



## Juridical Review of the Honorarium Received Advocates from the Crime of Money Laundering

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### ABSTRACT

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Law No. 18 of 2003 on Advocates, there explains that Advocates are entitled to honorariums of legal services they have provided to their clients. The problem is the honorarium received by the advocate from the client as suspects of money laundering crime is a legal honorarium or not according to the law and can it have implications for the criminalization of an advocate when receiving an honorarium from the client as suspects of money laundering crime? Based on the analysis of the legislation in force that the payment of honorarium from the client as suspects of money laundering crime as payment for legal services advocates are legal tender and can be held legally accountable. Advocates do not need to report on the honorarium they receive from the client as suspects of money laundering crime, this is because of the rules of secrecy of the position. Thus, advocates can not be prosecuted either civil or criminal in carrying out their profession. The Law on Advocates stipulates that they are entitled to receive fees or honorariums as compensation from the clients they are defending. This is related to the right of retention, namely the right not to return the documents held before the honorarium is first paid. Including using the right of retention to threaten and reduce the capacity as an advocate in defending and protecting his client. But in litigation, advocates are prohibited from using unnecessary costs, thus burdening their clients.

### Keywords:

Money laundering, honorarium, advocate profession.

### I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia stipulates explicitly that the State of Indonesia is a constitutional state. The rule of law principle demands equality before the law for everyone. Therefore, the Constitution also stipulates that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law.<sup>1</sup>

Furthermore, by examining Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is emphasized that all citizens have the same position in law and government without exception, then in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it

is also emphasized that everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law. This affirmation in the constitution conveys the meaning that every person has inherent human rights in the form of equal position and treatment before the law without any discrimination.<sup>2</sup> This means that in this case a client with the status of a money laundering suspect also has the same rights as a citizen to receive recognition, guarantees, protection and fair legal certainty and equal treatment before the law.

The field of work of an advocate is to provide legal services or legal assistance to people who need it. Of course the provision of legal assistance by advocates within the

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<sup>1</sup> Moh. Mahfud MD. *Politik Hukum Hak Asasi Manusia di Indonesia*, dalam *Jurnal Hukum* No. 14 Vol.7. Agustus 2000, h. 2-3

<sup>2</sup> Aal Lukmanul Hakim dan Abraham Yazdi Martin, *Tindak Pidana Pencucian Uang Dan Modusnya Dalam Perspektif Hukum Bisnis*, *Jurnal De'Rechstaat*, Volume I, Nomor 1, Tahun 2015, h.2-3

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framework of which is aimed at fulfilling legal objectives, namely justice, benefit, certainty, regularity, and balancing various interests.<sup>3</sup> Efforts in upholding law and justice are not only borne by judges, prosecutors and police but also on advocates.

As we know, advocates are professionals in the field of law who have an important role in the legal system in Indonesia. Advocates in Article 1 Number 1 Law Number 18 of 2003 Concerning Advocates, which reads as follows :

"advocates are people whose profession is providing legal services both inside and outside the court who meet the requirements based on the provisions of this Law."

Based on this understanding, Advocates provide legal services to people who become their clients in law enforcement processes to guarantee their legal rights or provide legal advice as legal consultants. In carrying out this profession, advocates may not discriminate against people seeking legal protection and justice. Previously, many terms emerged from ancient times, for example pokrol bamboo, lawyer, legal adviser, practicing lawyer, defender, legal consultant and others. These terms are still being used today, but juridically they have started to narrow down to the term Advocate.<sup>4</sup>

Advocates as providers of legal aid or legal services to the public or clients who are facing problems in their existence are urgently needed. Along with the increase in public legal awareness and the complexity of legal issues. An advocate is a profession that provides legal services, while carrying out his duties and functions, he can act as a companion, give legal advice, or become a legal representative for and on behalf of his client. In providing legal services, he can perform it for free or on the basis of receiving an honorarium from his client.<sup>5</sup>

The role of the advocate in court and outside the court. In court, an advocate is one of the elements of the justice system for the creation of a free and impartial judicial process and the implementation of the principle of due process of law. The function of an advocate was born in the pattern of Roman-Republican justice (at the time of Cicero's advocate-before AD), namely two disputing parties, each defended by an advocate and the judge sat objectively and did not take sides above them.<sup>6</sup>

Ropaun Rambe stated that the advocate profession is known as a noble profession (*officium nobile*), because it requires the defense of all people regardless of race, skin color, religion, culture, socio-economic background, rich and

poor, political beliefs, gender, and ideology. Ropaun Rambe also stated that:

"The advocate profession is an honorable profession because of the professionalism in it. In addition, the advocate profession is not solely for earning a living, but in it there are ideals (such as the values of justice and truth) and morality which are highly upheld."

