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Authority of the Ministry of Environment in the Investigation of Money Laundering from Environmental Crimes

Daswanto [a*], Reda Manthovani [a], M. Hatta Ali [a], Eddie Tarsono [a], Farhod Abdurahmonov [b]
[a] Faculty of Law, Universitas Pancasila, Jakarta, Indonesia
[b] Tashkent State University of Economics, Tashkent, Uzbekistan
* corresponding author: dasdaswanto@gmail.com

A B S T R A C T

This study aims to clarify the jurisdiction of Civil Servant Investigators (hereinafter referred to as PPNS) at the Ministry of Environment in the investigation of money laundering offenses related to environmental crimes. The author initially delineates the power of PPNS inside the Indonesian criminal justice system to provide a complete description. This research constitutes a normative legal analysis. The study's findings demonstrate that the Ministry of Environment has the jurisdiction to investigate money laundering offenses stemming from environmental crimes, particularly following the issuance of Constitutional Court Decision No. 15/PUU-XIX/2021. This decision broadens the investigative authority regarding money laundering, unifies disparate sectoral regulations, and establishes a legitimate legal framework for PPNS, especially within the Ministry of Environment and Forestry, to function as investigative entities in the national strategy against money laundering linked to environmental crimes. The Constitutional Court Decision No. 15/PUU-XIX/2021 significantly alters the framework of investigative authority concerning money laundering offences derived from environmental crimes, by conferring constitutional validity upon PPNS at the Ministry of Environment and Forestry to directly investigate money laundering as a subsequent offence to environmental crimes.

KEYWORDS: ***Authority; Money Laundering; Environmental Crimes.***

1. I N T R O D U C T I O N

Money laundering (TPPU), [1] particularly within the environmental sector, is acknowledged as a criminal activity that disturbs economic stability and erodes the

[1] Malcolm Campbell-Verduyn, 'Bitcoin, Crypto-Coins, and Global Anti-Money Laundering Governance', *Crime, Law and Social Change*, 69.2 (2018), pp. 283–305, doi:10.1007/s10611-017-9756-5.

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integrity of the national financial system.[2] In a more expansive context, machine learning poses a significant risk to the well-being of individuals, the nation's integrity, and the state's stability, as articulated in both the Preamble and the provisions of the 1945 Constitution of the Republic of Indonesia (UUD 1945). The Preamble of the 1945 Constitution articulates a fundamental aim of the Indonesian state: to 'promote the general welfare.' This principle is further reinforced in Article 33, paragraph (3), which asserts that 'The earth, water and natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people Within the framework of TPPU emerging from the environmental sector, law enforcement presents a distinctive challenge for Indonesia.[3]

Numerous studies indicate significant environmental degradation. In 2023, forest fires ravaged an area of no less than 1.16 million hectares in Indonesia, playing a substantial role in the increase of carbon emissions.[4] In the interim, during the last twenty years, Indonesia has experienced a reduction of around 32 million hectares of forest cover, corresponding to 20% of its forest area as recorded in 2000. The damage at hand transcends mere ecological degradation; it encompasses a spectrum of criminal activities, including pollution, illegal logging, mining expansion, and orchestrated ecocide events that adversely affect numerous stakeholders.[5]

In this context, the involvement of environmental law enforcement officials is essential to guarantee that the law transcends mere theoretical constructs and effectively addresses ecological offenses.[6] Historically, civil servant investigators (hereinafter referred to as PPNS) within the Ministry of Environment and Forestry have the authority to conduct investigations into environmental crimes as stipulated by Law No. 32 of 2009 concerning

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[2] Fabian Teichmann, 'Recent Trends in Money Laundering', *Crime, Law and Social Change*, 73.2 (2020), pp. 237 – 247, doi:10.1007/s10611-019-09859-0.

[3] Guy Stessens, *Money Laundering A New International Law Enforcement Model*, First Edit (University Press, 2000).

[4] Paul Ekblom and others, 'Crime Prevention through Environmental Design in the United Arab Emirates: A Suitable Case for Reorientation?', *Built Environment*, 39.1 (2013), pp. 92 – 113, doi:10.2148/benv.39.1.92.

[5] Rika Fajrini, 'Environmental Harm and Decriminalization of Traditional Slash-and-Burn Practices in Indonesia', *International Journal for Crime, Justice and Social Democracy*, 11.1 (2022), pp. 28–43, doi:10.5204/ijcjsd.2034.

[6] Chukwumerije Okereke and Mark Charlesworth, *Environmental and Ecological Justice*, in *Advances in International Environmental Politics* (2014), doi:10.1057/9781137338976.

environmental management and protection. Nevertheless, in reality, alleged environmental offenses—like unlawful logging or significant pollution—frequently encompass concealed financial transactions that ultimately transform into financially legitimized assets.[7]

The issue is that PPNS lacks the authority to implement legal measures against these environmental offenses. The circumstances evolved following the Constitutional Court's modification of the explanatory notes about Article 74 of Law No. 8 of 2010, which addresses the Prevention and Eradication of Money Laundering Offences, as articulated in Constitutional Court Decision No. 15/PUU-XIX/2021. Before the Constitutional Court Decision No. 15/PUU-XIX/2021, the PPNS lacked the jurisdiction to investigate the origins and pathways of funds associated with environmental crimes.[8] This authority was previously reserved solely for law enforcement entities, including the Indonesian National Police (Polri), the Indonesian Attorney General's Office (Kejaksaan), the Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), the Directorate General of Taxes of the Ministry of Finance (Dirjen Pajak), and the Directorate General of Customs and Excise of the Ministry of Finance (Dirjen Bea dan Cukai).[9]

In 2021, the Constitutional Court (MK) undertook a judicial review concerning the Explanation of Article 74 of Law No. 8 of 2010, which pertains to the Prevention and Eradication of Money Laundering Criminal Acts (hereafter referred to as the 'Money Laundering Criminal Act').[10] This review addressed the prior stipulation that recognized investigators from only six agencies as law enforcement officials endowed with the authority to investigate money laundering activities. The ruling eliminated this constraint, thus constitutionally facilitating access to money laundering investigations for PPNS, including those at the Ministry of Environment (and Forestry) concerning suspected

[7] Willy Naresta Hanum, Tran Thi Dieu Ha, and Nilam Firmandayu, 'Eliminating Ecological Damage in Geothermal Energy Extraction : Fulfillment of Ecological Rights by Proposing Permits Standardization', *Journal of Law, Environmental and Justice*, 2.2 (2024), pp. 205–28, doi:10.62264/jlej.v2i2.105.

[8] Rian Saputra, Albertus Usada, and Muhammad Saiful Islam, 'Ecological Justice in Environmental Criminal Sanctions for Corporations in Indonesia: Problems and Solution', *Journal of Law, Environmental and Justice*, 2.1 (2024), pp. 1–17, doi:10.62264/jlej.v2i1.19.

[9] M Zaid, M Musa, and Bianglala Asmarasari, '"Novum" in Indonesian Criminal Justice: Problems and Legal Reform', *Indonesian Journal of Crime and Criminal Justice*, 1 (2025), pp. 54–88, doi:10.62264/ijccj.v1i1.121.

