

The Danger Of Money Laundering To The Economy

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ABSTRACT

Money laundering is a process where someone hide existence , source illegal , or usage illegal from income , and then disguise income the for make it looked valid . Money laundering has known since 18th century . However , deeds this criminalized in 1980 with application Central anti- money laundering Act . (1986), which later followed by The D'annunzio Wylie Act . And the Act Eradication Money Laundering (1994) by the United States Government . Whereas Government The Republic of Indonesia is criminalized action this in 2002 with _ Secrete Constitution Number 15 of 2002 On follow criminal money laundering . follow criminal money laundering has give effect negative on the field economics and business , that is damage sector business legitimate private , destructive _ financial market integrity , which resulted loss control Government to policy economy and stability economy .

Keywords : _Money laundering, criminalization , economy and business _

ABSTRAK

Pencucian uang adalah uang hasil kejahatan yang di cuci dengan system keuangan yang sah . Pencucian uang telah dikenal sejak abad ke-18. Namun, perbuatan ini dikriminalisasi pada tahun 1980 dengan penerapan UndangUndang anti-pencucian uang Pusat. (1986), yang kemudian diikuti oleh The D'annunzio Wylie Act. Dan Undang-undang tentang Pemberantasan Pencucian Uang (1994) oleh Pemerintah Amerika Serikat. Sedangkan Pemerintah Republik Indonesia dikriminalkan tindakan ini pada tahun 2002 dengan mengeluarkan UndangUndang Nomor 15 Tahun 2002 Pada tindak pidana pencucian uang. Tindak pidana pencucian uang telah memberikan efek negatif pada bidang ekonomi dan bisnis, yaitu merusak sektor bisnis swasta yang sah, merusak integritas pasar keuangan, yang mengakibatkan hilangnya kontrol Pemerintah terhadap kebijakan ekonominya dan kestabilan ekonomi.

Kata Kunci: _Money laundering, kriminalisasi, ekonomi _

Preliminary

As is known that development knowledge knowledge and technology , have give real benefits in the field economy , especially in _ support activity business and improve service service finance to Public broad . In sector banking for example , utilization technology has possible he offered service more finances _ varied and interesting including serve transactions crossed finances _ national borders . Fund transfer services via wire transfers offered by banks such as Internet banking and electronic fund transfer services make it possible customers banking move the funds from account they are in one bank to another around the world in very short time .

However thus , development technology the like a " knife ". eyed two ”, in one side give extraordinary benefits _ normal to field economy and business , on the other hand also improve risk exists deviation use technology the for goals evil . this _ possible remember the more variety activity business being done with utilise progress technology , increasingly great power _ the pull it causes for the perpetrators crime for utilise technology the as means To do related crimes _ with activity economy . A number of from type crime in the field exploiting economy _ sophistication technology that is fictitious L/C issuance , crime attack security system information banking , piracy card credit , burglary account through ATM machine , crime through forgery letter securities (bonds and mutual funds) and foreign currency , and money laundering . From various type the crimes mentioned above , money laundering constitutes _ type crime or follow predominant crime _ conducted especially through system finance .

Action the most common crimes conducted through service system finance in a country is money laundering . _¹ Utilization institution finance in crime money laundering possible form invest and move money from results follow criminal like earnings _ corruption , bribery , fraud , crime in the field banking , capital market and others to in form deposits , purchases traveler checks, stocks , bonds , mutual funds and instruments finance other .¹

Increasing follow criminal money laundering with utilise system finance for hide or blur origin proposed proceeds _ follow criminal more far will raises impact negative for life Public especially sector economy and business . The impact caused by the act criminal this money laundering outside normal , even threaten stability economy a country. In the fields economy , money laundering can undermined sector legitimate private _ because usually washing . this money conducted with use service something company (front company) for mixing illicit money with legal money so that legit business _ lost compete with company the . And impact follow next is increasing field crimes _ finance and raises cost high social _ especially cost in increase effort management , prevention , and enforcement the law . In this writing writer try lift discussion about follow

¹ Yunus Husein, “*Development of an Anti- Money Laundering Regime in Indonesia and Its Implications To Profession Accountants* ” , Paper presented at the Economic Scientific Forum for Study of Accounting (FIESTA 2006) by the Faculty of Economics, Bung Hatta University, in Padang, 8 May 2006, p . 1

criminal money laundering . And based on description background back above , then _ could formulated problem as following : 1. " How is it development follow criminal money laundering 2. how impact to sector economy and business ?”

Finding & Discussion

1. How Development follow Criminal Money Laundering

Follow criminal money laundering as one _ type crime collar white (*white collar crime*) in fact already known since in 1867. At the time that one _ pirates at sea , Henry Every, deep his piracy final pirate boat Portuguese form diamond worth £ 325,000 pounds (equivalent to Rp. 5,671,250,000). Treasure robbery the then shared together child the fruit , and Henry Every's share invested in the transaction trading diamond where it turns out company diamond it is also company property money laundering other pirates on land .² However term new *money launderer* appear when Al Capone, one of the great mobsters in the United States , in the 1920s , started business *Laundromats* (place wash automatic). Business this chosen because use cash which speeds up the money laundering process in order to keep their money get from results extortion , prostitution , gambling , and smuggling drink hard seen as lawful money. Although so , Al Capone did not prosecuted and punished with criminal prison on crime such , will but more because has To do embezzlement tax . Apart from Al Capone, there is also Meyer Lansky, a mobster who makes money from activity gambling and cover business its illegal that with establish hotel, golf course and corporate business packaging meat . Earned money this illegal business shipped to some of the banks in Switzerland that really give priority secrecy customer for _ deposited.

