Juridical Aspect of Implementation of The Article on The Criminal Action of Money Laundering Against A Trading Robot-Based Trader

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Abstract. The core study of this research focuses on a widely discussed legal event in Indonesia: trading using robots and its connection to money laundering (TPPU) laws. The author is interested in this unique case because it involves the use of trading robots, not just human actions, which adds a novel aspect to the legal discussion. To explore this topic, the author uses a normative legal research method, chosen for its accessibility and ease of understanding. This method relies on expressive and logical thinking frameworks based on analytical research. The aim is to produce a paper that meets readers' needs and contributes to the evolving legal landscape in Indonesia by addressing how current laws apply to the innovative scenario of robot-assisted trading.

Keywords: Money Laundering Crimes, Traders, Trading Robots.

1   Introduction

Students known as academics are required to be able to provide a written work that is recognized according to their program of expertise. In this regard, conducting research is considered to be one of the efforts to achieve this ability. In carrying out research, it is usually known by the existence of a study and analysis in order to maximize the results of the research that has been carried out by each student. Thus creating a written work thanks to the implementation of research should be a basic skill for every student in tertiary institutions.

There is one quite serious concern that needs to be addressed as a form of 'Warning' that currently most Indonesian legal scholars no longer understand the nature of legal research. Without understanding the nature of legal research, the quality of a law scholar as a jurist is far from complete. Why is that? Because the daily work of a law scholar as a jurist is never far from conducting legal research activities either as judges, prosecutors, advocates or legal scholars. The massive invasion of social sciences in

legal studies is the cause of the current understanding of legal scholars on the nature of legal research.

In terms of the suitability of the expertise program, carrying out a research study covering all legal scholarship will certainly result in an achievement of new knowledge which will be felt later when the study has been completed. Especially regarding prospects, as practitioners and academics alike must have the maximum expertise and capabilities in order to be able to provide superior performance and programs in the post-college phase later. Here as a law student examines a legal issue that is analytical, theoretical study, and even the effectiveness and application of law in accordance with developments in existing and applicable legal regulations in Indonesia. Therefore the author raised the title to be studied as the object of his research, namely regarding "Juridical Aspect of Implementation of the Article On the Criminal Action of Money Laundering Against a Trading Robot-Based Trader."

Regarding this title, recently Indonesia has been in an uproar with cases that ensnare anyone and from any background. Why, because this case is a case that has never existed before. Becoming a wealthy person is certainly the desire of everyone, but the path that must be passed does not mean taking the path that is so short and practical. Becoming a trader is now an escape for almost many people to change their lives quickly, how can someone not get millions in profits and even reach trillions in a short time. But what really becomes the biggest mistake here is in the use of the application or object of trading execution. In Indonesia, there are currently many applications or even sources circulating where instant trading occurs, and it is certain that what they use is illegal, not in accordance with the laws and regulations. In this case, behind the hectic use and trading games, it was revealed that what they had committed was a crime that violated laws and regulations, but ironically they felt as if they were in the right position after they suffered losses by way of asked him for legal protection from the authorities. Precisely with such actions in the end caused a stir in Indonesia regarding this illegal investment game. And this ultimately has an impact on other traders who used to be hidden, now it is starting to be seen that there are lots of actors participating in it, clearly their actions violate the laws and regulations.

1.1   Formulation of The Problems

In compiling this research, there are several problem formulations that have been made to become the essence of the discussion and expansion of the results of this research. The formulation of this problem is of course made with several analyzes and systematic studies so that it can provide an explanation for the discussion that will be consumed by the community as new knowledge later to the fullest. So based on this, some of the formulations of the problem in this study include the following:

1) What are the Indonesian legal arrangements regarding traders and trading robots?

2) What is the position of case sanctions based on criminal law theory and formal legal provisions?

1.2   Research Purposes

It is undeniable that many social problems are related to law and this can be explained with very interesting rhetoric by contemporary social science, including one that is carried out by railing against legal science, and then legal research, because of the 'frustration' that the science of law was deemed unable to answer their dissatisfaction. So the purpose of this discussion is not to purify the concept of legal research, but rather to return to the nature of legal research, that legal research is very distinctive in nature.

