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# Proof Of Criminal Origin Related To Money Laundering In Mutual Fund Investment Activities In Supreme Court Decision Number 2937 K/Pid.Sus/2021

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***Abstract***
The crime of money laundering in the form of mutual fund investments is a serious crime that can threaten the stability of the financial system and economy. Perpetrators use mutual funds as a means to disguise the origin of illegal funds resulting from criminal acts, such as corruption, which are then invested as if they were legitimate funds. This not only harms the country financially, but can also reduce investor confidence in the mutual fund industry. Therefore, it is important to examine the criminal liability of perpetrators of money laundering in mutual fund investments in order to maintain the integrity of the financial system and provide a deterrent effect for perpetrators of similar crimes. This research is aimed at analyzing the legal regulation of criminal acts of money laundering in mutual fund investment activities in Indonesia, proof of predicate crimes related to criminal acts of money laundering in mutual fund investment activities in Supreme Court Decision Number 2937 K/Pid.Sus/2021, as well as criminal responsibility for perpetrators of these crimes. money laundering crime in mutual fund investment activities in Supreme Court Decision Number 2937 K/Pid.Sus/2021.The research method used is normative juridical research, which is supported by primary and secondary data sources. All legal materials were collected using library research techniques using document study data collection tools. Apart from that, field studies were also carried out using interview methods and analyzed qualitatively.The results of the research and discussion concluded that the legal regulations related to the crime of money laundering in mutual fund investment activities in Indonesia are as regulated in Law Number 8 of 2010. Based on Supreme Court Decision Number 2937 K/Pid.Sus/2021, it can be concluded that the defendant Benny Tjokrosaputro proven to have committed a criminal act of corruption together with other parties in managing investments at PT Asuransi Jiwasraya (Persero) which caused state losses amounting to IDR 16.807 trillion, as well as a money laundering crime of IDR 6.078 trillion, so he was sentenced to life imprisonment and payment of compensation to the state, based on valid evidence at trial and the fulfillment of the elements of the criminal act in accordance with the articles charged.

***Keywords***: Criminal Liability, Money Laundering, Mutual Fund Investment.

## 1. INTRODUCTION

Reform in the financial sector has a high urgency in increasing the role of financial sector intermediation, as well as strengthening the resilience of the national financial system. A deep, innovative, efficient, inclusive,

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trustworthy, strong, and stable financial sector will support accurate, balanced, inclusive, and sustainable economic growth that is indispensable in realizing a just, prosperous, and prosperous Indonesian society based on Pancasila and the Constitution of the Republic of Indonesia of 1945. Currently, Indonesia's financial sector is still experiencing many fundamental problems. The proportion of assets in the national financial sector has not been fairly evenly distributed. The banking sector, which is one of the sources of short-term financing, is still very dominant compared to other financial sectors. The share of assets in the non-bank financial industry, which is a source of long-term funds that are expected to support development financing, is still relatively small. This condition indicates that the collection of funds by the financial industry is still relatively limited, while the potential for deepening the national financial market is still quite large.

Today, the exchange or transfer of money can be done efficiently and effectively. The movement of money can go beyond regional borders and even cross countries. Money transfer is also referred to as a form of transaction activity. Based on Law No. 8 of 2010 concerning the Prevention and Eradication of money laundering, financial transactions are transactions to conduct or receive placement, deposit, withdrawal, book transfer, transfer or other activities related to money. In its application, it is undeniable that there are irresponsible parties who then trigger suspicious financial transactions.

Money laundering or better known as money laundering is a term that is often heard from various mass media, many definitions have developed in connection with the term money laundering. Peter Reuter and Edwin M. Truman defines money laundering as the process of creating dirty money or assets derived from criminal activity into money that appears to have been obtained from legitimate sources. Money laundering is an attempt to hide or disguise the origin of money/funds or assets resulting from criminal acts through various financial transactions so that the money or assets appear as if they come from legitimate/illegal activities. As Sutan Remi sjahdeini underlines the term money laundering is commonly used to describe the efforts made by a person or legal entity to legalize dirty money, which is obtained from the proceeds of crime.

