

Analysis of Evidence Seizure in Money Laundering Crimes: Procedures, Legitimacy, and Its Impact on Legal Proceedings

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Abstract

The seizure of evidence is a crucial element in law enforcement, particularly in money laundering cases, which ideally should be carried out transparently, accountably, and in compliance with applicable legal procedures. However, field realities reveal that seizures often face various challenges, such as procedural uncertainties, human rights violations, and lack of coordination among law enforcement agencies, which can affect the validity and effectiveness of the legal process. This study aims to analyze the procedures for seizing evidence in money laundering cases, evaluate their validity, and identify their impact on the legal process, both for the perpetrator, the victim, and the legal system itself. This article falls under legal research with a normative juridical approach. The methodology used is descriptive analytical studies with a statutory approach. The research findings conclude that the seizure of evidence in money laundering cases is a critical step to prove the perpetrator's involvement and prevent access to the proceeds of crime. Proper procedures and legal compliance in evidence seizure significantly impact the smoothness of the legal process, both in terms of proving the case and recovering losses for the aggrieved parties.

Keywords: Seizure, Evidence, Money Laundering

Abstrak

Penyitaan barang bukti merupakan elemen penting dalam penegakan hukum, khususnya pada tindak pidana pencucian uang, yang idealnya

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dilakukan secara transparan, akuntabel, dan sesuai dengan prosedur hukum yang berlaku. Namun, realitas di lapangan menunjukkan bahwa penyitaan sering kali menghadapi berbagai kendala, seperti ketidakpastian prosedural, pelanggaran hak asasi manusia, serta kurangnya koordinasi antar lembaga penegak hukum, yang dapat memengaruhi keabsahan dan efektivitas proses hukum. Penelitian ini bertujuan untuk menganalisis prosedur penyitaan barang bukti dalam tindak pidana pencucian uang, mengevaluasi keabsahannya, serta mengidentifikasi dampaknya terhadap proses hukum, baik bagi pelaku, korban, maupun sistem hukum itu sendiri. Artikel ini tergolong dalam penelitian hukum dengan pendekatan yuridis normatif. Metodologi yang digunakan adalah studi analisis deskriptif dengan pendekatan perundang-undangan. Hasil penelitian menyimpulkan bahwa penyitaan barang bukti dalam tindak pidana pencucian uang merupakan langkah penting untuk membuktikan keterlibatan pelaku dan mencegah akses terhadap hasil kejahatan. Prosedur dan keabsahan penyitaan yang sesuai hukum berdampak signifikan terhadap kelancaran proses hukum, baik dalam pembuktian maupun dalam pemulihan kerugian bagi pihak yang dirugikan.

Kata Kunci: Penyitaan, Barang Bukti, Pencucian Uang

Introduction

Money laundering is a criminal act that has wide-ranging impacts on a nation's economy and financial stability. This crime involves a series of transactions and actions designed to obscure the origins of money obtained through illegal activities such as corruption, narcotics, terrorism, and other crimes. In this context, the seizure of evidence plays a crucial role in disrupting the flow of criminal proceeds and preventing perpetrators from hiding or transferring their assets (Runggu et al., 2023). Therefore, a comprehensive understanding of the procedures for seizure, the validity of such actions, and their impact on the legal process is essential to ensure justice and order within the legal system.

The seizure of evidence in money laundering cases is closely tied to various legal procedures that must be strictly implemented. This involves the lawful collection of evidence, verification processes, and court rulings that determine the validity of seized items. Unlawful seizures or those not following proper procedures may lead to significant legal issues, including the dismissal of evidence in court (Gilmour & Hicks, 2023). Hence, it is critical to ensure that seizures are conducted in accordance with applicable legal provisions so they can be maximally utilized to prove the perpetrator's guilt and impose penalties as prescribed by law.

Ideally, the process of seizing evidence in money laundering cases should be carried out with great care and professionalism. Every seizure action must be supported by a clear legal basis, as well as transparent and accountable procedures. This is essential to ensure fairness for all parties involved, including perpetrators, victims, and the broader community (Levi, 2002). Lawful and procedurally correct seizures will positively impact the evidentiary process in

court while serving as a deterrent for offenders. However, in practice, various challenges often arise in the execution of evidence seizures, such as difficulties in identifying and tracing hidden assets, as well as potential manipulation or abuse of authority by relevant parties.

