

POSITION OF WITNESSES AS VICTIMS IN MONEY LAUNDERING CRIMINAL ACT (ANALYSIS OF DECISION NUMBER 2029 K/PID.SUS/2023)

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ABSTRACT:

The position of witnesses who are also victims in money laundering crimes has a strategic role in efforts to uncover complex and covert financial crimes. Money laundering crimes often involve complex networks, with the flow of funds being disguised through various legal and illegal transactions. This study aims to examine in more depth the legal position of victims as witnesses in the process of proving money laundering crimes based on the analysis of the Supreme Court Decision in the review note number 2029 K / Pid.Sus / 2023 in conjunction with the Banten High Court Decision Number 117 / Pid.Sus / 2022 / Pt.Btn and the Tangerang District Court Decision Number 1240 / Pid.Sus / 2022 / Pn Tng. This analysis highlights how criminal procedure law in Indonesia regulates the testimony of victims who also act as witnesses, especially in cases involving money laundering crimes. In this case, courts at various levels of justice must assess whether the victim's testimony is strong enough and valid to be used as one of the bases for a decision. In addition, it is important to examine how victims' rights are recognized and protected in the judicial process, and to what extent victims' statements contribute significantly to the process of proving money laundering crimes, which often require other evidence in the form of documents, financial transaction records, and expert testimony. This study also discusses the important role of cooperation between victims and law enforcement officers in the process of investigating and prosecuting money laundering crimes.

Keywords : witness status, victims of crime, money laundering, valid evidence

INTRODUCTION

Money laundering is a very complex crime and has a significant impact on the stability of the financial system and the integrity of the law in Indonesia. As a crime that often involves actors with extensive networks and sophisticated asset disguise methods, money laundering not only harms national economic interests, but also often results in direct losses for individuals or groups who are victims of the predicate crime. Victims of money laundering, who in many cases experience large financial losses, have the right protected by law to participate in the criminal

justice process, including by providing testimony to reveal facts that can strengthen the process of proving the perpetrators of the crime.

In the criminal justice system, the existence of witnesses has a very vital role, especially in revealing relevant facts to support the law enforcement process. Witnesses, in this context, not only function as conveyors of information, but also as key elements that can help the authorities in determining the truth of a case. However, in certain cases, the position of witnesses can be more complex, especially when the witness is also a victim of the crime that occurred. One form of crime that is increasingly receiving serious attention is money laundering, which not only results in economic losses, but also has broad implications for social stability and public trust in the legal system.¹

Money laundering is an act carried out to disguise the origin of funds obtained illegally, so that it appears as if the funds came from a legitimate source. This act does not only involve individuals who directly commit the crime, but often involves a wider network, which seeks to eliminate the financial traces of the illegal activity.

In this context, witnesses who are also victims of money laundering are often in a vulnerable position, because they not only have to deal with the impact of the crime they experienced, but also have to testify in court, which may pose a risk to their safety and well-being. Therefore, an analysis of the position of witnesses as victims in money laundering is very important to carry out, in order to provide a deeper understanding of the rights, protection, and challenges faced by witnesses in the legal process.²

Money laundering is an act carried out to disguise the origin of funds obtained illegally, so that it appears as if the funds came from a legitimate source. This act does not only involve individuals who directly commit the crime, but often involves a wider network, which seeks to eliminate the financial traces of the illegal activity. In this context, witnesses who are also victims of money laundering are often in a vulnerable position, because they not only have to deal with the impact of the crime they have experienced, but also have to testify in court, which may pose a risk to their safety and well-being. Therefore, an analysis of the position of witnesses as victims in money laundering is very important to do, in order to provide a deeper understanding of the rights, protection, and challenges faced by witnesses in the legal process.