[10] Pranoto Hibnu Nugroho, Budiyono, 'Penyidikan Tindak Pidanan Pencucian Uang Dalam Upaya Penarikan Asset', *Jurnal Penelitian Hukum De Jure*, 16.1 (2016), pp. 1–2.

money laundering related to the proceeds of environmental crimes.[11] Consequently, the jurisdiction of PPNS in the environmental domain has expanded beyond mere ecosystem management to encompass the tracking of criminal assets and the mechanisms of electronic money laundering.[12]

The ramifications of Constitutional Court Decision No. 15/PUU-XIX/2021 for the environmental sector are profoundly strategic. Initially, environmental criminal law has expanded its focus beyond the individuals committing offenses and their behaviors to encompass the economic structures that underpin and finance ecocide.[13] Furthermore, eliminating money laundering associated with environmental offenses can be expedited and made more thorough, as PPNS equipped with an understanding of the ecosystem can promptly pursue financial leads without needing referrals from central authorities. Third, the state's obligations regarding environmental stewardship and the enforcement of laws about state civil servants expand in scope and inclusivity.[14]

Nonetheless, this augmentation of authority invites a series of probing inquiries. Will the delegation of authority to PPNS within the Ministry of Environment and Forestry yield effective outcomes if it lacks the support of technical training, established asset investigation standards, and well-developed inter-agency coordination? Does the decision rendered by the Constitutional Court consider the foundational principles of legal certainty, investigative accuracy, and public accountability, or does it, conversely, engender conflicts of position and overlapping authority? Moreover, in light of the worldwide challenges posed by deforestation, forest fires, and pollution, alongside ecological calamities like the Citarum pollution and the detrimental effects of tin mining in Bangka-Belitung, what strategies will PPNS employ to carry out TPPU investigations while maintaining a steadfast commitment to the preservation of the physical

[11] Dwientha Ayu Pratjna, Nyoman Serikat Putra Jaya, and Purwoto, 'Kebijakan Hukum Pidana Dalam Upaya Penanggulangan Tindak Pidana Lingkungan Hidup Di Indonesia', *Dipone*, 8.2 (2019), pp. 1026–41.
[12] Yunus Husein and K. Robertus, *Tipologi Dan Perkembangan Tindak Pidana Pencucian Uang*, Revisi (Radjawali Pers, 2018).
[13] Haitao Wu and others, 'Does Environmental Pollution Promote China's Crime Rate? A New Perspective through Government Official Corruption', *Structural Change and Economic Dynamics*, 57 (2021), pp. 292–307, doi:https://doi.org/10.1016/j.strueco.2021.04.006.
[14] Ponco Hartanto, Subagio Gigih, and Riami Chancy, 'Discourse of Ecological Damage as a State Financial Loss : Evidence from Indonesia', *Journal of Law, Environmental and Justice*, 2.3 (2024), pp. 307–31, doi:10.62264/jlej.v2i3.110.

environment?.[15]

This study holds considerable relevance and significance in examining and critiquing the transformation of authority within PPNS in the environmental domain, especially regarding the Ministry of Environment, after the implementation of Constitutional Court Decision No. 15/PUU-XIX/2021. This study examines the ramifications of PPNS's jurisdiction in probing money laundering offenses that stem from environmental crimes. Consequently, the research inquiries initially encompass how the legal considerations and the court's ruling in Constitutional Court Decision No. 15/PUU-XIX/2021 were formulated. Furthermore, what are the legal ramifications of Constitutional Court Decision No. 15/PUU-XIX/2021 concerning the jurisdiction of PPNS in investigating money laundering offenses that stem from environmental crimes?

To illustrate the originality of this paper, the author engages in a comparative analysis with various prior publications, including: Initially, a scholarly article titled 'The nexus of environmental crimes and money laundering/terrorist financing: effectiveness of the FATF recommendations against green criminology in developing jurisdictions'. The study reveals that individuals engaged in criminal activities in Pakistan are exploiting natural resources as a means to fund terrorism and to launder proceeds derived from environmental crimes. Individuals engaged in criminal activities often utilise environmental resources as a form of currency, and the practice of trade-based money laundering is prevalent in the movement of natural assets to circumvent taxation and regulatory scrutiny. Moreover, in light of the prevailing political instability, permeable borders, inadequate anti-money laundering mechanisms, insufficient enforcement of customer due diligence protocols, the presence of corrupt politically exposed individuals, an undocumented economy, the prevalent use of hawala/hundi, and a notable absence of political engagement, Pakistan presents a conducive atmosphere for economic crimes. The current circumstances, coupled with the inadequacy of legal frameworks and the deficiencies in the capabilities, resources, and training of law enforcement agencies, serve to intensify the issue at hand. The overall efficacy of the FATF recommendations concerning ECs in Pakistan is lacking. Therefore, a strong framework for both domestic

[15] Marulak Pardede and others, 'Perspectives of Sustainable Development vs. Law Enforcement on Damage, Pollution and Environmental Conservation Management in Indonesia', *Journal of Water and Climate Change*, 14.10 (2023), pp. 3770–90, doi:10.2166/wcc.2023.417.

and international coordination and collaboration is essential for effective engagement in this endeavour.[16]

Secondly, the document titled "Environmental Crime and Money Laundering in Australia". The research findings indicate that environmental offenses, motivated by financial incentives, result in the accumulation of unlawful profits. In light of the initial purpose of the global anti-money laundering and counter-terrorism financing (AML/CTF) framework following the September 11 attacks, its implementation in tackling environmental crime represents a rational advancement for countries dealing with transnational and organised environmental offences. This chapter explores the global and Australian perspectives on understanding and examining environmental crime, as well as the interplay with AML/CTF practices. This document provides a comprehensive examination of Australia's risk profile regarding its role as both a source and a destination for proceeds derived from environmental crime. Moreover, it examines contemporary cases of waste trafficking and water-related offences in Australia. The two classifications of environmental crime have garnered considerable attention from law enforcement and have been subject to public scrutiny within the nation.[17]

Third, the paper titled "Interconnected Challenges: Examining the Nexus of Environmental Crime and Money Laundering in the Context of Energy Transition." The findings of this research reveal that environmental crime, positioned as the fourth-largest criminal enterprise following drug trafficking, counterfeiting, and human trafficking, includes illicit activities such as mineral extraction, land clearance, and waste trafficking. The connection between these offences and financial crimes is evident, stemming from their profitable characteristics and relatively low risks involved. The urgency of climate change underscores the necessity for energy transitions, which may, in turn, lead to an increase in environmental offenses, including illicit mining and the trafficking of electronic waste. This paper examines the intricate relationship between environmental crime and money laundering, both of which are forms of financial misconduct, within the framework

[16] Nasir Sultan and others, 'The Nexus of Environmental Crimes and Money Laundering/Terrorist Financing: Effectiveness of the FATF Recommendations against Green Criminology in Developing Jurisdictions', *Journal of Money Laundering Control*, 28.3 (2025), pp. 485 – 503, doi:10.1108/JMLC-08-2024-0142.
[17] Benjamin Scott, 'Environmental Crime and Money Laundering in Australia', in Financial Crime, Law and Governance: Navigating Challenges in Different Contexts, ed. by Louis Goldbarsht Doron and de Koker (Springer Nature Switzerland, 2024), pp. 99–121, doi:10.1007/978-3-031-59547-9_5.

of energy transition. It emphasises the importance of preventing these unlawful activities to facilitate a fair transition to a net-zero energy system. Employing a case study methodology focused on the Democratic Republic of the Congo and Nigeria, recognised for their mineral resources and e-waste activities, respectively, this analysis explores how the recommendations from the Financial Action Task Force, such as a risk-based approach, criminalisation, and the implementation of suspicious transaction reports, can inform strategies aimed at mitigating environmental crimes.[18] Drawing from a multitude of studies, the author concludes that this research is groundbreaking, as it elucidates the role of the Indonesian Ministry of Environment as an investigator of money laundering linked to environmental crimes.