Money laundering is criminalized because in general, criminal offenders try to hide or disguise the origin of property that is the result of a criminal offense in various ways so that the proceeds of crime are difficult to trace by law enforcement officers, so that they can freely use the property for both legitimate and unauthorized activities. Both ways of obtaining illegal money and financial transactions to legalize money from illegal actions have micro and macro economic impacts.

Another definition, money laundering is the act of processing a large amount of money from illegal proceeds of crime into funds that seem clean or lawful, using sophisticated, creative, and complex methods. Or money laundering as a process or act that aims to hide or disguise the origin of money or property, obtained from the results of a criminal offense which is then converted into property that seems to come from legitimate activities.

The crime of money laundering as contained in the general explanation of Law Number 8 of 2010 on the Prevention and Eradication of money laundering explains that in general, criminal offenders try to hide or disguise the origin of assets that are the result of criminal acts in various ways so that the assets of the results of criminal acts are difficult to be traced by law enforcement officers so that they freely utilize these assets for both legitimate and unauthorized activities. Therefore, Money Laundering not only threatens the stability and integrity of the economic system and financial system, but also can endanger the joints of community life, nation, and state based on Pancasila and the Constitution of the Republic of Indonesia in 1945. Various crimes, both committed by individuals and by corporations within the territorial limits of a country and committed across the territorial limits of other countries are increasing. These crimes include corruption, bribery, narcotics, psychotropic substances, labor smuggling, migrant smuggling, trafficking in persons, illicit arms trafficking, terrorism, kidnapping, theft, embezzlement, fraud, money laundering, and gambling, as well as various white collar crimes. These crimes have involved or resulted in a very large amount of wealth.

Assets derived from various crimes or criminal acts are generally not directly spent or used by the perpetrators of crimes because if directly used it will be easily tracked by law enforcement regarding the source of obtaining these assets, so usually the perpetrators of crimes first seek that the assets obtained from these crimes enter the financial system (financial system). The origin of the property is not expected to be traced by law enforcement. Attempts to conceal or disguise the origin of property acquired from criminal acts referred to in this law are known as money laundering (money laudering). Law No. 8 of 2010 on the Prevention and Eradication of money laundering adheres to the principle of Follow the money, that is, all those involved in money laundering can be traced, especially the flow of funds or assets from crimes that aim to be disguised or cleaned as if it were not sourced from the proceeds of crime. The principle of follow the money will make it easier for investigators to trace where and who has received the results, both active actors (directly involved in the transfer or transfer of funds) and passive actors (not directly involved, but at least should suspect that the funds or property received was the result of a crime).

Money laundering is a "multiple and related offense", which means that the offense will not exist if there is no other offense as the origin of the offense. Based on Article 2 letter c of Law No. 8 of 2010 concerning the Prevention and Eradication of money laundering, that corruption is one of the original crimes (predicated crime) and the perpetrators can be charged with money laundering if the results of corruption are transferred to other people (humans and corporations) which aims to be disguised (washed) so that it seems clean. One of the interesting cases of money laundering to be studied is the case of money laundering in the form of mutual fund investments, it is seen in the case contained in the Supreme Court decision number 2937 K/Pid.Sus/2021. The case was conducted by Benny Tjokrosaputro as the party that regulates and controls the management of investment instruments of shares and Mutual Funds of PT Asuransi Jiwasraya (Persero) hereinafter referred to as PT AJS.

Defendant Benny Tjokrosaputro together with Heru Hidayat and Joko Hartono Tirto made an agreement with Hendrisman Rahim, Hary Prasetyo, and Shahmirwan in the management of PT AJS's stock and mutual fund investments that were not transparent and unaccountable, and conducted stock and Mutual Fund Investment Management without analysis based on objective data and professional analysis in NIKP (Head Office Internal Memorandum), but the analysis was only a formality. In addition, the defendant Benny Tjokrosaputro together with Heru Hidayat through Joko Hartono Tirto and affiliated parties have collaborated with Hendrisman Rahim, Hary Prasetyo and Shahmirwan to carry out transactions for the purchase and/or sale of BJBR, PPRO, SMBR and SMRU shares with the aim of intervening in prices that ultimately do not provide investment benefits and cannot meet liquidity needs to support operational activities.