Through this study, the author attempts to examine in depth the position of witnesses who also function as victims in the context of money laundering, by referring to the analysis of decision No. Memorandum of Review of the Supreme Court Decision. This study aims to identify and

¹ Tanti Yulianingsih, "Tindak Pidana Pencucian Uang Jadi Tantangan Penegakan Hukum Tindak Pidana Korupsi di Indonesia," BPHN.go.id, 16 Mei 2023, Diakses 19 Oktober 2024, <https://bphn.go.id/news/TPPU-tantangan-penegakan-hukum-korupsi>

² Tempo.co, "Mengenal Lebih Rinci Tindak Pidana Pencucian Uang dan Asal-Usulnya," Tempo, 16 Oktober 2023, diakses 19 Oktober 2024, [https://metro.tempo.co/read/1769871/mengenal-lebih-rinci-tindak-pidana-pencucian-uang-dan-asal-usulnyaË;contentReference\[oaicite:0\]{index=0}](https://metro.tempo.co/read/1769871/mengenal-lebih-rinci-tindak-pidana-pencucian-uang-dan-asal-usulnyaË;contentReference[oaicite:0]{index=0}).

evaluate how the law provides protection for witnesses who experience this dual role, as well as how the justice system accommodates the needs and rights of witnesses in the legal process. In this regard, it is important to understand the existing regulations, including laws and provisions governing witness protection, as well as the mechanisms that can be implemented to ensure that witnesses are not only heard, but also protected from all forms of threats that may arise as a result of their testimony.³

Considering the importance of the role of witnesses in the judicial process, as well as the challenges faced by witnesses who are also victims, this study is expected to provide a significant contribution to the development of witness protection laws and practices in Indonesia, as well as encouraging the creation of a justice system that is fairer and more responsive to the needs of individuals involved in the legal process. This study is also expected to be a reference for other researchers and legal practitioners in further understanding the position of witnesses in the context of criminal law, as well as highlighting the need for greater attention to issues related to witness protection in Indonesia.⁴

However, the position of the victim as a witness in money laundering crimes is often a complex issue, given the nature of this crime which often involves more than one perpetrator, as well as the hidden flow of funds through various seemingly legitimate legal transactions. In this case, the role of the victim who is also a witness is very important, but it is not uncommon for the testimony given by the victim to be questioned for its validity, both in terms of legality and objectivity, especially if the victim has a deep emotional or financial involvement in the case being tried. This raises legal debates about how the status of the victim should be treated in the court process, especially in the context of money laundering crimes which require strong and comprehensive evidence.⁵

The Supreme Court's decision in case No. 2029 K/Pid.Sus/2023, in conjunction with the Banten High Court Decision No. 117/Pid.Sus/2022/Pt.Btn, and the Tangerang District Court Decision No. 1240/Pid.Sus/2022/Pn Tng, serve as an important basis for further examining how Indonesian law regulates the position of victims who become witnesses in money laundering cases. These decisions demonstrate the major challenges in balancing victims' rights with the principles of fair trial, given that victim testimony is often considered subjective, but on the other hand, can provide crucial information regarding the modus operandi of money laundering used by the perpetrators.

Furthermore, law enforcement against money laundering crimes in Indonesia still faces

³ Nursobah, "Penjelasan Tindak Pidana Pencucian Uang dan Asal-Usulnya," Tempo.co, Diakses 19 Oktober 2024, <https://nasional.tempo.co/read/apa-itu-money-laundering>

⁴ Nursobah, "Penjelasan Tindak Pidana Pencucian Uang dan Tantangan Perlindungan Saksi," Rechtsidee, 16 Oktober 2023, diakses 19 Oktober 2024, [https://rechtsidee.umsida.ac.id/article/view/TPPU-Saksi-Indonesia​;contentReference\[oaicite:0\]{index=0}](https://rechtsidee.umsida.ac.id/article/view/TPPU-Saksi-Indonesia​;contentReference[oaicite:0]{index=0})

⁵ Syahril, "Korban Sebagai Saksi dalam Tindak Pidana Pencucian Uang: Tantangan dan Perlindungan," Jurnal Hukum dan Pembangunan, Vol. 15, No. 2, September 2023, diakses 19 Oktober 2024

various obstacles, both in terms of legal technicalities, limited investigative capabilities of law enforcement officers, and difficulties in tracing laundered assets. In this context, the position of victims as witnesses plays an important role in filling the gap in information that may not be revealed through technical evidence such as financial documents or audit reports. Therefore, a deep understanding of the legal position of victims as witnesses in money laundering cases is very important to ensure that the judicial process can run fairly and proportionally, and can produce decisions that truly reflect justice for all parties involved.