The purpose of this research is to analyze the procedures for seizing evidence in money laundering cases, as well as to examine the validity and impacts of such actions on the legal process. This study aims to provide a clearer understanding of how evidence seizure procedures should be conducted, the requirements for their validity, and how these processes influence court proceedings. Additionally, the study will identify the challenges faced in evidence seizure and offer relevant recommendations to improve these processes moving forward. The contribution of this research lies in providing insights into the field of criminal law, particularly regarding money laundering offenses and the procedures for evidence seizure. The findings are expected to offer valuable perspectives for law enforcement officials, academics, and policymakers in enhancing the effectiveness and fairness in handling money laundering cases, as well as in strengthening the validity of legal procedures related to evidence seizure.

Literature Review

The seizure of evidence in money laundering crimes has been widely discussed in various literature, although research on its procedures, validity, and impact on the legal process has not been extensively conducted using a comprehensive approach. Several previous studies have made important contributions to the development of this topic. One relevant study was conducted by Fuadi et al. in their article titled; *"Tinjauan Perampasan Aset dalam Tindak Pidana Pencucian Uang dari Perspektif Keadilan."* This work discusses the procedures for asset confiscation related to money laundering crimes and their relevance to justice (Fuadi et al., 2024). The similarity with this research lies in the discussion of procedures related to money laundering crimes; however, the main difference is that this work focuses more on the perspective of social justice rather than an in-depth analysis of the procedures and validity of evidence seizure within the context of Indonesia's positive law.

Another study is the work of Budi Saiful Haris titled; *"Penguatan Alat Bukti Tindak Pidana Pencucian Uang dalam Perkara Tindak Pidana Korupsi di Indonesia."* This research examines the strengthening of evidence in money laundering crimes, particularly in cases of corruption (Haris, 2016). This work shares similarities with the author's research in its discussion of evidence and its relevance to the legal process. The key difference is that Haris' work focuses on the context of corruption, whereas the author's research examines the broader procedures and validity of evidence seizure in money laundering crimes.

Putri and Fauzy, in their work titled; *"Upaya Hukum Pembuktian Tindak Pidana Cyber Laundering yang Dilakukan Melalui Non-Fungible Token (NFT),"* address a more contemporary topic on money laundering conducted through blockchain technology and NFTs. This work is relevant to the author's research as both discuss the proof of money laundering crimes (Putri & Fauzy, 2022). However, the main difference lies in the application of new technology and the

legal challenges it poses. The author's research focuses more on the procedures for seizing evidence and its impact on the legal process in general, without a specific focus on technology as discussed by Putri and Fauzy.

Although these three works provide significant contributions to understanding various dimensions related to money laundering crimes, none specifically examine the procedures and validity of evidence seizure in depth within the context of Indonesian law. The author's research focuses on developing a more detailed analysis of seizure procedures, their validity, and their impact on the legal process in Indonesia, thereby filling this gap and providing new contributions. The position of this research is particularly important because no previous studies have directly connected the procedures for evidence seizure, the validity of such actions, and their impact on the entire legal process in the context of money laundering crimes.

By thoroughly examining the procedures and validity of evidence seizure, this research can provide clearer and more detailed insights into the challenges and solutions that can be implemented in Indonesia's legal practice. Its novelty lies in the broader and more integrated focus on the impact of evidence seizure on the perpetrators, affected parties, and the overall legal process. This research is expected to make a significant contribution to the development of Indonesian criminal law, particularly in relation to money laundering crimes.

Research Methodology

This article falls under legal research with a normative juridical approach. The methodology employed is descriptive analytical research using a statutory approach. The study aims to analyze the procedures, validity, and impact of evidence seizure in money laundering crimes in Indonesia, utilizing primary legal sources such as laws, regulations, and relevant court decisions. Additionally, the research incorporates secondary data from literature, legal journals, articles, and previous research to deepen the understanding of existing theories. Through this approach, the author seeks to thoroughly explore the various applicable legal procedures, the validity of evidence seizure, and its effects on the legal process and the parties involved, both from the perspective of positive law and its practical implementation in the field.

Seizure of Evidence in Criminal Acts

The seizure of evidence is a critical aspect of law enforcement in criminal cases. This procedure serves as a measure undertaken by investigators, prosecutors, and judicial authorities to ensure that evidence relevant to a criminal act can be properly secured and preserved to support the judicial process (Saptono et al., 2024). According to Article 1, Paragraph 16 of the Indonesian Criminal Procedure Code (KUHAP), seizure is defined as a series of actions by investigators to confiscate and safeguard objects that can be used as evidence during investigation, prosecution, and trial.

