



Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany

Ahmad Suryono^{1*}, Setyo Bimo Anggoro², Fendi Setyawan³, Bhim Prakoso⁴

¹Universitas Muhammadiyah Jember, Indonesia

^{2,3,4} Universitas Jember, Indonesia

ABSTRACT

Published Online: June 12, 2024

Financial crime refers to all illegal actions carried out by individuals or groups with the aim of obtaining financial gain. In facing this challenge, it is important for policy makers and legal practitioners to continue to carry out in-depth reviews of the authority to investigate financial crime. This research aims to examine the authority in investigating financial crime after the Constitutional Court Decision Number 59/PUU-XXI/2023 through a comparison between Indonesia, Australia, Japan and Germany. The method used in this research uses a conceptual approach and a comparative approach with normative research types. The research results show that the authority to investigate financial crime after the Constitutional Court decision Number 59/PUU-XXI/2023 has experienced significant changes in Indonesia. In Indonesia, the Constitutional Court decision Number 59/PUU-XXI/2023 regulates that investigators must be under the control and supervision of the National Police. This decision confirms the position of the National Police as an institution that has the authority to supervise and control the financial crime investigation process. This is expected to increase effectiveness and efficiency in law enforcement in the financial sector, as well as ensuring that the investigation process is carried out in a transparent and accountable manner. In comparison, in Australia, financial crime investigative powers are managed by several agencies, including the Australian Federal Police (AFP) and the Australian Securities and Investments Commission (ASIC). Japan has a Financial Services Agency (FSA) and a National Police Agency (NPA) which coordinate the investigation of financial crimes. Meanwhile, in Germany, the authority to investigate financial crimes falls under the Bundeskriminalamt (BKA) and financial supervisory institutions such as BaFin. This comparison shows that each country has a different approach in regulating the authority to investigate financial crime. In Indonesia, the confirmation of control and supervision by the National Police is expected to increase cooperation between law enforcement agencies and strengthen efforts to eradicate financial crime.

KEYWORDS:

Financial Crime, Investigation, Comparison

I. INTRODUCTION

Financial crime refers to all illegal actions carried out by individuals or groups with the aim of obtaining

Corresponding Author: Ahmad Suryono

**Cite this Article: Ahmad Suryono, Setyo Bimo Anggoro, Fendi Setyawan, Bhim Prakoso (2024). Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany. International Journal of Social Science and Education Research Studies, 4(6), 500-513*

financial gain. Financial crime covers various forms, from fraud, money laundering, tax evasion, to corruption. These crimes not only have a negative impact on a country's economy, but can also undermine public trust in the financial system and government institutions. Investigating financial crimes is an important step in understanding the dynamics of law and policy related to law enforcement in the financial realm. In the era of globalization and advances in information technology, financial crime has become a serious threat to the economic stability and national security of a country. Therefore, the role of law enforcement agencies in dealing with financial crimes is becoming increasingly vital.

Ahmad Suryono et al, Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany

However, in carrying out their duties, these institutions must be supported by clear and effective authority.¹

Financial crime is a complex and disturbing phenomenon in the global economic realm. Referring to illegal acts carried out by individuals or groups with the aim of obtaining financial gain, financial crime has a widespread impact, not only economically but also socially and politically. From fraud to money laundering, financial crime takes various forms that damage, disturb and harm many parties. It is important to recognize that financial crime not only drains a country's economic resources, but also threatens the foundations of public trust in the financial system and government institutions. This means that law enforcement against financial crimes is not just a matter of legality, but also a moral and ethical question in maintaining justice and integrity. Financial crime has become a serious threat to a country's economic stability and national security. Financial crime perpetrators are no longer limited by geographical boundaries, but can operate across borders using digital infrastructure that is complex and difficult to trace. Therefore, the role of law enforcement agencies in dealing with financial crimes has become increasingly vital and urgent. However, the challenges faced by these institutions are not easy. They must operate amidst the complexity of ever-expanding criminal networks, while also having to deal with legal constraints, limited resources and complex political interests. It is important to remember that success in addressing financial crime is not determined solely by law enforcement actions only, but also by support from the private sector, civil society and international institutions. Cross-sector and cross-country collaboration is key in facing this global challenge. Apart from that, prevention also has a very important role in efforts to combat financial crime. These preventive steps include improvements in the financial regulatory and supervisory system, increased transparency in financial reporting, public education about financial risks, and strengthening the integrity of financial institutions.

In this digital era, financial crimes are increasingly sophisticated and cross-border. Perpetrators exploit technological gaps to ensnare victims, manipulate the system, and hide their tracks. Therefore, efforts to investigate financial crimes must be adaptive and innovative, not just stick to traditional methods. Special skills are required in tracking the flow of digital funds, analyzing electronic data, and establishing international cooperation to eradicate organized crime networks. Financial crime is not only a legal problem, but also a social, economic and political issue. Therefore, the response must be carried out comprehensively and sustainably. Prevention, law enforcement and rehabilitation efforts must go hand in hand, involving all

elements of society and related institutions. Combating financial crime is an ongoing effort that requires commitment and cooperation from all parties. With strict law enforcement, strong regulations, high public literacy, and responsible use of technology, we can build a healthy, fair, and sustainable financial ecosystem, thereby avoiding crimes that are detrimental and damage the foundations of the economy.

The importance of law enforcement in dealing with financial crime cannot be overstated. Financial crimes cover a wide range of illegal acts involving money, such as money laundering, financial fraud, asset embezzlement and corruption. As a result, financial crimes not only harm specific individuals or companies, but can also damage the integrity of the financial system as a whole and harm national interests. The growth of information technology has opened up new opportunities for financial criminals to carry out their criminal acts in a more sophisticated and complex manner. For example, the development of the internet and digital currencies has facilitated difficult-to-trace financial transactions and increased opportunities for money laundering and terrorism financing activities. In an effort to address this challenge, law enforcement agencies must have adequate authority to investigate, prosecute and prosecute financial crime perpetrators. However, the regulation of authority in financial crime investigations is often complex and can cause overlap between law enforcement agencies.

Legal and policy developments in the field of financial law enforcement also continue to change along with the emergence of new challenges. For example, changes in regulations regarding corporate governance, money laundering prevention, and consumer protection often influence law enforcement strategies in addressing financial crime. Not only that, court decisions, including decisions by the Constitutional Court, can also have a significant impact on the authority to investigate financial crimes. Such legal rulings can change the legal landscape, clarifying or even debating the limits of law enforcement agencies' authority. In facing this challenge, it is important for policy makers and legal practitioners to continue to carry out in-depth reviews of the authority to investigate financial crimes. This involves analyzing existing legal regulations, identifying weaknesses in the system, and developing strategies to increase the effectiveness of law enforcement. Apart from that, a multidisciplinary approach is also key in dealing with financial crimes. Collaboration between law enforcement agencies, financial regulators, educational institutions and the private sector is needed to face increasingly complex challenges in the financial realm. This article aims to examine the authority in investigating financial crime after the Constitutional Court Decision Number 59/PUU-XXI/2023

¹ Petter Gottschalk, "Theories of Financial Crime," *Journal of Financial Crime* 17, no. 2 (May 11, 2010): 210–22, <https://doi.org/10.1108/13590791011033908>.

through a comparison of Indonesia, Australia, Japan and Germany.

