

# **Criminal Liability of the Criminal Acts of Circulation of Counterfeit Currency Based on Law Number: 7 of 2011 Concerning Currency**

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## **ABSTRACT**

*Related to national development, money is a very supportive factor in encouraging the success of development in all fields. The importance of money causes some people to try to own and earn as much money as possible, even if the way to get it is against the law. The form of ways that are against the law can be a crime against the currency itself, one of which is the act of counterfeiting currency. Nowadays the crime of counterfeiting money is increasingly troubling the community because it has been rampant on a large scale and its circulation is increasingly organized. In addition to harming the community, the main impact that can be caused by this crime is that it can threaten monetary conditions and the national economy. Positive law has stipulated that criminal acts against currencies are formulated in Law No. 7 of 2011 on Currency, and in the Criminal Code. The purpose of this study is to find out about the criminal liability of criminal perpetrators of counterfeit currency distribution under Law No. 7 of 2011 on Currency, and in the Criminal Code. In this study, the author used a method or library research approach to process research materials through various literature, books, notes, magazines, to get answers about the problems studied.*

**Keywords:** *Criminal Liability, Counterfeit Money*

## **A. Introduction**

Money is a tool to meet important human needs, needs require a means of payment that facilitates the exchange of goods so that work can be made easier. Money is something that is very important in human life.<sup>1</sup> Money plays an important role in human life because money is a legal means of payment used by modern people in the world to meet their daily needs.<sup>2</sup> The money supply is one of the most important indicators in the formulation of monetary policy. In this regard, the money supply has always been a concern, both by policy makers in the monetary economy and economic observers.<sup>3</sup> The importance of money causes some people to try to have and get as much money as possible, even though the way to get it is against the law. The form of unlawful methods can be in the form of crimes against the currency itself, one of which is currency counterfeiting. The crime of imitating or counterfeiting currency is an attack on legal interests over trust in money as a legal tender. Currently, the crime of counterfeiting money is increasingly troubling the public

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<sup>1</sup> Iwardono S.P., *Uang dan Bank*, BPFE, Yogyakarta, 2004, hlm. 3

<sup>2</sup> Sawaldjo Puspoprano, *Keuangan Perbankan Dan Pasar Keuangan*, Penerbit Pustaka LP3ES Indonesia, Jakarta, 2004, hlm. 2

<sup>3</sup> Bank, Pusat Pendidikan Dan Studi Kebanksentralan PPSK. *Uang: Pengertian, Penciptaan dan Peranannya dalam Perekonomian*. Vol. 1. Pusat Pendidikan Dan Studi Kebanksentralan (PPSK) Bank Indonesia, 2017.

because it has become rampant on a large scale and its circulation is increasingly organized. Besides being able to harm the community, the main impact that can be generated from this crime is that it can threaten monetary conditions and the national economy.

In addition, there can also be an impact on the interests of the state, namely the loss of public confidence in the government and the rupiah currency itself. Circulation of counterfeit money which is currently a phenomenon that is no longer considered impossible, the motives used in this crime are increasingly diverse following the times. This type of crime must be very disturbing to the public, so extra effort is needed and it is handled more seriously because money is a means of paying for a transaction that has a price and indeed money is a priority tool for a country's economy. The way that can be done to at least prevent this crime is the participation of the community in supervising transactions from the smallest to the largest because all economic transaction activities in each country have a very important position for the continuity of the administration of the wheels of government<sup>4</sup>

The existence of this crime of counterfeiting money is caused, among others, from the limitations of detection and public ignorance about the crime of counterfeiting money and one of the ways to overcome it must be law enforcement efforts that are always in search of solutions to overcome them. Efforts to overcome the crime of counterfeiting and currency circulation are essentially part of the effort to enforce criminal law.