Furthermore, in the concept of the purpose of the research itself, that from every research that has been made and completed, of course you want to get the best thing as a success for yourself. However, as a student who has contributed to the progress of the nation, of course the output of every research he has completed has benefits for anyone. Thus, the objectives of this research have various aspects of achievement. Including the following:

1) In the conceptual content of the research, it is hoped that it will be able to provide new knowledge and insights to anyone regarding trading, trading robots, as well as the application of sanctions to the money laundering crime (TPPU) article that occur as an effort to minimize the occurrence of the same case;

2) Providing an overview and evidence to the whole community regarding the power of law in handling a case that is not only practical, but also has an academic and theoretical basis.

2   Research Methods

The research method is basically a scientific way to obtain data with specific purposes and uses. Based on this, there are four keywords that need attention, namely, the scientific method, data, purpose, and usability. The scientific method means that research activities are based on scientific characteristics, namely rational, empirical, and systematic. Rational means that research activities are carried out in ways that make sense, so that human reasoning can reach them. Empirical means that the methods used can be observed by the human senses, so that other people can observe and know the methods used. (Distinguish unscientific methods, for example searching for lost money, or provocateurs, or prisoners escaping through psychics). Systematic means that the process used in the research uses certain logical steps.

Each research has a specific purpose and use. In general, there are three types of research objectives, namely discovery, verification and development. Discovery means that the data obtained from the research is completely new data that has never been known before. Verification means that the data obtained is used to prove doubts about certain information or knowledge, and development means deepening and expanding existing knowledge.

Discovery research, for example, finds the most effective way to eradicate corruption, proving research, for example, proves whether or not incentives can increase work

performance in certain units. Furthermore, research is developing, developing an effective community empowerment system.

Through human research can use the results. In general, the data that has been obtained from research can be used to understand, solve and anticipate problems. Understanding means clarifying a problem or information that is not known and then knowing, solving means minimizing or eliminating problems, and anticipating means trying to prevent problems from happening.

Furthermore the concept research methods in legal research methods. Every legal research is essentially aimed at solving legal problems which must be carried out within the framework of authority or existing law so that it can be called legal research or legal research. Theoretically, legal problems submitted to juries for legal research and then given solutions in the form of prescriptions can still be divided between micro/in concreto legal problems and macro/in abstracto legal problems. Every legal research is essentially a research on norms or rules (and legal principles) in the framework of legal problem solving. This goal is very specific so that it distinguishes it from other types or forms of research that both place law as the object of research.

Of the various types of existing research, the research method is known as the normative legal research method. Normative legal research is legal research conducted by examining literature or secondary data. Normative legal research is also called doctrinal legal research. According to Peter Mahmud Marzuki, normative legal research is a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues at hand. In this type of legal research, law is often conceptualized as what is written in laws and regulations or law is conceptualized as rules or norms which are benchmarks for human behavior that are considered appropriate.

The object of normative legal research is normative legal research which always takes issues from law as a system of norms used to provide "justification" prescriptions about a legal event. Normative legal research makes the system of norms the center of its study. The norm system in a simple sense is a system of rules or rules. Normative research is research that includes legal principles, research on legal systematics, research on the level of legal synchronization, research on legal history, and research on comparative law.

Then based on the explanation above and the link with the title raised by the author, in fact using the normative legal research method is one of the very, very strategic methods. Because according to the plan that will be carried out at the core of the research, that the nature of this research is an analysis of a review of legal theory applied to practical legal events. So in order to provide an answer and conclusion regarding the effectiveness, legal essence, firmness of the determination of sanctions in the legal events that occur. That's why the authors use normative legal research methods in this research plan.

3   Discussion

3.1   Legal Arrangements in Indonesia Concerning Traders and Trading Robots

As a rule of law country, Indonesia is rich in sources of legal product creation in accordance with the social phenomena prevailing in Indonesian society. Until now, Indonesia is a country that adheres to a continental European legal system, so it recognizes one of the legal principles Lex Specialis Derogat Legi Generalis which is widely implemented through legal products that apply in Indonesia. As is the case in this discussion, Indonesia has a hierarchy of laws and regulations from the highest to the lowest, both as absolute laws and regulations that are set. But even so, these regulations must still be obeyed as a legal position that affects all Indonesian people or even those who are under their jurisdiction.