2. RESEARCH METHODS

This research constitutes a normative legal analysis employing a conceptual framework alongside relevant legislation and judicial rulings.[19] The analytical framework entails a comprehensive examination of legal concepts related to environmental harm and their interconnections with money laundering, as discussed in both national and international scholarly discourse.[20] The legal analysis entails a thorough examination of all pertinent legal provisions related to the issues discussed in this paper, encompassing the Criminal Procedure Code (KUHAP), Law No. 8 of 2010 concerning Money Laundering, Law No. 32 of 2009 regarding Environmental Protection and Management, as well as Constitutional Court Decision No. 15/PUU-XIX/2021.[21] The analysis of all legal materials is conducted through deductive reasoning to ascertain the extent of the Ministry of Environment's authority in investigating money laundering offences that stem from environmental

[18] Zeynab Malakouti and Mohammad Hazrati, 'Interconnected Challenges: Examining the Nexus of Environmental Crime and Money Laundering in the Context of Energy Transition', *Journal of Economic Criminology*, 8 (2025), p. 100151, doi:https://doi.org/10.1016/j.jeconc.2025.100151.

[19] Indah Dwi Qurbani, Ilham Dwi Rafiqi, and Ilham Dwi Rafiqi, 'Prospective Green Constitution in New and Renewable Energy Regulation', *Legality: Jurnal Ilmiah Hukum*, 30.1 (2022), pp. 68–87, doi:10.22219/ljih.v30i1.18289.

[20] Ridwan Arifin, Sigit Riyanto, and Akbar Kurnia Putra, 'Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era', *Legality: Jurnal Ilmiah Hukum*, 31.2 (2023), pp. 329–43, doi:10.22219/ljih.v31i2.29381.

[21] Maria Letizia Zanier, *The Legality Principle within the Italian Criminal Adaptations*, 2011, pp. 95–124.

crimes.[22]

3. RESULTS AND DISCUSSION

Existing Conditions of the Authority of Civil Servant Investigators (PPNS) in the Indonesian Criminal Justice System

There are several laws and regulations governing the existence of PPNS, including Article 6 paragraph (1) letter b of the Criminal Procedure Code, which states that: 'Investigators are certain civil servants who are given special authority by law.' Explanation: 'The status and rank of investigators as regulated in government regulations are aligned and balanced with the status and rank of public prosecutors and judges in the general court system.'[23]

Article 1(11) of Law No. 2 of 2002 on the National Police of the Republic of Indonesia also explains the existence of PPNS, stating: "PPNS are certain civil servants who, based on laws and regulations, are appointed as investigators and have the authority to conduct criminal investigations within the scope of the laws that serve as their legal basis."[24] Similarly, Article 1(5) of Government Regulation No. 43 of 2012 on the Procedures for the Implementation of Coordination, Supervision, and Technical Guidance Regarding Special Police Forces, PPNS and Forms of Self-Defence, PPNS, are certain civil servants who are appointed as investigators based on laws and regulations and have the authority to investigate criminal acts within the scope of the laws that form the legal basis for their respective duties.[25]

According to the commentary on the Criminal Procedure Code, 'certain civil servants who are authorised as investigators by special laws, such as forestry police, customs and

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[22] Januar Rahadian Mahendra, Supanto, and Devi Triasari, 'The Role of Victim Trust Funds in Addressing Unpaid Restitution Human Trafficking: Lessons US and Europe', *Indonesian Journal of Crime and Criminal Justice*, 1 (2025), pp. 89–107, doi:10.62264/ijccj.v1i1.123.

[23] Subagio Gigih Wijaya and Matthew Marcellinno Gunawan, 'Police Discretion on Terminating Corruption Investigations After Return State Financial Losses in Indonesia: Validity and Challenges', Indonesian Journal of Crime and Criminal Justice, 15.1 (201925), p. 1, doi:10.62264/ijccj.v1i1.124.

[24] M. Alvi Syahrin, 'The Immigration Crime and Policy: Implementation of PPNS Authorities on Investigation', *Journal of Indonesian Legal Studies*, 3.2 (2018), pp. 175–94, doi:10.15294/jils.v3i02.27512.

[25] Rasdi Rasdi and others, 'Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice', *Lex Scientia Law Review*, 6.2 (2022), pp. 479–518, doi:10.15294/lesrev.v6i2.58320.

excise officers, immigration officers, and so on.'18 Koesnadi Hardjasoemantri also stated that criminal offences in the field of environmental protection often involve highly technical aspects, requiring specialised expertise that is difficult to expect from police investigators. Therefore, PPNS, as referred to in the Criminal Procedure Code, are necessary.[26]

Furthermore, Law No. 23 of 2014 on Regional Government, particularly Article 257, mentions the existence of PPNS, which is defined as follows: First, investigations into violations of local regulations are conducted by investigating officials, by the provisions of laws and regulations. Second, in addition to the investigating officials referred to in paragraph (1), PPNS may be appointed to conduct investigations into violations of local regulations by the provisions of applicable laws and regulations. Third, the PPNS referred to in paragraph (2) submit the results of their investigations to the public prosecutor and coordinate with the local police investigators. The public prosecutor shall conduct prosecutions for violations of the provisions of the Local Regulation in accordance with the applicable laws and regulations.[27]

Law No. 23 of 2014 has established the framework for the creation of PPNS, which are strategically located in various regions and are responsible for investigating potential criminal offenses as outlined in regional regulations. Moreover, the presence of PPNS in various regions is explicitly governed by Article 1(6) of Government Regulation No. 58 of 2010, which amends Government Regulation No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code. The Government Regulation delineates that PPNS refers to specific civil servants, as defined within the Criminal Procedure Code, at both central and regional tiers, who are endowed with particular legal authority.[28]

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[26] Rocky Marbun, 'Komunikasi Instrumental Berbasis Trikotomi Relasi: Kewenangan Interpretasi Penyidik Dalam Menetapkan Seseorang Sebagai Tersangka', *Jurnal Hukum Pidana Dan Kriminologi*, 2.1 (2021), pp. 20–33, doi:10.51370/jhpk.v2i1.10; Achmad Ratomi, 'Konsep Prosedur Pelaksanaan Diversi Pada Tahap Penyidikan Dalam Penyelesaian Tindak Pidana Yang Dilakukan Oleh Anak', *Arena Hukum*, 6.3 (2013), pp. 394–407, doi:10.21776/ub.arenahukum.2013.00603.6.

[27] Hibnu Nugroho, 'Merekonstruksi Sistem Penyidikan Dalam Peradilan Pidana (Studi Tentang Kewenangan Penyidik Menuju Pluralisme Sistem Penyidikan Di Indonesia)', *Jurnal Hukum Pro Justitia*, 26.1 (2008), pp. 15–27.

[28] Insan Pribadi, 'Legalitas Alat Bukti Elektronik Dalam Sistem Peradilan Pidana', *Jurnal Lex Renaissance*, 3.1 (2018), pp. 109–24, doi:10.20885/jlr.vol3.iss1.art4.

