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Assessing the reversal burden of proof in the crime of money laundering as a proxy crime in crypto assets

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Abstract*:* Perpetrators of money laundering have found a new medium by using crypto assets to launch their actions. Money laundering is a proxy crime as a manifestation of actions aimed to covering up crimes secretly, especially using third parties as intermediaries. Therefore, by using this new complexity mechanism, it will be increasingly difficult for law enforcers to prove money laundering crime. This difficulty occurs due to the anonymity of crypto assets so that the perpetrators can easily carry out their actions. In using normative juridical research methods and a conceptual approach, this research aims to look again at the use of evidentiary mechanisms in dealing with money laundering, mainly when carried out through crypto assets. Based on the research results, the implementation of stand-alone money laundering in Article 69 and reversal burden of proof in Article 77 on the Law of Money Laundering is considered ineffective in ensnaring perpetrators on crypto assets because: (1) they will have difficulties in finding the subjective and objective elements of the perpetrator, (2) the practice of reversal burden of proof evidence is still unclear in Indonesia. Meanwhile, re-enforcing negative evidence based on law can be implemented as a form to handle money laundering perpetrators in crypto-asset transactions.
Keywords: Money Laundering; Crypto Assets; Reversal Burden of Proof; Proxy.

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Introduction

The evolution of technology has become a basis in society to provide a service as an answer to the demands in the modern, fast-paced era. According to Guston et al. (2014), technology cannot be seen as a passive artifact (Ramadhan & Putri, 2018). On the other hand, technology is not just a stagnant object; it moves dynamically, following the process of social life. Therefore, it is very important that humans must be the main component to driving the pace of technology in this era of society 5.0, in which all innovation activity focuses not only on technology or computer basis but humans must be involved as a center of revolution (Safiranita et al., 2022), but in reality, the relationship between technology and humans is like a double-edged sword. On the one hand, technology has provided convenience, but on the other hand, it has become a facilitator in carrying out criminal acts such as money laundering crimes (*Tindak Pidana Pencucian Uang*-TPPU) in crypto assets.

Through global data, the International Monetary Fund (IMF) found in 1996 that money laundering crimes have reached 3% to 4% of the world's GDP. Then, in Indonesia, through financial regulatory body (*Badan Pengawas Keuangan*-BPK) data, the nominal amount of money laundering from 2003 to 2009 had reached IDR600 trillion, of which IDR5 trillion was through money laundering (Agoes, 2013). The data presented previously is a broad estimate of money laundering, with a time span starting from 14 years ago (2009). This raises the question, what is the money laundering crime estimate if the perpetrator uses crypto assets? Based on chain analysis data, it was found that around USD 8.7 billion was laundered through crypto assets in 2021, which is a 30% increase from 11 billion in 2019. The total amount of money laundering in crypto assets starting in 2017 was USD 33 billion, equivalent to Rp1.528.500.00000 (Bolder Group, 2023). Looking at the previous data presented, it is a fact that there will be an increasing nominal in money laundering, which is positively influenced by the presence of crypto assets.

Apart from that, concrete depictions of money laundering crimes have also occurred in various countries, for example, in the case of the United States deactivation of the BTC-e transaction system after the BTC-e platform provided money laundering facilities and various illegal activities. Even one of the creators of BTC-e, Alexander Vinnik, is suspected of stealing identities, facilitating drug trafficking, and assisting in the criminalization process of money laundering (Tucker-Feltham, 2024). In Indonesia, there were allegations of corruption at PT Asabri, with the suspects using digital assets in the form of cryptocurrency by using bitcoin on the Indodax site so they could withdraw money from money laundering crime (Tim Detikcom, 2021). It was discovered that Rafael Alun, a functionary former from the Directorate General of Taxes at the Ministry of Finance, is suspected of laundering money using crypto assets (Andrianto, 2023).

Meanwhile, the crime of money laundering is an extraordinary crime that has the attention of the international community. Based on the UN Convention, the United Convention Against Transnational Crime (Palermo Convention) contains five tremendous crimes, namely corruption, money laundering, human trafficking, smuggling of weapons and people, with money laundering being one of the crimes that pose a threat to the state (Agoes, 2013), not only the Palermo Convention, the United Nations Congress on the Prevention of Crime and Treatment of Offenders emphasized 17 crimes that need to be watched out for, which is the Crime of Money Laundering as a one of the qualifying crime that becomes a threat to entire countries (Garnasih, 2016). Indeed, money laundering crimes hide various criminal acts which are packaged in different structured modes so that the various criminal acts in them are difficult to trace (and even trigger new criminal acts). In general, the patterns used in money laundering crime activities are divided into three categories, namely (Renggong, 2021): (1) Placement: placing funds from the proceeds of criminal acts or unlawful acts into various facilities such as bank deposits, house projects, currency conversion, and existing facilities used for laundering; (2) Layering: separating the proceeds of criminal acts through several transaction stages aimed at hiding the origin of assets, a process carried out in layers, with complicated stages aimed at making it difficult for law enforcement to track them in an effort to approach the money laundering network; and (3) Integration: after the two previous efforts have been made, this stage gives legitimacy to the money obtained from crime. In other words, the perpetrator has used legitimate assets, either enjoyed directly, invested in, or financed another criminal act.