Defendant Benny Tjokrosaputro together with Heru Hidayat, Joko Hartono Tirto, Hendrisman Rahim, Hary Prasetyo, Syahmirwan, set up and controlled 13 Investment Managers to form a special Mutual Fund product for PT AJS, so that the management of financial instruments that are the underlying mutual funds of PT AJS can be controlled by Joko Hartono Tirto; For the actions of the defendant Benny Tjokrosaputro or another person, namely, Heru Hidayat, Hendrisman Rahim, Hary Prasetyo and Shahmirwan or a corporation, which cost the state finances rp16, 807, 283, 375, 000.00 (sixteen trillion eight hundred and seven billion two hundred and eighty three million three hundred and seventy five thousand rupiah), or at least about that amount as the report of the results of an investigative examination in the framework of calculating state losses on Financial Management and Investment Funds at PT. Life insurance (Persero) period in 2008 s.d. 2018. Profits received by the defendant Benny Tjokrosaputro, where the defendant made the purchase of shares to PT. Hanson International, Tbk and companies controlled by the defendant Benny

Tjokrosaputro and the parties in cooperation with the defendant Benny Tjokrosaputro and subsequently used by the defendant, among others, to pay debts, buy land, buy property, exchange in foreign currency and so forth, with the aim that as if the funds from the sale of shares and MTN from companies controlled by the defendant Benny Tjokrosaputro, whereas the assets of the defendant Benny Tjokrosaputro were obtained from corruption committed together with Heru Hidayat, Joko Hartono Tirto, Hendrisman Rahim, Hary Prasetyo and Shahmirwan.

The money used by Defendant Benny Tjokrosaputro to carry out a number of money placements in accounts, purchase of land and buildings as well as foreign exchange and placement of money through the accounts of other parties is sourced from corruption crimes committed by Defendant Benny Tjokrosaputro as the party that regulates and controls the investment management instruments of shares and Mutual Funds of PT Asuransi Jiwasraya (Persero), causing state losses. Research on the criminal liability of money launderers in the form of mutual fund investments has a high urgency for the following reasons: 1. Money laundering is an illegal act that harms the economy of a country. Therefore, uncovering and cracking down on money launderers is essential to maintaining the integrity of the financial system. 2. Mutual funds as a medium of money laundering: mutual funds can be used as a tool to disguise the origin of illegal money. Therefore, it is important to understand how money launderers utilize mutual funds as a means to commit criminal acts. 3. Impact on investors: money laundering in mutual funds has the potential to harm investors and the industry as a whole by generating loss of confidence, decreased investment interest, and a potential decrease in net assets. Investors can avoid mutual funds as an investment option, causing withdrawal of funds and a decrease in the value of participation units.

This impact also creates the risk of increased volatility and tighter regulatory changes, while the reputation of the relevant financial institutions can be tarnished. Serious remedial measures and increased oversight are needed to restore investor confidence and maintain the stability of the mutual fund industry. Criminal liability against perpetrators of money laundering in mutual fund investment activities is a major concern in maintaining the integrity of the financial system. In an effort to address these challenges, close cooperation between law enforcement agencies, regulators, and other relevant parties is key. Law enforcement not only aims to provide punishment to perpetrators of criminal acts, but also as a preventive measure that can provide deterren effect on other potential perpetrators. By understanding the dynamics of laws governing criminal liability, the role of law enforcement agencies, as well as the impact of law

enforcement against money laundering in mutual fund investments, it is hoped that a safer, more reliable, and free financial environment can be created from illegal practices that can harm society and the economy as a whole.

## 2. RESEARCH METHOD

This type of research is empirical juridical research. Empirical juridical research is a research method that combines elements of law (juridical) with the scientific method (empirical) in conducting research. Empirical juridical research aims to answer a legal problem by collecting empirical data, such as primary and secondary data, and analyzing them quantitatively and qualitatively. In this empirical juridical Research, researchers will collect data through interview techniques and document studies, then analyze the data using qualitative analysis methods. Qualitative research is a research procedure that produces descriptive data, namely what is stated by the informant in writing or orally, and real behavior. The research method used in this study is to observe, learn, and understand the situation and activities that occur in the field through interviews with resource persons.