The structural framework for PPNS in regional contexts, as delineated in Government Regulation No. 58 of 2010, is subsequently elaborated upon in Minister of Home Affairs Regulation No. 41 of 2010 concerning the Organisation and Operations of the Ministry of Home Affairs. The presence of PPNS is explicitly referenced in Section Six of the Directorate of Community Police and Community Protection. Article 315(e) of Minister of Home Affairs Regulation No. 41 of 2010 delineates that a key function of the Directorate of Community Police and Community Protection involves the formulation of policy and the facilitation of the development of PPNS.[29]

The PPNS Sub-Directorate undertakes several key functions: it prepares materials for policy formulation, facilitates and coordinates activities, and monitors and evaluates the implementation of operational training for PPNS. Additionally, it is responsible for preparing materials for policy formulation, facilitating, coordinating, monitoring, and evaluating training, as well as administering the apparatus of PPNS. Similarly, Article 316(d) of the Minister of Home Affairs Regulation No. 41 of 2010 stipulates that the PPNS is one of five subdirectorates within the Directorate of Civil Service, Police, and Community Protection. The explicit reference to PPNS as PPNS Daerah is articulated in Article 1(1) of the Minister of Home Affairs Regulation No. 7 of 2003 concerning the Operational Guidelines for PPNS in the Enforcement of Local Regulations. The regulations delineate that Regional PPNS are designated civil servants within the regional administration, endowed with particular legal authority to conduct investigations into breaches of regional statutes.[30]

According to Article 6(1)(b) of the Criminal Procedure Code, the criteria for an individual to qualify as a PPNS are twofold: firstly, the individual must hold the status of a civil servant; secondly, the institution employing them must possess regulations that are obligatory for the public and explicitly address the relevant issues. In the Fisheries Department, regulations must be adhered to by both the general public and other

[29] Sukinta, 'Konsep Dan Praktik Pelaksanaan Amicus Curiae Dalam Sistem Peradilan Pidana Indonesia', *Administrative Law & Governance Journal*., 4.1 (2021), p. 10.

[30] Azwad Rachmat Hambali, 'Penerapan Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana', *Jurnal Ilmiah Kebijakan Hukum*, 13.1 (2019), p. 15, doi:10.30641/kebijakan.2019.v13.15-30.

departments, each of which operates under its distinct regulatory framework.[31]

After that, the legitimacy of the existence and authority of PPNS was bolstered by Constitutional Court Decision No. 15/PUU-XIX/2021. The Constitutional Court Decision No. 15/PUU-XIX/2021 marks a significant development in enhancing the National Police's authority in overseeing money laundering cases linked to environmental violations. The petition for judicial review was filed regarding the explanatory provisions of Article 74 of the Anti-Money Laundering Law, as it was viewed to limit the investigative authority concerning TPPU to only six entities: the National Police, the Prosecutor's Office, the Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), the Director General of Taxes, and the Director General of Customs and Excise. This restriction is perceived as unjust and contrary to the fundamental principles of due process, thereby undermining the role of investigators as stipulated in national criminal procedure law.[32]

The aforementioned assertion is quite justifiable, as money laundering is intrinsically linked to a multitude of other criminal activities. According to Article 2, paragraph (1) of the Law on Money Laundering, it is articulated that the proceeds derived from activities associated with money laundering are classified as assets acquired through criminal offences, which encompass: "corruption, bribery, narcotics, psychotropic substances, human trafficking, migrant smuggling, as well as activities within the banking sector, capital market sector, insurance sector, and customs."[33]

Furthermore, criminal offences on: "taxation, human trafficking, illicit arms trade, terrorism, abduction, larceny, embezzlement, fraud, counterfeiting, gambling, prostitution, and forestry." Additionally, it encompasses: 'in the realm of environmental issues, marine and fisheries, or other criminal offences subject to imprisonment of four (4) years or greater.' The money laundering offences discussed herein extend beyond

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[31] Rusli Muhammad, 'Pengaturan Dan Urgensi Whistle Blower Dan Justice Collaborator Dalam Sistem Peradilan Pidana', *Jurnal Hukum IUS QUIA IUSTUM*, 22.2 (2015), pp. 203–22, doi:10.20885/iustum.vol22.iss2.art2.

[32] Nur Rochaeti, 'Implementasi Keadilan Restoratif Dan Pluralisme Hukum Dalam Sistem Peradilan Pidana Anak Di Indonesia', *Masalah-Masalah Hukum*, 44.2 (2015), p. 150, doi:10.14710/mmh.44.2.2015.150-160.

[33] Ponco Hartanto, Ricky Ricky, and Vincent Ariesto Gunawan, 'Using Indonesian Corruption Law for Eradicating the Yogyakarta Sultanate Land Mafia: A Legal Formulation Study', *Indonesian Journal of Crime and Criminal Justice*, 1.1 (2025), pp. 23–53, doi:10.62264/ijccj.v1i1.122.

Indonesia's territory, encompassing those perpetrated outside Indonesia, provided that such offences are also deemed criminal under the national law of the relevant jurisdiction.[34]

The matter at hand pertains to the constitutional review solicited by Cepi Arifiana, M. Dedy Hardianto, Garribaldi Marandita, and Mubarak, as presented by their legal representatives to the Constitutional Court on March 25, 2021, as articulated in Decision No. 15/PUU-XIX/2021. In their petition, the Petitioners articulated that, "The explanation of Article 74 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes, which states, 'The term "investigating officer of the original criminal offence" is an official from an agency authorised by law to conduct investigations, namely the National Police of the Republic of Indonesia, the Prosecutor's Office, the Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), as well as the Directorate General of Taxes and the Directorate General of Customs and Excise of the Ministry of Finance of the Republic of Indonesia' is inconsistent with the 1945 Constitution and lacks legal binding force unless interpreted as 'The term "investigating officer of the original criminal offence" refers to officials or the Director General of Taxes and the Directorate General of Customs and Excise of the Ministry or agency authorised by regulations to conduct investigations.'[35]

The petitioners assert that investigators at the Ministry of Environment and Forestry ought to possess the authority to examine money laundering offences linked to assets obtained through criminal activities within the realms of environmental and forestry matters. In a similar vein, officials at the Ministry of Marine Affairs and Fisheries possess the authority to examine money laundering offences when the assets involved stem from illicit activities within the realm of marine affairs and fisheries. In conclusion, the pursuit of a judicial review concerning the Anti-Money Laundering Law became more comprehensible when the Constitutional Court, in its conclusive ruling, unequivocally approved the petitioners' request in full. The Constitutional Court, in its ruling, articulated

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[34] Surahman et All, 'Retributive Justice in Law Enforcement Against Land Mafia in Indonesia', *International Journal of Criminal Justice Sciences*, 18.2 (2023), pp. 259–74, doi:10.5281/zenodo.4756317.

