LEGAL PROTECTION AGAINST CONTINUOUS MONEY LAUNDERING IN THE TAX SECTOR IN INDONESIA

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Abstract

Legal protection against money laundering crimes occurring in the context of taxation in Indonesia. Money laundering involving the tax sector is a serious issue that can disrupt economic stability and national revenue. This study explains the legal framework governing efforts to prevent and combat money laundering, particularly those related to taxation practices, and also identifies weaknesses and challenges in its implementation. The definition of tax crimes includes tax evasion thru forgery committed by individuals or by people working within a legal entity, usually involving collaboration between taxpayers and tax officials for personal gain. Criminal policies related to money laundering in handling tax crimes demonstrate a strong connection between source crimes, such as crimes in the tax sector considered predicate crimes, and money laundering offenses, which can be seen as their derivative. The obstacles and challenges in resolving tax crimes thru the anti-money laundering system are related to weaknesses in the existing evidence system in Indonesian criminal law.

Keywords: Anti-Money Laundering, Legal Protection, Money Laundering, Predicate Crime, Taxation

INTRODUCTION

The crimes committed by white-collar criminals have reached a very serious level. This criminal activity has now crossed national borders and is transnational in nature. The methods used are becoming increasingly complex and very well organized, making it extremely difficult for law enforcement agencies to detect them. The perpetrators are always looking for ways to protect the money they earn from illegal activities, one of which is thru money laundering practices, or what is more commonly known as money laundering. This term frequently appears in various media, leading to diverse definitions related to money laundering. In Indonesian, money laundering is translated as pencucian uang (Yunus, 2025). One form of this crime can trigger various other criminal acts with different typologies.

Money laundering is a criminal process that involves storing assets, especially cash obtained from criminal activities, and processing them in such a way that they appear to come from a legal source. Initially, money laundering practices were only applied to money generated from the trafficking of narcotics and illegal drugs, known as drug trafficking. However, this practice was subsequently extended to money derived from other criminal sources, such as corruption, bribery, psychotropics, and other criminal offenses, including the proceeds of tax crimes. This is in accordance with Article 2 paragraph (1) of Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering, which states that the proceeds of criminal activity are wealth obtained thru criminality (Law No. 8 of 2010, State Gazette No. 121 of 2010, Supplement to the State Gazette No. 5164, Article 2 point 1).

Money laundering offenses, hereinafter referred to as TPPU, consist of various types of predicate offenses, including those related to taxation. It is important to discuss the application of criminal law to TPPU in the context of taxation, as taxes are one of the main sources of revenue for the country to improve public welfare.

According to the Directorate General of Taxes of the Ministry of Finance and the Financial Transactions Analysis and Reporting Center, there are several issues in the enforcement of money laundering (ML) laws in the tax sector, including:

1. The time required to trace financial transactions to the Financial Intelligence Unit (FIU) regarding indications of ML
2. The delayed process of collecting information from financial service providers (FSPs) regarding indications of ML
3. Limitations in the adequacy ratio and expertise of human resources in handling ML
4. The duration of handling ML cases before reaching P21 (a formal indictment)
5. Potential challenges in recovering ML assets at the Third-Party Asset (TPA)
6. Cooperation between investigators and various other agencies in law enforcement
7. The complexity of evidence in judicial proceedings regarding ML
8. The effectiveness and quality of information exchange that can expedite the resolution of ML cases
9. Limitations in comprehensive and easily understandable legislation and regulations regarding ML handling, and shortcomings in coordination with parties such as the prosecutor's office, the Criminal Investigation Agency of the Indonesian National Police (Bareskrim POLRI), the FIU, the Financial Services Authority (OJK), the Corruption Eradication Commission (KPK), and financial service providers, including the Ministry of Law and Human Rights, and others

In Indonesia, regulations regarding money laundering were initially governed by Law Number 15 of 2002 concerning Money Laundering. However, this law proved to be insufficient in eradicating this crime. A year later, changes were made with the issuance of Law Number 25 of 2003, which amended Law Number 15 of 2002. Over time, the government and legislative bodies realized that a single crackdown would not be sufficient to address this crime problem, so preventive efforts were needed to prevent such criminal acts from recurring. This thinking led to Law No. 8 of 2010, which aims to prevent and eradicate money laundering (Bahreesy, 2018). In essence, money laundering is a process aimed at transforming money obtained from criminal activities into legitimate funds thru legal business activities, thereby obscuring the origin of the money (Philips, 2012).