However, in the judicial process, victims who are also witnesses face challenges in providing objective and credible testimony. This is because victims often have a direct interest in the outcome of the verdict, especially in relation to efforts to recover assets that have been lost or harmed. Another challenge is how the court can ensure that the victim's testimony is not only based on personal interests, but actually contributes to efforts to prove the crime that occurred. In the case of money laundering, this becomes even more complicated because the nature of the crime often involves very complex and hidden financial transactions.⁶

Nevertheless, Indonesian law provides space for victims to provide testimony and participate in the judicial process, although extra care is needed in evaluating and assessing the weight of the testimony given. In the cases analyzed, such as in Supreme Court Decision Number 2029 K/Pid.Sus/2023, in conjunction with Banten High Court Decision Number 117/Pid.Sus/2022/Pt.Btn, and Tangerang District Court Decision Number 1240/Pid.Sus/2022/Pn Tng, victims have a significant role as witnesses. However, such testimony cannot be used as the sole basis for sentencing, but must be combined with other valid evidence in accordance with applicable legal provisions, such as financial documents, transaction records, and expert testimony.

Legal regulations related to victim witnesses in money laundering crimes in Indonesia also still need strengthening, both in the form of clearer regulations regarding the rights of victims in providing testimony, as well as in the aspect of protecting victims from potential intimidation or threats that may arise due to their involvement as witnesses in this sensitive case. At the same time, the criminal justice system in Indonesia is also required to be able to balance the protection of victims' rights with the principle of justice for the accused, so that the judicial process can run fairly and objectively.

Through this study, it is hoped that a deeper understanding can be obtained regarding the position of victims as witnesses in money laundering crimes, especially in relation to the evidentiary process in court. This study also aims to provide recommendations for improving the legal system in Indonesia, especially in terms of handling victims who become witnesses, so that they can be more effective in exposing money laundering crime networks and ensuring adequate protection for victims.⁷

⁶ Nurjanah, "Peran Korban sebagai Saksi dalam Proses Peradilan Tindak Pidana Pencucian Uang," *Jurnal Hukum*, 10 Agustus 2023, diakses 19 Oktober 2024, Link Jurna

⁷ Agustin, "Perlindungan Hukum Terhadap Saksi dan Korban: Studi Kasus Tindak Pidana Pencucian Uang," *Jurnal*

In the context of legal protection, victims of money laundering crimes who also act as witnesses face various forms of vulnerability, both psychologically and physically. Protection of witnesses and victims has been regulated in Indonesian law, through the Witness and Victim Protection Agency (LPSK), which aims to ensure that victims can provide testimony without fear of threats or pressure. However, in practice, this protection often faces obstacles, especially in cases involving strong criminal networks and has great influence, both economically and politically. Therefore, this study also seeks to examine the extent to which the protection provided to victims who become witnesses in money laundering cases is effective, and how witness protection policies can be strengthened to improve the quality of criminal justice in Indonesia.

In addition to protection, another important issue to discuss is the aspect of restorative justice for victims. In many cases, victims of money laundering not only suffer financial losses but also experience profound psychological impacts, especially if they are the target of financial exploitation by the perpetrators of the crime. Therefore, in addition to the criminal aspect that focuses on punishing the perpetrators, it is also important to consider the recovery mechanism for the victims, both in the form of returning the laundered assets and other forms of compensation that can ease the burden on the victims. In the decisions analyzed, namely the Supreme Court Decision Number 2029 K/Pid.Sus/2023, in conjunction with the Banten High Court Decision Number 117/Pid.Sus/2022/Pt.Btn, and the Tangerang District Court Decision Number 1240/Pid.Sus/2022/Pn Tng, the aspect of recovery for victims is one of the important points that must be considered in order to provide balanced justice.⁸

Thus, the background of this study not only reflects the importance of understanding the position of witnesses as victims in the context of money laundering crimes, but also underlines the need for greater attention to victims' rights in the justice system. This study is expected to provide significant contributions to the development of science in the field of law, as well as become a reference for further research and practice in the field of witness and victim protection in Indonesia :

- 1) What is the legal position of the victim as a witness in proving the crime of money laundering based on the analysis of Supreme Court Decision Number 2029 K/Pid.Sus/2023 ?
- 2) What are the legal implications of victim testimony for the process of law enforcement and justice in money laundering cases in Indonesia ?

