

## The Effectiveness Of Implementing Parallel Investigations In Handling TPPU Cases Original From Forestry And Environmental Crimes

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### ABSTRACT

Parallel investigation is an investigation method carried out simultaneously by various law enforcement agencies in handling money laundering (TPPU) cases originating from forestry and environmental crimes. This study examines the effectiveness of implementing parallel investigations in this context, with the aim of identifying the advantages, challenges and impact of implementing this method on case handling. Overall, parallel investigation has proven to be an effective approach in handling TPPU cases originating from forestry and environmental crimes. This method is able to accelerate the investigation process, increase the accuracy of law enforcement, and support more comprehensive crime suppression, although it requires improvements in coordination and regulatory aspects.

Keywords: *Parallel Investigation, Money Laundering Crime (TPPU), Forestry Crime, Environment, Effectiveness of Law Enforcement.*

### INTRODUCTION

The updated results of Indonesia's Risk Assessment for Money Laundering in 2015 have mapped the risk of money laundering based on predicate crimes which show that there are 5 (five) Predicate Crimes that have a high risk, including Narcotics Crimes, Banking Corruption, Capital Markets and Forestry<sup>1</sup>. To respond to this, the Indonesian Government has prepared a National Strategy in Efforts to Prevent and Eradicate Crimes of Money Laundering and Terrorism Financing in 2019 which states that priority actions to mitigate these risks include the preparation of Sectoral Risk Assessments for Handling Cases of Money Laundering Proceeds from Forestry or Sectoral Crimes. Risk Assessment on Forestry Crimes.

Stakeholders in the follow-up to the National Strategy Action (Stranas) include the National Police of the Republic of Indonesia, the Ministry of Environment and Forestry, the Center for Financial Transaction Reports and Analysis. This Sectoral Assessment uses quantitative and qualitative data for the period 2017 to 2019 from various sources obtained by team members. Sources of this data and information include Suspicious Financial Transaction Reports,

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<sup>1</sup> *Guide to Implementing the Risk-Based Apu Ppt Program Regarding Forestry Crimes as Predicate Crimes (TPA) and High Risk Money Laundering Crimes (TPPU)*, <https://www.ojk.go.id>, accessed July 1 2024, p. 1.

Analysis Results or PPATK Examination Results, Investigations, Prosecution and Court Decisions, Case Studies. The implementation of the In-depth Study in this Assessment was also carried out together with Law Enforcement Parties, Supervisory and Regulatory Institutions and PPATK to carry out self-assessments and identify applicable typologies and indicators of suspicious financial transactions<sup>2</sup>.

As a result of the analysis of 3 (three) risk factors (threat, vulnerability and impact), the results of the risk assessment of types of forestry crimes show that there are 5 (five) of the 36 (thirty-six) characteristics of forestry crimes as regulated in the Law. Law Number 18 of 2013 which has a high risk of money laundering, namely:

1. Transporting, controlling or possessing timber forest products which are not accompanied by a legal certificate of forest products (Article 12 letter e);
2. Carrying out plantation activities without the Minister's permission in forest areas (Article 17 paragraph 2 letter b);
3. Carrying out mining activities in forest areas without the Minister's permission (Article 17 Paragraph 1 letter b);
4. Distribute wood resulting from illegal logging by land, water or air (Article 12 letter I);
5. Receive, buy, sell, receive exchange, receive deposits, and/or possess wood forest products known to originate from illegal logging (Article 12 letter k).

Based on the type of criminal profile, it is known that parties who have a high risk of laundering money from high risk forestry crimes include<sup>3</sup>:

1. Entrepreneur;
2. Politically Exposed Person/PEP (Executive, Legislative and Judicial Officials);
3. Non-Individual – Limited Liability Company (PT); And
4. Trading Company or Trading Business (PD/UD).

This is due to the high threat obtained from the large number of cases involving this profile. Furthermore, in handling cases involving these profiles, especially business and non-individual profiles, PTs often encounter resistance, in the form of pre-trial proceedings. Furthermore, based on the distribution of areas where money laundering proceeds from forestry crimes occur, it is known that the high risk areas are<sup>4</sup>:

1. Papua;
2. Riau;
3. West Papua;
4. West Kalimantan;
5. Central Kalimantan;
6. Jambi; And
7. South Sumatra.

Viewed from the aspect of money laundering mode, perpetrators of money laundering crimes on assets obtained from forestry and environmental crimes often use the financial system to obscure assets that were originally obtained from

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<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid*, p. 5.