Additionally, theories related to criminal law play a crucial role in the pursuit of justice and serve as the foundation for regulating sentencing. This theory aims to ensure that the sanctions imposed are balanced between retribution for the crime committed, general deterrence for society, and specific deterrence for the offender. Additionally, this theory also supports the general function of criminal law in maintaining social order and its specific function in protecting public interests from criminal acts. In this context, tax-related money laundering actions certainly refer to various theories, such as theories of punishment, criminal liability, taxation, and money laundering itself.

It is important to study the enforcement of criminal law against Money Laundering (ML) in the field of taxation. This includes an analysis of regulations related to tax crimes that can be considered

predicate offenses for ML, as well as the enforcement of criminal law related to money laundering in the realm of taxation.

RESEARCH METHOD

This research applies a normative-juridical approach that examines the internal elements of positive law related to the protection against ongoing money laundering crimes in the Indonesian tax sector. In this approach, the primary focus is on written legal norms to analyze the extent to which regulations align with the principles of criminal law. The selection of this method is based on the need to evaluate the legislative framework without having to involve empirical data from the field.

RESULTS AND DISCUSSION

Criminal Offense

Lawmakers in various regulations use the term "criminal offense" as an equivalent of "strafbaar feit" without providing an explanation of the true meaning of the phrase "criminal offense." Moeljatno translates "strafbaar feit" as a criminal act. In his view, "criminal acts" are actions prohibited by legal norms, accompanied by the threat of certain sanctions for anyone who violates them (Moeljatno, 2002). In his book titled "Fundamentals of Indonesian Criminal Law," Lamintang states that an unlawful act is committed intentionally by an individual responsible for their actions and which has been established by law as an act that can be punished (Lamintang, 1994). Meanwhile, Wirjono Prodjodikoro in his book Principles of Criminal Law in Indonesia states that the actions taken are subject to punishment. The perpetrator can be referred to as the subject of the criminal act (Prodjodikoro, 1986).

According to Kanter and S. R. Sianturi, as quoted by Amir Ilyas, a criminal act consists of five elements:

1. Subject
2. Error
3. The conflicting legal element of an action
4. An action prohibited or required by law, with criminal sanctions for violators
5. Time, place, and conditions (other objective elements)

Criminal acts can be understood as the primary basis for imposing punishment on individuals who have committed criminal acts based on their responsibility for the actions taken. However, before that, it is important to understand the prohibitions and threats against an act related to the principle of legality, which states that no act is prohibited and punishable without clear provisions in the legislation (Nullum Delictum Nulla Poena Sine Praevia).

Types of Criminal Offenses

Based on their variety, criminal offenses are categorized into several types, namely:

1. Formal and material offenses
2. Offenses of commission and offenses of omission
3. Intentional offenses and negligent offenses (doleuse en culpose delicten)
4. Single offenses and multiple offenses (enkelvoudige en samengestelde delicten)
5. Continuing offenses and non-continuing offenses (voordurende en niet voordurende/oflopende delicten)
6. Complaint offenses and non-complaint offenses (klachtdelicten en niet klachtdelicten)
7. Simple offenses and aggravated offenses (eenvoudige en gekwalificeerde delicten)

A brief explanation according to Hakim (2020) of this is as follows:

1. Formal and material offenses
   a. A formal offense is defined as an action that focuses on the prohibited act. This action is considered complete after the execution of the act listed in the definition of the offense. For example, incitement (Article 169 of the Criminal Code); publicly expressing hatred, conveying feelings of hostility and contempt toward one or more groups of people in Indonesia (Article 156 of the Criminal Code); bribery (Article 209 of the Criminal Code); perjury (Article 242 of the Criminal Code); document forgery (Article 263 of the Criminal Code); and theft (Article 362 of the Criminal Code).
   b. Material offenses are characterized by a focus on the consequences considered undesirable (prohibited). This hole is considered complete only if the undesired outcome occurs. If not, then it can generally only be considered an experiment. For example, arson (Article 187 of the Criminal Code); fraud (Article 378 of the Criminal Code); and murder (Article 338 of the Criminal Code). The boundary between formal and material offenses can be unclear, as seen in Article 362 of the Criminal Code.