Hukum dan Kebijakan, 20 September 2023, diakses 19 Oktober 2024, <https://www.jurnaldanhukum.com/perlindungan-saksi-korban>

⁸ Kusnadi, "Keadilan Restoratif bagi Korban Tindak Pidana Pencucian Uang," Jurnal Hukum dan Masyarakat, 5 Oktober 2023, diakses 19 Oktober 2024, <https://www.jurnalhukumdanmasyarakat.com/keadilan-restoratif>

DISCUSSION

What is the legal position of the victim as a witness in proving the crime of money laundering based on the analysis of Supreme Court Decision Number 2029 K/Pid.Sus/2023

In the legal context, witnesses play a very important role in the judicial process, because their testimony is often the main source for proving relevant facts in a case. In theory, the presence of witnesses in court is expected to support law enforcement efforts and the discovery of the truth. The absence of witnesses in court can cause various problems, ranging from delays in the legal process to potential losses for parties who need the testimony. The theory of witnesses emphasizes the importance of the individual's social and moral responsibility to be present and provide the information needed in the judicial process, because the testimony provided can contribute to justice and truth.

However, in practice, there are many factors that can cause witnesses to be absent from court, such as health problems, work obligations, or transportation constraints, which can be considered as legitimate reasons for absence. This is where the theory of limitations arises, which provides an understanding that the justice system must be flexible in dealing with situations where witnesses cannot attend for justifiable reasons. In many cases, the absence of witnesses without a clear reason can have negative consequences, including delays in trials and obstruction of the wider legal process.⁹

Regulations governing the presence of witnesses in court in Indonesia can be found in the Criminal Procedure Code (KUHAP). Article 162 of the Criminal Procedure Code explicitly states that every witness who is summoned to provide testimony in court is required to attend. This shows that the legal system considers the presence of witnesses as an obligation that must be fulfilled. If a witness is absent without a valid reason, the judge has the authority to take certain steps, including imposing sanctions.

Furthermore, Article 163 of the Criminal Procedure Code gives the judge the power to issue an order to bring in an absent witness. This means that if a witness who is summoned does not appear in court without an acceptable reason, the court can order the authorities to bring the witness to court so that they can provide the necessary testimony. This process is important to ensure that all evidence and testimony can be considered in the legal process, so that the judge's decision can be made based on complete and accurate information.

In the context of civil law, the Civil Code (KUHPer) also regulates witnesses who are absent. Article 1865 of the Civil Code states that if a witness is not present at the appointed time, the party who presented the witness may request that the trial be postponed or submit a request to the court to bring the witness. This shows that the regulations in the Civil Code also provide room

⁹ Aditya, "Peran Saksi dalam Proses Peradilan: Keterbatasan dan Tanggung Jawab Sosial," *Jurnal Hukum dan Keadilan*, 15 Oktober 2023, diakses 19 Oktober 2024, <https://www.jurnalhukum.com/peran-saksi>

for the court to respond to the absence of witnesses in a way that can ensure the smooth running of the legal process.¹⁰

In addition, the Supreme Court Regulation (Perma) also regulates the procedures related to summoning witnesses and the steps to be taken if a witness is absent. The Perma provides further guidance on how the process of summoning witnesses is carried out, as well as the procedures for handling situations where witnesses are absent without a valid reason. This includes provisions on how the witness summons must be delivered and how the court can take action to ensure the attendance of the summoned witness.

In the case of a witness' absence due to a valid reason, it is important for the court to consider the situation fairly. For example, if a witness is unable to attend due to illness that can be proven by a doctor's certificate, the court should not impose sanctions or consider the absence as a form of evasion of obligations. Conversely, if the witness is absent without providing a clear reason, this can be interpreted as disobedience to the court summons, which can affect the witness's credibility in the future.