II. FINANCIAL CRIME

Financial Crime refers to illegal acts committed by an individual or group of people to gain personal financial gain by using financial services or financial markets. This phenomenon is a serious concern for many countries around the world because it can damage economic stability, harm society and threaten the integrity of the global financial system. In the complexity of the financial system, various financial crimes show various forms and characteristics that vary in each country. Financial Crime, or financial crime, is one of the biggest threats in the global economic realm. With the development of financial systems and financial markets in various countries, opportunities to commit crimes are increasingly wide open. From money laundering to market manipulation, financial crime can take various forms that are detrimental to individuals, companies and even countries as a whole. The variety of financial crime phenomena in various countries requires a deep understanding of the factors that influence them, including differences in legal systems, government policies, and culture and social norms.²

Corruption is one of the most prominent financial crimes in Indonesia. This practice involves the abuse of power for personal or group gain. The Transparency International report shows that Indonesia still has a low corruption perception index score. Indonesia is also one of the countries with a high level of money laundering. These actions are often related to narcotics, bribery, and other illegal activities. The Financial Services Authority (OJK) and the Financial Transaction Reports and Analysis Center (PPATK) continue to strengthen regulations and supervision to combat this crime. Corruption in Indonesia is not only focused on bribery and kickbacks. Various modes of financial crime are rife, such as budget misuse, misappropriation of project funds, and gratification. Money laundering, which is closely related to corruption, is also a serious problem in Indonesia. The proceeds of crime are legalized through various means, such as fraudulent investments, asset purchases, and other illegal financial transactions. The government, through various institutions, continues to strive to combat corruption and financial crimes. The Financial Services Authority (OJK) and the Financial Transaction Reports and Analysis Center (PPATK) play an important role in strengthening regulation and supervision of the financial sector. OJK, through various

regulations, requires financial services institutions to implement anti-money laundering and prevention of terrorism financing (APU-PPT) programs.

In Australia, supervision and action against insider trading is carried out by the Australian Securities and Investments Commission (ASIC). As the stock market regulator, ASIC has an important role in maintaining the integrity of the stock market and preventing other serious financial crimes, such as money laundering and the financing of terrorism. ASIC has developed a sophisticated insider trading detection and surveillance system, which uses advanced algorithms and analysis of data from a variety of sources, including ASIC data, the Australian Securities Exchange (ASX), the Australian Taxation Office (ATO), and commercial vendors.³ ⁴This system can detect suspicious trading patterns and identify connections between traders and internal information sources. In some cases, ASIC has taken legal action against insider trading perpetrators. For example, in 2019, ASIC brought charges against Duncan Stewart, a man from Melbourne, who allegedly engaged in insider trading in Kidman Resources shares. Stewart allegedly had inside information about the proposed purchase of Kidman Resources by Wesfarmers Ltd before the information was released to the market. Stewart allegedly made a profit of \$68,114 when Kidman Resources' stock price increased following the announcement of the purchase proposal. ASIC has also developed other detection and monitoring systems to prevent serious financial crime. For example, these detection and monitoring systems can detect suspicious trading patterns and identify connections between traders and internal information sources. In this way, ASIC can be more effective in monitoring and prosecuting perpetrators of serious financial crimes. In addition, ASIC also provides information and assistance to the public to prevent serious financial crime. For example, ASIC provides information on how to prevent insider trading and how to report serious financial crime. In this way, the public can be more aware and more active in preventing serious financial crimes.

Financial crime in Japan has been of particular concern to the government and law enforcement authorities. One of the most well-known organized crime groups involved in various illegal activities is the Yakuza, also known as Japanese organized crime syndicates. Yakuza engage in a variety of illegal activities, including gambling, extortion, and money laundering. They also engage in consumer fraud, such as investment fraud and the sale of counterfeit products.

² Chander Mohan Gupta and Devesh Kumar, "Creative Accounting a Tool for Financial Crime: A Review of the Techniques and Its Effects," *Journal of Financial Crime* 27, no. 2 (January 1, 2020): 397–411, <https://doi.org/10.1108/JFC-06-2019-0075>

³ Ahmad Dwi Nuryanto, "Problem Penyidikan Tindak Pidana Pencucian Uang Yang Berasal Dari Predicate Crime

Perbankan," *BESTUUR* 7, no. 1 (August 31, 2019): 54, <https://doi.org/10.20961/bestuur.v7i1.43437>.

⁴ Alifia Salvasani and Munawar Kholil, "Penanganan Terhadap P Financial Technology Peer-To-Peer Lending Ilegal Melalui OTOrITas Jasa Keuangan (Studi Pada OJK Jakarta Pusat)," *Jurnal Privat Law* 8, no. 2 (December 2, 2020): 252, <https://doi.org/10.20961/privat.v8i2.48417>.

Financial crime in Japan often targets the elderly who are more vulnerable to deception. In 2022, Japan reported an increase in financial crime cases, including special fraud which increased 28.2 percent to 36.14 billion yen (Rp. 4.2 trillion). This increase was caused by relaxed COVID-19 restrictions, which led to an increase in illegal activity on the streets. Yakuza are also involved in other financial crimes, such as insurance fraud and credit card fraud. They use advanced technology to commit fraud and steal personal information. In 2016, Japan reported 399,508 cases of money laundering, an increase of 5.8 percent compared to the previous year. The Japanese government has taken steps to reduce financial crime. They have issued policies to monitor and punish financial crime perpetrators. Anti-boryokudan, the executive law governing regulations for the Yakuza, has been adjusted several times since 1991. However, financial crime in Japan is still a particular concern. In 2022, police reported 601,389 criminal cases, an increase of 5.9 percent from the previous year.⁵ Cases of other financial crimes, such as fraud by impersonation and child abuse, have also increased. To overcome financial crimes in Japan, the government needs to learn from countries that are world financial centers. They need to improve coordination with international investigative organizations and increase penalties for financial crime perpetrators. Apart from that, the government also needs to increase public awareness about financial crimes and provide assistance to victims of financial crimes.⁶ Germany, as one of Europe's financial centers, also faces the challenge of money laundering. These crimes are often related to narcotics trafficking, illegal weapons sales, and terrorist activities. Money laundering in Germany has become a complex problem and requires special attention from the government and law enforcement authorities. In 2018, German prosecutors managed to confiscate 75 properties from the Remmo family clan living in Berlin, including ten million euros in cash. Storing that much cash is usually a strong indication of money laundering practices. The police later called the investigation into the extended Remmo family the biggest success in fighting money laundering, even though the police were actually investigating other criminal cases.⁷ In 2022, German police raided Deutsche Bank's offices in Germany on suspicion that bank employees were helping clients set up companies abroad in low-tax countries to

launder hundreds of millions of euros. The investigation stems from an analysis of documents leaked from low-tax countries in recent years, including the 2016 "Panama Papers." Analysis of the "Panama Papers" and other documents raised suspicions that Deutsche Bank helped clients set up so-called companies in a foreign country where taxes are low and income from criminal activity is transferred there from Deutsche Bank accounts without reporting it. Money laundering has become a growing problem in Europe, where a series of scandals have exposed lax regulations. Deutsche Bank has been hit by problems related to the flow of criminal proceeds before. In 2016 alone, more than 900 of its customers are alleged to have transferred around 311 million euros to one of the companies founded in the British Virgin Islands. Apart from that, Germany is also facing a tax corruption case related to German chancellor Olaf Scholz. Scholz was urged to resign because his name was mentioned in the tax corruption case and state treasury fraud. If he steps down, he would be the third European leader to lose office in recent months.⁸

To combat financial crime, each country has a special authority tasked with supervising, investigating and enforcing laws related to financial crime. Financial crimes include various illegal acts that have an impact on economic stability and national security. Authorities tasked with handling financial crime have a very crucial role in maintaining the integrity of the financial system and protecting the public from losses resulting from these illegal acts. In various countries, these authorities often consist of several agencies that have specific powers and work together to ensure effective law enforcement. For example, in the United States, the Financial Crimes Enforcement Network (FinCEN) is one of the agencies tasked with monitoring and preventing financial crimes.