2. Commissionis offenses, omissionis offenses, and commissionis per omissionemcommissa offenses.
   a. Commissionis offenses are a type of violation of a prohibition by performing an unlawful act, such as theft, embezzlement, and fraud.
   b. Omissionis offenses are violations of an obligation by failing to carry out an order, for example: not appearing as a witness in court (Article 522 of the Criminal Code) and not providing assistance to those in need (Article 531 of the Criminal Code).
   c. Commissionis per omissionemcommissa offenses are violations of a prohibition (similar to commissionis offenses), which can be committed by not acting. For example, a mother who lets her child die by not giving breast milk (Article 338, 340 of the Criminal Code); or a railroad guard who causes a train accident by intentionally not moving the tracks (Article 194 of the Criminal Code).
3. Delik dolus and delik culpa (doleuse and culpose delicten)
   a. Delik dolus is a type of delict that involves the element of intent, for example: Article 187, Article 197, Article 245, and Article 33 of the Criminal Code.
   b. Delik culpa is a delict that includes the element of negligence, for example: Article 195, Article 197, Article 201, Article 203, Article 231 paragraph (4), Article 359, and Article 360 of the Criminal Code.
4. Single delicts and multiple delicts
   a. A single delict is an action that is sufficient to be performed only once.
   b. A multiple delict becomes a delict if the action is performed repeatedly, for example: Article 481 of the Criminal Code (routine receiving of stolen goods).
5. Continuing offenses and non-continuing offenses. A continuing offense is an offense that shows the prohibited state continues, for example: depriving someone of their freedom (Article 338 of the Criminal Code).
6. Complaint offenses and non-complaint offenses. A complaint offense is an offense that can only be prosecuted if there is a complaint from the injured party (gelaedeerde parti), for example: defamation (Articles 310-319 of the Criminal Code), adultery (Article 284 of the Criminal Code), and extortion with the threat of defamation (Article 335 paragraph (1) sub 2 of the Criminal Code in conjunction with paragraph (2)).
7. Simple offenses and aggravated offenses. Aggravated offenses include assault resulting in serious injury or death (Article 351 paragraph (2) and (3) of the Criminal Code) and theft at nite (Article 363 of the Criminal Code).

Criminal Liability

There are two terms that describe responsibility in law: liability and responsibility. Liability refers to legal terminology that encompasses almost all aspects related to risk or responsibility, whether certain or possible, including all characteristics of rights and obligations that may arise, such as losses, threats, crimes, costs, or conditions that give rise to the obligation to apply the law. On the other hand, responsibility means something that can be held accountable for obligations, including decisions, skills, abilities, and competence, and includes the obligation to be responsible for the application of the law. In practice, the term liability emphasizes legal responsibility, which relates to the consequences of errors made by legal entities, while responsibility is related to political accountability. (Hanafi, 2015).

Roeslan Saleh defines criminal liability as the continuation of objective blame inherent in criminal acts, and subjectively meeting the criteria for punishment due to those actions. Objective blame refers to actions taken by individuals that violate existing norms, both in terms of formal and material law. Meanwhile, subjective criticism focuses on the individual who commits the prohibited activity, or in other words, it refers to the person who performs the illegal or unlawful act. If the action taken is a violation or prohibited act, but there is a fault within the individual that results in an inability to be held responsible, then there will be no criminal liability (Saleh, 1982).

According to Chairul Huda, the basic principle of criminal acts is the principle of legality, while the basis for the perpetrator's culpability lies in the presence of error. This means that a person will be criminally liable if they have demonstrated wrongful and unlawful actions. Essentially, criminal liability is a mechanism created to respond to agreed-upon violations within the context of specific actions (Huda, 2006). This is not only related to legal aspects, but also involves the moral or ethical values held by society or groups within society. The goal is to achieve criminal accountability by providing justice. Thus, criminal liability can determine whether a person will be acquitted or convicted.