This deposit then collateralized for get loans used _ for build business its legal . Different with Al Capone, Meyer Lansky precisely free from demands To do embezzlement tax , follow criminal including follow criminal his money laundering .³ Before 1986 , action money laundering isn't it is crime . In the 1980s , millions of dollars were made follow crime enter in legal business and ventures another economy . Even practice *money laundering* no again as simple as Al Capone or Meyer Lansky would make it . For example is confession from a drug

²Billy Steel, Money Laundering: A Brief History, Billy's Money Laundering Information Website, http://www.laundryman.u-net.com/page1_hist.html

³Ibid

mafia pushers , Franklin Jurador recounts transfer of proceeds crime to legal business is carried out in various transaction including sales _ buy fictitious assets or safekeeping fictitious for necessity investment , which involves more many party , no only in a manner domestic but also between countries, with more transactions _ complicated . Even development transaction *money laundering* is also supported banking world financial facilities , such as service number account special or *nostro accounts* have been given out by Swiss banks ever since the 1930s. Service this identify customers with number password used _ for transaction so the bank is not knowing who customers and beneficiaries _ _ opponent transaction . Several banks in the area free beach also provide interstate money transfer facility , management Simplifying fund management and asset protection activity money laundering .⁴

The issuance of Law no. 15 of 2002 by the Indonesian government basically no regardless from pressure and threats sanctions imposed by society _ international . Based on decision from *Financial Action Task Force (FATF)* , a unit task established by the G-7 Countries in 1998 , Indonesia stated as one of the countries categorized as *Non-Cooperative Countries and Territories (NCTTs)* As for threats The sanctions imposed by the FATF include: are international banks will decide connection with Indonesian banks, other countries will reject Letters of Credit (L/C) issued by Indonesia and institutions Indonesian finance will imposed cost tall (*risk premium*) against every transactions made _ with institutions finance abroad . Threat penalty this is the second time for the Indonesian state. Threat first sanction _ awarded in 2001 where _ from results evaluation to level obedience on 40 FATF recommendations , Indonesia was included to in the list of NCTTs. At that time the FATF highlighted a number of weakness in the Indonesian state for prevent and eradicate follow criminal money laundering , that is no exists law that stipulates money laundering as follow criminal ; no exists provision Principle Know Customer (Know Your Customer) for institution non-bank finance ; low HR quality in handling crime money laundering , expert support and lack cooperation international .⁵

⁴Ibid

⁵Frans Hendra Winarta , “ *Follow Criminal Money Laundering Is Fruit Simalakama* ” , Article in the National Law Commission , 1 December 2005. Accessed at: <http://www.komisiHukum.go.id>

at the moment this , more from Previously , money laundering was done is world phenomena and challenges international . This money laundering activity has become a transnational crime because the process no only done inside _ a country but has pass national boundaries (cross -border). Perpetrator follow criminal make an effort hide so far possible from the source so no easy tracked by law enforcement the law of the country concerned .

Though follow criminal money laundering has develop such likeness , however until moment this no there is or not yet there is something universal and comprehensive definition about what is meant with money laundering or money laundering . Party prosecutors and institutions investigation crime , circle entrepreneurs and companies , countries that have developed and third world countries , and institutions international others each have definition alone based on different priorities and perspectives . _

2. How impact to sector economy and business

Basically _ follow criminal money laundering is not harmful a or company certain in a manner direct . At a glance then it seems follow criminal money laundering is not there is the victim . Money laundering is not like case with robbery , theft , or existing killings _ the victim and the cause loss for the victim . Money laundering , according to Billy Steel, is *"it seems to be a victimless crime"* .⁶John McDowell and Gary Novis from the Bureau of International Narcotics and Law Enforcement Affairs, US Department of State, stated various impact follow criminal money laundering against the economic sector . They put forward impacts follow criminal the money laundering as following :¹⁴

- a) Result loss control government to policy its economy (Loss of control of economic policy)

follow criminal Money laundering can also occur no impact _ expected to score currency and rate ethnic group flower . it _ occur because after money laundering , launderers more like embed funds in countries where activity they that small very the odds for could detected . Because of the preferences of such money launderers it , then money laundering possible increase threat instability monetary . In short , act criminal money laundering possible resulted happening changes to

⁶Billy Steel, Money Laundering-What is Money Laundering, Billy's Money Laundering Information Website , <http://www.laundryman.u-net.com>

amount demand for money (money demand) and increase volatility from international capital flows, interest and value swap currency that is not could explained what the cause. Events like this caused more carry on to off control government to policy country's economy.

b. Arising distortion and instability economy (Economic distortion and instability)

The money launderers are not interested for obtain profit from investments they are, however they more interested for protect results their crimes _ do . it _ because results their advantage _ get from activity criminal already outside normal size . They no again expect profit addition with embed results crime It is in investments that provide high returns . They more interested to “ invest ” funds them in safe activities _ for they from pursuit authority enforcer law

Conclusion

Real money laundering already known since in 1867. However term new *money launderer* appear when Al Capone, one of the great mobsters in the United States, in the 1920s, started business *Laundromats* (place wash automatic). Activity this money laundering new criminalized after mid year eight tens, Follow criminal this money laundering has raises impact or negative influence _ to field economy and business that is, undermining sector business legitimate private, _ undermined integrity bazaar finances, result loss control government to policy its economy, and emergence distortion and instability economy.

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