<sup>4</sup> *Ibid*, p.6.

the proceeds of criminal acts. The financial system is generally understood and associated with banks, credit institutions or foreign exchange trading, but it is important to know that apart from transnational banking products such as savings/deposits, transfers and credit/financing, in reality the products and services offered by financial institutions are also of interest to money launderers use it as a means of laundering money, therefore the perpetrators of this crime have sophisticated capabilities and networks in carrying out their crimes, namely money smuggling, through financial institutions and through non-financial institutions.

Furthermore, according to the 2015 Final Report of the Indonesian National Risk Assessment (NRA) Team regarding Indonesia's Risk Assessment of the Crime of Money Laundering, identified modes of laundering money resulting from criminal acts in the Forestry sector that are commonly carried out by perpetrators in accordance with the APG Yearly Typologies Report, Methods and Trends of Money Laundering and Terrorism Financing are as follows<sup>5</sup>:

1. Purchase of assets and luxury goods;

Money from criminal acts used to buy luxury goods, luxury watches, cars and jewelry or assets such as land or apartments is used as an effort to obscure the origin of the proceeds of the crime. Assets and luxury goods are generally held in the name of third parties with the aim of hiding the true beneficial owner.

2. Use of accounts in the name of other people (nominees), trustees, family members and third parties who are from the scope of the perpetrator of the crime;

This technique is commonly used to obscure the identities of people who control the proceeds of crime. For example, purchasing assets/luxury goods in the form of land, buildings and property using the ownership names of other people (intermediaries) and family (children, wife, parents). This party is only registered for its ownership (registered ownership) and not as a beneficiary.

3. Use of cash;

This method is used so that the transfer of funds is unknown or avoids reporting cash transactions.

Starting from the empirical legal phenomena above, it appears that forestry and environmental crimes are criminal acts that have a high risk of money laundering. Therefore, serious handling and commitment from the government is needed to enforce TPPU laws originating from forestry and environmental crimes. One of the efforts made by the government is to implement the recommendations of 30 FATF Recommendations which have multidoor characteristics which require participating countries to accommodate several instruments in handling TPPU, namely the Multi Investigator Approach, developing proactive Parallel Investigation and asset recovery. Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes is recommendation 30 of the FATF. This kind of investigation is of course relatively new for Indonesia, especially after the Constitutional Court Decision Number 15/PUU/XIX/2021, in which law enforcement in TPPU cases is implemented collaboratively with a multi-door or multi-approach.

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<sup>5</sup> *Ibid*, p.2.

With the explanation above, it is interesting for the author to analyze the concept of Parallel Investigation in the handling of TPPU cases originating from forestry and environmental crimes. With parallel investigations, legal issues can be raised, namely whether this concept can become an effective, powerful tool and can be used by a country to reduce the potential profits from predicate crimes in TPPU cases, especially when this approach is implemented in Indonesia.

## DISCUSSION

### A. Money Laundering Law Enforcement Strategy Originating from Forestry and Environmental Crimes

Before discussing TPPU law enforcement strategies, the author first needs to describe the dynamics of legal politics in eradicating money laundering crimes in Indonesia, where legal politics have influenced the law enforcement process in TPPU cases, especially regarding investigative authority.

Examining the politics of criminal law cannot be separated from the politics of law. Legal politics consists of a series of words politics and law. According to Sudarto, the term politics is used in various meanings. The word *politiek* in Dutch means something related to the state or discussing state issues<sup>6</sup>. Talcott Persons defines politics as "an aspect of all actions relating to collective efforts for collective goals"<sup>7</sup>. Politics according to Hoogerwerf is "an effort to achieve certain goals with certain means and in a certain time sequence"<sup>8</sup>. Politics or in other words 'policy' can also be understood as decisions that outline the most effective and efficient way to achieve mutually determined goals<sup>9</sup>.