The above duties and authorities show that an advocate is a professional job. Professional is a designation for certain jobs that have certain knowledge and expertise in doing their jobs. The field of work of an advocate is to provide legal services or legal assistance to people who need it. Of course, the provision of legal assistance by advocates within a larger framework is aimed at fulfilling legal objectives, namely justice, benefit, certainty, regularity, and balancing various interests.

Problems then arise when the payment of the honorarium for the lawyer's legal services is paid from a client whose status is a suspect in a money laundering crime. Observing Article 5 paragraph (1) of Law Number 8 of 2010 Concerning the Prevention and Eradication of the Crime of Money Laundering which reads:

"Anyone who receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange, or use of Assets that he knows or reasonably suspects constitute the proceeds of crime as referred to in Article 2 paragraph (1) shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."

Today the development of crime has involved professionals in committing crimes. One of the crimes that can involve professionals is the crime of Money Laundering (TPPU).

The crime of money laundering is a crime committed by perpetrators by trying to hide or disguise the origin of assets resulting from criminal acts in various ways so that the assets resulting from criminal acts are difficult for law enforcement to trace. So that after the assets are washed, the assets look like assets resulting from legitimate activities. Then the assets can be reused. Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (hereinafter abbreviated as UU TPPU)

<sup>3</sup> Agus Raharjo, Angkasa, dan Hibnu Nugroho, 2014, *Pengawasan Kinerja Advokat Dalam Pemberian Bantuan dan Pelayanan Jasa Hukum*, Jurnal *Dinamika Hukum*, Vol.14, No.2, Mei 2014, hlm.262.

<sup>4</sup> Pasek Suardika. *Hak Imunitas Advokat*. Denpasar: Bali Aga, . 2009,h.8

<sup>5</sup> Rahmat Rosyidi, dan Sri Hartini, *Advokat Dalam Persepektif Islam Dan Hukum Positif*, (Jakarta : Ghalia Indonesia, 2003), h. 17

<sup>6</sup> Abdul Kadir Muhammad, *Etika Profesi Hukum*, Bandung, 2001, h. 61-62

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has regulated various types of acts that are included as money laundering crimes.<sup>7</sup>

With regard to criminal acts, money laundering involves a number of actions; first is the change or transfer of wealth; the second is to cover up or disguise the true nature, source, location, availability, movement, rights related to, or ownership of, property; third is the acquisition, possession or use of wealth; and finally, the fourth is participation in, connection with, or conspiracy to do, try to do, and help, encourage, facilitate, and provide advice for the implementation of these actions.<sup>8</sup>

In carrying out their role, advocates are required to carry out good relations with their clients, be it in any case, especially money laundering cases, even though the money obtained from non-halal or unlawful results, namely the result of corruption, the crime of money laundering, but for the honor of an advocate, it cannot be said that it is halal or haram because There are provisions that apply in the Act.<sup>9</sup>

Working as an advocate is a noble task, but when viewed from the point of view of an advocate's honorarium there are a few problems that must be questioned, indeed not many scholars have discussed the issue of an advocate's fee whether or not the honorarium is obtained from a client who is experiencing a case of money laundering or a crime. others who make money from unfairness according to Islamic law because after all their clients get money from the wrong way to take other people's rights by force and illegally.<sup>10</sup>

However, in Islamic law this advocate's honorarium can be said to be *ijarah* or wages. If the *ijarah* is a job, then the obligation to pay wages is when the job ends. If there is no other work if the contract has already taken place and if there is no requirement regarding payment and there is no provision for a suspension, then according to Abu Hanifah, the wages must be given in stages according to the benefits received.<sup>11</sup> Professionals involved in money laundering crimes are referred to as gatekeepers such as advocates. Gatekeeper is a term commonly used to describe a financial or legal professional with special expertise, knowledge, and access to the global financial system whose services are used to hide the assets of his clients. The involvement of the gatekeepers shows that there is a role for professionals, namely advocates, in hiding and disguising the proceeds of crime. In addition, the legal instruments in realizing the anti-

money laundering regime have not yet reached the advocate profession in TPPU.