Seizure can occur at various stages of the legal process, starting from investigations by the police, prosecution by the public prosecutor's office, to court

proceedings. The objects subject to seizure include various items directly related to the crime, whether movable or immovable. Article 39 of KUHAP stipulates that objects eligible for seizure include those suspected to have been obtained from the crime, used in committing the crime, obstructing the investigation, or specifically required for the crime itself. Evidence is crucial in judicial proceedings since, without it, proving a criminal case in court becomes challenging. As defined in the Indonesian Dictionary (KBBI), evidence refers to items used to convince a judge of the defendant's guilt regarding the alleged crime.

In this context, evidence serves as a key instrument to establish the truth of a criminal event and determine whether the defendant is guilty. Evidence may include items used in the crime or items resulting from it, such as money from corruption or goods obtained through theft. The importance of evidence in criminal cases is reinforced by Article 6, Paragraph (2) of Law No. 35 of 1999 concerning the Judiciary. This article states that a defendant cannot be convicted without lawful evidence capable of convincing the judge of the defendant's guilt (Wardhana & Sularto, 2022). Therefore, investigators must work diligently to ensure that relevant evidence is located, seized, and preserved to support the legal process. However, the seizure of evidence cannot be conducted arbitrarily. KUHAP strictly regulates the procedure to protect the rights of suspects or defendants and prevent misuse of authority by investigators.

Seizures must be conducted based on clear legal grounds and follow established procedures. A fundamental principle in seizure is that the items seized must be directly related to the crime being investigated or prosecuted. Several forms of seizure are regulated under Indonesian criminal procedure law. Regular seizure follows general procedures, requiring investigators to obtain prior approval from the court. Additionally, urgent seizure may be conducted without court approval if there is a threat that the evidence may be lost, destroyed, or moved by the suspect. In such cases, investigators are authorized to act swiftly to secure the integrity of the evidence. Urgent seizures, as regulated by Article 38, Paragraph (2) of KUHAP, provide investigators with flexibility in situations requiring immediate action. This is intended to ensure that the investigation process is not hindered and that highly relevant evidence can be promptly secured.

Nonetheless, investigators must report such actions to the Chief Judge of the District Court for further approval. Furthermore, seizures can also occur during an arrest in *flagrante delicto*. In such instances, when someone is caught committing a crime, investigators are authorized to immediately seize the evidence found with the perpetrator without following the usual procedures. This type of seizure is crucial for expediting investigations, especially in urgent or high-risk cases (Imaniyati, 2005). KUHAP also introduces the concept of indirect seizure, where investigators do not physically confiscate the evidence from the person in possession of it but instead take a cooperative approach by requesting the individual to voluntarily surrender the items.

Indirect seizure facilitates the collection of evidence, particularly when direct access to it is challenging. In addition to physical objects, documents or writings related to the crime may also be seized. Article 43 of KUHAP specifies that documents held or controlled by certain parties, such as a notary, may be seized with the consent of the authorized person or with special approval from the Chief

Judge of the District Court. The seizure of documents is particularly relevant in cases where such documents are critical in proving a criminal act, such as in corruption or fraud cases. The success of evidence seizure depends significantly on the authority of investigators and adherence to proper procedures. Investigators must carry out seizures with great caution and strictly within the framework of applicable legal provisions (Nainggolan & Kornelis, 2024). Moreover, investigators are obliged to report all seizure actions to the court, and the seized evidence must be safeguarded until it is used during the trial.

Money Laundering Offenses

Money laundering is a crime that has garnered significant global attention in recent decades. It refers to a series of actions carried out to conceal the origin of money or assets obtained through illegal activities, such as drug trafficking, corruption, fraud, or terrorism. Through the process of money laundering, money initially considered illegal is transformed into appearing legitimate and can be used in lawful economic activities (Rachman et al., 2023). With the increasing globalization of financial systems and advancements in technology, this crime has become more complex and challenging for law enforcement authorities to trace.

The general definition of money laundering refers to activities or a series of actions aimed at disguising or obscuring the origin of money obtained through criminal acts, so that the money appears legitimate and can be used in legal economic transactions. According to Article 2 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes, money laundering is an effort to conceal or disguise the proceeds of crime with the intention of converting them into assets that appear legitimate. In other words, money laundering is a criminal process aimed at creating the impression that the money used in transactions was obtained lawfully.