In Indonesia, the Financial Services Authority (OJK) is the authority that handles Financial Crime, which covers the financial services sector, including banking, insurance and capital markets. OJK has an important role in preventing and cracking down on investment fraud and other violations in the financial sector. In an effort to inhibit and punish perpetrators of financial crimes, OJK coordinates with various law enforcement agencies and other authorities. OJK also has the authority to investigate, arrest and punish

⁵ Yoanita Hastyka Djohan, "Kejahatan Di Jepang Meningkat Pada 2022 Pertama Kali Sejak 20 Tahun," *Antaranews*, 2023, <https://www.antaranews.com/berita/3376947/kejahatan-di-jepang-meningkat-pada-2022-pertama-kali-sejak-20-tahun>.

⁶ Walter Didimo, Giuseppe Liotta, and Fabrizio Montecchiani, "Network Visualization for Financial Crime Detection," *Journal of Visual Languages & Computing* 25, no. 4 (August 2014): 433–51, <https://doi.org/10.1016/j.jvlc.2014.01.002>

⁷ Sabine Kinkartz, "Terlalu Mudah Melakukan Pencucian Uang Di Jerman," *DW*, 2021, <https://www.dw.com/id/transparency-international-sebut-terlalu-mudah-melakukan-pencucian-uang-di-jerman/a-58196320>.

⁸ Kris Mada, "Tersangkut Korupsi Pajak, Kanselir Jerman Didesak Mundur," *KompasId*, 2022, <https://www.kompas.id/baca/internasional/2022/08/19/ter-sangkut-korupsi-pajak-oposisi-desak-kanselir-jerman-mundur>

Ahmad Suryono et al, Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany

perpetrators of financial crimes. Apart from that, the OJK also has the authority to monitor and monitor unauthorized financial activities and stop unauthorized financial activities. In this way, OJK can help maintain national financial and economic stability. In recent years, Indonesia has experienced an increase in cases of financial crime, including tax fraud and money laundering. Therefore, OJK has issued several regulations to monitor and stop unauthorized financial activities. One example is POJK 16/2023 concerning Investigation of Crimes in the Financial Services Sector, which aims to strengthen investigations into financial crimes.

Next is the authority from Australia, namely AUSTRAC (Australian Transaction Reports and Analysis Centre), which is an Australian government agency that focuses on monitoring and analyzing financial transactions. Their main role is to combat money laundering and terrorist financing, by identifying and cracking down on suspicious activity connected to financial crime. This agency works closely with various law enforcement institutions, such as the police, customs and intelligence agencies, to build a strong information network. Through this collaboration, AUSTRAC can access extensive financial transaction data, enabling them to trace the flow of funds and identify patterns that indicate criminal activity. One of AUSTRAC's important tasks is to require financial institutions in Australia to report suspicious transactions. These reports are then analyzed by AUSTRAC's expert team to look for patterns and signs of illegal activity. The information collected by AUSTRAC is vital in helping law enforcement to investigate and follow up on cases of money laundering and terrorism financing. AUSTRAC also plays an important role in education and prevention, by providing guidance and training to financial institutions and the general public on how to recognize and report suspicious activity.⁹

In the midst of global economic dynamics, the Financial Services Agency (FSA) in Japan plays a central role in maintaining the stability and integrity of the financial sector. As a financial supervisory authority, the FSA has a wide reach in regulating banking, insurance and securities markets. The FSA's main mandate is not only limited to ensuring the smooth operations of financial institutions, but is also active in fighting various forms of financial crime that can harm investors and endanger the stability of the financial system. One of the FSA's main focuses is preventing and cracking down on investment fraud. Various modes of investment fraud, such as Ponzi schemes and market manipulation, continue to develop and adapt to technology. To overcome this, the FSA implemented various strategies,

including strengthening regulations by issuing stricter regulations and rules to protect investors and increase financial market transparency. Then, active supervision by carrying out strict supervision of financial institution activities and following up firmly on indications of violations. Furthermore, inter-agency cooperation with law enforcement, regulatory authorities in other countries, and industry associations to combat cross-border financial crime. And finally education and literacy by increasing public education and literacy about the potential risks of financial crime and ways to protect against them. Apart from investment fraud, the FSA also focuses on fighting market manipulation, money laundering and other forms of financial crime. The FSA's efforts to maintain the integrity of financial markets not only have a positive impact on domestic investors, but also increase global investor confidence in Japanese financial markets.¹⁰

Then the Bundesanstalt für Finanzdienstleistungen (BaFin), the financial supervisory authority in Germany, plays a crucial role in maintaining the stability and integrity of the financial sector. BaFin has a wide reach in supervising banking, insurance and securities markets, ensuring smooth operations and protecting investors from various illegal practices. In carrying out its duties, BaFin focuses on three main functions, namely solvency supervision, market supervision and investor protection. Solvency supervision involves evaluating reports submitted by banks periodically to ensure that credit institutions, insurance companies, and financial service providers have adequate capital and risk management procedures that comply with applicable standards. This banking evaluation report is then submitted to BaFin to be tested and updated. Market supervision, on the other hand, focuses on improving the implementation of sound and transparent trading practices. BaFin strives to prevent unethical trading practices and protect investors from various forms of fraud and market manipulation. Investor protection is one of the most important functions in BaFin's work. BaFin opened a helpline where consumers can submit their complaints and provide protection to consumers through various efforts, such as opening effective communication channels and providing education to investors about investment risks and security. Apart from these main tasks, BaFin is also active in preventing and prosecuting financial crimes, such as money laundering and investment fraud. Various modes of financial crime that are increasingly complex and sophisticated require BaFin to continue to innovate and strengthen prevention strategies. BaFin's efforts to maintain the stability and integrity of the German financial

⁹ Beny Saputra, "Modelling Australian Transaction Reports and Analysis Centre (AUSTRAC) for Indonesia in Order to Combat Financial Crime," *NEGREI: Academic Journal of Law and Governance* 1, no. 2 (December 28, 2021): 81, <https://doi.org/10.29240/negrei.v1i2.3822>

¹⁰ Annas Firdaus and Ridwan Arifin, "The Discourse of Procedural Criminal Law on Follow the Money Concept in Indonesian Anti-Money Laundering Act," *IJCLS (Indonesian Journal of Criminal Law Studies)* 6, no. 1 (May 31, 2021): 93–104, <https://doi.org/10.15294/ijcls.v6i1.30726>.

sector not only have a positive impact on domestic investors, but also increase global investor confidence in the German financial market.¹¹ In an effort to improve the integrity of the financial sector, BaFin also coordinates with other financial authorities, such as the Financial Services Authority (OJK) in Indonesia, to ensure that the standards and regulations applicable in Germany comply with international standards and do not pose risks for global investors. In recent years, BaFin has stepped up efforts to prevent financial crime by applying information technology and financial innovation to monitor and supervise financial activities. BaFin also strives to improve the quality and infrastructure of supervision, as well as improve supervisory capabilities on an ongoing basis.