Advocates based on research results from the Financial Transaction Analysis Reporting Center (PPATK) are vulnerable to being used by perpetrators of laundering crimes to hide or disguise the origin of assets that are the result of criminal acts by taking cover behind the provisions of professional relations with service users regulated in accordance with regulatory provisions legislation. The field of work of an advocate is to provide legal services or legal assistance to people who need it. Of course, the provision of legal assistance by advocates within a larger framework is aimed at fulfilling legal objectives, namely justice, benefit, certainty, regularity, and balancing various interests.<sup>12</sup>

Based on the background of the problems mentioned above, the problem that will be discussed in this paper is whether the honorarium received by advocates from clients suspected of money laundering is a legal honorarium or not according to law? Then in accordance with the provisions of the legislation, does it have any implications for the punishment of advocates who receive honorarium from clients suspected of money laundering?

## II. RESEARCH METHODOLOGY

The problems described above in this paper will be discussed using normative legal research methods. The approach used by the author is a statutory approach, because what will be examined are various legal rules which are the focus point in this study. The purpose of this study is to find out whether the honorarium received by an advocate from a client suspected of money laundering is a legal honorarium or not according to law, and whether this has implications for the punishment of an advocate who receives honorarium from a client suspected of money laundering.

## III. DISCUSSION

### 3.1. Legitimacy of the Honorarium Received by Advocates from Clients of Suspected Money Laundering Crimes

Advocate is a legal profession whose duty is to provide legal assistance, legal services or legal services, both inside and outside the court. In the American encyclopedia it is stated that:<sup>13</sup>

<sup>7</sup> Husein, Yunus. *Bunga Rampai Anti Pencucian Uang*. Bandung: Books Terrace & Library, 2007, h.34

<sup>8</sup> Hanafi Amrani, *Hukum Pidana Pencucian Uang*, UII Press, Yogyakarta, 2015, h. 112

<sup>9</sup> Rahmat Rosyadi, dan Sri hartini,...,h. 125

<sup>10</sup> Yanuar Putra Erwin, *Tinjauan Yuridis Honorarium Yang Diterima Advokat Dari Klien Yang Berstatus Sebagai Tersangka Tindak Pidana Pencucian Uang*, Jurnal *Legislasi Indonesia* Vol 15 No.3 - November 2018 :161-170

<sup>11</sup> Sohari Sahrani, dan Ru'fah Abdullah, *Fikih Muamalah*, (Bogor : Ghalia Indonesia, 2011), h. 172

<sup>12</sup> Rosdalina, *Peran Advokat Terhadap Penegakan Hukum di Pengadilan Agama*, Jurnal Politik Profetik, Volume 6 Nomor 2 Tahun 2015, h.112

<sup>13</sup> FATF. 2012. International Standards on Combating Money Laundering and The Financing of Terrorism & Proliferation The FATF Recommendation. [http://www.fatf-gafi.org/publications/fatfrecommendations\\_documents/fatf-recommendations.html](http://www.fatf-gafi.org/publications/fatfrecommendations_documents/fatf-recommendations.html)

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*"Advocate, a person who pleads for a client in court as opposed to an attorney who acts as the client's agent by furnishing the advocate with information as to the facts of the case. The distinction between the two is not observed in the United State where the same person generally performs both function."*

Advocate is someone who defends a client in court in facing the prosecutor's demands, as a representative of a client who is authorized to compile a defense with statements regarding the actual events (facts) of a case.<sup>14</sup>

Meanwhile, according to the English Language Dictionary, an advocate is defined as follows: "An advocate is a lawyer who speaks in favor of someone or defends the in a court of law." That is, an advocate is an attorney who speaks on behalf of someone or defends them in a court of law. The definition or understanding of an advocate shows that the scope of an advocate's work can include work related to court and work outside the court.<sup>15</sup>

The right to freedom of independence is contained in Articles 14 and 15 of the Advocate Law, namely advocates are free to express opinions in defending their clients and are free in carrying out their professional duties to defend cases for which they are responsible. Then the advocate's immunity in Article 16 of the Advocate Law jo. Constitutional Court Decision Number 26/PUU-XI/2013 namely the right of an advocate's immunity in defending a case which is his responsibility, that he cannot be prosecuted both civilly and criminally while carrying out his profession.