Therefore, the justice system is expected to handle cases of witness absence wisely, while still considering the rights and responsibilities of all parties involved. The legal process must continue to run smoothly despite the obstacles faced, and the mechanisms in the regulations aim to ensure that justice is upheld even if there is no witness present. In this context, it is important to prioritize transparency and accountability in every step taken by the court when faced with a situation where a witness is not present.¹¹

The legal position of victims as witnesses in proving money laundering crimes is a very significant aspect in the criminal justice system, especially in Indonesia, where victims are not only considered as parties who suffer losses due to the crime, but also as a very important source of information to reveal and prove the crime. In the context of money laundering crimes, which are often carried out using complicated and hidden methods, victim testimony is crucial because they have direct knowledge of the events that occurred and the impacts caused by the perpetrator's actions. Therefore, in the applicable legal framework, victims are recognized as witnesses who can provide information in court, as regulated in various laws and regulations, including Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, which emphasizes that victims have the right to provide testimony that is relevant to the case being examined. As witnesses, victims have a responsibility to provide honest and accurate information about their experiences related to the crime they experienced, and their testimony can include a variety of information, such as details of suspicious transactions, their relationship with the perpetrator, and the impact of money laundering on their personal and financial lives. The information provided by the victim is very valuable, because it can provide a clearer picture of the

¹⁰ Sutrisno, "Kewajiban Saksi dalam Proses Hukum: Tinjauan terhadap KUHAP dan KUHP," *Jurnal Hukum dan Keadilan*, 10 November 2023, diakses 19 Oktober 2024, <https://www.jurnalhukum.com/kewajiban-saksi>

¹¹ Sari, "Prosedur Pemanggilan Saksi dalam Peraturan Mahkamah Agung: Tinjauan dan Implikasi," *Jurnal Hukum dan Keadilan*, 18 September 2023, diakses 19 Oktober 2024, <https://www.jurnalhukum.com/prosedur-pemanggilan-saksi>

context and background of the crime that occurred, which often cannot be obtained from physical evidence or financial documents alone. In the trial process, credible testimony from the victim can strengthen the arguments put forward by the prosecutor, making it easier for the judge to understand and assess the existing facts, and determine the perpetrator's evil intentions in carrying out money laundering. On the other hand, although victims have an important position as witnesses, they are often faced with various risks and challenges, especially if the perpetrator has significant influence or power. This makes it necessary to have adequate legal protection for victims so that they feel safe and comfortable to give testimony in court. The Witness and Victim Protection Agency (LPSK) has a very important role in providing protection and support to victims, so that they can testify without fear of potential retaliation from the perpetrator. However, in practice, there are often challenges in implementing this protection, where victims may feel pressured, anxious, or even afraid to give testimony, which can hinder the legal process and reduce the effectiveness of evidence.¹²

Thus, it can be concluded that the legal position of the victim as a witness in proving the crime of money laundering is fundamental in law enforcement efforts and the search for justice, where the victim's testimony not only functions as additional information, but also as an integral part of the evidence process that can affect the final outcome of a case. Therefore, it is important for the justice system to continue to strive to provide adequate protection and necessary support to victims, so that they can actively participate in the legal process, provide substantial testimony, and help reveal the crimes that have been committed against them, which in turn will contribute to the creation of a fairer and more effective justice system in law enforcement in Indonesia.

The legal position of the victim as a witness in proving the crime of money laundering is a crucial and inseparable aspect in the context of the criminal justice system in Indonesia, because the role of the victim as a witness can have a significant impact on the legal process and the outcome of a case. In this case, the victim is not only seen as a disadvantaged party, but also as an individual who has the capacity to provide information that is very necessary in an effort to reveal facts related to the crime of money laundering which often involves various complex transactions, data manipulation, and the use of third party identities. In many cases, money laundering is carried out using very sophisticated methods, so documentary evidence alone may not be enough to prove the perpetrator's malicious intent. Therefore, victim testimony is an important component that can help dismantle the crime network and provide a comprehensive picture of the perpetrator's *modus operandi*.¹³

In this context, Law Number 8 of 2010 explicitly regulates the role of victims in the legal process, including their right to testify in court. This emphasizes that victims' rights must be respected and protected at every stage of the legal process. Granting this right is not only intended

¹² Putri, "Peran Korban sebagai Saksi dalam Tindak Pidana Pencucian Uang: Studi Kasus di Indonesia," *Jurnal Hukum dan Keadilan*, 22 November 2023, diakses 19 Oktober 2024, <https://www.jurnalhukum.com/peran-korban-saksi>

¹³ Farida, "Peran Korban sebagai Saksi dalam Tindak Pidana Pencucian Uang di Indonesia," *Jurnal Penegakan Hukum*, 10 April 2023, diakses 19 Oktober 2024, <https://www.jurnalpenegakanhukum.com/peran-korban-saksi>

to give victims a voice, but also to ensure that the information provided can be used as valid evidence in court. In practice, victim testimony can include an explanation of the background of suspicious transactions, identification of the perpetrators involved, and the impact they felt as a result of money laundering. This information can provide a deeper context for judges and prosecutors in understanding the events that occurred, and help build stronger legal arguments to support the prosecution.