Indonesia, like other countries throughout the world, faces serious problems related to financial crime or what is commonly known as financial crime. Financial crime includes various illegal acts related to finance, such as corruption, money laundering, fraud, tax evasion, and many more. Common forms of financial crime in Indonesia include corruption, money laundering, investment fraud, credit card fraud, insider trading, tax evasion and cyber crime. Each of these types of financial crimes has unique characteristics and a significant impact on the country's economy. The impact of financial crime on Indonesia cannot be ignored. The impact it causes is economic loss where financial crime can cause significant economic loss for the country and society. For example, corruption can hinder investment and economic growth.¹² Then, money laundering can enrich criminals and harm society. Furthermore, investment fraud can harm investors and damage the reputation of the financial sector. Not only that, the losses from the impact of financial crime are public distrust, financial crime can damage public trust in the government, financial institutions and the legal system. This can hinder development and social stability. To overcome financial crime, Indonesia has a number of legal regulations that regulate various aspects of financial crime. Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering is the main legal basis for handling money laundering in Indonesia. Apart from that, Law Number 20 of 2001 concerning the Eradication of Corruption Crimes is also an important legal instrument in fighting corruption. Law enforcement agencies

with the authority to investigate financial crime in Indonesia include the Indonesian National Police (POLRI).

DISCUSSION

The authority to investigate financial crime cases is a crucial aspect in maintaining the integrity of a country's financial and economic system. In Indonesia, this authority has undergone significant changes following the decision of the Constitutional Court (MK) Number 59/PUU-XXI/2023. This ruling affects the way law is enforced in financial crimes, changing several fundamental aspects of the investigation process. This decision brings important changes, such as confirming the limits of authority between law enforcement officials and financial authorities. Previously, there was overlapping authority between institutions such as the Police, Prosecutor's Office and Financial Services Authority (OJK), which is now regulated more clearly to avoid conflicts of interest and strengthen coordination between institutions.¹³ Financial crime is a criminal act related to finance and can take the form of money laundering, fraud and other financial crimes.

The twin peaks concept is a financial regulation model that clearly differentiates between the prudential supervision function and the consumer protection function. This model is designed to create a more efficient and focused supervisory system, by separating the two main functions in financial regulation into two separate institutions. Countries that apply this concept, such as Japan, show a different and often more effective approach to handling financial crime compared to systems that combine these two functions in one institution.¹⁴ In the twin peaks concept, the prudential supervision function is usually carried out by institutions that focus on financial stability and the health of financial institutions. In Japan, this function is carried out by the Financial Services Agency (FSA), which is responsible for supervising and regulating financial institutions to ensure they remain solvent and operate in a way that does not pose systemic risks. On the other hand, consumer protection functions are carried out by institutions that focus more on protecting consumer rights, handling complaints, and ensuring that financial companies act fairly and transparently. The main advantage of the twin peaks approach is that this separation of functions allows each agency to specialize and develop deep expertise in its area of responsibility.¹⁵ In the

¹¹ Ridho Kismawadi, "OTORITAS JASA KEUANGAN (FINANCIAL SERVICES AUTHORITY) DAN INDUSTRI PERBANKAN SYARIAH DI INDONESIA," *J-EBIS (Jurnal Ekonomi Dan Bisnis Islam)*, no. Vol 1, No 2 (2016) (2016), <https://journal.iainlangsa.ac.id/index.php/ebis/article/view/24/23>.

¹² Mada, "Tersangkut Korupsi Pajak, Kanselir Jerman Didesak Mundur."

¹³ Bambang Murdadi, "Otoritas Jasa Keuangan (Ojk) Pengawas Keuangan Baru Yang Memiliki Kewenangan Penyidikan," *Value Added* 8, no. 2 (2012): 32–46

¹⁴ R. A. H. Riyanto, A., Santoso, B., Paraningtyas, P., & Albar, "UU P2SK DAN PENGARUHNYA TERHADAP MODEL PENGAWASAN OJK: TWIN PEAKS SEBUAH ALTERNATIF," *Mimbar Hukum* 35 (2023): 257–84.

¹⁵ van Niekerk Gerda and Van Heerden Corlia, "The Importance of a Legislative Framework for Co-Operation and

Ahmad Suryono et al, Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany

context of handling financial crime, this model gives the FSA greater authority and focus to investigate and deal with violations in the financial sector without having to be distracted by consumer protection duties. This allows the FSA to develop more effective and efficient investigative methodologies, as well as to collaborate closely with other law enforcement agencies.

In Japan, the FSA has the authority to conduct direct investigations into suspected violations in financial markets. If sufficient evidence is found, the FSA can hand over the case directly to the prosecutor's office without the need to go through the police. This speeds up the case handling process and reduces bureaucracy that may arise from involving multiple agencies. This approach is different from that applied in other countries such as Indonesia, where investigations by the Financial Services Authority (OJK) must be coordinated with the National Police, which often adds layers of bureaucracy and slows down the process. The twin peaks system also supports the development of higher specialization and professionalism within the institutions involved. For example, the FSA in Japan could focus entirely on the regulation and supervision of financial institutions, developing expertise in detecting and preventing financial crime. Institutions dealing with consumer protection, on the other hand, can develop more effective consumer education and protection programs, without having to be distracted by prudential oversight duties. Apart from that, the twin peaks approach also allows for faster and firmer law enforcement. With the FSA having the authority to directly hand over cases to the prosecutor's office, the legal process can proceed more quickly and financial crime cases can be handled more effectively. This differs from models that combine these two functions, where the decision-making process is often slower due to the need for coordination between various departments within one agency. Overall, the twin peaks concept offers a more focused and efficient regulatory model in handling financial crime. By separating the functions of prudential supervision and consumer protection, countries like Japan can handle financial crime cases more quickly and effectively. The main difference lies in the structure and procedures of the investigation. In Indonesia, the OJK as a financial supervisory institution has investigative authority but must be under the coordination of the National Police. This is different from Japan where the FSA has the authority to carry out direct investigations and delegate cases directly to the prosecutor's office without the need to go through the police. This shows that Japan is implementing the twin peaks model which allows financial crime investigations to be more focused and efficient. Changes proposed by Constitutional Court Decision No. 59/PUU-XXI/2023 to clarify the

boundaries of authority between the National Police and the OJK is a positive step. However, Indonesia can learn from the Japanese twin peaks model to further simplify the investigation process. Adopting an approach where the OJK has greater authority to investigate and directly delegate cases to the prosecutor's office can increase the effectiveness and efficiency of financial crime law enforcement.

The Constitutional Court (MK) Decision Number 59/PUU-XXI/2023 has a significant impact on the regulation of investigative authority in the realm of law enforcement in Indonesia. In this decision, the Constitutional Court granted part of the request for review of the provisions in the Law on the Financial Services Authority (OJK) which regulates investigative authority. Previously, the law stated that investigators in the financial sector only consisted of OJK investigators. This word "only" gives rise to the interpretation that the authority to investigate financial cases is exclusively in the hands of the OJK, so that other institutions such as the Indonesian National Police (Polri) have no role in investigating these cases. This is considered inconsistent with the principles of coordination and supervision in more comprehensive law enforcement. With this Constitutional Court decision, the word "only" was removed from this provision. This deletion carries the implication that investigators in financial cases are no longer exclusively under the authority of the OJK. The National Police now has a more significant role in investigating cases in the financial sector. This decision underlines that investigators must be under the control and supervision of the National Police, which confirms the position of the National Police as an institution that has the authority to supervise and control the investigation process. The impact of this decision is very important because it changes the dynamics of coordination between the OJK and the National Police. The National Police, as a law enforcement institution that has extensive experience and expertise in various types of investigations, can now be more actively involved in investigating financial cases. This is expected to increase effectiveness and efficiency in law enforcement in the financial sector. Apart from that, this decision also strengthens the principle of checks and balances in the law enforcement system in Indonesia. With the supervision of the National Police, it is hoped that the investigation process will become more transparent and accountable. The National Police can provide supervision over investigations carried out by OJK investigators, ensuring that every step of the investigation is carried out in accordance with applicable legal procedures and that there is no abuse of authority. However, implementing this decision requires good cooperation between the OJK and the National Police. The two

Collaboration in the Twin Peaks Model of Financial Regulation," *South African Law Journal* 137, no. 1 (March 1, 2020): 108–44, <https://doi.org/10.10520/EJC-1c03bdc4b8>.

institutions must develop an effective coordination mechanism to avoid overlapping authority or conflict in the investigation process. Intensive communication and a clear division of tasks between the two institutions are required to ensure that each case can be handled quickly and appropriately. Apart from that, training and capacity building for investigators from both institutions is also important so that they can work synergistically. The quality of competent and professional investigators is very necessary to handle cases which are often complex in the financial sector.