## 3. RESULT AND ANALYSIS

### A. Proof Of Criminal Origin In Money Laundering

A person can only be said to be in violation of the law by the court and in case of violation of the criminal law by the District Court/High Court/Supreme Court. Before a person is tried by a court, the person has the right to be considered innocent. This is known as the principle of " presumption of innocence” which is formulated in item c of the general explanation of the code of Criminal Procedure, as follows: Every person who is suspected, arrested, detained, charged and or confronted before a court hearing, shall be presumed innocent until a court decision that declares his guilt and acquires permanent legal force.

Declaring a person in violation of the law, the court must be able to determine the correctness of this. To determine the truth, it is necessary to have proof in advance in order to be able to state the truth about an event that occurred. Article 183 of the code of Criminal Procedure states: A judge may not sentence a person to a crime unless, with at least two valid pieces of evidence, he or she is convinced that a crime has occurred and that the accused is guilty of committing it.

The purpose and purpose of proof for the parties involved in the process of trial examination is about whether or not the defendant committed the alleged act, proof is the most important part of Criminal Procedure. Proof according to the general understanding is to point forward about a situation that corresponds to the parent of the question, or in other words is to find the compatibility between the parent event and the roots of the event. In criminal cases, conformity does not necessarily mean the

existence of correlation, or the existence of a supportive relationship to reinforcement or justification due to law. Regarding evidence, it must first be known about the provisions of valid evidence stipulated in the Criminal Procedure Law. According To R. Atang Ranomiharjo, that the legitimate evidence tools are tools that have to do with a crime, where the tools can be used as evidence, in order to generate confidence for the judge, on the truth of a crime that has been committed by the defendant.

Proving means giving certainty to the judge about the existence of an event or act committed by a person. Thus, what is meant by the purpose of proof is to serve as the basis for passing a judge's verdict on the defendant about his guilt or innocence as charged by the public prosecutor. However, not all things must be proven, because according to Article 184 paragraph (2) of the Criminal Procedure Code, that “things that are generally known do not need to be proven”. H.H. Tirtaamidjaja explains this as follows: Events and circumstances that are known to the public do not require proof, they are not considered known by the judge, for example, that dogs are animals, or that human life is impermanent or that gold is yellow in color.

Legal evidence submitted aims to provide certainty to the judge about the actions of the defendant. This task is carried out by the public prosecutor, the judge because of his position, also seeks additional evidence. Because the purpose of the judicial examination at the trial is to seek the material truth. Thus, what the judge knows, does not require legal evidence. Based on this, the valid evidence in a criminal case is contained in Article 184 paragraph (1) of the Criminal Procedure Code, which reads: a. Witness testimony; b. Member description; c. Surat; d. Instructions; e. Testimony of the accused. Related to the above, the evidence of instructions is one of the indispensable evidence in proving a case, especially in the case of money laundering. Guidance evidence may not stand alone, but depends on other evidence that has been used or submitted by the public prosecutor and legal counsel. Evidence tools that can be used to build evidence Instructions As in Article 188 paragraph (2) code of Criminal Procedure is witness testimony, letters and testimony of the defendant.

Evidence instructions in the formal criminal law of money laundering is not only built through the three pieces of evidence in Article 188 paragraph 2 of the Criminal Procedure Code, but can be expanded beyond the three valid pieces of evidence as described in Article 73 of law no. 8 of 2010 on the Prevention and Eradication of money laundering, namely: a. Evidence as referred to in the Code of Criminal Procedure; and / or b. Other means of evidence in the form of information that is spoken, transmitted, received, or stored electronically by means of optical or optical-like devices and documents.