Then the right to request information in Article 17 of the Advocate Law, namely the right to obtain information, data and other documents from both government agencies and other parties related to the cases they face to defend the interests of their clients in accordance with statutory regulations. Furthermore, the right of denial is an advocate's right to submit objections in court, and can make exceptions to the case he is defending.

In a criminal perspective, advocates have the right not only to make exceptions but also to deny, submit objections and annul all prosecutors' demands and even all decisions in court by appealing, cassation, and so on.<sup>16</sup>

Meanwhile, other rights of advocates as stipulated in the Advocate Law are the right to carry out judicial practices throughout Indonesia, the right to have the same position as other law enforcers, and the right to receive an honorarium. The right to carry out judicial practices throughout the territory of Indonesia is contained in Article 5 paragraph (2)

of the Advocate Law, which in this case constitutes the right to defend any client who gives power of attorney to an advocate wherever the client is while in the territory of Indonesia.<sup>17</sup>

Then the right to have the same status as other law enforcers is contained in Article 5 paragraph (1) of the Advocate Law that advocates have the status of law enforcers, free and independent guaranteed by law and statutory regulations<sup>11</sup>, and the last is the right to receive an honorarium, This right is contained in Article 21 of the Advocate Law, namely in paragraph (1) it reads:

"Advocates are entitled to receive honorarium for legal services that have been provided to their clients". Then paragraph (2) reads: "The amount of honorarium for legal services as referred to in paragraph (1) is determined fairly based on the agreement of both parties."

The relationship between an advocate and a client is actually a civil relationship in the form of legal services. Advocates as providers of legal services while clients are persons or legal entities, or other institutions that receive legal services from advocates. Advocates have rights to these legal relations in addition to their obligations to their clients and vice versa, clients automatically have rights in addition to obligations. The rights and obligations of advocates have been discussed previously, and the most important part of all advocates' rights, especially towards their clients, is receiving honorarium from their clients.

Meanwhile, the client is obliged to provide compensation for legal services in the form of an honorarium that has been agreed upon by both parties. Furthermore, the client himself has the right to obtain protection and defense for the case he is facing. Thus, their relationship is a reciprocal relationship between rights and obligations in certain matters that have been agreed to be resolved legally.

Basically, the payment of honorarium is an advocate's right as stated in Article 21 of the Advocate Law that this payment of honorarium is an inherent right of the advocate in return for legal services provided to his client (reciprocal relationship between rights and obligations), then the payment constitutes a payment that can be accounted for according to law, and as long as the advocate carries out his profession in good faith for the benefit of his client and receives payment of a reasonable amount of fees, he cannot be prosecuted for the honorarium that is his right and cannot be identified with the same behavior or criminal act charged to his client.

<sup>14</sup> Wawan Tunggal Alam, *Memahami Profesi Hukum*, Jakarta: Milenia Populer, 2004, h.109

<sup>15</sup> Jhon Sinclair, Collins Cobuild, *English Language Dictionary*, London: William Collins Sons & Co., Ltd, 1987,h.22

<sup>16</sup> Sukris Sarmadi, *Advokat Litigasi Dan Non Litigasi Pengadilan*, Bandung: Mandar Maju, 2009, h.63.

<sup>17</sup> Marudut Tampubolon, *Membedah Profesi Advokat*, Yogyakarta: Pustaka Pelajar, 2014,h.34-35

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This means that the payment of honorarium, which in this case is the payment paid by a client who is a suspect in the crime of money laundering, is a legal payment according to the Advocate Law.

### 3.2. Implications for Criminalizing Advocates Receiving Honorariums from Suspected Clients of Money Laundering Crimes

The relationship between an advocate and a client is a civil relationship in the form of legal services. Advocates as providers of legal services or other institutions that receive legal services from advocates. Advocates have the right to legal relations in addition to their obligations to their clients and so should. The rights and obligations of advocates are clearly stated in the law, and receiving an honorarium is one of the rights obtained by advocates.<sup>18</sup>

For the legal services provided to the client, the advocate is entitled to receive an honorarium or payment for the services he has provided to the client. This is also explained in Article 21 paragraph (1) of the Advocate Law which explains that advocates are entitled to receive honorarium for legal services that have been provided to their clients. When payment of honorarium, which in this case is a payment paid by a client who is a suspect in a money laundering crime, is a legal or legal payment in accordance with the Advocate Law.