The motives and reasons for the prevalence of money laundering crimes are closely related to the substantial financial benefits that offenders can gain. This crime becomes even more appealing due to its ability to manipulate and exploit interconnected global banking and economic systems. Money laundering provides perpetrators with the opportunity to enjoy the proceeds of crime without being detected by authorities (Pelangi, 2023). Additionally, other motives include avoiding legal sanctions, reducing the risk of asset loss, and enabling offenders to invest or engage in lawful economic activities. In the era of globalization and technological advancement, financial networks have become increasingly intricate, offering greater opportunities for money launderers to exploit legal loopholes.

The exact origins of money laundering as a criminal offense are unclear, but it was first detected in the mid-20th century. The term 'money laundering' emerged in the United States in the 1920s. It was initially used to describe the efforts of mafia groups in the U.S., particularly those led by Al Capone, to disguise proceeds from illegal gambling and illicit business operations. By the 1970s, money laundering began receiving significant attention when it was listed as a serious offense to be eradicated by countries worldwide. The global historical development of money laundering reflects nations' efforts to combat this crime. In 1989, G7 member states established the Financial Action Task Force (FATF) to

develop international standards and combat money laundering and terrorism financing (Aditya, 2021). Through FATF, countries worldwide began adopting stricter regulations in the banking and financial sectors to monitor suspicious financial transactions. Since then, global efforts to combat money laundering have intensified, with countries implementing more complex and systematic anti-money laundering (AML) laws and enhancing international cooperation to tackle the crime.

In the context of Indonesia, the history of money laundering began in the late 20th century, as the country experienced the impacts of economic globalization and international trade. Indonesia became one of the nations participating in global efforts to combat money laundering after being adopted by FATF in 1998. In 2002, Indonesia enacted Law No. 15 of 2002 on Money Laundering Crimes, which was later updated to Law No. 8 of 2010. Through these laws, Indonesia committed to eradicating money laundering practices and aligning with international standards for the prevention and eradication of such crimes.

Money laundering under Indonesia's criminal law is explicitly regulated in Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes (Kadir et al., 2021). This law defines money laundering as an effort to conceal or disguise the proceeds of crime in the form of assets, with the aim of making them appear legitimate. Indonesian law provides for various measures against money launderers, including the seizure of assets obtained from criminal activities. Additionally, financial institutions are mandated to report suspicious transactions, and the government and law enforcement agencies are required to monitor high-risk transactions to prevent money laundering.

In practice, the money laundering process involves three main stages: placement, layering, and integration. The first stage, placement, is where criminal proceeds are introduced into the financial system, such as through cash deposits or asset purchases. The second stage, layering, involves concealing the transaction trail by conducting a series of complex and difficult-to-trace transactions, such as cross-border transfers or investments in stock markets. The final stage, integration, is the process of reintegrating the 'laundered' money into the legitimate economy, allowing the perpetrator to use it freely.

Understanding these three stages is crucial in the effort to combat money laundering. In Indonesia, money laundering is often associated with various other crimes, such as corruption, drug trafficking, human trafficking, and terrorism. Strict regulations in Indonesia's criminal law regarding money laundering aim to prevent offenders from enjoying the proceeds of their crimes without detection (Yoserwan & Dias, 2024). Law enforcement agencies such as the police, prosecutors, and the Corruption Eradication Commission (KPK) play a vital role in uncovering and handling money laundering cases. These agencies often collaborate with international organizations to dismantle transnational money laundering networks.

Procedure and Legitimacy of Seizure of Evidence in Money Laundering Crimes

Money laundering crimes have become a serious issue faced by many countries around the world, including Indonesia. This crime not only harms the state financially but also has the potential to damage the legitimate financial and economic systems. In every criminal investigation, the existence of evidence is extremely important (Batmomolin & Saleh, 2023). Evidence, whether in the form of cash, property, or other related documents, plays a central role in the process of proving and convicting. The seizure of evidence in money laundering crimes becomes one of the crucial steps in uncovering the origin of suspected assets and stopping the flow of illegal funds that could be used for further criminal activities.

Generally, evidence in criminal acts serves to support the proof that a crime or criminal act has occurred. This evidence can be anything that demonstrates a link between the perpetrator and the crime committed. In the context of criminal law, evidence such as documents, recordings, cash, or other goods obtained from criminal acts holds significant value in the judicial process. Without valid and legitimate evidence, a criminal case would be difficult to prove, and the perpetrators may escape the punishment they deserve. Therefore, the procedure and legitimacy of seizing evidence are key to ensuring that the legal process is fair and accurate.