Considering Simon Srafaarfei's formulation, an action must be a human act, have a wrongful nature (be contrary to the law), be committed by an accountable individual, and that individual can be

prosecuted (M. Holyono N Singadimedja, Oci Senjaya). A person's accountability in criminal law is a continuation of the punishment that objectively exists in the criminal act and subjectively refers to the perpetrator. Criminal liability is determined based on the perpetrator's fault, not just by the fulfillment of all elements of the crime. Thus, error becomes a determining factor for criminal liability and is only considered a mental element in a criminal act. When someone is found to be at fault, it becomes an issue related to criminal liability (Priyatno, 2004).

In order to impose sanctions on perpetrators of criminal acts, legal regulations regarding criminal responsibility serve to establish certain conditions that a person must meet to be lawfully punished. Criminal responsibility relates to the perpetrator of the criminal act, where these rules govern how those who have violated their obligations should be treated. Therefore, the actions considered forbidden by society must be accounted for by the perpetrator, which means that objective sanctions will be imposed on the defendant. Criminal liability cannot be applied without fault on the part of the offender. Therefore, someone cannot be held responsible or punished if they did not commit a criminal act. However, even tho criminal acts are committed, there is no guaranty that the perpetrators will always be punished.

Van Hamel stated that criminal responsibility encompasses reasonable fault and mental maturity, enabling the following three abilities:

1. Understanding the meaning and consequences of the actions taken;
2. Recognizing that the actions are not justified or prohibited by society; and
3. Assessing the capacity for those actions.

According to Mulyatno, the term "punishment," derived from the word "straf," and the term "being punished," derived from the word "werd gestraf," are conventional terms (Muladi, 1984). He disagreed with the use of the term and chose the word "criminal" to translate the term "straf," and the term "threatened with punishment" to replace the term "wordt gestraf." He argued that the word "straf" should be translated as "punishment," so "strafrecht" should be interpreted as "punishment law." Furthermore, he explained that "punished" means "the law is applied," whether it's criminal or civil law. Punishment is the result or consequence of applying such sanctions, which has a broader meaning than criminal punishment, as it also includes judges' decisions in civil law.

Taxation

Taxation is the main source of income for the country because almost every activity undertaken by the public is subject to tax. Therefore, the success of national development is greatly influenced by financial resources from the community, namely tax revenue. To ensure this participation is equitable and non-discriminatory, a fairer tax system with legal certainty needs to be established. This is due to the large amount of economic activity within the country that is still unreported or not reported at all to the tax authorities (Isep & Maghijn, 2018).

Rochmat Soemitro stated that taxes are the transfer of resources from the private sector to the public sector in accordance with binding laws, without receiving any visible direct compensation, and are used to finance public expenditures as well as serve as a tool to encourage, discourage, or prevent the achievement of goals beyond the financial aspects of the state (Soemitro, 1992).

According to N. J. Feldman, taxes are obligations unilaterally imposed by the authorities (based on generally established norms) without dispute, and are entirely intended to cover public expenditures (B. Ilyas, 2024). PJA Adriani explains that taxes are compulsory contributions to the state that must be paid according to regulations, without receiving any direct or identifiable tangible reward, and their purpose is to finance public spending in order for the state to carry out its duties in governing (Pelly, 1983). As for income tax subjects according by Waluyo (2011), they include:

1. Individuals who inherit undivided property as a single unit to replace the rightful owner.
2. Business entities, including but not limited to limited liability companies, limited partnerships, corporate organizations, state-owned enterprises/regional-owned enterprises of any name and form, partnerships, cooperatives, pension funds, associations, foundations, mass organizations, social or political organizations, or other institutions, as well as different forms of entities including collective investment contracts.
3. Permanent Establishment (BUT).

Taxes currently levied by the state include:

1. Income Tax (PPh) as stipulated in Law Number 7 of 1984, effective from January 1, 1984. This law has undergone several changes, and the latest amendment was made by Law Number 36 of 2008. The essence of this Income Tax Law is the regulation of tax collection from taxpayers who earn income during the tax year. Taxpayers will be taxed when they earn income. In the context of the Income Tax Law, taxpayers who earn income are referred to as taxpayers. Tax

is levied on taxpayers for income enjoyed during one tax year, or it can also be levied on income received during a portion of the tax year if the taxpayer's tax obligation begins or ends in that tax year.