In article 5 paragraph (2) of Law no. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, explains that in order for the payment of honorarium received by an advocate is a legal payment or not the result of a money laundering crime, efforts must be made by the advocate to report it to the authorities.

Based on juridical data and facts from the field above, coupled with PPATK research results, 69 percent of the majority of Advocates deal with money laundering both before and after the case occurs. Regarding the legitimacy of an advocate's honorarium originating from the crime of money laundering, it must first be seen where the money came from and whether it is proven to be the result of a crime of money laundering or not. In the case of the crime of money laundering, no preliminary evidence is required to establish a suspect.<sup>19</sup>

If one of the elements of a crime as stipulated in Article 2 of the Law on the Prevention and Eradication of Money Laundering is sufficient, one can be charged. Receiving honorarium is an advocate's right in carrying out his

profession as a legal adviser as stipulated in Article 21 of the Advocate Law.

However, this is an exception for advocates who handle clients on the basis of confidentiality of office, so that the advocate who does not report the assets of his client, he still cannot be prosecuted criminally or civilly for carrying out his profession. This, based on Article 16 of the Law Advocate Jo. Decision of the Constitutional Court No.26/PUU-XI.2003 namely, the legal immunity of an advocate in defending a case which is his responsibility, that he cannot be prosecuted both civilly and criminally in carrying out his profession.<sup>20</sup>

Advocates who receive money from their clients cannot be deemed to have committed a criminal act of money laundering in terms of payment of fees for their legal services. But if the theory of causality is used, advocates and clients can be subject to sanctions. Then regarding whether there is a conflict between the Money Laundering Law and the Advocate Law or the synchronization between the two laws, there should be no conflict in its application. Because the honorarium is the right of an advocate for his legal services. Whereas Article 5 paragraph (1) of the Law on Money Laundering, states that:

“(1) Everyone who receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange, or uses Assets that he knows or reasonably suspects constitute the proceeds of a criminal act as referred to in Article 2 paragraph 1 shall be punished with imprisonment for a maximum 5 (five) years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). (2) The provisions referred to in paragraph 1 do not apply to Reporting Parties carrying out reporting obligations as regulated in this Law.

The above is a stipulation so that everyone (in this case an advocate) be careful in receiving honorarium money from their clients when it is suspected that the payment money came from money laundering crimes. Further explanation is only needed on the reasonable limits of receiving an advocate's honorarium, so that there is no further conflict between the two laws.

Meanwhile, advocate professions who participate in money laundering activities together with their clients, may be subject to criminal sanctions in accordance with the provisions of Article 10 of the Money Laundering Act, the article of which reads as follows: " Every Person who is inside

*tentang 'Tindak Pidana Pencucian Uang'* (Financial Club 2014).h. 2

<sup>20</sup> Sayyid Mahfudh Zikri , Dahlan , Suhaimi, *Keabsahan Honorarium Advokat Dalam Menangani Kasus Tindak Pidana Pencucian Uang*, Jurnal Ilmu Hukum, 2016, h. 25- 30

<sup>18</sup> Gusti Ketut Sanjaya dan I Nyoman Gede Remaja, *Kedudukan Profesi Advokat Dalam Rangka Memberikan Pelayanan Kepada Masyarakat Di Bidang Hukum Berdasarkan Undang-Undang Nomor 18 Tahun 2003 Tentang Advokat*, Jurnal Hukum Kertha Widya Vol. 7 No. 1 Agustus 2019, h. 13-33

<sup>19</sup> Husein Y, *'Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang Di Indonesia'*, Makalah

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or outside the territory of the Unitary State of the Republic of Indonesia who participates in trying, assisting, or Conspiracy to commit the crime of Money Laundering shall be subject to the same punishment as referred to in Article 3, Article 4, and Article 5”.

The various types of imposition of criminal sanctions on advocates above are categories of affirmation of what forms of action have been taken by advocates in carrying out money laundering activities together with their clients. The word affirmation in the statement is a formulation of an offense related to the crime of money laundering committed by advocates together with their clients.<sup>21</sup>

So, advocates in carrying out money laundering activities have different methods, and each method that is carried out is something that is not justified by Law no. 8 of 2010. So that the said act has been completed or is still being implemented related to the money laundering activity referred to, the series of actions committed are not justified by the relevant laws and regulations.<sup>22</sup>

Amending Article 21 of the Law on Advocates is urgently needed to clarify the limits on honorarium and also to cover gaps in the legal vacuum. In order not to be used to commit money laundering crimes by advocates who should be law enforcers become perpetrators of law violations but cannot be criminalized because there are rules that protect namely the advocate law itself.<sup>23</sup> In this case the theory used is the theory of legal certainty and the theory of legal synchronization.