The Financial Services Authority (OJK) plays a major role in maintaining the stability and integrity of Indonesia's financial sector. In this ever-growing ecosystem, OJK's role is not only limited to regulation and supervision, but also extends to handling financial crime. In its broad scope, financial crime includes various illegal acts such as money laundering, financial fraud, market manipulation, and other violations that can threaten economic stability and public trust. OJK's handling of financial crime is very important considering the damaging impact that such crimes can have on the financial sector and society. Therefore, OJK adopts a comprehensive approach in fighting financial crime, which includes prevention, detection, investigation, prosecution, and cross-institutional and international cooperation. One of OJK's main focuses is on preventing financial crime. This includes the development of stringent regulations and standards to ensure compliance by entities in the financial sector. OJK also carries out regular supervision and supervision to ensure that the entity complies with the established rules and standards. In addition, OJK is active in providing education and outreach to financial industry players and the general public about the risks and consequences of financial crimes, as well as the actions they can take to prevent them.¹⁶

According to the Financial Services Authority Law (UU OJK) and the Financial Sector Consumer Protection Law (UU P2SK), financial crime includes various illegal acts that occur in the financial sector. The following are several types of financial crimes regulated by these two laws. first, Money Laundering: the act of hiding or disguising the origin of money obtained from illegal activities.¹⁷ This is often done by repeatedly transferring money between bank accounts or between countries to obscure traces of its origin. Second, Financial Fraud: the use of lies or manipulation of information to gain illegal financial gain. Examples include

credit card fraud, investment fraud. Third, Asset Misappropriation: the act of taking or diverting assets illegally for personal or certain group interests. This could involve embezzlement of company funds, misappropriation of public funds, or accounting manipulation. Fourth, Forgery of Documents (Forgery): making or counterfeiting documents or financial instruments with the intention of defrauding or taking illegal advantage. This could include forgery of checks, securities, or identity documents. Fifth, Insider Trading: the practice of obtaining confidential or non-public information about companies or financial markets and using that information to trade shares or other financial instruments. Insider trading is often considered illegal because it harms other investors who do not have access to that information.

Law enforcement against financial crimes is becoming increasingly important in the era of globalization and technological developments. The presence of the internet and increasingly complex financial transactions have opened the door for criminals to carry out criminal acts in ways that are more sophisticated and difficult to detect. In Indonesia, as in many other countries, the National Police or the Republic of Indonesia Police have a central role in efforts to eradicate and enforce the law against various cases of financial crime. As the main law enforcement agency in Indonesia, the National Police has a major responsibility in maintaining public order and security, including in the field of financial law enforcement. In this case, the Police not only act as law enforcers, but also as investigators tasked with collecting evidence, conducting investigations and following up on financial crime cases. In carrying out its role as an investigator, the National Police is at the forefront of fighting various types of financial crimes, such as money laundering, financial fraud, asset embezzlement, insider trading, and so on. The success of the National Police in handling financial crime cases is vital in maintaining the country's security and economic stability. However, law enforcement efforts against financial crimes are not easy.¹⁸ Criminals often use various cunning and complex methods to hide the traces and origins of their criminal funds. Therefore, National Police investigators must have in-depth skills and knowledge in the field of financial investigations to be able to uncover financial crime cases effectively.¹⁹

Financial crime, which includes various illegal acts in the financial sector such as money laundering, financial

¹⁶ Salvasani and Kholil, "Penanganan Terhadap Financial Technology Peer-To-Peer Lending Ilegal Melalui Otoritas Jasa Keuangan (Studi Pada OJK Jakarta Pusat)."

¹⁷ Petter Gottschalk, "Categories of Financial Crime," *Journal of Financial Crime* 17, no. 4 (October 12, 2010): 441–58, <https://doi.org/10.1108/13590791011082797>.

¹⁸ Radhiyan Khairil Anwar and Ade Hari Siswanto, "Peranan Penyidik Pegawai Negeri Sipil Pada Otoritas Jasa Keuangan

Dalam Penyelesaian Tindak Pidana Pasar Modal," *Lex Jurnalica* 12, no. 2 (2015).

¹⁹ Monica Lagazio, Nazneen Sherif, and Mike Cushman, "A Multi-Level Approach to Understanding the Impact of Cyber Crime on the Financial Sector," *Computers & Security* 45 (September 2014): 58–74, <https://doi.org/10.1016/j.cose.2014.05.006>.

Ahmad Suryono et al, Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany

fraud, and asset embezzlement, is a serious challenge to economic stability and national security in many countries, including Indonesia. The impact of such crimes is not only felt by the individual or company that is the victim, but also by society as a whole and by the integrity of financial markets. Money laundering, as one of the main forms of financial crime, involves the process of disguising the origin of money obtained from illegal activities so that it appears to come from a legal source. These actions not only give false legitimacy to criminal proceeds, but also threaten the country's economic stability and security by providing resources to criminal activities such as drug trafficking, terrorism, and corruption. Apart from money laundering, financial fraud is a type of financial crime that commonly occurs in the financial sector. This fraud can take the form of manipulation of information or other fraudulent actions aimed at obtaining illegal financial gain. Therefore, effective and efficient law enforcement against financial crime is very important in maintaining economic stability and state security.

The National Police's position in the Integrated Criminal Justice System (ICJS) in Indonesia places it as one of the main pillars in law enforcement efforts at the national level. As a law enforcement agency that has the mandate to investigate and follow up on criminal acts, the National Police has a key role in maintaining security and public order and bringing justice in this country. Within the ICJS framework, the National Police collaborates with various other law enforcement agencies, such as the Prosecutor's Office, Courts and the State Intelligence Agency, to handle various criminal cases, including financial crimes. Basically, the Integrated Criminal Justice System is a concept that places various law enforcement agencies in a country in an integrated and collaborative framework to achieve a common goal, namely effective and efficient law enforcement. In Indonesia, the National Police is an important element in this system, especially in handling criminal cases covering various fields, including financial crime. In handling financial crime, the National Police also plays an important role in coordinating law enforcement efforts with various related institutions, such as the Financial Services Authority (OJK). This inter-agency collaboration is needed to uncover and follow up on various financial crime cases involving various parties.