2. Value Added Tax and Luxury Goods Sales Tax (VAT and LGT). From the perspective of the mechanism for collecting and imposing VAT, there are three main characteristics:
    a. Collection is carried out in several stages (multi-stage);
    b. The calculation method uses the indirect subtraction method;
    c. The scope of its application is very broad.

    If we look at history, Value Added Tax was introduced as a replacement for Sales Tax. This replacement is due to the inability of Sales Tax to accommodate community activities and meet development needs, including increasing state revenue, promoting exports, and creating tax equity. Value Added Tax (VAT) and Luxury Goods Sales Tax (PPnBM) are regulated in Law Number 8 of 1983 concerning Value Added Tax on Goods and Services and Luxury Goods Sales Tax, which has undergone several amendments, most recently in Law Number 42 of 2009. This law is known as the Value Added Tax Law. In Value Added Tax, there is the term Taxable Services (JKP), which refers to any form of service based on an agreement or legal action that makes goods, facilities, conveniences, or rights available for use. This includes services produced to make goods according to the customer's order or request, using materials and instructions provided by the customer.
3. Stamp Duty. The legal basis for the imposition of stamp duty is contained in Law Number 13 of 1985, also known as the stamp duty law. Stamp duty is a tax levied on documents. The principles of stamp duty collection are as follows:
    a. Stamp duty is applied to documents (it is a tax on documents)
    b. Each document is subject to only one stamp duty
    c. Signed copies are subject to the same amount of stamp duty as the original
    d. Signed copies of documents are also subject to the same amount of stamp duty as the original documents

    Documents not subject to stamp duty include:
    a. Letters regarding the storage of goods
    b. Bills of lading
    c. Passenger transport letters
    d. Statements of transfer as stated in points a, b, and c
    e. Proof of delivery and receipt of goods; on documents
    f. Letters related to the shipment of goods or sold under consignment
    g. Other documents that can be categorized as similar to the above documents
4. Land and Building Tax (LBT) The legal basis for Land and Building Tax (LBT) is rooted in Law No. 12 of 1985, which has been revised by Law No. 21 of 1994. The principles of Land and Building Tax are to provide convenience and simplicity;
    a. Guaranty legal certainty;
    b. Be easily understood and fair;
    c. Prevent double taxation.
5. Land and Building Acquisition Tax (BPHTB). Based on Article 33 Paragraph (3) of the 1945 Constitution, natural resources, including land and water, are controlled by the state and are intended for the greatest possible prosperity of the people. Land, which is part of the earth and a gift from the Almighty God, not only meets basic needs for housing and business but is also a profitable investment tool. Additionally, the building also provides economic value for its owner. Therefore, the economic value received by the state thru tax payments, in this case, the Land and Building Acquisition Tax (BPHTB). With the enactment of Law Number 28 of 2009 on September 15, 2009, concerning Regional Taxes and Regional Levies, the authority to collect BPHTB was transferred to district/city governments. The management of BPHTB by district/city governments began on January 1, 2011.

Characteristics of Tax Crimes Based on Law Number 7 of 2021 Concerning Harmonization of Tax Regulations

Law Number 7 of 2021 concerning the Harmonization of Taxation Regulations was drafted upholding the principles of justice, simplicity, efficiency, legal certainty, benefit, and national interest. This law has several objectives, including:

1. Accelerating sustainable economic growth and supporting economic recovery;
2. Optimizing state revenue to independently finance national development, in order to realize a

just, prosperous, and well-being Indonesian society;
3. Creating a fairer and legally certain taxation system;
4. Implementing administrative reform, comprehensive tax policies, and expanding the tax base;
5. Encouraging increased voluntary compliance from taxpayers.