In money laundering crimes, evidence plays a more crucial role because it involves various layers of concealed transactions, as well as assets acquired through illegal activities. The process of money laundering includes disguising, transferring, and concealing the origin of assets obtained unlawfully. Thus, the seizure of evidence in money laundering crimes not only serves to prove the involvement of the perpetrator but also to stop the circulation of money derived from crime and return the losses to the state or victims (Dewi et al., 2023). In many cases, evidence such as bank accounts, international transactions, and properties suspected to be proceeds of money laundering become key elements in the investigation and prosecution process.

The procedure for seizing evidence in money laundering crimes must be conducted carefully and in accordance with applicable laws. According to existing regulations in Indonesia, specifically in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, law enforcement authorities have the authority to seize evidence believed to be derived from criminal acts. This seizure procedure must involve authorized bodies such as the police, prosecutors, or the Corruption Eradication Commission (KPK), which must apply to the court for permission to seize the evidence (Putra, 2024). The seizure is carried out through a legal process, and the act of seizure must be documented and reported in detail to ensure that the procedure follows the legal regulations in place.

The seizure of evidence in money laundering cases must be based on strong grounds and sufficient proof. Law enforcement officers must not carry out seizures without legitimate and valid reasons. Furthermore, every act of seizure must follow the procedures outlined in the relevant laws. This includes the prior examination of the evidence to ensure that it is indeed directly linked to the money laundering crime. If the evidence is seized legally, it will be used as proof in the

judicial process. The legitimacy of the seizure of evidence must also be carefully considered (Iswara, 2020). One important aspect of the legitimacy of seizing evidence is obtaining permission from a competent court. According to the regulations, a seizure can only be carried out after receiving an official order from the court. This indicates that, although law enforcement has the authority to seize evidence, such actions still require oversight and approval from the court. Additionally, seized evidence must be kept and stored properly to prevent damage or loss that could harm the judicial process.

The sanctions for money laundering perpetrators are severe. Under the Indonesian legal system, money laundering crimes are punishable by significant prison sentences and heavy fines. According to Article 3 of Law No. 8 of 2010, perpetrators of money laundering can be sentenced to imprisonment for at least 4 years and up to 20 years, as well as fines reaching billions of rupiahs. This aims to provide a deterrent effect and warn the public against actions that could damage the economic and financial systems of the country. The seizure of evidence becomes an integral part of the legal sanctions that can be imposed because by returning the proceeds of crime to the state or victims, it is hoped that the impact of the crime can be mitigated.

Seized evidence in money laundering cases will be treated in accordance with the applicable legal provisions. In general, the seized evidence will be handed over to the state or used in the judicial process as material evidence. In this case, evidence in the form of money can be seized and then given to the state for use in development or, in this case, can be paid to the rightful parties, such as victims or the state. Other evidence, such as property or other assets, can be seized and sold to compensate for the losses caused by the crime (Donnia et al., 2023). However, in some cases, there is a possibility that the seized evidence could be recovered or returned to its rightful owner if it is proven that the item was not involved in the criminal act. Therefore, the seizure of evidence must be carried out with great care and based on careful consideration to avoid harming innocent parties. For this reason, a transparent and fair judicial process is needed to determine the fate of seized evidence during the investigation.

The process of seizing evidence in money laundering crimes in Indonesia reflects the state's commitment to combat financial crimes that can undermine the integrity of the country's economic and financial systems. By strengthening the existing legal mechanisms and increasing synergy between law enforcement agencies and international institutions, it is hoped that money laundering crimes can be minimized. The legitimacy and procedures for seizing evidence in accordance with legal rules will ensure that justice can be upheld, and that the proceeds of money laundering can be returned to the state or victims to minimize the impact of the crime.

Impact on Legal Process

Money laundering crimes are among the most damaging offenses to both the state and society. This crime affects not only the country's economy but also the integrity of the global financial system. One important step in law enforcement against this crime is the seizure of evidence suspected to be derived from criminal

activity. The seizure of evidence has a significant impact on the ongoing legal process, both for the perpetrators of the crime, the victims, and the judicial process itself (Azizah et al., 2023). Each stage of seizure must be carried out meticulously and in accordance with the procedure, as its impact can affect the course of investigation, prosecution, and ultimately, the judgment delivered by the court.

The seizure of evidence in money laundering cases has several important impacts that can influence the judicial process. The first impact is during the proof stage. Seized evidence, such as bank accounts, financial transactions, and other assets, becomes a key element in uncovering the link between the perpetrator and the criminal act. Without proper and lawful seizure, it would be difficult to prove the connection between the seized funds and the crime committed. Therefore, the seizure of evidence becomes a vital tool in ensuring that the legal process is fair and transparent. The impact of evidence seizure on the perpetrators of money laundering is significant. This seizure not only reduces or even eliminates the perpetrators' access to the proceeds of their crime but also has psychological and legal consequences.