There are several strategies in law enforcement of the crime of counterfeiting money, including socializing the authenticity of rupiah currency to the entire community, among others with the slogan "3D" (See, Touch, Diterawang). The crime of falsification is a crime in which it contains an element of untruth or falsehood of something (object). "Forgery" is a type of violation of truth and belief with the aim of obtaining benefits for himself and for others.<sup>5</sup>

The existence of a criminal act regarding the circulation of counterfeit currency requires a real and firm action as the basis for fulfilling the aspirations of the community, because indirectly the circulation of such currency will damage the condition of the Indonesian economy in general. Moreover, the circulation of counterfeit currency will be felt by individuals who are directly harmed by the use of counterfeit money as a medium of exchange.

Therefore, enforcement of the existence of counterfeiting of this money is an urgency that must be carried out by the legal apparatus thoroughly and well integrated, in order to unravel the root cause of the emergence of this counterfeiting activity in the community.

Based on the explanation of the background of the research above, the formulation of the problem in this study. The author wants to try to explore the application of criminal sanctions against the perpetrators of the crime of circulating counterfeit money based on Law Number 7 of 2011 concerning Currency.

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<sup>4</sup>Boediono, *Ekonomi Moneter*, BPFE, Yogyakarta, 1990, hlm. 19

<sup>5</sup> Adami Chazawi, *Kejahatan Mengenai Pemalsuan*, Raja Grafindo, Jakarta, 2005, hlm4

## **B. Focus of Problems**

From the description of the background above, the problem is formulated as follows:

1. Criminal Liability of Perpetrators of the Crime of Circulating Counterfeit Currency Based on Law Number: 7 of 2011
2. What are the obstacles to law enforcement on the crime of dealers of counterfeit money?

## **C. Research Methodology**

In this study the author chose to use the library approach method to collect data. This method has another name Library research, which is a method used to collect data through reading, writing and then processing it with various literature, books, notes, magazines, to get answers about the problems being studied.<sup>6</sup>

Sources of data in research with the library method are distinguished by two sources: First, primary sources where the main data source is collected directly by the author or researcher from the object of research by sourced from books/journal articles, Second secondary sources are additional data sources to support the main data, namely other books/articles that reinforce the concepts in the primary sources.

## **D. Finding & Discussion**

### **1. Crime History**

Crimes against currency, especially currency counterfeiting, are increasingly rampant on a large scale and are very worrying, especially in terms of the impact caused by counterfeiting crimes that can threaten monetary conditions and the national economy. Counterfeiting of money today turns out to also give rise to other crimes such as terrorism, political crimes, money laundering, illegal logging, and human trafficking, whether carried out individually, organized or committed. cross country. In fact, the modes and forms of crimes against Currency are growing. Meanwhile, the provisions for the criminal act of counterfeiting money as regulated in the Criminal Code have not comprehensively regulated the types of acts and the sanctions that are threatened. By considering the rationale, it is necessary to regulate the types and prices of Currency, including sanctions in a law because this is a basic need.<sup>7</sup>

The crime of counterfeiting and counterfeiting currency and banknotes, which is sometimes abbreviated as counterfeiting money, is an attack on legal interests over trust in legitimate legal interests. As a means of payment, trust in money must be guaranteed. This crime

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<sup>6</sup> Iqbal, Muhamad. "Implementasi Efektifitas Asas Oportunitas di Indonesia Dengan Landasan Kepentingan Umum." *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum dan Keadilan* 9.1 (2018): 87-100

<sup>7</sup> Adami Chazawi, *Op Cit*, hlm 43

was carried out in relation to protecting the legal interests of the community against money as a means of payment<sup>8</sup>

The act of imitating (*namaken*) is making something that resembles or is like the original from that thing. In the case of this crime something that is imitated is currency and paper money, imitating is defined as making currency or paper money that resembles or is similar to the original currency or banknotes is currency and paper money, imitating is defined as making currency or paper money that resembles or is similar to real currency or banknotesi.<sup>9</sup>