**B. Evidence In Money Laundering**

Evidence instructions in the formal criminal law of money laundering is not only built through the three pieces of evidence in Article 188 paragraph 2 of the Criminal Procedure Code, but can be expanded beyond the three valid pieces of evidence as described in Article 73 of law no. 8 of 2010 on the Prevention and Eradication of money laundering, namely: a. Evidence as referred to in the Code of Criminal Procedure; and / or b. Other means of evidence in the form of information that is spoken, transmitted, received, or stored electronically by means of optical or optical-like devices and documents.

According To William R. Bell in his book Eddy O.S. Hiariej, mentions the factors related to the proof as follows: a. Evidence must be relevant or relevant. Therefore, in the context of criminal cases, when investigating a case, the police usually ask basic questions, such as what are the elements of the alleged crime, what is the guilt of the suspect to prove, as well as which facts to prove. b. Evidence must be reliable. In other words, the evidence is reliable so that to strengthen an evidence must be supported by other evidence. c. Evidence should not be based on undue conjecture. That is, the evidence is objective in providing information about a fact. d. The basis of proof, which means the proof must be based on valid evidence. e. With regard to how to search and collect evidence, it must be done in ways that are in accordance with the law.

The provisions in the Criminal Procedure Code provide for the obligation of proof to be fully charged to the Public Prosecutor, this is in accordance with the provisions of proof set forth in the Criminal Procedure Code Chapter XVI part four (Article 183 to Article 232 of the Criminal Procedure Code). Specifically regarding evidence in the formal criminal law, the crime of money laundering is known as proof charged to the defendant or his legal counsel to reveal the money laundering event that occurred, commonly known as reverse proof. However, the obligation to prove it is not stipulated in the code of Criminal Procedure.

The emergence of the discourse on the application of reverse proof (shifting the burden of proof) is inseparable from the difficulty and complexity of proving the guilt of money laundering defendants in court hearings which is the cause of one of the defendants in breaking free, because lawmakers are still hesitant and there is the impression of being trapped in a polemic that reverse proof violates human rights (HAM) and the presumption of innocence (the presumption of innocence).

The meaning contained in the presumption of innocence as follows: a. The presumption of innocence applies only in criminal law. b. The presumption of innocence is based on the burden of proof. It is not the

accused who must prove his innocence before a court hearing, but the state who must prove it. The state is represented by the public prosecutor who must prove the guilt of the accused according to the indictment.

The second meaning of the principle of presumption of innocence above that it is the public prosecutor who must prove the guilt of the defendant, appears to be contrary to the principle of reverse proof which requires the burden of proof on the defendant. Even in the presfektif of the application and enforcement of the law (law enforcement), it is seen the principle of presumption of innocence and the principle of proof upside down facing each other. This means that on the one hand, a person is assumed innocent even though he is innocent or has not necessarily done anything wrong. In such a position, the moral standards (honesty) of the alleged guilty person, the ability of reason, and the skills of the prosecutor should take precedence. The executors of the law must have a sense of justice and sufficient logical power to prove, whether a person is guilty or not.

The legal basis for the emergence of the principle of reverse proof, which is not provided for in the code of Criminal Procedure, is found in the Material Regulations of the criminal law in the transitional rules, namely Article 103 of the Criminal Code. In the article it is stated " " the provisions of eight chapters I to Chapter VIII of this book also apply to acts that by other statutory provisions are punishable, unless otherwise provided by law. Thus, in the case that the provisions in the legislation regulate other than those that have been regulated in the Penal Code, it can be interpreted that a form of special rule has overruled the general rule (Lex specialis derogate Legi Generali). In other words, Article 103 of the Criminal Code allows a statutory provision outside the Criminal Code to override the provisions set forth in the Criminal Code.

In Indonesia, this reverse proof system was first known in law No. 31 of 1999 concerning the eradication of corruption that has undergone changes based on Law No. 20 of 2001 as outlined in Article 37 paragraph (1) which states that the defendant has the right to prove that he did not commit corruption. Article 37 paragraph (1) basically gives the right for the defendant to prove he did not commit corruption, but according to Paragraph (3) the defendant is also obliged to provide information on all his property, wife or husband, and children. The provision of Article 37 paragraph (1) is only the obligation of the defendant to give true information, not the obligation to prove that the property was not obtained from corruption, as referred to in the reverse proof system. It is intended that the defendant provide actual information about all of his property that is suspected to be related to corruption. However, paragraph (4) states that if

the defendant is unable to prove that his wealth is not balanced with his income or sources of additional wealth, then this information can be used as a basis to strengthen other evidence that the defendant has committed corruption. This provision is still not a reverse proof because under Article 37 paragraph (5), the public prosecutor is still obliged to prove his charges.