Every taxpayer who meets the subjective and objective requirements under tax law is required to register at the authorized Directorate General of Taxes office in their place of residence or domicile, where they will receive a Taxpayer Identification Number. For individual taxpayers who are residents of Indonesia, this code will use their national identification number. Taxpayers subject to tax under the Value Added Tax Law of 1984 and its amendments are required to report their business to the tax office of the Directorate General of Taxes that includes the location of the taxpayer's residence or domicile, as well as the area of business activity, for the purpose of being registered as a Taxable Entrepreneur. Article 40 of Law Number 7 of 2021 states that tax crimes cannot be prosecuted after ten years have passed since the tax obligation arose, the tax period ended, the part of the tax year ended, or the relevant tax year ended.

Tax crime investigations can only be conducted by certain civil servant officials within the Directorate General of Taxes who have special authority as investigators. The authority of the investigator is regulated in Article 44b paragraph (2), which includes:

1. Receiving, seeking, collecting, and examining information or reports related to tax crimes to make such information more complete and clearer
2. Investigating, seeking, and collecting information about individuals or entities regarding the truth of actions related to tax crimes
3. Requesting information and evidence from individuals or entities related to tax crimes;
4. Examining books, records, and other documents related to tax crimes
5. Conducting searches to obtain evidence in the form of accounting records, other records, documents, and other evidence suspected of being related to tax crimes and/or seizing such evidenc
6. Requesting expert assistance to support investigation tasks in the field of taxation
7. Stopping and/or prohibiting a person from leaving a room or location during an examination, and checking the identity of persons, objects, and/or documents carried
8. Photographing individuals related to tax crimes
9. Summoning individuals to provide information and be examined as suspects or witnesses
10. Blocking assets owned by the suspect in accordance with applicable legal provisions, or seizing the suspect's property based on laws governing criminal legal procedures, including but not limited to the approval of the local district court president
11. Stopping the investigation process
12. Taking other necessary steps to ensure the smooth investigation of tax crimes in accordance with the provisions of the law. The investigation process can be stopped if:
    a. The loss to state revenue as stipulated in Article 38 is added to an administrative sanction in the form of a fine equivalent to one time the loss of state revenue;
    b. The loss to state revenue as stipulated in Article 39 is added to an administrative sanction in the form of a fine equivalent to three times the loss of state revenue; or
    c. The amount of tax stated in the tax invoice, tax collection evidence, tax withholding evidence, and/or tax payment evidence as stipulated in Article 39A is added to an administrative sanction in the form of a fine equivalent to four times the amount of tax stated in the tax invoice, tax collection evidence, tax withholding evidence, and/or tax payment evidence.

Definition of Money Laundering

Money Laundering, abbreviated as TPPU and often referred to as money laundering, has long been studied and practiced in legal frameworks. However, within the legal framework applicable in Indonesia, regulations regarding this began to be implemented in 2002 with the enactment of the TPPU Law. Generally, money laundering is defined as the process of concealing or disguising the source of wealth thru a series of financial transactions to make it appear as if it were obtained legally.

The term "money laundering" first appeared in the United States in the 1930s. At that time, Al Capone, a notorious criminal figure, laundered the proceeds of his crimes with the help of Meyer Lansky, an accountant who managed a laundry business to conceal the origin of Al Capone's illicit funds (Sutedi, 2010). Al Capone purchased a legal business, a laundromat, which at that time was known in the United States as one of the money laundering strategies. This laundry business then developed rapidly, and

various illegal incomes such as those from liquor trafficking, gambling, and prostitution were invested into the laundry business (Sutedi, 2010).

Etymologically, the term "money laundering" comes from English, with "money" meaning money and "laundering" referring to the washing process. Thus, money laundering in the literal sense means the laundering of money obtained from criminal activities. However, there is no universal and comprehensive definition of money laundering because each country, whether developed or developing, has a different definition based on its respective priorities and perspectives. In Indonesia, legal experts have agreed that money laundering is defined as the washing of money. Nevertheless, the Law on the Prevention and Eradication of Money Laundering does not provide a comprehensive definition of money laundering. In Article 1, paragraph 1, the law only states that money laundering includes all actions that meet the elements of a criminal act in accordance with the provisions of this law. For more clarity, money laundering offenses can be found in Articles 3, 4, and 5. Article 3 stipulates: "Any person who places, transfers, converts, spends, pays, donates, deposits, takes out of the country, alters the form of, exchanges for currency or securities, or performs any other action against property that they know or reasonably suspect is the result of a criminal act as referred to in Article 2 paragraph (1) with the intention of concealing or disguising the origin of the property, shall be punished for money laundering."