Continuing with the existence of regulations, the existence of trading robots in Indonesia is now no longer experiencing a legal vacuum, because the Commodity Futures Trading Regulatory Agency (Bappebti) recently created regulations governing trading robots and have been ratified. The regulation number 12 of 2022 concerning the delivery of technology-based advice in the form of expert advisors in the field of commodity futures trading. In this case a trading robot is known as an expert advisor, this is because a trading robot is a computer software that is able to work and move automatically to monitor the market, calculate entry opportunities, place transactions, and is able to carry out risk management based on algorithms that have been embedded in the program base. So that is what is known as a trading robot, namely an expert advisor.

Keeping up with the times at this time, presumably all activities or work carried out with the help of robots will be an update that is quite easy. In view of the aspect of the definition of the robot comes from the word robota which means worker. So that it is clear as a mechanical device that can work continuously to help human work.

Furthermore, in trading robot activity, we know that there is such a thing as a trader. These traders are people who buy and sell investment instruments in a short time. This trader's activity is usually carried out through applications that are found on every smartphone, so that this activity is known as trading activity which makes an investment in search of very, very large profits. Trading and traders in Indonesia also have regulations, namely in Law No. 10 of 2011 concerning Amendments to Law No. 32 of 1997 concerning Commodity Futures Trading. From all existing legal sources regarding traders, trading and trading robots, it can be ascertained that currently in Indonesia there is no longer a legal vacuum because both of them have clear regulations and permanent legal force. It's just that the problem that arises at this time is trading activities and trading robots that are outside the regulations because it is considered that their activities can harm anyone who carries out their activities there. So the role of legal position will function as an eradication effort.

The public's anxiety with the current conditions is that there are several trading activities and trading robots that cannot be regulated by existing laws because they have

very, very detrimental consequences. But this cannot be avoided, there are still many people who are determined to carry out trading activities that are not regulated or illegal. Of course if this continues to exist and occur, logical consequences will arise in each of the existing elements, including:

1) The activity is something that is not regulated with clear reasons, then it can be interpreted as a prohibited activity, then another law or something similar can ensnare it;
2) Because the community considers these activities to be normal and unusual activities, the level of violations will increase, so there is a need for periodic monitoring and eradication;
3) The government or law enforcement agencies should receive complaints or reports arising from these prohibited activities.

From the several logical consequences above, in the end it can be understood that the existence of Law No. 10 of 2011 concerning Amendments to Law No. 32 of 1997 concerning Commodity Futures Trading and also Commodity Futures Trading Regulatory Agency Regulation No. 12 of 2022 concerning the Implementation of Providing Information Technology-Based Advice in the Form of Expert Advisors in the Commodity Futures Trading Sector is not permanent and comprehensive, it's just that Indonesia has again adhered to the Lex Specialis Derogat Legi Generalis principle, which regulates, complements and relates to each other. The position of the role of other regulations is still considered capable of perfecting existing legal objectives, such as the role of the Criminal Code (KUHP) and even Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, due to several events and legal actions that occurred in Indonesia, there were traders who were charged under the law in this classification.

3.2 What is the Position of Case Sanctions Based on Criminal Law Theory and Formal Legal Provisions

In this sub-discussion, it is more specific to follow up regarding the legal position and its role as stated in the previous discussion, namely based on Law No. 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes. In this case it is interesting, because a trading activity in the application of the law can be charged with the article in Law No. 8 of 2010, its means outside of Law No. 10 of 2011 concerning Amendments to Law No. 32 of 1997. In this way trading activities are categorized as activities that fall under the category of criminal law events, so these regulations regulate and ensnare them. There are several influencers as examples of cases that are often sentenced to criminal penalties based on the application of Law No. 8 of 2010, so there are some academics who raise questions, whether the application of the articles in Law No. 8 of 2010 as the application of the right trap for traders or trading based on trading robots, is it due to a legal vacuum that has been transferred to other regulations? Analysis is needed based on facts and theories of criminal punishment and even an explanation of the existence of positive laws that regulate and are related.

If we look at it from the point of view of the crime of money laundering itself, it is to enrich oneself by disguising the origin of the money. It seems clear, in this case there is a difference in elements between the commission of money laundering crimes and robot-based trading activities. The crime of money laundering can come from anywhere, the point of emphasis on this action while the origin of the money is disguised by actions that are carried out continuously, then the specification is the crime of money laundering. Meanwhile, this trading robot-based trading activity only focuses on investments or futures trading whose origins or sources of finance are known. Even though the similarities are in the element of getting rich quickly, it's just that the actions and activities of the two are different and cannot be equated. Therefore, the application of the article on money laundering is based on Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes is an inappropriate application of the article on violations of trading robot-based activities.