Accordingly, reverse proof is also known in law No. 8 of 2010 on the Prevention and Eradication of money laundering as outlined in Article 77 which states : “for the purpose of examination at the court hearing the defendant is obliged to prove that his wealth is not the result of a criminal offense”. Further provisions on the reverse burden of proof of money laundering are provided for in Article 78 of the Money Laundering Act, namely: a. In the examination in the court session as meant in Article 77, the judge orders the defendant to prove that the property related to the case is not from or related to the criminal act as meant in Article 2 Paragraph (1). b. The defendant proves that the assets related to the case are not derived from or related to the criminal offense as referred to in Article 2 Paragraph (1) by submitting sufficient evidence.

Reverse proof, the burden of proof is on the defendant. In money laundering that must be proven is the origin of assets that do not come from criminal acts, for example not from corruption, narcotics crimes and other illegal acts. Articles 77 and 78 contain provisions that the defendant is given the opportunity to prove his wealth is not derived from a criminal offense. This provision is known as the inverse proof principle. Where its nature is very limited, that is, it only applies to hearings in court, not at the investigation stage. In addition, not on all criminal acts, only on serious crime or serious crimes such as corruption, smuggling, narcotics, psychotropic substances or banking crimes. With this system, it is precisely the defendant who must prove that the property he gets is not the result of a criminal offense. What must be done is to know what forms of assets are owned, where they are stored and in whose name.

The reversal of the burden of proof is given not only to the extent of the right to the defendant, but it becomes the obligation of the defendant to prove the opposite of what the public prosecutor is accused of. This is done because of the complexity to deal with this money laundering crime which includes: the level of difficulty in proving the origin of the property and the offense that must be dropped, the level of difficulty due to Information Technology, namely in proving related to the sciences of Financial Accounting, Technology and information, and computer technology. Examination of money laundering against assets that are suspected to be the result of a criminal offense does not need to be proven in advance of the origin of the criminal offense. Money laundering is an independent crime, meaning a crime that stands alone. Even if it is an evil born from its original Evil. This is stipulated in the provisions of Article 69 of the law on the

Prevention and Combating Money Laundering. At the court hearing, the defendant is obliged to prove that his property is not the result of a criminal offense (the principle of reverse proof). Against the reversal of the burden of proof the defendant has the right to prove that he did not commit money laundering, so if the defendant can prove that he did not commit money laundering, then the evidence is used by the court as a basis for stating that the charges are not proven.

## C. Proof Of Criminal Origin Related To Money Laundering In Mutual Fund Investment Activities In Supreme Court Decision Number 2937 K/Pid.Sus/2021

Before discussing the proof of criminal origin related to money laundering in mutual fund investment activities, several important points are first outlined in the decision under review, namely the Supreme Court decision number 2937 K/Pid.Sus/2021, so that the matter can be easily analyzed against the decision. These important points, namely: Defendant Benny Tjokrosaputro together with Heru Hidayat and Joko Hartono Tirto made an agreement with Hendrisman Rahim, Hary Prasetyo, and Syahmirwan in the management of PT AJS's stock and mutual fund investments that were not transparent and unaccountable, and conducted stock and Mutual Fund Investment Management without analysis based on objective data and professional analysis in the NIKP (Head Office Internal Memorandum), but the analysis was only a formality. In addition, the defendant Benny Tjokrosaputro together with Heru Hidayat through Joko Hartono Tirto and affiliated parties have collaborated with Hendrisman Rahim, Hary Prasetyo and Shahmirwan to carry out transactions for the purchase and/or sale of BJBR, PPRO, SMBR and SMRU shares with the aim of intervening in prices that ultimately do not provide investment benefits and cannot meet liquidity needs to support operational activities.