In contrast to the act of imitation in the form of the act of producing a new currency or paper money (but fake or not original), which means that before the act was carried out there was absolutely no money. In the act of counterfeiting (*vervalschen*) before the act was carried out there was already money (original). In this original money, the act of adding something either writing, pictures or colors, adding or subtracting materials on the currency so that it becomes different from the original. It is not a condition whether the paper money or currency has a low value or a high value. Likewise, it is not a condition for what motive he does the deed. If there is an intention to circulate it or to order it to circulate or to order it to be circulated as original and not faked, then the act is an act that is prohibited and will be punished.<sup>10</sup>

The act of "circulating" is contained in the first and second forms of criminal offenses in Article 245. For the realization of a criminal act by circulating non-genuine or counterfeit money, it is marked by the object that the money is no longer in its control. Transferring to the power of another party must be done deliberately. Deliberately here is referred to either the act of circulating it or to the condition that the money in circulation is not genuine or counterfeit. Circulating is an act that is formulated in an abstract way, whose concrete form can take various forms, whose completion is marked by the transfer of power over the money, which begins under the authority of the dealer to another party.<sup>11</sup>

## **2. Definition of Criminal Liability**

Criminal liability is a form of determining whether a suspect or defendant is responsible for a crime that has occurred. In other words, criminal liability is a form that determines whether a person is released or convicted for a criminal act he has committed.

Criminal liability leads to the punishment of the perpetrator, if he commits a criminal act and fulfills the elements that have been determined by law. Judging from the occurrence of prohibited acts, he will be held accountable if the act violates the law. From the point of view of the ability to be responsible, only people who are able to be responsible can be held

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<sup>8</sup> *Ibid*, hlm 21

<sup>9</sup> *Ibid*, hlm 23

<sup>10</sup> *Ibid*, hlm 25

<sup>11</sup> *Ibid*, hlm 46

accountable.<sup>12</sup>

Sentencing someone is not enough if someone has fulfilled the elements of a criminal act. Even though he has committed an act that fulfills the elements of a criminal act and is against the law (formal, material), and there is no justification, it does not meet the requirements that the person who commits a crime must have a fault.

According to the error theory, it explains that for an error to result in a defendant being convicted, the defendant must meet the following criteria::

1. Commit a criminal act,
2. Able to be responsible
3. Deliberately or negligently, and
4. There are no justifications and excuses.<sup>13</sup>

Furthermore, in the theory of errors regarding the definition of responsibility criminal:

Accountability is something that must be accounted for for the actions that have been done. Accountability is an act that is disgraceful by society and it is accountable to the maker. Criminal liability is a person who can be convicted or not because of his ability to take responsibility for his actions. In foreign languages it is known as *Toerekeningsvatbaarheid* and the defendant will be released from responsibility if it does not violate the law. For criminal liability to exist, it must first be clear who can be accounted for. This means that it must first be confirmed who is declared the maker of a crime.”<sup>14</sup>

In criminal liability, the burden of responsibility is borne by the perpetrators of criminal offenses related to the basis for imposing criminal sanctions. A person will have the nature of criminal responsibility if a thing or act committed by him is against the law, but a person can lose the nature of responsibility if an element is found in him that causes the loss of one's ability to be responsible. legality, while the maker can be punished on the basis of an error, this means that a person will have criminal liability if he has committed an act that is wrong and contrary to the law. In essence, criminal liability is a form of mechanism created to react to the violation of a certain agreed-upon act.<sup>15</sup>

The element of error is the main element in criminal liability. In the sense that a criminal act does not include criminal liability, a criminal act only refers to whether the act is against the law or prohibited by law, regarding whether a person who commits a criminal act is then

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<sup>12</sup> Hanafi Amrani, Mahrus Ali, *Sisitem Pertanggung Jawaban Pidana*, Rajawali Pers, Jakarta, 2015, hlm 6

<sup>13</sup> Roeslan Saleh. *Perbuatan Pidana dan Pertanggungjawaban Pidana*. Aksara Baru. Jakarta. hlm 47.