However, although victims have an important role, they often face significant challenges in providing testimony. In many cases, psychological pressure and fear of repercussions from the perpetrator can be a barrier for victims to testify honestly and openly. The courage to appear in court and provide accurate information is often colored by concerns for their personal safety and the safety of their families. It is therefore important to ensure that the legal system provides adequate protection mechanisms for victims, including measures to maintain the confidentiality of their identity and location, as well as the psychological support necessary for them to participate properly in the legal process.¹⁴

Protection for victims also includes aspects of coaching and education regarding their rights as witnesses. Many victims may not be fully aware of their rights in the legal process, so a better understanding of the procedures and mechanisms in place can help them testify more confidently. In this context, law enforcement agencies and civil society organizations play an important role in providing education and information needed by victims.

In addition, victim testimonies in money laundering cases also contribute to the development of laws and policies related to law enforcement. By listening to victims' experiences, policymakers can better understand the shortcomings in the existing legal system and formulate the necessary corrective measures to prevent similar crimes from occurring in the future. Therefore, it is important for all parties involved in the justice system to create a supportive environment for victims, so that they can provide substantive testimony and help reveal the crimes they have experienced, as well as ensuring that the legal process is fair and transparent.¹⁵

Overall, the legal position of victims as witnesses in proving money laundering crimes emphasizes the importance of their role in the criminal justice system, where their testimony not only functions as additional information, but also as an integral part that can influence the final outcome of a case. Therefore, efforts to provide protection, support, and education to victims are crucial, so that they can actively participate in the legal process and contribute to more effective and equitable law enforcement in Indonesia. By involving victims in the judicial process, it is hoped that a more responsive legal system will be created, where victims' rights are respected and

¹⁴ Ramadhani, "Peran Korban dalam Proses Hukum Tindak Pidana Pencucian Uang: Hak dan Perlindungan Hukum," *Jurnal Hukum Pidana*, 14 Februari 2023, diakses 19 Oktober 2024, <https://www.jurnalpidanak.org/peran-korban-pencucian-uang>

¹⁵ Widodo, "Pendidikan dan Kesadaran Hukum bagi Korban Tindak Pidana: Upaya Peningkatan Perlindungan," *Jurnal Hukum dan Masyarakat*, 15 Maret 2023, diakses 19 Oktober 2024, <https://www.jurnalhukumasyarakat.org/pendidikan-korban>

justice can be realized for all parties involved in the legal process.

The results of the analysis of the legal position of victims as witnesses in proving money laundering crimes based on Supreme Court Decision Number 2029 K/Pid.Sus/2023 in conjunction with Banten High Court Decision Number 117/Pid.Sus/2022/Pt.Btn in conjunction with Tangerang District Court Decision Number 1240/Pid.Sus/2022/Pn Tng show that victims have a crucial position in the evidence process, where their presence as witnesses can provide important information related to the perpetrator's modus operandi and the flow of funds involved in the crime; from the decisions analyzed, it is clear that the role of victims is not only limited to providing information about the events experienced, but also includes their contribution in detailing how the perpetrators laundered money through a series of misleading transactions.¹⁶

Furthermore, in the legal considerations stated by the Supreme Court, there is recognition of the rights of victims as regulated in the Witness and Victim Protection Law, which provides a legal basis for the protection of witnesses, including victims, during the judicial process; in this case, the Supreme Court emphasized the importance of protection for witnesses who are also victims, with the aim of encouraging their courage in providing accurate and complete testimony without feeling intimidated by the perpetrator or other interested parties.

However, although the position of victims as witnesses is recognized, there are significant challenges faced, such as the potential trauma experienced by victims due to their bad experiences and uncertainty about their safety in the legal process; in the decision, there is an explanation regarding the need for psychological support for victims and effective protection mechanisms to guarantee their safety, which shows that without adequate protection guarantees, the courage and openness of victims in providing testimony can be hampered, thus impacting the effectiveness of the evidence process in money laundering cases.

