muh Fikran Sena, and Khulaifi Hamdani, "Ideal Model of Parallel Investigation for Handling Money Laundering Crimes Originating from Environmental and Forestry Crimes After the Constitutional Court Decision Number 15 / PUU-XIX / 2021," *AML CFT Journal* 1, no. 1 (2022): 1–14, https://amlcftjournal.ppatk.go.id/index.php/jac/article/view/20.
[18] Utari Nadya Narendraningtyas, "The Urgency of Regulating Criminal Liability in Environmental Crimes by Corporations and Its Legal Implications," *Syntax Literate: Indonesian Scientific Journal* 7, no. 7 (2022), https://garuda.kemdiktisaintek.go.id/documents/detail/2837936.
[19] Muhammad Fadli et al., "When Corporations Violate Criminal Liability Law in the Indonesian Legal System," *Dialogica Legal Journal* I, no. 2 (2026), http://103.133.36.88/index.php/legal/article/view/2413.
[20] Law of the Republic of Indonesia, "Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering," 2010, https://peraturan.bpk.go.id/Details/38547/uu-no-8-.
[21] Darma Setiawan, Erham, and Gufran, "Criminal Liability of Money Laundering Perpetrators in the Perspective of Indonesian Criminal Law," *Rewang Rencang : Lex Generalis Law Journal* 7, no. 7 (2026): 1–12, https://www.ojs.rewangrencang.com/index.php/JHLG/article/view/4020.

of the energy transition, where illegal mining and cross-border trade in e-waste demand an integrated risk-based and criminalization approach across jurisdictions.[22]

Based on this description, strengthening criminal accountability for money laundering from environmental crimes requires three main steps, namely affirming the status of environmental crimes as an explicit *predicate crime*, consolidating cross-agency investigation authority, and harmonizing corporate accountability norms in one coherent codification framework.

CONCLUSION

This study shows that the construction of money laundering laws resulting from environmental crimes in the *National Criminal Code* has not fully explicitly accommodated environmental crimes as *predicate* crimes, thus potentially weakening the effectiveness of tracing and confiscating assets resulting from crimes. The Constitutional Court Decision Number 15/PUU-XIX/2021 has indeed expanded the authority of cross-agency investigations, but its implementation is still constrained by regulatory fragmentation and weak coordination between law enforcement agencies. Strengthening criminal liability, both for individuals and corporations, requires a more integrated harmonization of norms within a national codification framework, accompanied by affirmation of the status of environmental crimes as the source of crime from money laundering. Thus, the reorientation of integrative criminal policy is an urgent need so that law enforcement against money laundering from environmental crimes can run more responsive and fair.

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