<sup>14</sup> *Ibid*, hlm 48

<sup>15</sup> Chairul Huda, *Dari Tindak Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggung jawab Pidana Tanpa Kesalahan*, Kencana, Jakarta, 2006, hlm 68

convicted depends on whether someone who commits a criminal act has an element of error or not. . According to Andi Hamzah explained that the maker (dader) must have an element of guilt and guilt that must meet the elements, namely.<sup>16</sup>

1. The ability to be responsible or accountable from the maker.
2. There is a psychic link between the maker and the deed, namely the existence of intentional or error in a narrow sense (culpa). The perpetrator has an awareness that the perpetrator should be able to know the consequences of his actions.
3. There is no basis for the elimination of a criminal offense that erases the ability to be held accountable for an act to the maker.

Criminal liability in the command law system is always associated with mens rea and punishment. Criminal responsibility has a relationship with society, namely the relationship of responsibility with the community as a function, here responsibility has the power of imposing criminal so that accountability here has a social control function so that in society there is no crime.

Besides that, criminal responsibility in the common law system is related to means that criminal responsibility is based on a mental state, namely a guilty mind. Guilty mind implies a subjective error, i.e. a person is found guilty because the maker is judged to have wrong thoughts, so that person must be responsible. The existence of criminal responsibility is imposed on the maker, the criminal maker must be punished. The absence of a wrong mind (no guilty mind) means that there is no criminal responsibility and results in not being punished.<sup>17</sup>

Mistakes as part of the mens rea are also interpreted as errors for violating the rules, or violating the laws and regulations. Everyone who violates the law then that person must be responsible for what has been done.<sup>18</sup> Mistakes as an element of responsibility in this view make a guarantee for someone and make control of one's freedom over others. The existence of this guarantee makes a person protected from the actions and control of others who violate the law, the criminal is burdened with criminal responsibility.

The Criminal Code does not clearly state the system of criminal responsibility adopted. Several articles in the Criminal Code often mention errors in the form of intentional or negligence, but unfortunately the meaning of intentional error or negligence is not explained by the law. there is no further explanation regarding intentional errors or omissions, but based on the doctrine and opinions of legal experts regarding the articles in the Criminal Code it can be concluded that in these articles contain elements of intentional errors or negligence which must be proven by the court, so that In order to punish the perpetrator who commits a criminal act, in

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<sup>16</sup> Andi Hamzah. *Asas-Asas Hukum Pidana*. Rineka Cipta. Jakarta, 2014, hlm. 130

<sup>17</sup> Maulida, Irvian Dwi. *Pertanggungjawaban Pidana Dalam Tindak Penggelapan Dalam Jabatan (Studi Kasus Putusan Nomor 43/Pid. B/2019/PN. Tgl)*. Diss. Universitas Pancasakti Tegal, 2020.

<sup>18</sup> Ratmala, Cindy Agnesia, Elsa Rina Maya Toule, and Erwin Ubwarin. "Pelibatan Anak Dalam Pemilihan Umum." *TATOHI: Jurnal Ilmu Hukum* 1.3 (2021): 220-231

addition to having been proven to have committed a criminal act, the element of intentional error or negligence must also be proven.<sup>19</sup> This means that in terms of criminal liability, it cannot be separated from the role of the judge to prove the elements of criminal responsibility itself because if these elements cannot be proven true, then a person cannot be held accountable.

In criminal law against a person who commits a violation or a criminal act, accountability is required for the principles of criminal law. One of the principles of criminal law is the legal principle of *nullum delictum nulla poena sine pravia lege* or what is often referred to as the principle of legality, this principle is the basic unwritten basis in punishing people who have committed criminal acts "not being punished if there are no mistakes". This basis is about the accountability of a person for the actions he has done. This means that a person can only be held accountable if that person makes a mistake or commits an act that violates the laws and regulations. This legality principle implies that there is no prohibited act and is threatened with a criminal if it has not been stated in a statutory rule. The purpose of this is that a person can only be held accountable if the act has indeed been regulated, and a person cannot be punished or held accountable if the regulation appears after a criminal act has been committed. To determine the existence of a criminal act, it is not allowed to use figurative words, and the rules of criminal law are not retroactive.<sup>20</sup>