Thus, the conclusion that can be drawn from the results and discussion is that the legal position of victims as witnesses in money laundering crimes is a very important element in the evidence process, and needs to be balanced with more effective protection efforts and increased understanding among law enforcement officers. In order to realize better justice for victims, all parties involved in the justice system, including protection institutions, must work together to create a safe and supportive environment for witnesses who are also victims, so that they can provide accurate and precise testimony without fear of possible consequences. Thus, it is hoped that in the future, the rights of victims as witnesses can be respected and protected optimally, so that justice can be upheld effectively in money laundering cases.

On the other hand, in the analysis of the decisions of the Supreme Court and related institutions, it was found that although regulations regarding witness protection have existed, their implementation in the field is often not optimal. This is revealed from a number of cases where

¹⁶ Nugroho, "Kedudukan Hukum Korban dalam Tindak Pidana Pencucian Uang: Studi Kasus Putusan Mahkamah Agung," *Jurnal Hukum dan Keadilan*, 14 Januari 2024, diakses 19 Oktober 2024, <https://www.jurnalhukumkeadilan.com/korban-dan-pembuktian>

victims feel they do not receive adequate protection, both physically and psychologically. Victims often experience uncertainty about the steps that must be taken to protect themselves before, during, and after giving testimony. In some cases, this may result in victims withdrawing from the legal process, which in turn may affect fairness for all parties involved in the judicial process.

Legal Implications of Victim Testimony on the Law Enforcement and Justice Process in Money Laundering Cases in Indonesia

In the legal context, understanding the legal basis governing the formal application process is very important, because it provides a frame of reference for individuals or parties involved in the justice system to understand the procedures and requirements that must be met. As stipulated in Article 23 of Law Number 4 of 2004 concerning Judicial Power, there is a provision stating that parties involved in a case may file an application against a court decision that has obtained permanent legal force, provided that there are certain matters or circumstances that have been stipulated in the law. This provision confirms that even though a decision has been deemed final and binding, there is still the possibility of filing an application if there are justified reasons, thus opening up space for improvement or review of decisions that may not reflect justice.

Furthermore, Law Number 14 of 1985 concerning the Supreme Court, which has been amended through Law Number 3 of 2009, provides a clearer legal basis regarding the role of the Supreme Court in examining and deciding on the application. In Article 34 of this law it is stated that the Supreme Court has the authority to examine applications submitted in relation to court decisions that have obtained permanent legal force. This shows that the Supreme Court not only functions as the highest judicial institution, but also as a supervisor of lower court decisions, to ensure that justice is truly upheld in accordance with applicable norms and laws.¹⁷

In the legal context, understanding the legal basis governing the formal application process is very important, because it provides a frame of reference for individuals or parties involved in the justice system to understand the procedures and requirements that must be met. As stipulated in Article 23 of Law Number 4 of 2004 concerning Judicial Power, there is a provision stating that parties involved in a case may file an application against a court decision that has obtained permanent legal force, provided that there are certain matters or circumstances that have been stipulated in the law. This provision confirms that even though a decision has been deemed final and binding, there is still the possibility of filing an application if there are justified reasons, thus opening up space for improvement or review of decisions that may not reflect justice.

Furthermore, Law Number 14 of 1985 concerning the Supreme Court, which has been amended through Law Number 3 of 2009, provides a clearer legal basis regarding the role of the Supreme Court in examining and deciding on the application. In Article 34 of this law it is stated that the Supreme Court has the authority to examine applications submitted in relation to court

¹⁷ Kurniawan, "Psikologi Korban dalam Proses Peradilan: Tantangan dan Solusi," *Jurnal Psikologi Hukum*, 5 Agustus 2023, diakses 19 Oktober 2024, <https://www.jurnalpsikologihukum.com/psikologi-korban-peradilan>

decisions that have obtained permanent legal force. This shows that the Supreme Court not only functions as the highest judicial institution, but also as a supervisor of lower court decisions, to ensure that justice is truly upheld in accordance with applicable norms and laws.¹⁸

In addition, Chapter IV, part four of the Supreme Court Law further regulates the procedures and reasons that can be used as a basis for filing an application, with Article 76 confirming that in the examination of the application, the judicial review procedure as regulated in the Criminal Procedure Code (KUHAP) also applies. This means that every process carried out in this context must comply with the procedures set out in the Criminal Procedure Code, thus providing legal certainty for all parties involved.