Sutan Remy Sjahdeini explains that money laundering includes: "a series of activities that constitute a process carried out by individuals or organizations on money obtained illegally, with the aim of concealing or disguising the source of the money from the authorities or government authorized to combat crime, one of which is by introducing the money into the financial system, so that the money then exits the financial system as legitimate money" (Wiyono, 2014).

Types of Money Laundering Crimes

R. Wibowo categorizes money laundering acts into two types: active money laundering and passive money laundering. Active money laundering crimes are regulated in Articles 3 and 4 of the Money Laundering Prevention and Eradication Law, while passive money laundering crimes are regulated in Article 5 (Wiyono, 2014).

When the perpetrator actively hides or disguises assets obtained from criminal activity, it is considered active money laundering. Conversely, when the perpetrator is passive (inactive) in hiding or disguising assets obtained from criminal activity, it is considered passive money laundering (Wiyono, 2014). Active money laundering is regulated in Articles 3 and 4, which state: "Any person who places, transfers, converts, spends, pays, donates, deposits, takes out of the country, changes the form, exchanges for currency or securities, or performs any other act on assets that they know or reasonably suspect are the proceeds of criminal activity as referred to in Article 2 paragraph (1) with the intention of concealing or disguising the origin of the assets shall be punished for money laundering."

Definition and Forms of Continued Offenses

A continued offense is a combination of several actions committed by a person, where there is no final court decision between one action and another. Therefore, the perpetrator will be subject to sanctions in accordance with the provisions of Article 64 of the Criminal Code. In Dutch, the term for this combined form is "Voortgezette Handeling," which is regulated in Article 64 paragraph 1 of the Criminal Code, which states: "If there are several related actions, so that they must be considered as a single continuing act, only one criminal provision applies even tho each of these actions could be a criminal offense or violation; if the punishments are different, then the most severe punishment will be applied" (Soesilo, 1981).

Actually, the definition of a continuing offense or voortgezette handeling is not very clear in terms of its wording or regulation in the law. This was also discussed by several authors in the field of Criminal Law. For example, P. A. F. Lamintang and C. Djisman Samosir stated: "The law does not provide further explanation on how these actions should be interconnected. The relationship can be interpreted in various ways, for example, based on the similarity of time and place of these actions. The Supreme Court defines a continuing act or ongoing action as similar acts that simultaneously serve the same purpose. This explanation was provided by the Supreme Court in its decision on October 19, 1932, N. J. 1932" (Lamintang, 1983).

Thus, the lack of clarity in the definition of continued offense arises because the wording in Article 64 of the Criminal Code states that a continued offense is a collection of interconnected actions without providing an explanation or clarification about the type of relationship intended. Therefore, as stated by the author above, this relationship can be interpreted in various ways, including relationships based on time, place, and other factors.

CONCLUSION

Qualifications for tax crimes include tax evasion practices carried out thru forgery, which can be committed by individuals or by those involved in legal entities. This often happens due to collaboration between taxpayers and tax officials with the intention of personal gain. There is a close relationship between money laundering and tax-related crimes, where tax offenses serve as the predicate crime, while money laundering is considered a derivative offense. In Indonesia, the need for legal protection against money laundering in the context of taxation is crucial for maintaining the integrity of the tax system and the country's financial system. Consistent and coordinated law enforcement, as well as the strict implementation of tax oversight, will help reduce the negative impact of money laundering practices on the country and society. Additionally, alignment between tax regulations and anti-money laundering rules is needed so that the legal system can operate effectively in continuously preventing, identifying, and prosecuting perpetrators.

For law enforcement, especially judges in the field of taxation, to create a deterrent effect for tax criminals, it is important to impose prison sentences as an extreme last resort, while also adding fines up to four times the amount of unpaid taxes. Strengthen Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (ML) with specific amendments for the taxation sector, including criminalizing the use of fake tax invoices as the predicate offense for ML. Integrate Article 39A of the General Tax Provisions Law into the PPATK reporting mechanism for early detection. Harmonizing these regulations with FATF recommendations ensures a national risk-based approach.

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