Politics is very closely related to law, because the essence of law is basically a political statement from the government which is expressed in a norm. In other words, legal politics can be interpreted as legal policy that will be or has been implemented nationally in the form of creating and updating legal materials so that they can be adapted to needs. Legal politics also examines matters related to the implementation of existing legal provisions, including the confirmation of institutional functions and the development of law enforcers<sup>10</sup>.

Etymologically, the term legal politics is an Indonesian translation of the Dutch term *rechtspolitiek*, which is a formation of the two words *recht* and *politiek*<sup>11</sup>. Terminologically, legal politics can be defined as the activity of choosing and the methods to be used to achieve certain social and legal goals in society<sup>12</sup>. Legal politics can also be interpreted as basic policies that determine

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<sup>6</sup> Sudarto in Teguh Prasetyo and Abdul Halim Barkatullah, *Politics of Criminal Law: Study of Criminalization and Decriminalization Policy*, Student Library, Yogyakarta, 2005, p. 2.

<sup>7</sup> Mudzakir et al, *National Legal Development Planning in the Field of Criminal Law Politics and the Penal System*, National Legal Development Agency, 2012, p. 8-9.

<sup>8</sup> *Ibid.*

<sup>9</sup> Sultan Z. Arbi and Wayan Ardana, *Research Design and Social Policy*, CV. Rajawali, Jakarta, 1997, p. 63.

<sup>10</sup> Moh. Mahfud M.D, *Political and Legal Struggle in Indonesia*, Gama Media, Yogyakarta, 1999, p. 9.

<sup>11</sup> Imam Syaukani and A. Ahsin Thohari, *Basics of Legal Politics*, Raja Grafindo Persada, Jakarta, 2007, p. 18-19.

<sup>12</sup> Satjipto Rahardjo, *Legal Studies*, Alumni, Bandung, 1982, p. 42.

the direction, form and content of the law that will be formed. From another perspective, the problem of legal politics is about values, their determination, development and giving legal form. In other words, one of the factors that influences the formation of a good national legal system is national politics<sup>13</sup>.

Likewise, with the positive law that regulates the crime of money laundering in Indonesia, its existence is of course also based on the existence of legal politics from the government to overcome the problem of money laundering in Indonesia as a crime that must be addressed. Based on the author's analysis, there are legal political dynamics of money laundering crimes that were well regulated during the 2002, 2003 and 2010 TPPU Law regime, which the author can describe as follows<sup>14</sup>:

**Table 1.**  
**Political and Legal Dynamics of the TPPU Acts**

Areas	Act Number 15/2002	Act Number 25/2003	Act Number 8/2010
Background to the Formation of the Law	The increase in crime which results in large amounts of wealth being laundered means it needs to be minimized in order to maintain national economic stability and maintain state security.	Act Number 15 of 2002 needs to be adapted to developments in criminal law regarding money laundering and international standards (Indonesia is included in the NCCT's list)	<ul style="list-style-type: none"> <li>• Prevention and eradication of TPPU requires a strong legal basis to guarantee legal certainty, effectiveness of law enforcement, as well as tracking and returning assets resulting from criminal acts.</li> <li>• Act Number 25 of 2003 needs to be adapted to developments in law enforcement needs, practices and international standards so it needs to be replaced with a new act</li> </ul>
Scope of Predicate Crime	15 (fifteen) types of predicate crimes (list approach only)	25 (twenty five) types of predicate crimes (list & threshold approach)	26 (twenty six) types of predicate crimes (list & threshold approach)
Criminalization of	Active	Active actors (the	Active

<sup>13</sup> Padmo Wahjono, *Indonesia Based on Law*, Ghalia Indonesia, Jakarta, 1986, p. 99.

<sup>14</sup> Yazid Nurhuda, *Risks of Money Laundering from Environmental and Forestry Crimes*, Directorate General of Gakkum, Ministry of Environment and Forestry, Jakarta, 2020. p. 19-22.