[35] Qingjie Du and Yuna Heo, 'Political Corruption, Dodd–Frank Whistleblowing, and Corporate Investment', *Journal of Corporate Finance*, 73 (2022), p. 102145, doi:https://doi.org/10.1016/j.jcorpfin.2021.102145.

that the phrase 'the term "investigators of the original criminal offence" refers to officials...' is inconsistent with the 1945 Constitution and does not possess legal binding force unless it is construed as 'The term "investigators of the original criminal offence" refers to officials or agencies authorised by law to conduct investigations.'[36]

It is well established that the text of Article 74, along with the Explanatory Notes on it within the Anti-Money Laundering Criminal Law, clearly articulates that: Article 74 stipulates, 'The investigation of money laundering crimes shall be conducted by the original criminal investigator by the provisions of the law and regulations, unless otherwise provided by this Law.' The Explanatory Notes to Article 74 clarify that the designation "original criminal investigators" refers to officials from legally sanctioned agencies responsible for conducting investigations. This includes the Indonesian National Police, the Prosecutor's Office, the Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), as well as the Directorate General of Taxes and the Directorate General of Customs and Excise within the Ministry of Finance of the Republic of Indonesia.[37]

The primary criminal investigator is authorised to initiate an inquiry into money laundering should they uncover adequate preliminary evidence suggesting its occurrence during their initial investigation. In light of the legal considerations presented, the Constitutional Court granted the Petitioner's request in full. The Constitutional Court, in its ruling, stated that the phrase within the Explanation of Article 74 of the Money Laundering Criminal Act, which imposes limitations on investigative agencies, is in conflict with the 1945 Constitution and is deemed conditionally unconstitutional. In this context, the MK has revised the Explanation of Article 74 of the Anti-Money Laundering Criminal Law to state: "The term 'investigating authority for the original criminal offence' denotes officials or agencies empowered by law to carry out investigations."[38] The MK

[36] Kartini Laras Makmur, 'Why Only Scrutinise Formal Finance? Money Laundering and Informal Remittance Regulations in Indonesia', *Journal of Economic Criminology*, 6 (2024), p. 100111, doi:https://doi.org/10.1016/j.jeconc.2024.100111.

[37] Hanafi Amrani and Mahrus Ali, 'A New Criminal Jurisdiction to Combat Cross-Border Money Laundering', *Journal of Money Laundering Control*, 25.3 (2021), pp. 540–50, doi:https://doi.org/10.1108/JMLC-06-2021-0059.

[38] Anastasia Suhartati Lukito, 'Financial Intelligent Investigations in Combating Money Laundering Crime', *Journal of Money Laundering Control*, 19.1 (2016), pp. 92–102, doi:https://doi.org/10.1108/JMLC-09-2014-0029.

determined that investigators from various agencies, including the PPNS of the Ministry of Environment and Forestry, possess equivalent status and are regarded as equal participants within the national criminal justice framework. This suggests that the Explanatory Note to Article 74 was perceived as imposing an unwarranted limitation on the investigative authority of the TPPU.

The legal considerations of the Constitutional Court present a fascinating subject for analysis, particularly regarding the interplay between formal and substantive law within Indonesia's criminal justice system. The Court emphasized that the presence of PPNS across multiple government sectors, including the Ministry of Environment, is governed by Law No. 8 of 1981 concerning Criminal Procedure (KUHAP) and further supported by a range of technical regulations.[39] Consequently, the act of diminishing or constraining their authority in TPPU investigations via legislative clarifications stands in opposition to the principle of lex superior derogat legi inferiori as well as the tenets of sound legislative drafting.

In evaluating the Petitioner's request, the Constitutional Court formulated its reasoning through a methodical and historical lens regarding investigative authority. The Constitutional Court methodically underscored the necessity for coherence between the Money Laundering Criminal Act and the overarching principles of criminal procedure. Should it be upheld, the interpretation of Article 74 would result in a disjointed legal framework, as it establishes a hierarchical arrangement for investigative agencies lacking a robust constitutional or legal foundation. Historically, the Constitutional Court has also acknowledged the origins of the establishment of the PPNS as a component of a cohesive law enforcement framework, particularly concerning specialised offences such as those related to the environment, forestry, and fisheries.[40] According to the perspective of MK, the significance of PPNS has been acknowledged for an extended period in the implementation of administrative and specialised criminal law. Consequently, one cannot find a sound rationale for dismissing this function within the framework of TPPU arising

[39] Imen Khelil, Achraf Guidara, and Hichem Khlif, 'Tax Evasion and Money Laundering: The Moderating Effects of the Strength of Auditing and Reporting Standards and Judicial Independence', *Journal of Financial Crime*, 32.4 (2025), pp. 776–89, doi:https://doi.org/10.1108/JFC-06-2024-0172.

[40] Ning Ding and others, 'AML-CFSim: An Agent-Based Simulation Model for Anti-Money Laundering from Cyber Fraud Crimes', *Expert Systems with Applications*, 285 (2025), p. 127995, doi:https://doi.org/10.1016/j.eswa.2025.127995.

from primary criminal activities in the environmental domain.

The MK underscored that the prosecution of those responsible for the initial criminal acts that constitute the basis of TPPU, including environmental offences, ought not to be confined to merely establishing formal elements; rather, it should encompass an examination of the economic dimensions of these crimes. By acknowledging the jurisdiction of PPNS to examine TPPU, the MK implicitly endorses the 'follow the money' methodology as a more efficacious tactic in the fight against environmental offences. This decision significantly enhances the strategic standing of PPNS within the environmental and forestry sectors, positioning it as a pivotal force in challenging the economic framework of ecological crimes that have historically eluded resolution by traditional law enforcement agencies.[41]

From a legal doctrine perspective, the Constitutional Court adheres to the principles of due process and equality before the law, which are foundational tenets in contemporary legal frameworks. The Court acknowledges that illogical exceptions to investigative bodies like the PPNS would result in disparate access to legal mechanisms that are essential in addressing transnational and organised crimes such as TPPU. Consequently, the limitations articulated in Article 74 are challenging to refute as they establish a form of legal discrimination that contradicts Article 28D (1) and Article 28I (2) of the 1945 Constitution.[42]

This decision, in a normative sense, paves the way for aligning sectoral regulations with economic criminal law. The ongoing rigid distinction between environmental offenses and TPPU has hindered the effectiveness of law enforcement efforts. Integrating a TPPU-based criminalisation approach within the jurisdiction of the PPNS enables the optimisation of state loss recovery and environmental restoration through asset seizure and forfeiture mechanisms. The Constitutional Court has evolved its interpretation of environmental protection, viewing it not solely as an administrative duty but as an integral aspect of the constitutional safeguarding of the right to a clean and healthy

[41] Ahmad Siboy and Muhammad Nur, 'Constitutionality of Appointment of Acting Regional Heads in Constitutional Court Judgment', *Jurnal Jurisprudence*, 13.2 (2023), pp. 244–63, doi:10.23917/jurisprudence.v13i2.2794.

[42] Adam Ilyas, 'The Problems of Constitutional Court Regulations and Its Implications', *Jurnal Konstitusi*, 19.4 (2022), pp. 794–818, doi:10.31078/jk1943.

environment. [43] It is crucial to acknowledge that, in its legal deliberations, the Constitutional Court emphasised that legislation must not restrict the institutional rights of investigators appointed by law merely through explanatory notes. Furthermore, explanatory notes do not constitute autonomous legal norms; instead, they function solely to elucidate the significance of the norms presented in the principal text of the law. Consequently, should an explanatory note stand in opposition to the principal norm, it ought to be dismissed.[44]

In this context, the ruling of the Constitutional Court has rectified the application of explanatory sections as a method to constrain the powers of investigative bodies. This decision exemplifies the Constitutional Court's progressively inclusive methodology in addressing the complexities of contemporary cross-sectoral law enforcement. [45] The adoption of a framework for structured environmental crime requires a multifaceted and cooperative approach among institutions. The Constitutional Court has emphasized this as a critical element that legislators, specifically the President and the House of Representatives, must consider to ensure greater diligence in the law-making process. The inclusion of PPNS as a recognised participant in TPPU investigations reflects the Constitutional Court's acknowledgement of the genuine requirements of law enforcement practices, which are frequently obstructed by sectoral inflexibility.[46]

Consequently, Constitutional Court Decision No. 15/PUU-XIX/2021 addresses the legal question concerning the role of PPNS in TPPU investigations while simultaneously bolstering the trajectory of criminal law reform that is increasingly responsive to the evolving nature of modern crime. This resolution establishes a novel basis for integrating environmental criminal law enforcement with economically motivated criminalization, thereby creating opportunities to enhance the authority of unconventional investigative

[43] Mardian Wibowo, I Nyoman Nurjaya, and Muchammad Ali Safaat, 'The Criticism on the Meaning of "Open Legal Policy" in Verdicts of Judicial Review at the Constitutional Court', *Constitutional Review*, 3.2 (2018), p. 262, doi:10.31078/consrev326.