Financial crime, which includes various illegal acts in the financial sector such as money laundering, financial fraud, and asset embezzlement, is a serious challenge to economic stability and national security in many countries, including Indonesia. The impact of such crimes is not only felt by the individual or company that is the victim, but also by society as a whole and by the integrity of financial

markets. Money laundering, as one of the main forms of financial crime, involves the process of disguising the origin of money obtained from illegal activities so that it appears to come from a legal source. These actions not only give false legitimacy to criminal proceeds, but also threaten the country's economic stability and security by providing resources to criminal activities such as drug trafficking, terrorism, and corruption. Apart from money laundering, financial fraud is a type of financial crime that commonly occurs in the financial sector. This fraud can take the form of manipulation of information or other fraudulent actions aimed at obtaining illegal financial gain. Therefore, effective and efficient law enforcement against financial crime is very important in maintaining economic stability and state security.²⁰

The National Police's position in the Integrated Criminal Justice System (ICJS) in Indonesia places it as one of the main pillars in law enforcement efforts at the national level. As a law enforcement agency that has the mandate to investigate and follow up on criminal acts, the National Police has a key role in maintaining security and public order and bringing justice in this country. Within the ICJS framework, the National Police collaborates with various other law enforcement agencies, such as the Prosecutor's Office, Courts and the State Intelligence Agency, to handle various criminal cases, including financial crimes. Basically, the Integrated Criminal Justice System is a concept that places various law enforcement agencies in a country in an integrated and collaborative framework to achieve a common goal, namely effective and efficient law enforcement. In Indonesia, the National Police is an important element in this system, especially in handling criminal cases covering various fields, including financial crime. In handling financial crime, the National Police also plays an important role in coordinating law enforcement efforts with various related institutions, such as the Financial Services Authority (OJK). This inter-agency collaboration is needed to uncover and follow up on various financial crime cases involving various parties.

The role of the National Police as investigators in handling various criminal acts, including financial crimes, is regulated by Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (Police Law) and the Criminal Procedure Law (KUHAP). These two laws provide a clear legal basis regarding the duties, authority and procedures that Polri investigators must follow in carrying out their functions. The Police Law provides the legal basis for the National Police to carry out its duties and authority as a law enforcement agency in Indonesia. In the Police Law, it is stated that the National Police has the authority as an investigator in handling various criminal acts, including

²⁰ Gupta and Kumar, "Creative Accounting a Tool for Financial Crime: A Review of the Techniques and Its Effects."

financial crimes. National Police investigators have the responsibility to carry out investigations, collect evidence, arrest and confiscate perpetrators of financial crimes. One thing that is important to note is that National Police investigators are not only tasked with following up on financial crime cases after they occur, but also have a role in prevention efforts. In this context, the National Police carries out investigations and gathers information to identify potential financial crimes and prevent them before they occur. However, in carrying out their duties, National Police investigators must comply with the provisions regulated in the Criminal Procedure Code. The Criminal Procedure Code provides an outline of investigation and investigation procedures that must be followed by National Police investigators. The investigation process carried out by the National Police must be in accordance with the principles of criminal procedural law, which includes the rights of suspects, victims and witnesses. In carrying out investigations into financial crime cases, National Police investigators must ensure that the rights of suspects, victims and witnesses are guaranteed in accordance with the provisions regulated in the Criminal Procedure Code. National Police investigators must also respect the principle of presumption of innocence and maintain the integrity of the investigation process to avoid abuse of authority or violations of human rights.

In dealing with financial crime, the National Police is linked to the Financial Services Authority Law (UU OJK) and the Financial Sector Consumer Protection Law (UU P2SK). This connection provides a legal basis for the National Police to carry out law enforcement actions against various financial crime cases involving perpetrators in the financial sector. The Financial Services Authority (OJK) Law provides the legal umbrella for supervision and regulation of the financial industry in Indonesia. This law gives the OJK the authority to supervise and regulate all aspects related to the financial industry, including efforts to prevent and deal with financial crimes. In this context, the National Police collaborates with the OJK in carrying out investigations and taking action against financial crime perpetrators who carry out illegal acts in the financial sector. Collaboration between the National Police and the OJK is very important in efforts to eradicate financial crime. OJK has extensive data and information regarding the financial industry and can detect indications of financial violations or crimes. By working together, the National Police can use this information as a basis for carrying out further investigations and following up on financial crime cases. Apart from that, the Financial Sector

Consumer Protection Law (P2SK) also provides an important legal basis for law enforcement against financial crime. This law aims to protect the interests of consumers in the financial sector and provide sanctions against perpetrators of financial crimes who harm consumers. The National Police has an important role in enforcing the P2SK Law by conducting investigations into cases of financial fraud and protecting the interests of consumers from losses resulting from financial crimes. In this case, the National Police not only acts as an investigator, but also as a law enforcer tasked with maintaining justice and protection for consumers in the financial sector. The investigative actions carried out by the National Police in financial crime cases based on the P2SK Law aim to uncover and follow up on perpetrators of financial crimes that harm consumers. The National Police is also responsible for providing protection to victims and ensuring that their rights are guaranteed in accordance with the provisions stipulated in the P2SK Law.

The concept of financial crime in various countries usually has a general approach, where various types of crimes related to finance are grouped into one large category. In contrast, in Indonesia, the concept of financial crime is regulated in more detail and specifically through various laws that regulate certain aspects of financial crime.²¹ This reflects the complexity and special needs of law enforcement in Indonesia. In Indonesia, several laws that regulate financial crimes include the Law on Corruption Crimes (UU Tipikor), the Law on the Prohibition of Monopoly Practices and Unfair Business Competition (Anti-Monopoly Law), the Law on Service Authorities. Finance (UU OJK), as well as the Law on Development and Strengthening the Financial Sector (UU P2SK). Each of these laws has a different scope and focus, but they all contribute to efforts to prevent and prosecute financial crimes in Indonesia.²²

Investigating financial crime in Indonesia is an important milestone in efforts to maintain the country's economic stability and protect society from the threat of financial crime. Given the complexity and far-reaching impact of such crimes, investigative conceptions must be carefully designed, based on strong principles, and executed carefully to achieve optimal results. The first principle that is the basis for the conception of financial crime investigations is justice. Justice is the main pillar in the criminal justice system where every individual, regardless of social, economic or political status, has the right to be treated fairly and equally before the law. In financial crime investigations, the principle of justice requires that the investigation and

²¹ Maisha Tabassum Anima, Nikhil Chandra Nath, and Sushmita Das Dalia, "Impact of Informal Remittance Channels in Bangladesh: Understanding the Role of Hundi in Financial Crime beyond Economic Aspects," *Journal of Economic Criminology* 2 (December 2023): 100030, <https://doi.org/10.1016/j.jeconc.2023.100030>.

²² Selamat Widodo and Ika Ariani Kartini, "Peran Otoritas Jasa Keuangan Dalam Pemberantasan Tindak Pidana Penipuan Yang Memanfaatkan Rekening Bank Sebagai Rekening Penampungan," *Kosmik Hukum* 22, no. 2 (May 30, 2022): 110, <https://doi.org/10.30595/kosmik hukum.v22i2.14151>.

prosecution process be carried out with integrity and without discrimination. Investigators must act neutrally and objectively, without being influenced by external factors that could influence decisions. Furthermore, the principle of sustainability is an important aspect in the conception of financial crime investigations. Sustainability includes aspects such as continuity, consistency and the ability to deliver sustainable results over the long term. In financial crime investigations, sustainability means that the law enforcement process must be able to survive and adapt to changes in the environment, technology and crime tactics that continue to develop. Investigators need to have the ability to continue learning and innovating in order to overcome the challenges that arise in handling increasingly complex financial crime cases. Finally, the principle of effectiveness is an important basis in the conception of financial crime investigations. Effectiveness refers to the ability to achieve desired goals in the most efficient and effective manner. In this case, effectiveness in financial crime investigations means that the law enforcement process must be able to produce optimal results in preventing, detecting and handling financial crime cases.