The explanation above when viewed from the perspective of the juridical aspect of the accuracy in the application of an article as the objective of criminal law. However, regardless of its inappropriate application, a criminal act must still be given sanctions and punishments in accordance with the governing regulations, as we know that a regulation must originate from existing criminal law theories. As we know that criminal law stipulates three theories of criminal punishment, namely absolute theory, relative theory and combined theory.

The absolute theory or theory of retaliation says that punishment is not aimed at practical things, such as improving criminals. The crime itself contains the elements for imposing a sentence. Likewise with the relative theory, this theory looks for the basis of criminal law in carrying out social order and consequently is the goal of preventing crime. General prevention requires that people in general do not commit crimes. Then the combined theory, this theory emphasizes absolute justice which is manifested in retaliation, but which is useful for society.

Of the three theories above, they are actually able to conclude that the application of punishment should not be arbitrary, because even though the three theories provide firmness that a crime must remain in the law, how can the punishment be able to provide benefits to society, especially in changing character. So its existence is quite related to the existence of logical consequences that must be accepted by several elements, especially for the perpetrators.

The position of this criminal theory also influences the efforts of law enforcers in imposing a sentence so they don't take it lightly and are skeptical. Likewise in this case, that this action and trading activity is an action that can harm the wider community if it is used outside of what has been regulated by law, but the application of Article of Law No. 8 of 2010 is also an action that is less effective and appropriate if it is only based on a legal vacuum, so it is considered whether it is necessary to issue a new product in order to obtain legalization, or eradication that should be increased without any abuse of existing legal provisions.

4   Closing

4.1   Conclusion

Some trader activities in carrying out trading based on trading robots are no longer an act that violates the legality of an existing application or software, but some and some are still many that have not entered into the regulations and may even never be regulated because they are considered can be detrimental to society and of course violate existing laws, therefore all forms of legal activity are all sourced from Law No. 10 of 2011 concerning Amendments to Law No. 32 of 1997 concerning Commodity Futures Trading and Commodity Futures Trading Regulatory Agency Regulation No. 12 of 2022 concerning the Delivery of Information Technology-Based Advice in the Form of Expert Advisors in the Commodity Futures Trading Sector.

And furthermore, the application of the article and ensnaring the actions taken must be based on appropriate laws and regulation, don't just pretend that there is a legal vacuum that is considered inappropriate and violates existing principles so that you still don't get freedom. This is considered the application of the article in Law no. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes is not appropriate for violations or crimes in the activity of a trader based on a trading robot, so the hope is to be able to make all existing provisions effective.

4.2   Authors Contribution

The author's contribution to the scientific field is currently the author's attempt to provide a new understanding of legal knowledge that occurs practically but is presented to theoretical legal knowledge. This effort will of course be one of the references for related parties in updating the existing legal system if it is felt that it has no relevance. Both formal law and material law. In addition, the framework aspect is also a part of the author's contribution at this time, because apart from increasing critical thinking for writers, for future readers it will also provide an increase in the way of thinking about things, especially in the way we act. This is a plan that needs to be realized in order to maximize the quality of law in Indonesia itself.

In addition to contributions to the scientific field, institutions and nations are also one of the authors' targets in making new contributions to research that has been completed. For the main institution, namely the Nusa Putra University, this research can contribute to the acceleration of campus quality which is increasing rapidly. Why is that? Because the registration of students at Nusa Putra University who are able to publish the results of their writing in journals that are recognized both in national and international journals is one of the efforts to improve the quality of the campus itself, because the recorded data will become an assessment carried out by the Ministry of Higher Education. And this is concrete evidence from students in supporting the progress and development of the Nusa Putra University.

And the contribution to the nation itself, of course, supports the progress of the country in terms of the quality of education, especially among students. Because student are the highest spearhead as implementers of learning that are pursued based on the terms and conditions that apply. Besides that, specifically in the legal institution itself, with the renewal of research on certain cases it becomes a guide for him in resolving every case he handles. Not to be a source of law, but to be a source of moral strength.

4.3   Aknowledgments

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