Defendant Benny Tjokrosaputro together with Heru Hidayat, Joko Hartono Tirto, Hendrisman Rahim, Hary Prasetyo, Syahmirwan, arranged and controlled 13 Investment Managers to form a special Mutual Fund product for PT AJS, so that the management of financial instruments that became the underlying mutual fund of PT AJS could be controlled by Joko Hartono Tirto. For the actions of the defendant Benny Tjokrosaputro or another person, namely, Heru Hidayat, Hendrisman Rahim, Hary Prasetyo and Shahmirwan or a corporation, which cost the state finances Rp16, 807, 283, 375, 000.00 (sixteen trillion eight hundred and seven billion two hundred and eighty three million three hundred and seventy five thousand rupiah), or at least about that amount as the report of the results of an investigative examination in the framework of calculating state losses on

Financial Management and Investment Funds at PT. Life insurance (Persero) period in 2008 s.d. 2018.

Profits received by the defendant Benny Tjokrosaputro, where the defendant made the purchase of shares to PT. Hanson International, Tbk and companies controlled by the defendant Benny Tjokrosaputro and the parties in cooperation with the defendant Benny Tjokrosaputro and subsequently used by the defendant, among others, to pay debts, buy land, buy property, exchange in foreign currency and so forth, with the aim that as if the funds from the sale of shares and MTN from companies controlled by the defendant Benny Tjokrosaputro, whereas the assets of the defendant Benny Tjokrosaputro were obtained from corruption committed together with Heru Hidayat, Joko Hartono Tirto, Hendrisman Rahim, Hary Prasetyo and Shahmirwan.

The money used by Defendant Benny Tjokrosaputro to carry out a number of money placements in accounts, purchase of land and buildings as well as foreign exchange and placement of money through the accounts of other parties is sourced from corruption crimes committed by Defendant Benny Tjokrosaputro as the party that regulates and controls the investment management instruments of shares and Mutual Funds of PT Asuransi Jiwasraya (Persero), causing state losses. Based On The Decision Of The Supreme Court Number 2937 K / Pid.Sus / 2021, proof of criminal origin related to money laundering in mutual fund investment activities is carried out by presenting valid evidence tools at the trial. In the evidentiary hearing, the Public Prosecutor submitted evidence in the form of witness statements, expert statements, letters, and instructions to prove that the defendant Benny Tjokrosaputro was proven to have committed a criminal offense in the form of corruption in the management of stock investments and mutual funds at PT Asuransi Jiwasraya (Persero).

From the evidence submitted, it was revealed that the defendant together with Heru Hidayat, Joko Hartono Tirto, Hendrisman Rahim, Hary Prasetyo, and Shahmirwan conducted the management of stock and mutual fund investments in Asuransi Jiwasraya unlawfully and irresponsibly, causing state losses of Rp 16.807 trillion. The modes include buying and selling shares to intervene in prices, making special mutual fund products so that they can be controlled, and utilizing Jiwasraya customer funds for personal gain. The defendant then used the proceeds of corruption worth Rp 6.078 trillion to buy assets, pay debts, and other purposes to disguise the origin of the funds. From the examination of the trial, the panel of judges assessed that the evidence submitted had met the minimum limit of evidence. The actions of the defendant violated Article 2 Paragraph (1) along with Article 18 of the corruption law along with Article 55 paragraph (1) to-1 of the criminal code on corruption committed jointly. This original crime in

the form of corruption is then followed by a money laundering offense that violates Article 3 of the TPPU law.

## 4. CONCLUSION

Based On The Decision Of The Supreme Court Number 2937 K / Pid.Sus / 2021, proof of criminal origin related to money laundering in mutual fund investment activities is carried out by presenting valid evidence at the trial, including witness statements, experts, letters, and instructions. From the examination of the trial, it was proved that the defendant Benny Tjokrosaputro together with other parties committed corruption in the management of stock and mutual fund investments in PT Asuransi Jiwasraya (Persero) unlawfully and unaccountably, causing state losses of Rp 16.807 trillion, and using corruption proceeds worth Rp 6.078 trillion for personal interests, which was then followed by money laundering.

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