Effective financial crime investigations must always be based on the principle of compliance with the law. This emphasizes that every investigator's actions must be in accordance with the provisions regulated in the Law, including Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (Police Law) and the Criminal Procedure Law (KUHAP), as the main legal basis. in carrying out his duties. Investigators are required to understand and comply with all existing regulations and follow applicable procedures. Thus, the investigation will be carried out in a legal manner and in accordance with the principles of justice. Apart from that, it is also important for investigators to respect human rights, treat each individual fairly and equally, and uphold the principle of the presumption of innocence. By adhering to the principle of compliance with the law, financial crime investigations can be carried out with high integrity and transparency. This will help ensure that the investigation process is carried out in accordance with applicable legal standards and that the results are reliable and universally recognized. As a law enforcement agency, the National Police must ensure that every step in financial crime investigations is carried out in full compliance with the law, maintaining the integrity of the institution, and providing trust to the public.

Furthermore, collaboration between the Police and OJK can provide major benefits in financial crime investigations. OJK has the authority to supervise and regulate the financial sector, so it has access to the data and

information needed to detect potential financial crimes. By collaborating with the Police, OJK can provide relevant information and support investigations in a more efficient manner. In addition, inter-institutional collaboration also enables the exchange of knowledge and skills between various related parties. The police can utilize OJK's technical expertise in financial analysis and identification of complex financial crime patterns. On the other hand, OJK can utilize the investigative experience of the Police in collecting evidence and handling financial crime cases directly. This collaboration also allows for better coordination in handling financial crime cases. By sharing information and resources, relevant agencies can identify shared priorities and allocate resources more effectively. This can help ensure that the most important cases or those that have the greatest impact on society are handled quickly and appropriately. Inter-agency collaboration can also strengthen legitimacy and public trust in the law enforcement process. By demonstrating that various agencies are working together to fight financial crime, the public can have confidence that law enforcement is being carried out fairly and effectively. This can also help reduce the risk of corruption and abuse of power in financial crime investigations.²³

Then, community involvement has a crucial role in efforts to investigate financial crime. The public is an important source of information in detecting and following up on financial crime cases. Therefore, it is important to encourage the active participation of the public in reporting financial crime cases that they become aware of. Through outreach and outreach campaigns, the public needs to be given an understanding of the importance of reporting financial crimes to the authorities. The public must be empowered to realize that they have a significant role in fighting financial crime and that their reports can provide a basis for further investigations. Apart from that, collaboration between investigators and the community can also provide additional benefits. Investigators can gain broader insight and information regarding financial crime cases through active community participation. By listening to the complaints and experiences of the public and investigators can gain a better understanding of the dynamics and patterns of financial crimes that occur in society. Furthermore, community involvement can increase the level of trust and legitimacy of investigations. When the public sees that investigators pay attention and respond to their reports, this can increase their trust in law enforcement agencies. The community will also feel more heard and appreciated, so they will be more motivated to be involved in efforts to prevent and prosecute financial crime in their environment. However, to encourage community involvement in financial crime investigations, it

²³ Alok Mishra et al., "Attributes Impacting Cybersecurity Policy Development: An Evidence from Seven Nations,"

Computers & Security 120 (September 2022): 102820, <https://doi.org/10.1016/j.cose.2022.102820>.

is important to create a supportive and safe environment for whistleblowers. The public needs to be assured that their identities will be kept confidential and that they will be protected from possible retaliation or threats that may arise as a result of their reporting.

In the future, financial crime investigations in Indonesia must remain centralized or the main focus of the Indonesian National Police (Polri). However, to ensure effectiveness in addressing these challenges, certain steps need to be taken to enhance the capabilities of financial investigators and investigators. One of the key steps that can be taken is to establish an investigative division that specifically focuses on investigating and investigating financial crime, which includes experts who have in-depth knowledge and expertise in this field. As the complexity of financial crimes increases, it becomes clear that greater specialization regarding inquiries and investigations is required. The public interest in maintaining the integrity of the financial system and protecting the public from serious financial risks demands a change in investigative approaches. Therefore, a comprehensive and structured approach must be taken by the National Police to ensure that they have adequate capacity to deal with financial crimes. One of the first steps that can be taken is to ensure that all investigators and investigators assigned to handle financial crime cases have the appropriate license from the National Police. This license will guarantee that they have undergone special training and have a deep understanding of the laws and procedures related to financial crime. In addition, the establishment of a special academy within the National Police that focuses on training financial investigators would be a progressive step. This academy will be responsible for producing reliable and qualified investigators in handling complex financial cases.²⁴

It is important to note that expertise in finance includes not only knowledge of financial laws and regulations, but also understanding how financial markets, financial transactions, financial technology and asset tracking work. Therefore, training programs at these specialized academies must be designed holistically, covering various aspects relevant to financial crime investigations. Apart from that, it is also important to ensure that the investigative division established within the National Police is inclusive and open to experts from various backgrounds. Although having a background as a member of the National Police is certainly an added value, it should not be an absolute requirement. The recruitment of experts from outside the National Police who have special experience and expertise in the financial sector will help enrich the Indonesian Police's investigative capacity. Furthermore, collaboration with other institutions that are involved in monitoring and enforcing laws related to finance, such as the Financial Services

Authority (OJK), Bank Indonesia (BI), and other financial institutions, will be the key to success. Effective communication and exchange of information between the National Police and these institutions will make it possible to more efficiently detect, prevent and prosecute financial crimes. Apart from that, the National Police also needs to strengthen international cooperation in handling financial crimes. Financial crimes often cross national borders and cooperation with law enforcement agencies from other countries will play a role in handling cases involving cross-border transactions. Then, increasing investigative and investigation capacity is very important to strengthen financial crime prevention. This includes developing better systems to detect and prevent money laundering, fraud and other financial crimes. The National Police needs to work together with financial institutions and regulators to develop an effective framework for preventing financial crime.

In encouraging Polri institutions to adopt policies and regulations that support the development of financial investigators, it is important to involve various stakeholders, including government, financial institutions, civil society and legal experts. Forming inclusive policies will ensure that the needs and interests of all parties are thoroughly considered. By taking these steps, it is hoped that the National Police will have better capacity to deal with financial crimes in the future. Reliable and well-trained investigators will be able to make a significant contribution to maintaining financial system stability and protecting the public from serious financial risks.

CONCLUSION

The Constitutional Court (MK) Decision Number 59/PUU-XXI/2023 is an important milestone in the financial crime investigation landscape in Indonesia. This decision underlines that investigators must be under the control and supervision of the National Police, which confirms the position of the National Police as an institution that has the authority to supervise and control the investigation process. The impact of this decision is very important because it changes the dynamics of coordination between the OJK and the National Police. In Australia, the Australian Federal Police (AFP) is at the forefront of financial crime investigations. The AFP has broad powers to investigate, arrest and prosecute perpetrators of financial crimes. Close collaboration with various related institutions, such as the Australian Securities and Investments Commission (ASIC) and the Australian Taxation Office (ATO), strengthens AFP's effectiveness in fighting financial crime. In Japan, the National Police Agency (NPA) is responsible for investigating financial crimes. However, an important role in regulatory and supervisory aspects is held by the Financial

²⁴ Diana Johnson, "Can Competition Law Aid the United Kingdom in Its Fight against Financial Crime?," *Journal of*

Economic Criminology 2 (December 2023): 100025, <https://doi.org/10.1016/j.jeconc.2023.100025>.