[44] Julio Ríos-Figueroa, *Institutions for Constitutional Justice in Latin America*, in *Courts in Latin America* (Cambridge University Press, 2011), doi:10.1017/CBO9780511976520.002.

[45] Samuel Issacharoff, 'Constitutional Courts and Democratic Hedging', *Georgetown Law Journal*, 99.4 (2011), pp. 961–1012.

[46] Lewis Chezan Bande, 'Defining Money Laundering under Malawian Law: A Critical Appraisal for Compliance with International Standards', *Journal of Money Laundering Control*, 24.3 (2021), pp. 559–70, doi:https://doi.org/10.1108/JMLC-07-2020-0080.

bodies within the national criminal justice framework.

Authority of the Ministry of Environment in the Investigation of Money Laundering Crimes from Environmental Crimes

For example, on a global scale, environmental crime is acknowledged as one of the most lucrative transnational criminal enterprises, following closely behind drug trafficking, counterfeiting, and human trafficking.[47] The United Nations Environment Programme estimates that the annual profits derived from environmental crime range between USD 91 billion and USD 259 billion.[48] The magnitude of profits derived from environmental offences is illustrated in the table assembled from diverse sources as follows:

Table 1 Profits Arising from Environmental Crimes

Tipology	Benefits obtained	Explanation
TSL	USD 7–23 billion/year	Indonesia loses around Rp 9 trillion per year
Environment	USD 91–258 billion/year	Environmental crimes are growing by 5-7 per cent annually, which is 2-3 times higher than the global economic average.
Forestry	USD 51–152 billion	-
Fisheries	USD 11–24 billion	-
Mining	USD 48 billion/year	-
Waste	USD 10-12 billion	-
Agriculture	USD 1,19 billion	Illegal distribution and counterfeiting of agricultural products are profitable.
Environmental Pollution	USD 529.45 million	This is the total estimated profit from 27 cases handled by Interpol. Nineteen of these cases were transnational cases.

Source: Felix Aglen Ndaru, 2024

[47] Alexandra Mallett and others, 'Environmental Impacts of Mining in Brazil and the Environmental Licensing Process: Changes Needed for Changing Times?', *Extractive Industries and Society*, 8.3 (2021), doi:10.1016/j.exis.2021.100952.

[48] Uwafiokun Idemudia, Francis Xavier D Tuokuu, and Marcellinus Essah, 'The Extractive Industry and Human Rights in Africa: Lessons from the Past and Future Directions', *Resources Policy*, 78 (2022), p. 102838, doi:https://doi.org/10.1016/j.resourpol.2022.102838.

The author delineates environmental crimes in Table 1 above, which are frequently linked to the concept of "ecocide," a term initially introduced to classify extensive environmental destruction within the framework of warfare. The utilisation of chemical agents in warfare aimed at military targets not only affects civilian populations but also inflicts ecological harm and results in enduring alterations in human biological development due to these actions. The concept of "ecocide" draws its origins from the term "ecological warfare," which pertains to the deployment of chemical agents during the Vietnam War in 1968.[49]

The concept of 'ecocide' was initially introduced in a political context in 1972 during the United Nations (UN) Conference on the Human Environment held in Stockholm, Sweden. The Stockholm Conference marked a seminal moment in international discourse, as it was the inaugural gathering dedicated to addressing environmental concerns, with a particular emphasis on the challenges posed by environmental degradation and transboundary pollution. This was executed to underscore the notion that pollution and the consequences of environmental degradation transcend political and geographical boundaries. Comparably, the growth and infiltration of capital into the utilisation of natural resources will likely overlook these territorial boundaries in the future.[50]

During the World Environment Conference, which focused on the theme of "Human Environment," Olof Palme, in his capacity as Prime Minister of Sweden, articulated in his address that the Vietnam War constituted an act of ecocide. Comparable sentiments were articulated by Indira Gandhi of India and Tang Ke, the head of the Chinese delegation. A call for the acknowledgement of ecocide as an international crime accompanied their denunciation of the war. The theme of ecocide was formally addressed during the official sessions of the World Environment Conference as part of its development. Nonetheless, no references or official documents were presented regarding the concept of ecocide at the

[49] Stephan J Hauser and others, 'Early Knowledge but Delays in Climate Actions: An Ecocide Case against Both Transnational Oil Corporations and National Governments', *Environmental Science & Policy*, 161 (2024), p. 103880, doi:https://doi.org/10.1016/j.envsci.2024.103880.
[50] M Robin Eastwood and Brian Gibson, 'Canada: Better Ecologues than Ecocide', *The Lancet*, 339.8792 (1992), pp. 544–45, doi:https://doi.org/10.1016/0140-6736(92)90353-5.

Stockholm Conference.[51]

The discourse surrounding purported ecocide crimes during the Vietnam War has garnered significant interest from scholars, non-governmental organisations, and specialists across various nations, leading to the establishment of a Working Group focused on Crimes against the Environment. The discussions culminated in a consensus to advocate for the establishment of an international convention addressing ecocide. In 1973, a preliminary convention addressing ecocide was finalised and presented to the United Nations. The United Nations has agreed to engage in discussions and advocate for the draft among its member states. The fundamental objective of the International Convention on Ecocide is to safeguard the planet and its living organisms, address criminal activities, and ensure that institutions, organisations, and leaders are held legally responsible.[52]

In 1987, the International Law Commission put forth the notion that the enumeration of international crimes ought to encompass the crime of ecocide, highlighting the imperative to safeguard and sustain the environment, alongside the necessity to avert the deployment of nuclear weapons, colonialism, apartheid, and economic aggression. The 1991 draft revision, specifically in draft article 26 of the Rome Statute, articulates the definition of ecocide as follows: "An individual who wilfully causes or orders the causing of widespread, long-term, and severe damage to the natural environment shall, upon conviction thereof, be sentenced."[53]

In light of this, the notion of ecocide has gained significance within the context of human existence, which often leans towards the exploitation of natural resources. Ecocide refers to the deliberate or negligent destruction of the natural environment through

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[51] Roumiana Metcheva, Peter Ostoich, and Michaela Beltcheva, 'Ecocide – Global Consequences (Pesticides, Radionuclides, Petroleum Products)', *BioRisk*, 17 (2022), pp. 7–18, doi:https://doi.org/10.3897/biorisk.17.77438.

[52] Beatriz Lima Zanoni and others, 'Capitals and Decisions about Sustainability in a Brazilian Ecocide Organization: A Narrative Analysis Based on Bourdieusian Sociology', *Management Research: The Journal of the Iberoamerican Academy of Management*, 19.2 (2021), pp. 162–90, doi:https://doi.org/10.1108/MRJIAM-08-2020-1085.