Money Laundering	perpetrators (limited <i>actus reus</i> elements) and passive perpetrators	<i>actus reus</i> element is extended to other actions) and passive actors	perpetrators (the <i>actus reus</i> element is extended to other actions), professional ML, and passive perpetrators
Authority to Investigate Money Laundering Crimes	POLRI	POLRI	POLRI, Prosecutor's Office, KPK, BNN, Directorate General of Taxes, Directorate General of Customs and Excise (before Constitutional Court Decision Number 15/2021)

With attention to the political dynamics of TPPU law above, until the promulgation of Law Number 8 of 2010 it still brings legal problems, especially regarding the limited authority to investigate TPPU and the threat of not implementing the multi-investigation concept. Due to these conditions, the Constitutional Court in its judicial review decision on Article 74 of Law Number 8 of 2010, stated that: "The explanation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering is contrary to the Law The Constitution of the Republic of Indonesia was 1945 and does not have binding legal force as long as it is not interpreted as "What is meant by 'predicate crime investigator' is an official or agency which by statutory regulations is given the authority to carry out investigations". The considerations of the constitutional judges and the main points of the Constitutional Court's decision Number 15/PUU-XIX/2021, namely<sup>15</sup>:

1. There is no consistency between the substance of the body in Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering and the explanation of Article 74 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering. Contrary to Law Number 12 of 2011 concerning the Establishment of Legislative Regulations as amended by Law Number 15 of 2019;
2. A true predicate crime investigator who better understands the character of the case he is handling;
3. By giving the authority to investigate TPPU to all predicate crime investigators (all PPNS) it is in line with the principles of simple, fast and low-

<sup>15</sup> Fithriadi Muslim, *Action Plan for Optimizing TPPU Handling Post Constitutional Court Decision Number 15/PUU/XIX/2021*, Center for Financial Transaction Reports and Analysis, Indonesia, Jakarta, 2021, p. 15.

cost justice (see Article 75 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes).

Constitutional Court Decision Number 15/PUU/XIX/2021 has brought "fresh air" to Law Enforcement Officials in handling TPPU cases. If the explanation of Article 74 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering is not overturned by the Constitutional Court, the hope of realizing multi-investigation will be difficult to achieve. This is because there are restrictions regarding the authority to conduct investigations. Apart from that, in the TPPU case, it is very unfortunate if the action is still focused on imprisoning people and not on their assets, so there needs to be a financial investigation to be more optimal.

After the Constitutional Court Decision Number 15/PUU/XIX/2021, the Ministry of Environment and Forestry developed a strategy for enforcing TPPU laws originating from forestry and environmental crimes which could be carried out in an integrated manner. This strategy includes 3 (three) aspects, namely<sup>16</sup>:

1. Strengthening collaboration;

Strengthening collaboration includes the following steps:

- a) Collaboration between Ministries/Institutions;
- b) Collaboration between Ministries/Institutions and Regional Government;
- c) Collaboration with International Institutions;
- d) Collaboration with Civil Society Organizations (CSO).

2. Strengthening multi-instrument of law enforcement;

Strengthening multi-instrument law enforcement can be done in the following ways:

- a) Prevention;
- b) Securing the area and monitoring compliance;
- c) Application of administrative sanctions;
- d) Environmental dispute resolution;
- e) Enforcement of criminal law.

3. Strengthening the law enforcement ecosystem;

Strengthening the law enforcement ecosystem can be done in the following ways:

- a) Resource management system;
- b) Decision making support system;
- c) Institutional and Governance Systems;
- d) Justice System.

Furthermore, according to Fithriadi Muslim, as Legal Director of PPATK, he revealed that there are 7 (seven) stages or actions that must be taken to follow up on the Constitutional Court's decision, namely<sup>17</sup>:

1. Increasing the capacity and ability of predicate crime investigators through the Pusdiklat or financial intelligence institute;
2. Develop guidelines for handling TPPU;
3. Encourage parallel investigation and asset recovery optimization policies;
4. Encourage the establishment of a special unit to handle TPPU;
5. Plans to build domestic cooperation;

<sup>16</sup> Yazid Nurhuda, *Op.Cit.*, p.11.