### **3. Criminal Liability With Aspects of Evidence**

Proving the counterfeiting of Rupiah currency related to counterfeiting is not easy because the suspect always says that he does not know that the money he is carrying is counterfeit. To find out whether the money is fake or genuine, we can find out that counterfeit money has characteristics including:

1. Having a very high secrecy syndicate so as not to be known by the authorities.
2. Have a large capital in planning, manufacture to distribution.
3. Using experts and technologically advanced equipment in making counterfeit money so that it is as close as possible to real money.
4. In its circulation, the area and time are not limited.
5. Has an economic motive that can be used for political purposes and subversion.
6. Take advantage of the atmosphere, situation and environmental conditions

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<sup>19</sup> Hanafi Amrani, Mahrus Ali, *Op Cit*, hlm 52

<sup>20</sup> Widayati, Lidya Suryani. "Perluasan asas legalitas dalam RUU KUHP." *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 2.2 (2016): 307-328.

as well as the psychological condition of the victim in its distribution.<sup>21</sup>

There are 9 (nine) easy ways to detect counterfeit money, as follows:

1. Watermark On banknotes there is a watermark in the form of an image that can be seen when looked at the light.
2. Security Thread Embedded in the thickness of the paper so that it appears as a transverse line from top to bottom, can be made not to glow or glow under ultra violet light with one color or several colors.
3. Print Intaglio Prints that appear and will be visible when touched.
4. Rectoverso Printing of a variety of shapes that produce prints on the front and back of the right (filling each other).
5. Optical Variable Ink Glossy prints that change color when viewed from different angles.
6. Micro Letters Printing of writing in micro size and can only be seen with a magnifying glass.
7. Invisible Ink Prints are invisible to the eye but glow more clearly under ultra violet light.
8. Multilayer latent image/metal layer Printing technique where in one plane the print is visible; more than one image object when viewed from different points of view.
9. Color Window/Clear window On banknotes there is a part made of colored/colorless transparent plastic.<sup>22</sup>

In Article 184 paragraph (1) of the Criminal Procedure Code, it is stated that legal evidence is:

1. Witness testimony;
2. expert testimony;
3. letters;
4. hint;
5. the defendant's statement.

Regarding to proof of counterfeit or genuine money, the efforts that can be taken by law enforcement officers in proving the crime of counterfeiting money is to ask for the assistance of expert witnesses from Bank Indonesia. Expert witnesses from Bank Indonesia are parties who are competent in their fields to provide information or explanations to the Panel of

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<sup>21</sup> Amiruddin, Andi Wahyu. "*Tindak Pidana Uang Palsu Dalam Penyidikan Dan Pembuktiannya Menurut UU NO. 7 Tahun 2011 Sebagai Lex Specialis.*" *LEX CRIMEN* 7.3 (2018)

<sup>22</sup> *Ibid*

Judges that the money as evidence in the trial is counterfeit money or not, which is based on the results of observations or research by expert witnesses on the characteristics of counterfeit money.

Article 1 number 28 of the Criminal Procedure Code states that: expert testimony is information given by a person who has special expertise on matters needed to make light of a criminal case for the purpose of examination. Expert testimony as stated in Article 1 number 28 of this Criminal Procedure Code, if it is related to the crime of counterfeiting money, must be given by an expert in knowing the authenticity of the currency, in this case it must be requested from Bank Indonesia which circulates the currency.