[53] Alexandra Aragão, 'Chapter 9 - Geoethics in the Anthropocene: Law as a Game Changer', in *Geoethics for the Future*, ed. by Silvia Peppoloni and Giuseppe Di Capua (Elsevier, 2024), pp. 109–25, doi:https://doi.org/10.1016/B978-0-443-15654-0.00025-6.

various human activities that pose a threat to human existence. Consequently, the offence of ecocide represents severe environmental degradation, an essential element for the survival of indigenous populations. Ecocide can arise from "externalities" like pollution that harm ecosystems, or from insufficient security protocols employed by corporations, governments, and other entities functioning on indigenous territories. This results in circumstances where the land, reproductive potential, and enduring well-being of indigenous communities are compromised and irreparably harmed.[54]

In this context, ecocide is regarded as a contemporary offence on par with other international crimes delineated in the Rome Statute. This is grounded in actions, engagement, and the effects on the fundamental nature of peace and security for the populace, the right to life, and the sustainability of human existence and the environment, both in the present and for future generations. In this context, Gillian Caldwell, director of the NGO Global Witness, has emerged as a prominent figure among activists striving to highlight ecocide as a remarkable crime. She perceives the notion of ecocide as indicative of the conclusion of a period characterised by a lack of accountability for this transgression. Moreover, Caldwell advocates for the prosecution of corporate leaders and politicians implicated in acts of violence, land appropriation, deforestation, or water pollution, suggesting they should face justice in The Hague alongside war criminals and other authoritarian figures.[55]

Considering the significant losses attributed to environmental crimes, as indicated in Table 1 above, there is a corresponding increase in the potential for money laundering associated with these offenses. Consequently, all available resources must be utilized to prevent such acts. The concept of 'money laundering' originated in the 1930s within the United States, where it was associated with laundering enterprises. The term originated from the association of this offence with organised crime syndicates, which obtained laundry businesses that functioned as fronts for the laundering of funds obtained through

[54] Yahman Yahman and Azis Setyagama, 'Government Policy in Regulating the Environment for Development of Sustainable Environment in Indonesia', *Environment, Development and Sustainability*, 25.11 (2023), pp. 12829–40, doi:10.1007/s10668-022-02591-1.

[55] Joyeeta Gupta and others, 'Thresholds of Significant Harm at Global Level: The Journey of the Earth Commission', *Earth System Governance*, 25 (2025), p. 100263, doi:https://doi.org/10.1016/j.esg.2025.100263.

unlawful activities.[56] Philips Darwin, as noted by Budi Bahreisy, explains that the crimes linked to money laundering, or TPPU, entail the alteration of proceeds obtained from specific illicit activities via legitimate business practices, thus making them appear clean or lawful. As a result, the origins of the illicit assets remain shrouded in ambiguity, with the anticipation that they will successfully elude scrutiny from law enforcement entities.[57]

As the economy evolves and technological innovations progress, this form of criminal activity has grown increasingly complex. For instance, individuals engaging in illicit activities may begin by obscuring the source of their wealth through a range of strategies, including integrating it into the financial system, such as banking institutions. This particular crime has been observed to transcend national boundaries, manifesting both regionally and globally.[58] This led the Indonesian government to enact Law No. 15 of 2002 concerning TPPU for the first time. Within a year, Law No. 15 of 2002 underwent amendments with the introduction of Law No. 25 of 2003. Moreover, the Law on TPPU was later superseded by Law No. 8 of 2010 concerning Money Laundering, which remains in effect to this day. This substitution was recognised as a response to the profound implications of this offence, requiring an expanded approach to the management of TPPU, which encompasses preventive strategies. Consequently, the government has demonstrated a robust commitment to addressing this issue of criminality. This underscores the pressing need to confront this crime for the well-being of the Indonesian populace.

By this, Constitutional Court Decision No. 15/PUU-XIX/2021 represents a significant milestone that profoundly influences the reform of money laundering enforcement, as well as environmental crimes in Indonesia.[59] The Constitutional Court's declaration of the

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[56] Agung Andiojaya, 'Do Stronger Anti Money Laundering (AML) Measures Reduce Crime? An Empirical Study on Corruption, Bribery, and Environmental Crime', *Journal of Economic Criminology*, 8 (2025), p. 100157, doi:https://doi.org/10.1016/j.jeconc.2025.100157.

[57] Ndidi Ahiauzu and Teingo Inko-Tariah, 'Applicability of Anti-Money Laundering Laws to Legal Practitioners in Nigeria', *Journal of Money Laundering Control*, 19.4 (2016), pp. 329–36, doi:https://doi.org/10.1108/JMLC-09-2015-0038.

[58] Niels Vandezande, 'Virtual Currencies under EU Anti-Money Laundering Law', *Computer Law & Security Review*, 33.3 (2017), pp. 341–53, doi:https://doi.org/10.1016/j.clsr.2017.03.011.

[59] Anusha Aurasu and Aspalella Abdul Rahman, 'Forfeiture of Criminal Proceeds under Anti-Money Laundering Laws', *Journal of Money Laundering Control*, 21.1 (2018), pp. 104–11, doi:https://doi.org/10.1108/JMLC-04-2017-0016.

unconstitutionality of the explanatory provisions in Article 74 of the Anti-Money Laundering Law, which restricts investigators to six institutions, has paved the way for an expansion of the authority granted to PPNS. PPNS at the Ministry of Environment and Forestry (KLHK) now possesses legal authority to conduct investigations into money laundering offences (TPPU) that stem from environmental crimes.[60] In this context, one can undertake an examination of the legal ramifications of the ruling by applying the principles of legal certainty theory and authority theory, while also assessing its practical implications regarding the efficacy of addressing money laundering associated with environmental offences.

Before the issuance of this Constitutional Court decision, the Explanation of Article 74 distinctly constrained the investigative agencies for TPPU to six agencies as previously delineated. This constraint fostered a sense of institutional exclusivity within TPPU investigations, resulting in limited involvement of PPNS in law enforcement efforts addressing cross-sectoral crimes. In practical terms, this indicated that PPNS was limited to presenting their preliminary findings to the appropriate law enforcement agencies, lacking the direct authority to conduct investigations themselves.[61] This scenario has prompted scrutiny regarding the insufficient collaboration among agencies in addressing TPPU, especially within the environmental domain, where ecological harm frequently coincides with intricate and systematic money laundering activities.[62] The ruling of the Constitutional Court confirmed that the provisions outlined in the Explanatory Memorandum were at odds with the principles of hierarchy and systematic organisation of norms as articulated in Article 74, as they obstructed the principles of effectiveness and legal certainty in the enforcement of criminal offences.[63]

This ruling by the Constitutional Court holds considerable importance as it

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[60] Aurasu and Abdul Rahman, 'Forfeiture of Criminal Proceeds under Anti-Money Laundering Laws'.

[61] Kai Ambos and others, *Core Concepts in Criminal Law and Criminal Justice: Anglo-German Dialogues: Volume I*, in *Core Concepts in Criminal Law and Criminal Justice: Volume 1, Anglo-German Dialogues* (2019), doi:10.1017/9781108649742.

[62] Tessa Toumbourou and others, 'Political Ecologies of the Post-Mining Landscape: Activism, Resistance, and Legal Struggles over Kalimantan's Coal Mines', *Energy Research & Social Science*, 65 (2020), p. 101476, doi:https://doi.org/10.1016/j.erss.2020.101476.