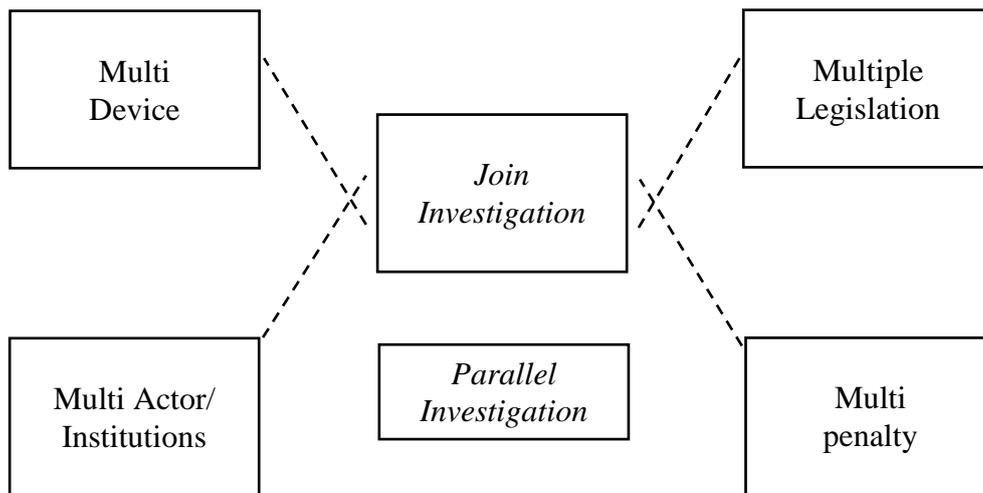
<sup>17</sup> Fithriadi Muslim, *Op.Cit.*, p.17.

6. Forming a TPPU committee; And
7. Efforts to build international cooperation are needed.

### B. Collaborative Law Enforcement with a Multidoor Approach

An integrated TPPU law enforcement strategy, which includes the 3 (three) aspects above, can be implemented through collaborative law enforcement with a multi-door or multi-approach. This approach can be described in the following schematic image<sup>18</sup>:

**Scheme 1**  
**Collaborative Law Enforcement with a Multidoor Approach  
or Multi Approach**



The concept of collaborative law enforcement with a multidoor approach or multi approach, the main point is joint investigation which includes:

1. Multi device;
2. Multiple laws and regulations;
3. Multi actors/institutions; And
4. Multi sanctions.

The goals that can be realized through collaborative law enforcement with a multidoor or multi-approach approach are<sup>19</sup>:

1. Avoiding disparities in criminal prosecution in cases;
2. Avoiding opportunities for the perpetrator to escape;
3. Recovery of state assets from a multi-layered network of actors/affiliations correlated with other criminal acts (TPPU, corruption, etc.);
4. Deterrent effect;
5. Demand corporate accountability;
6. Return of state losses (asset tracing); And
7. Environmental restoration.

Regarding collaborative law enforcement with a multidoor approach, Indonesia has implemented this approach in handling forestry and

<sup>18</sup> Yazid Nurhuda, *Op.Cit.*, p.16.

<sup>19</sup> *Ibid*, p. 17.

environmental crime cases. The multidoor approach to forestry and environmental crime cases includes<sup>20</sup>:

**Table 2**  
**Multidoor Approach to Forestry and Environmental Crime Cases**

No	Tempu s	Case	Location	Institution s	Status	Informatio n
1	2017	Plantation activities in forest areas without permission	South Sumatera Province	KLKH & Prosecutor's Office	P.31 (Letter of Handover of Audit Procedure Cases)	Developme nt of Investigatio n
2	2017	Illegal logging in forest areas (individuals)	South Sumatera Province	KLKH & Prosecutor's Office	Further investigatio n by the prosecutor is in accordance with the mandate of Article 39 of Act No. 18 of 2013 (Inkracht)	Sentenced to 2 years and 6 months in prison and a fine of Rp. 500 Million Subsidiary 4 months.
3	2017	Illegal logging in forest areas (corporations)	South Sumatera Province	KLKH & Prosecutor's Office	Developmen t of corporate imposition investigatio ns (inkracht)	Criminal sentence fine of Rp. 5 Billion.
4	2018	Transporting wood without SKSHH documents using the Harapan 8 Motor Sailing Ship	Perairan Selat Makassar	KLHK & Directorate General of Customs	Inkracht	Sentenced to 2 years in prison and fine of 500 million subsidiary 6 months
5	2018	Transporting wood without SKSHH documents	Perairan Selat Makassar	KLHK & Directorate General of Customs	Inkracht	Sentenced to 2 years in prison and fine of 1 billion,