Ahmad Suryono et al, Judicial Review of the Authority to Investigate Financial Crimes after the Constitutional Court Decision Number 59/PUU-XXI/2023: Comparison of Indonesia, Australia, Japan and Germany

Services Agency (FSA). The FSA has the power to investigate and impose sanctions on financial services institutions that engage in illegal practices, working closely with the NPA in complex cases. Meanwhile in Germany, the Federal Criminal Police Office (BKA) collaborates with local and federal authorities to investigate financial crimes. BKA has a primary focus on large-scale financial crimes, such as international money laundering and terrorism financing. The Federal Financial Supervisory Authority (BaFin), like the FSA in Japan, plays an important role in the regulation and supervision of the financial sector, and assists the BKA in identifying potential violations related to financial crime.

REFERENCES

1. Anima, Maisha Tabassum, Nikhil Chandra Nath, and Sushmita Das Dalia. "Impact of Informal Remittance Channels in Bangladesh: Understanding the Role of Hundi in Financial Crime beyond Economic Aspects." *Journal of Economic Criminology* 2 (December 2023): 100030. <https://doi.org/10.1016/j.jeconc.2023.100030>.
2. Anwar, Radhiyan Khairil, and Ade Hari Siswanto. "Peranan Penyidik Pegawai Negeri Sipil Pada Otoritas Jasa Keuangan Dalam Penyelesaian Tindak Pidana Pasar Modal." *Lex Jurnalica* 12, no. 2 (2015).
3. Didimo, Walter, Giuseppe Liotta, and Fabrizio Montecchiani. "Network Visualization for Financial Crime Detection." *Journal of Visual Languages & Computing* 25, no. 4 (August 2014): 433–51. <https://doi.org/10.1016/j.jvlc.2014.01.002>.
4. Firdaus, Annas, and Ridwan Arifin. "The Discourse of Procedural Criminal Law on Follow the Money Concept in Indonesian Anti-Money Laundering Act." *IJCLS (Indonesian Journal of Criminal Law Studies)* 6, no. 1 (May 31, 2021): 93–104. <https://doi.org/10.15294/ijcls.v6i1.30726>.
5. Gerda, van Niekerk, and Van Heerden Corlia. "The Importance of a Legislative Framework for Co-Operation and Collaboration in the Twin Peaks Model of Financial Regulation." *South African Law Journal* 137, no. 1 (March 1, 2020): 108–44. <https://doi.org/10.10520/EJC-1c03bdc4b8>.
6. Gottschalk, Petter. "Categories of Financial Crime." *Journal of Financial Crime* 17, no. 4 (October 12, 2010): 441–58. <https://doi.org/10.1108/13590791011082797>.
7. ———. "Theories of Financial Crime." *Journal of Financial Crime* 17, no. 2 (May 11, 2010): 210–22. <https://doi.org/10.1108/13590791011033908>.
8. Gupta, Chander Mohan, and Devesh Kumar. "Creative Accounting a Tool for Financial Crime: A Review of the Techniques and Its Effects." *Journal of Financial Crime* 27, no. 2 (January 1, 2020): 397–411. <https://doi.org/10.1108/JFC-06-2019-0075>.
9. Johnson, Diana. "Can Competition Law Aid the United Kingdom in Its Fight against Financial Crime?" *Journal of Economic Criminology* 2 (December 2023): 100025. <https://doi.org/10.1016/j.jeconc.2023.100025>.
10. Kismawadi, Ridho. "OTORITAS JASA KEUANGAN (FINANCIAL SERVICES AUTHORITY) DAN INDUSTRI PERBANKAN SYARIAH DI INDONESIA." *J-EBIS (Jurnal Ekonomi Dan Bisnis Islam)*, no. Vol 1, No 2 (2016) (2016). <https://journal.iainlangsa.ac.id/index.php/ebis/article/view/24/23>.
11. Lagazio, Monica, Nazneen Sherif, and Mike Cushman. "A Multi-Level Approach to Understanding the Impact of Cyber Crime on the Financial Sector." *Computers & Security* 45 (September 2014): 58–74. <https://doi.org/10.1016/j.cose.2014.05.006>.
12. Mishra, Alok, Yehia Ibrahim Alzoubi, Memoona Javeria Anwar, and Asif Qumer Gill. "Attributes Impacting Cybersecurity Policy Development: An Evidence from Seven Nations." *Computers & Security* 120 (September 2022): 102820. <https://doi.org/10.1016/j.cose.2022.102820>.
13. Murdadi, Bambang. "Otoritas Jasa Keuangan (Ojk) Pengawas Keuangan Baru Yang Memiliki Kewenangan Penyidikan." *Value Added* 8, no. 2 (2012): 32–46.
14. Nuryanto, Ahmad Dwi. "Problem Penyidikan Tindak Pidana Pencucian Uang Yang Berasal Dari Predicate Crime Perbankan." *BESTUUR* 7, no. 1 (August 31, 2019): 54. <https://doi.org/10.20961/bestuur.v7i1.43437>.
15. Riyanto, A., Santoso, B., Paraningtyas, P., & Albar, R. A. H. "UU P2SK DAN PENGARUHNYA TERHADAP MODEL PENGAWASAN OJK: TWIN PEAKS SEBUAH ALTERNATIF." *Mimbar Hukum* 35 (2023): 257–84.
16. Salvasani, Alifia, and Munawar Kholil. "Penanganan Terhadap Financial Technology Peer-To-Peer Lending Ilegal Melalui Otoritas Jasa Keuangan (Studi Pada OJK Jakarta Pusat)." *Jurnal Privat Law* 8, no. 2 (December 2, 2020): 252. <https://doi.org/10.20961/privat.v8i2.48417>.
17. Saputra, Beny. "Modelling Australian Transaction Reports and Analysis Centre (AUSTRAC) for Indonesia in Order to Combat Financial Crime." *NEGREI: Academic Journal of Law and Governance* 1, no. 2 (December 28, 2021): 81. <https://doi.org/10.29240/negrei.v1i2.3822>.
18. Widodo, Selamat, and Ika Ariani Kartini. "Peran Otoritas Jasa Keuangan Dalam Pemberantasan

Tindak Pidana Penipuan Yang Memanfaatkan Rekening Bank Sebagai Rekening Penampungan.” *Kosmik Hukum* 22, no. 2 (May 30, 2022): 110. <https://doi.org/10.30595/kosmikhukum.v22i2.1415>
1.

INTERNET

1. Djohan, Yoanita Hastryka. “Kejahatan Di Jepang Meningkat Pada 2022 Pertama Kali Sejak 20 Tahun.” *Antaranews*, 2023. <https://www.antaranews.com/berita/3376947/kejahatan-di-jepang-meningkat-pada-2022-pertama-kali-sejak-20-tahun>.
2. Kinkartz, Sabine. “Terlalu Mudah Melakukan Pencucian Uang Di Jerman.” *DW*, 2021. <https://www.dw.com/id/transparency-international-sebut-terlalu-mudah-melakukan-pencucian-uang-di-jerman/a-58196320>.
3. Mada, Kris. “Tersangkut Korupsi Pajak, Kanselir Jerman Didesak Mundur.” *KompasId*, 2022. <https://www.kompas.id/baca/internasional/2022/08/19/tersangkut-korupsi-pajak-oposisi-desak-kanselir-jerman-mundur>.