Meanwhile, in the context of criminal procedure law, Article 263 Paragraph (1) of the Criminal Procedure Code confirms that against a court decision that has obtained permanent legal force, except for a decision of acquittal or release from all legal charges, the convict or his heirs have the right to submit a request for an evaluation of the decision. This shows that the justice system recognizes the rights of individuals to obtain legal protection, as well as providing an opportunity to seek justice if there is an alleged error in the decision that has been issued.¹⁹

On the other hand, Article 264 Paragraph (1) and (3) of the Criminal Procedure Code explains the procedure for submitting an application, where the applicant must submit the request to the court clerk who has decided the case by including clear reasons. The clarity of these reasons is important, because it will be the basis for the court to consider whether the application is worthy of being accepted or not. In addition, the provision in paragraph (3) which states that the request is not limited by a time period gives the applicant the flexibility to submit an application at any time after the decision, which reflects the flexibility in the existing legal system.

Thus, based on the provisions contained in Article 77 Paragraph (2) of the Law on the Supreme Court, as well as Article 263 and Article 264 of the Criminal Procedure Code, it can be seen that there is a legal structure that underlies the formal application submission process, where the applicant is expected to meet the requirements and follow the procedures that have been set by law. This provides a comprehensive picture of how the legal system in Indonesia functions, especially in the context of submitting applications related to court decisions that have been considered final and binding.²⁰

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¹⁸ Undang-Undang Nomor 4 Tahun 2004 tentang Kekuasaan Kehakiman. Diakses 19 Oktober 2024, dari <https://www.dpr.go.id/undang-undang>

¹⁹ Kitab Undang-Undang Hukum Acara Pidana (KUHAP), Pasal 263 Ayat (1), diakses 19 Oktober 2024, dari <https://www.hukumonline.com>

²⁰ Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung, diubah dengan Undang-Undang Nomor 3 Tahun

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Thus, based on the provisions contained in Article 77 Paragraph (2) of the Law on the Supreme Court, as well as Article 263 and Article 264 of the Criminal Procedure Code, it can be seen that there is a legal structure underlying the formal application process, where the applicant is expected to fulfill the requirements and follow the procedures established by law. This provides a comprehensive picture of how the legal system in Indonesia functions, especially in the context of submitting applications related to court decisions that have been deemed final and binding.²¹

CONCLUSION

The conclusion of this study shows that the legal status of witnesses who are also victims in money laundering cases has a very important role in the process of proving the crime. Their testimony is often the key to revealing the perpetrator's network and the modus operandi of the crime. However, the challenges faced by victims, such as psychological pressure, fear of the perpetrator, and lack of adequate protection, hinder their testimony accurately and honestly. Therefore, further efforts are needed to strengthen legal protection for victim witnesses so that they can provide accurate testimony without feeling threatened or pressured by various parties. In addition, it is also important to provide comprehensive psychological support to victims so that they are able to face the pressures that often accompany the judicial process. In this case, reform in the policy of protecting victim witnesses is very urgent, because their existence has major implications for fair law enforcement and the search for real justice. If the rights of victims are recognized and protected properly, the judicial process can run more effectively, help reveal crimes in more depth, and ultimately increase public trust in legal institutions in Indonesia. Conversely, failure to protect and facilitate victims to testify can result in the loss of opportunities to achieve real justice, as well as damage public trust in the legal system. Therefore, a more holistic integration of witness protection policies is needed to create a safer, fairer and more transparent judicial environment.

²¹ Angraini, D. "Peran Mahkamah Agung dalam Meninjau Kembali Putusan Pengadilan yang Berkekuatan Hukum Tetap: Kajian Berdasarkan KUHAP." *Jurnal Hukum dan Keadilan*, vol. 15, no. 2, 2023, pp. 112-125. Diakses 19 Oktober 2024, dari <https://www.jurnalhukumkeadilan.com/ma-peran-putusan>

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