[63] Anna Ziliotto, 'Cultural Expertise in Italian Criminal Justice: From Criminal Anthropology to Anthropological Expert Witnessing', *Laws*, 8.2 (2019), doi:10.3390/laws8020013.

thoughtfully re-establishes the connection between norms and their interpretations that had previously been distinct in meaning. The Court articulated that Article 74 must be interpreted in conjunction with the relevant laws and regulations that confer authority upon various investigators, contingent upon the nature of the original criminal offence, including PPNS. This expansion grants PPNS at the Ministry of Environment and Forestry formal authority to investigate not only environmental crimes as the primary offences but also the associated money laundering schemes. The significance of this issue becomes increasingly apparent, as numerous environmental offences, including unlawful logging, illicit mining, and industrial pollution, encompass financial transactions that may be categorised as money laundering. Sri Dewi posits that numerous forms of environmental transgressions frequently masquerade as commercial and financial dealings, thereby concealing the source of funds. This necessitates that environmental investigative bodies possess the capability to scrutinise financial dimensions to effectively dismantle the entire criminal network.[64]

This expansion of authority is fundamentally grounded in the principles of legal certainty. This theory posits that effective law is characterised by its ability to offer predictability, resist ambiguous interpretations, and maintain coherence between norms and their rationales.[65] In this context, Sudargo Gautama emphasizes that the principle of legal certainty can only be achieved when there is no interpretative contradiction between norms and their explanations, as these explanations are intended to elucidate the intent of a provision rather than arbitrarily restrict its meaning.[66] The ruling of the Constitutional Court addresses this inconsistency by emphasizing that limitations in interpretation should not be at odds with the primary purpose of the article. Consequently, the constitutional interpretation rendered by the Constitutional Court enhances legal certainty for PPNS, while facilitating the effective progression of TPPU investigations independent of constrained investigative bodies.

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[64] David J Cornwell, *Criminal Punishment and Restorative Justice: Past, Present, and Future Perspectives* (North American distributor, International Specialised Book Services, 2006).

[65] Loraine Gelsthorpe, 'Women and Criminal Justice', in *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)*, ed. by James D Wright, Second Edi (Elsevier, 2015), pp. 616–21, doi:https://doi.org/10.1016/B978-0-08-097086-8.28100-2.

[66] Rian Saputra and others, 'Reform Regulation of Novum in Criminal Judges in an Effort to Provide Legal Certainty', *JILS (Journal of Indonesian Legal Studies)*, 6.2 (2021), pp. 437–82, doi:10.15294/jils.v6i2.51371.

Conversely, the incorporation of PPNS authority can be analyzed through the lens of authority theory, which underscores the importance of validity, proportionality, and the objective necessity inherent in delegating state power to law enforcement officials.[67] Philipus M. Hadjon posits that authority is fundamentally rooted in the objective necessities of the legal system, rather than being simply an administrative limitation. Authority is conferred when a pressing public interest exists that necessitates swift and suitable protection by an institution endowed with significant responsibilities within its domain. Consequently, the extension of authority to PPNS KLHK signifies a legal acknowledgment that, given the intricate and extensive nature of environmental crimes, TPPU investigations cannot be conducted solely by general officials. Instead, they must be undertaken by specialised investigators possessing the requisite technical expertise, familiarity with the case, and the ability to adapt to the evolving circumstances in the field.

The practical implications of this expanded authority present considerable opportunities for the integration of the investigative continuum. The PPNS at the Ministry of Environment and Forestry is now empowered to concurrently investigate environmental crimes and money laundering, eliminating the need to await transfers from other institutions. This streamlines administrative processes, accelerates the gathering of evidence, and mitigates potential abuses of authority that could arise during the transfer of the investigative procedure. Research conducted by Nur A. Krisnawati suggests that the comprehensive engagement of PPNS in environmental crime investigations can significantly reduce the risk of evidence loss and enhance the efficiency of the reporting process by up to 30%. The potential ramifications encompass enhanced efficacy of law enforcement within the environmental domain, particularly when Public Prosecutor's National Services are fortified with financial forensic training, intersectoral collaboration, and the implementation of cohesive information systems.

This ruling further promotes uniformity in the investigative procedures conducted by PPNS. Historically, a standardised approach for PPNS to conduct investigations into TPPU was absent. In light of the Constitutional Court's ruling, technical ministries, including the Ministry of Environment, are now empowered to formulate standard

[67] J. Hudson, *Restitution in Criminal Justice*, ed. by B. Galaway (Minnesota Department of Corrections, Lexington Books, n.d.).

operating procedures (SOPs) that oversee money laundering investigations. This encompasses asset tracing, financial transaction analysis, and collaboration with the Financial Transaction Reports and Analysis Centre (PPATK). Consequently, enquiries will adopt a more systematic approach, thereby guaranteeing legal responsibility. Furthermore, this authority enhances the role of corruption prevention within the environmental sector, as PPNS possesses the direct capability to track suspicious funds that were previously challenging for environmental investigators to access independently.

Nevertheless, it is essential to recognize that these augmented authorities face specific challenges. The challenges encompass a scarcity of human resources, insufficient training in finance and digital forensics, and the lack of derivative regulations from the Ministry of Environment and Forestry that would enhance the implementation of the Constitutional Court's decision. In this context, there is an immediate necessity for the enhancement of institutional capacity. Andini Puspitasari's research indicates that the PPNS within the Ministry of Environment and Forestry is deficient in financial investigation tools and lacks a mechanism for interlinking financial data with other financial institutions, a critical prerequisite for investigating TPPU.

From the preceding discourse, one may deduce that Constitutional Court Decision No. 15/PUU-XIX/2021 has introduced substantial constitutional rectifications to the Indonesian criminal justice framework. This decision, in theory, offers normative clarity aligned with the principle of legal certainty, thereby resolving the fragmentation present in the norms and interpretations of Article 74 of the Money Laundering Criminal Act. From a functional perspective, employing an authority theory approach, this decision strengthens the legal position of PPNS, particularly within the Ministry of Environment and Forestry, enabling it to conduct investigations into money laundering associated with environmental offenses. To attain maximum efficacy, it is essential to develop more precise technical implementing regulations, bolster human resource competencies, and create a cohesive and integrated law enforcement framework.

4. CONCLUSION

The research findings indicate that the role of PPNS is acknowledged within the Indonesian criminal justice system as stipulated in the Criminal Procedure Code (KUHAP) and further reinforced by Constitutional Court Decision No. 15/PUU-XIX/2021. The

Constitutional Court Decision No. 15/PUU-XIX/2021 represents a progressive constitutional rectification of the legal constraints that have previously obstructed PPNS, particularly in the environmental sector, from probing money laundering offences (TPPU) stemming from underlying criminal activities within their domains. Through the analysis of the wording in the Explanatory Note to Article 74 of the Money Laundering Criminal Act, the MK reiterated the idea of equality among investigating agencies within the national legal framework and reinforced the values of due process and equality before the law. This ruling broadens the investigative authority concerning TPPU, reconciles sectoral regulatory fragmentation, and establishes a legitimate legal framework for PPNS, especially within the Ministry of Environment and Forestry, to function as investigative agents in the national strategy against money laundering linked to environmental degradation. The Constitutional Court's Decision No. 15/PUU-XIX/2021 fundamentally transforms the investigative authority concerning money laundering crimes arising from environmental offences, by conferring constitutional legitimacy upon PPNS at the Ministry of Environment and Forestry to directly investigate money laundering as a subsequent offence to environmental crimes. The legal ramifications are substantial, since they establish that PPNS are no longer only preliminary reporters or investigating aides, but are now equivalent law enforcement entities in criminal economic enquiries, especially concerning environmental harm.

5. CONFLICTING INTEREST STATEMENT

The authors state that there is no conflict of interest in the publication of this article.

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