<sup>20</sup> *Ibid*, p.18-22.

		using the Mutiara Biru Motor Sailing Ship				subsidiary to 3 months
6	2018	Illegal use of forest areas for mining activities	Regency Bangka Province Bangka Belitung Islands	KLHK, ATR/B PN	The case handled by LHK investigator s is already P. 21	-
7	2018	New hotel construction activities without environmental documents	Regency. West Manggara i Province. East Nusa Tenggara	KLKH, ATR/BPN, KKP	Witness Examination	-
8	2019	Reclamation activities in Air Saga Village without environmental permits and destruction of mangroves	Regency of Belitung, Bangka Belitung Islands Province	KLKH, ATR/BPN, KKP	Warning boards have been installed together with the 3 relevant ministries and P. 19	-
9	2019	Reclamation activities at Marita Sari Beach and Tegal Mas Island without environmental permits and destruction of coral reefs	Regency Pesawara n, Lampung Province	KLKH, KPK, ATR/BPN, KKP	Installation of warning boards together with 3 related ministries and investigatio n process	-
10	2019	Illegal logging with the modus operandi of logging, harvesting and harvesting	Tanjung Perak Nilam Harbor, Surabaya, East Java	KLKH dan Bakamla	Inkracht	Sentenced to 3 years and 6 months in prison and a fine of 2.5 billion subsidiary

		without permission in the forest carried out by the suspect H. Agus (ebony)				1 month
11	2019	Illegal logging with the modus operandi of logging, harvesting and harvesting without permission in the forest carried out by the suspect Hendra (ebony)	Tanjung Perak Nilam Harbor, Surabaya, East Java	KLKH dan Bakamla	Inkracht	Sentenced to 3 years and 6 months in prison and a fine of 2.5 billion subsidiary 1 month
12	2019	Transporting wood without SKSHH documents using the Harapan Mekar motor boat.	Perairan Selat Makassar	KLHK & Directorate General of Customs	In the trial process at the Palu District Court	-

### C. Policy for Using Parallel Investigation Instruments in Collaborative Law Enforcement with a Multidoor Approach

Above it has been explained that the concept of collaborative law enforcement with a multidoor approach or multi approach, the main point is joint investigation, then the policy for handling TPPU cases is developed through a Parallel Investigation approach. Parallel investigations are a powerful tool and can be used by a country to suppress potential profits from predicate crimes in TPPU cases. In line with FATF Recommendation 30, countries should conduct parallel financial investigations as deemed appropriate to identify broader criminal networks and to prevent the loss of criminal proceeds and means. Failure to use financial information and conduct financial investigations

early can result in networks and related assets being moved or hidden, so that they can no longer be traced in later stages of a financial investigation<sup>21</sup>.

Examples of carrying out parallel investigations into forestry and environmental crimes in Indonesia are still very limited. For example, a case from Australia shows the benefits of conducting parallel investigations to trace and seize assets as quickly as possible and the important value of cooperation between Financial Intelligence Units and environmental agencies. In this case, the network of inter-agency cooperation enabled the Financial Intelligence Unit to mine available financial information to identify previously undetected criminals in Sweden and Thailand, and to determine the materiality of cases<sup>22</sup>.

As with all criminals, the main motivation for forestry and environmental crimes is financial gain. Therefore, one of the most effective ways to combat this criminal act is to deprive criminals of the proceeds and tools of crime as well as the means to commit other criminal acts. As far as possible, in line with FATF Recommendation 30, countries investigating criminal offenses against forestry and the environment should prioritize identification, freezing, arrest and confiscation of assets (asset recovery).