For the perpetrator, the seizure serves as evidence that law enforcement authorities have successfully identified and secured their illicit assets. This can worsen their position in the judicial process, increasing the likelihood of criminal conviction and adding psychological pressure as they try to maintain their financial freedom. Evidence seizure can also impact assets that have been transferred to other parties or countries, requiring further legal efforts to trace and recover them. For the victims, particularly the state or individuals who are victims of crimes involving money laundering, the seizure of evidence provides a positive impact (Imaniyati, 2005). With the seizure of assets derived from criminal activities, the victims have a chance to recover part or all of their losses. Evidence seizure can help restore the financial damage caused by the money laundering activities. In certain cases, if it is proven that the perpetrator benefited from activities that harmed others, the seized evidence may be used to compensate for those losses, although this depends on the ongoing legal process.

However, the process of seizing evidence in money laundering cases is not without challenges and obstacles. One major challenge lies in identifying and tracing evidence that is hidden or transferred abroad. International transactions and the rapid movement of assets can make evidence extremely difficult to trace. Additionally, the lack of transparency in the global financial system exacerbates the situation, as many money laundering transactions are carried out in sophisticated and hard-to-detect ways. Moreover, seizures involving assets or accounts outside Indonesia's jurisdiction may require cooperation with other countries, which involves more complex and time-consuming international legal procedures.

Another challenge is ensuring the validity and legitimacy of the seizure itself. The seizure of evidence in money laundering cases must be carried out in accordance with applicable laws and involve the competent court. An unlawful seizure can damage the judicial process and result in the annulment or justification of the defendant's defense. If evidence is seized without court authorization or abuse of power, the evidence cannot be used in court and may nullify the ongoing legal process. To address these challenges, greater coordination between national

and international law enforcement agencies is needed (Nainggolan & Kornelis, 2024). International cooperation in seizing money laundering evidence is key to tracing and recovering assets hidden abroad. Countries must have regulations that recognize and cooperate in tackling cross-border money laundering. Additionally, technology should be utilized to track unreported financial flows, using transaction data and advanced digital tools to detect suspicious financial transactions. Another solution is to enhance the capacity of law enforcement agencies in seizing evidence. Sufficient knowledge and skills in recognizing and identifying money laundering evidence are crucial.

Therefore, training and education for law enforcement officers should be improved, including in the use of technology and modern investigative methods. With better skills, evidence seizure can be carried out more effectively, and perpetrators can be identified more quickly. Furthermore, the evidence seizure process also requires strict supervision to ensure that there is no abuse of power by law enforcement. Transparent and accountable supervision of the seizure process will reduce the potential for abuse that could harm those who are not involved in the crime (Yoserwan & Dias, 2024). The establishment of an independent oversight body that can monitor and evaluate every step of the seizure process is crucial to maintaining the credibility and fairness of the judicial process. The seizure of evidence must also consider the rights of the legitimate owner of the property. If the seized property is found not to be derived from criminal activity, it must be returned to its rightful owner. Therefore, the seizure procedure must always be followed by careful verification and analysis to avoid errors that could harm innocent parties.

Conclusion

The analysis of evidence seizure in money laundering offenses shows that seizure plays a crucial role in supporting the judicial process, both in proving the connection between the perpetrator and the proceeds of the crime, as well as in preventing the perpetrator from accessing and utilizing the laundered funds. A seizure carried out lawfully and in accordance with the applicable procedures will have a positive impact on the smooth progression of the legal process, as the seized evidence can become a valid piece of proof and strengthen the charges against the perpetrator. On the other hand, an unlawful seizure or one that does not follow the correct procedure can damage the judicial process, hinder the proof, and potentially result in a legal failure for the harmed party.

The procedure for seizing evidence in money laundering offenses must be carried out strictly, prioritizing legitimacy, so that it can be used as valid evidence in court. The validity of the seizure heavily depends on obtaining lawful authorization from the court and carrying out the process in accordance with the applicable regulations. The impact of evidence seizure is not only felt by the perpetrator, who loses access to the criminal proceeds, but also provides an opportunity for the harmed party to obtain restitution. However, challenges in the seizure process, particularly regarding the tracing of hidden assets or those moved abroad, require improved coordination between law enforcement agencies and more advanced technology.

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