Furthermore, the arrangement for an advocate's honorarium is as stipulated in Article 21 of the Advocate Law. These rules can be stated to be the legal basis for the legality of payment for advocate legal services. an explanation regarding the maximum and minimum limits for services provided by advocates to their clients must be at a reasonable level as stipulated in the article, sufficient to provide guidance for clients and advocates themselves in paying honorarium for services by also looking at the conditions of the client itself.<sup>24</sup>

This is a matter of advocate immunity in accordance with article 19 of the Advocate Law which must maintain client confidentiality from any party so as not to be subject to criminal sanctions, even though the advocate cannot be identified with the client, the advocate must maintain client comfort in accordance with the advocate's code of ethics.

An advocate must be observant in receiving honorarium payments, if the payment received is still in a reasonable and transparent amount, then the advocate has the right to receive the honorarium. However, if the amount of honorarium obtained is large and fantastic, then the advocate needs to question and doubt the payment, even though there is no provision regarding the amount of honorarium received by the advocate.<sup>25</sup>

Efforts to realize justice and prevent criminal activity, are some of the obligations that must be carried out by persons with legal professions. So, realizing justice and preventing criminal activity is a general thing that should be carried out by legal professions, therefore advocates whose position has also been qualified as a legal profession are obliged to realize justice and prevent criminal activity, especially for serious crimes such as money laundering.

### IV. CONCLUSION

Regulations regarding the honorarium of advocates originating from the crime of money laundering are basically included in the elucidation of Article 5 of the Law on the Prevention and Eradication of Money Laundering Crimes. In the contents of Article 5 of the Law, it can be found explicitly that there is an enforcement regulation on the legal subject it is subject to. Therefore, when discussing advocates who receive honorarium for the legal aid services they provide to clients, who are clearly positioned as defendants in money laundering cases, in this case it must be tested and assessed using the parameters of errors and the ability to take responsibility.

The Law on Advocates stipulates that they are entitled to receive fees or honorariums as compensation from the clients they are defending. This is related to the right of retention, namely the right not to return the documents held before the honorarium is first paid. Including using the right of retention to threaten and reduce the capacity as an advocate in defending and protecting his client. But in litigation, advocates are prohibited from using unnecessary costs, thus burdening their clients.

However, this right can only be used by advocates as an exception, in accordance with Article 1 paragraph (7) regarding honorarium, Article 21 paragraph (1), (2) of the Law on Advocates and the Code of Ethics of the Advocate Profession Article 4 letter (d), (e), (k). The government has issued PP No. 43 of 2015 concerning the obligation of an

<sup>21</sup> V. Harlen Sinaga. 2011. *Dasar-dasar Profesi Advokat*. Jakarta: Erlangga

<sup>22</sup> Rendy Ardy Septia Yuristara, *Pertanggungjawaban Advokat Sebagai Gatekeeper Dalam Kaitannya Dengan Tindak Pidana Pencucian Uang*, jurnal Media Iuris Vol. 1 No. 2, Juni 2018, h. 350-372.

<sup>23</sup> Huda, C. *Dari Tiada Pidana Tanpa Kesalahan Menuju kepada Tiada Pertanggungjawaban Pidana tanpa Kesalahan. Tinjauan Kritis terhadap Teori Pemisahan*

*Tindak Pidana dan Pertanggungjawaban Pidana*. Kencana Prenada Media. Jakarta, 2006, h 65

<sup>24</sup> Yahman, Nurtin Tarigan. *Peran Advokat Dalam Sistem Hukum Nasional*. Jakarta: Prenadamedia Group, 2019, h. 12

<sup>25</sup> Ishaq. *Pendidikan KeAdvokatan*. Jakarta: Sinar Grafika, 2012, h. 23

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advocate as one of the parties who is obliged to report against parties involved in money laundering, because the PP has been reviewed by the Supreme Court, which stated that the lawsuit cannot be accepted because it contains formal defects or Niet onvankelije.

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