#### **D. Effectiveness of Implementing Parallel Investigations in Handling TPPU Cases Originating from Forestry and Environmental Crimes**

Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes is recommendation 30 of the FATF. This kind of investigation is of course relatively new for Indonesia, especially after the Constitutional Court Decision Number 15/PUU/XIX/2021, in which law enforcement in TPPU cases is implemented collaboratively with a multi-door or multi-approach. According to Fithriadi Muslim as Legal Director of PPATK in his presentation entitled "Action Plan for Optimizing TPPU Handling Post Constitutional Court Decision Number 15/PUU/XIX/2021", explained that the effectiveness of handling TPPU based on 30 FATF recommendations, includes the following matters<sup>23</sup>:

1. States must ensure that designated law enforcement authorities have responsibility for investigating money laundering and terrorism financing within the national framework of AML/CFT (Multi Investigator Approach) policies;
2. At least in all cases related to major violations that result in criminal proceeds, designated law enforcement authorities should develop parallel investigations that are proactive when pursuing money laundering, related predicate crimes and terrorist financing. This should include cases where the relevant predicate offense occurred outside the jurisdiction;
3. States should ensure that competent authorities have the responsibility to promptly identify, trace and initiate action to freeze and confiscate property that is, or could become, confiscatable, or is suspected to be the proceeds of criminal offences;

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<sup>21</sup> FATF, *Crime of Money Laundering and Illegal Trade in Wildlife*, Financial Action Task Force (FATF), [www.fatf-gafi.org](http://www.fatf-gafi.org), accessed March 1 2021, p. 41

<sup>22</sup> *Ibid.*

<sup>23</sup> Fithriadi Muslim, *Op.Cit.*, p. 5.

4. States should also use, if necessary, to establish special units for financial or asset investigations.
5. States should ensure that, where necessary, investigations are cooperative with appropriate competent authorities in other countries where the proceeds of criminal conduct are located.

Departing from the effectiveness of handling TPPU based on 30 FATF recommendations, it is a new challenge for the Indonesian state related to the development of parallel investigations in handling TPPU. At least in all cases related to major violations that result in criminal acts including forestry and environmental crimes. The designated law enforcement authority must develop a proactive parallel investigation when pursuing money laundering from forestry and environmental crimes as a predicate crime. Therefore, one of the strategies in the action plan according to Fithriadi Muslim, as Legal Director of PPAATK is to encourage a parallel investigation priority policy. The legal basis and international standards regarding the combination of handling predicate crimes with TPPU (parallel investigation), namely<sup>24</sup>:

1. Article 75 of Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering;  
"In the event that the investigator finds sufficient initial evidence of the occurrence of a money laundering crime and a predicate crime, the investigator combines the predicate crime investigation with the money laundering crime investigation and notifies it to the PPAATK."
2. Account 30 FATF Recommendation;  
Parallel financial investigations refer to conducting joint financial investigations, or in context, criminal investigations into money laundering and/or predicate crimes.

Development of the Parallel Investigation concept in handling TPPU originating from forestry and environmental crimes. The development of this concept in Indonesia has the opportunity to provide great benefits in recovering state losses (asset recovery) as a result of predicate crimes committed by money laundering by perpetrators using various modes such as purchasing assets and luxury goods, using accounts in other people's names (nominees). ), trustees, family members and third parties who come from the scope of criminals, as well as the use of cash so that the transfer of funds is unknown or avoids reporting cash transactions.

As a new concept and starting to be developed in handling TPPU cases originating from forestry and environmental crimes, Indonesia is obliged to have a priority policy on the use of TPPU in optimizing asset recovery (parallel investigation), which can be carried out through several actions, namely:

1. Priority policies listed in the Strategic Plan (Renstra) of Ministries/Institutions related to handling TPPU cases originating from forestry and environmental crimes;
2. Making TPPU optimization an organization's Main Performance Indicator (KI);
3. Availability of resources and budget.

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<sup>24</sup> *Ibid*, p.20.

Thus, the implementation of Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes can be carried out effectively if the initial step in the form of preparing a priority policy for the use of TPPU in optimizing asset recovery (parallel investigation) has been carried out as a form of the government's commitment and seriousness in enforcing the law. TPPU cases originating from predicate criminal acts. Apart from that, the effectiveness of implementing Parallel Investigation is also determined by the action plan and has been implemented, such as the availability of resources and budget to support the implementation of Parallel Investigation which has a multi-door, multi-approach and joint investigation character.