#### **4. Legal Basis for Circulation of Counterfeit Currencies in Law Number 7 Year 2011 Regarding Currencies.**

Article 11 of Law No. 7 of 2011 concerning Currency provides a mandate for Bank Indonesia to be the only institution authorized to issue, circulate and/or revoke Rupiah. In order to maintain the quality of Rupiah circulating in the community, Bank Indonesia implemented a policy to replace Rupiah that is not fit for circulation with Rupiah that is fit for circulation. This policy aims to keep the Rupiah circulating in good quality so that it is easy to recognize the characteristics of its authenticity. In Article 1 paragraph 5 of Law No. 7 of 2011 concerning Currency, it is stated that the characteristics of the Rupiah are certain marks on each rupiah that are determined with the aim of showing identity, differentiating prices or nominal values, and securing the Rupiah from counterfeiting.<sup>23</sup>

Based on Law Number: 7 of 2011 concerning Currency. regulates the mandatory use of rupiah in every transaction in Indonesia. The obligation to use the rupiah where the rupiah must be used for all transactions in the territory of the Unitary State of the Republic of Indonesia, the use of other payment instruments other than the rupiah in Indonesia may be subject to criminal sanctions, both imprisonment and fines, except for acts that are excluded in Law Number 7 of 2011 About Currency.

Criminal provisions in Law Number 7 of 2011 concerning Currency are contained in Article 33 to Article 41. The criminal acts contained in Article 33 and Article 34 of Law Number 7 of 2011 are violations, while the criminal acts contained in Article 35 , Article 36, and Article 37 of Law Number 7 of 2011 are crimes. As for those related to counterfeiting activities, it is contained in Article 36 and Article 37 of Law Number 7 of 2011.<sup>24</sup>

The crimes contained in Article 35, Article 36, and Article 37 of Law Number 7 of 2011 are crimes. As for those related to counterfeiting activities, it is contained in Article 36

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<sup>23</sup> Wijayanto, Agus Arif. "Pemalsuan Mata Uang Sebagai Kejahatan Di Indonesia." *Jurnal Hukum Khaira Ummah* 12.4 (2017): 891-898

<sup>24</sup> *Ibid*

and Article 37 of Law Number 7 of 2011.<sup>25</sup>

Article 36 of Law Number 7 of 2011 states that:

(1) Any person who counterfeits the Rupiah as referred to in Article 26 paragraph (1) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah);

(2) Anyone who physically stores in any way that he knows is counterfeit Rupiah as referred to in Article 26 paragraph (2) shall be punished with imprisonment for a maximum of 10 (ten) years and a fine of a maximum of Rp.10,000,000,000.00 (ten billion rupiah);

Everyone who circulates and/or spends Rupiah which he knows is Counterfeit Rupiah as referred to in Article 26 paragraph (3) shall be punished with imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp. 50,000,000,000.00 (fifty). billion rupiah).

Based on the provisions of the article, that for Article 36 paragraph (1) of the Law Number 7 of 2011 contains criminal elements including the elements of "everyone" and "Counterfeiting Rupiah". For Article 36 paragraph (2) of Law Number 7 of 2011 the criminal elements include the element "everyone" and the element "who keeps physically in any way he knows is a Counterfeit Rupiah".

The punishment given in Article 36 paragraphs (1) and (2) is a maximum sentence of imprisonment for a maximum of 10 (ten) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah). As for Article 36 paragraph (3) of Law Number 7 of 2011 the criminal elements include the element "everyone" and the element "who circulates and/or spends Rupiah which he knows is a Counterfeit Rupiah". The punishment is more severe than Article 36 paragraph (1) and paragraph (2), namely a maximum sentence of imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp. 50,000,000,000.00 (fifty billion rupiah).

Furthermore, Article 37 of Law Number 7 of 2011 states that:

(1) Everyone who produces, sells, buys, imports, exports, stores, and/or distributes machinery, equipment, printing equipment, printing plates or other tools used or intended to make Counterfeit Rupiah as referred to in Article 27 paragraph (1 ) shall be sentenced to a maximum imprisonment of life and a maximum fine of Rp. 100,000,000,000.00 (one hundred billion rupiah);

(2) Everyone who produces, sells, buys, imports, exports, stores, and/or distributes Rupiah raw materials used or intended to make Counterfeit Rupiah as referred to in Article 27 paragraph (2) shall be sentenced to a maximum imprisonment of life. , and a maximum fine of Rp. 100,000,000,000.00 (one hundred billion rupiah).<sup>26</sup>