Examined from a criminal law perspective, the existence of Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes is a form of criminal law policy or politics. Examining the politics of criminal law cannot be separated from the politics of law. The term 'criminal law politics' can also be called 'criminal law policy'. The term 'policy' is taken from the terms 'policy' (England) or 'politics' (Dutch). In foreign literature the term 'criminal law politics' is often known by various terms, including 'penal policy', 'criminal law policy' or 'strafrechtspolitik'. Criminal law politics (policy) is essentially how criminal law can be formulated properly and provide guidance to legislators and the implementation of criminal law. Likewise, the formulation of the Parallel Investigation policy in handling TPPU cases is well formulated so that it can provide guidance to law enforcement officials in implementing criminal law, especially those related to handling TPPU originating from forestry and environmental crimes.

The hope is of course to realize the legal effectiveness of implementing Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes. According to the theory of legal effectiveness, it is explained that the effectiveness of law in legal action or reality can be known if someone states that a legal rule has succeeded or failed in achieving its objectives, then it is usually known whether its influence has succeeded in regulating certain attitudes or behavior so that it is in accordance with its objectives or not. Legal effectiveness means that the effectiveness of the law will be highlighted from the goals to be achieved, namely legal effectiveness. One of the efforts that is usually made to ensure that people comply with legal rules is to include sanctions. These sanctions can be in the form of negative sanctions or positive sanctions, the purpose of which is to create stimulation so that people do not carry out despicable actions or carry out commendable actions.

## **CLOSING**

### **A. Conclusion**

Based on the analysis description in the Discussion Section above, the author can conclude that:

1. Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes is recommended by 30 FATF. This kind of investigation is of course relatively new for Indonesia, especially after the Constitutional Court Decision Number 15/PUU/XIX/2021, in which law enforcement in TPPU cases is implemented collaboratively with a multi-door

or multi-approach. Parallel investigations are a powerful tool and can be used by a country to suppress potential profits from predicate crimes in TPPU cases.

2. It can be said that this approach is effective in handling TPPU cases originating from forestry and environmental crimes. This is because Parallel Investigation in handling TPPU cases is carried out to prevent the loss of criminal proceeds and tools by carrying out parallel financial investigations which are deemed appropriate for identifying wider criminal networks. Failure to use financial information and conduct financial investigations early can result in networks and related assets being moved or hidden, so that they can no longer be traced in later stages of a financial investigation. Therefore, it is important and effective when a Parallel Investigation approach is implemented in handling TPPU cases originating from forestry and environmental crimes.

## **B. Suggestions**

Starting from the conclusion above, what the author can recommend regarding the effectiveness of implementing Parallel Investigation in handling TPPU cases originating from forestry and environmental crimes is that Indonesia must have a priority policy on the use of TPPU in optimizing asset recovery (parallel investigation), which can be carried out through several actions, namely:

1. Priority policies listed in the Strategic Plan (Renstra) of Ministries/Institutions related to handling TPPU cases originating from forestry and environmental crimes;
2. Make TPPU optimization a Key Performance Indicator (IKU) for Ministries/Institutions that is directly related to handling forestry and environmental crimes with follow-up actions:
  - a. Develop guidelines for handling TPPU, which include criteria for the use of TPPU in predicate crimes that are being/have been handled by investigators, optimizing the special authority of TPPU investigators based on the TPPU Law and financial investigation techniques;
  - b. Encourage the existence of a special unit for handling TPPU, especially a special unit for asset tracing;
  - c. Building Domestic Cooperation with related parties and expressed with or without formal forms of cooperation such as cooperation with PPATK, cooperation between law enforcement agencies, and cooperation with civil society.
  - d. Participation in the TPPU Committee, where Ministries and Institutions that are given the authority to investigate TPPU participate in the membership of the TPPU Committee through Amendments to Presidential Decree Number 6 of 2012 concerning the TPPU Committee as amended by Presidential Decree Number 117 of 2016.
  - e. Building International Cooperation so that we can exchange information in the context of information exchange (agency to agency), joint investigations in handling TPPU, optimizing Mutual Legal Assistance in the

context of asset recovery (implementation of Article 89 paragraph (1) and paragraph (2) of the TPPU Law).

3. Availability of resources and budget, including:
  - a. Availability of special resources (personnel with special skills) which can be done by increasing the capacity and ability of predicate crime investigators through education and training in handling TPPU;
  - b. Availability of facilities and infrastructure;
  - c. Independent budget.

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