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<sup>25</sup> *ibid*

<sup>26</sup> *ibid*

Based on the provisions of the article, that for Article 37 paragraph (1) of Law Number 7 of 2011 the criminal elements include the element of "everyone", the element of "producing, selling, buying, importing, exporting, storing, and/or distributing machinery, equipment, printing equipment, printing plates or other tools used" and the element "intended to make counterfeit Rupiah". As for Article 37 paragraph (2) of Law Number 7 of 2011 the criminal elements include the element of "everyone", the element of "producing, selling, buying, importing, exporting, storing, and/or distributing Rupiah raw materials used", and the element "intended to create counterfeit Rupiah". The punishment given in Article 37 paragraph (1) and paragraph (2) is a maximum sentence of life imprisonment and a maximum fine of Rp. 100,000,000,000.00 (one hundred billion rupiah).

In relation to counterfeiting in Article 36 and Article 37 of Law Number: 7 of 2011, if the individual convict is unable to pay the fine, the fine shall be replaced with imprisonment with the provisions for each criminal fine of Rp. 100,000,000.00 (one hundred million rupiahs) shall be replaced with imprisonment for 2 (two) months. The punishment imposed on corporations is in the form of a fine with the provisions of a maximum fine as referred to in Article 33, Article 34, Article 35, Article 36, or Article 37 plus 1/3 (one third). If the corporate convict is unable to pay the criminal fine, the court decision shall include an order for the confiscation of the corporate property and/or the assets of the corporate management. In addition to criminal sanctions, additional penalties can be imposed in the form of revocation of business licenses and/or confiscation of certain goods belonging to the convict.<sup>27</sup>

## **E. Conclusion**

It can be drawn based on the explanation above that the criminal responsibility of the perpetrators of the act of circulating counterfeit currency is based on Law Number 7 of 2011. The crimes contained in Article 35, Article 36, and Article 37 of Law Number 7 of 2011 are crimes. More clearly related to the crime of circulating counterfeit currency is stated in Article 36 of Law Number 7 of 2011.

Based on the provisions of the article, that for Article 36 paragraph (1) of Law Number 7 of 2011 the criminal elements include the elements of "everyone" and "counterfeiting Rupiah". For Article 36 paragraph (2) of Law Number 7 of 2011 the criminal elements include the element "everyone" and the element "who keeps physically in any way he knows is a Counterfeit Rupiah".

The punishment given in Article 36 paragraphs (1) and (2) is a maximum sentence of imprisonment for a maximum of 10 (ten) years and a maximum fine of Rp. 10,000,000,000.00

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<sup>27</sup> HM Ikhwan Rays. " *Kajian Normatif Terhadap Kejahatan Pemalsuan Uang Di Indonesia* " Jurnal Yustisiabel 3.1 (2019): 25-46.

(ten billion rupiah). As for Article 36 paragraph (3) of Law Number 7 of 2011 the criminal elements include the element "everyone" and the element "who circulates and/or spends Rupiah which he knows is a Counterfeit Rupiah". The punishment is more severe than Article 36 paragraph (1) and paragraph (2), namely a maximum sentence of imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp. 50,000,000,000.00 (fifty billion rupiah).

#### **E. Recommendation**

In closing, the author states that responsibility for the crime of counterfeiting Rupiah is the duty of all levels of society throughout the Indonesian nation to secure the Rupiah currency from the crime of counterfeiting and combat the crime of counterfeiting rupiah currency so that the circulation of counterfeit money can be reduced. Furthermore, if a counterfeit rupiah note is found in daily activities, it is expected to immediately report it to the authorities. Considering that counterfeiting money is a crime that is detrimental to society. So in an effort to overcome it, namely providing application to the circulation of counterfeit money by providing knowledge to the wider community about the authenticity of rupiah currency through socialization / counseling and distribution of brochures.

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