The formation of such patterns provides enormous opportunities for the perpetrator to implement the money laundering model. Therefore, it has become a signal to the public and law enforcement that a technology-based crime has been formed for the crime of money laundering. Even now, criminals in money laundering have found new opportunities to carry out their crimes through a proxy crime approach. Proxy crime was introduced by Jeremy Bentham and defined as an action that is proven to be an offense, which can be said to be an evidentiary offense; losses from their own actions, but designed the alleged violations he committed (Bystranowski, 2017). One thing that needs to be cautious when the design of proxy crime as intended is by leading other people to carry out criminal acts with the intention of achieving a goal, namely preventing the actions from being known as acts that are actually prohibited (Bystranowski & Mungan, 2021). Such actions have indirectly given rise to new complexities when carried out on crypto assets by taking a privilege, anonymity.

Starting from the urgency of this crime, it is clear that handling those crimes does not just rely on regulations but requires further efforts by law enforcers, including judges, prosecutors, and other investigative authorities, to eradicate money laundering crime. This has been stated by Santiago Otamend, president of the 2017-2018 FATF (Financial Action Task Force), who stated, "The work of judges, prosecutors, and other investigative authorities is crucial for stable institutions, transparency, and the rule of law, which are all pillars of an effective AML/CFT system" (FATF, 2018).

Following up on this statement, the regulatory drafters through the establishment of the TPPU Law, the Central Institute for Financial Transaction Reports and Analysis (*Pusat Pelaporan dan Analisis Transaksi Keuangan*-PPATK) along with law enforcers implemented a stand-alone money laundering mechanism as a response to FATF recommendations, especially in the 7th Immediate Outcome (IO) regarding "different types of money laundering" (Rizky & Romadhona, 2022). This

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mechanism is an effort to prove money laundering by referring to the prosecution of stand-alone criminal acts without having to prosecute the original criminal act (PPATK, 2019). The implica-- tions of the previous mechanism lead to law enforcers being able to enforce Article 77 of the Money Laundering Law called reversal burden of proof.

In reality, this mechanism has several weaknesses, so the application of the reversal burden of proof is difficult. In fact, through the PPATK document titled "Annotation of Decisions on Money Laundering Cases from 2013 to 2019", 44 money laundering case decisions have been identified, of which 28 cases did not use reversal burden of proof, three cases used reverse evidence, but the defendant did not use those evidence, and 13 cases used reversal burden of proof as well as the defendant using it (Febriansyah et al., 2023). The lack of application of reversal burden of proof in Indonesia shows clearly that its execution is still inefficient. Moreover, the PPATK institution apparently stated that the application of reversal burden of proof has a negative effect of losses in the prosecution process because it is possible for the perpetrator to show that the source of the unreasonable wealth comes from the business he is falsified (PPATK, 2019). It can be concluded that the indirect application of this mechanism is considered less effective when implemented in Indonesia. Furthermore, one of the considerations for the previous problem is closely related to the disclosure of criminal elements, which are subjective and objective elements that must be proven for a defendant to be declared a convict, which is quite complicated to identify. In fact, based on the Vienna Convention and several other international conventions, considerations regarding handling this crime "knowledge, intention, or purpose are required as elements of an offense that can be proven from an objective factual situation" (Hanafi, 2010).

Therefore, in line with the existing problem above, the author tries to examine and assess the effectiveness of the implementation of the reversal burden of proof in Article 77 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering (UU TPPU) (2010) as an implementation of the stand-alone money laundering mechanism in Article 69 of the TPPU Law as one of the Immediate Outcome (IO) recommendations from the Financial Action Task Force (FATF) (Yanuar, 2021) which is then connected to proxy crimes in crypto assets by answering several problem formulations, as follows: (1) how to enforce the reversal burden of proof evidence mechanism for money laundering crime perpetrators as a proxy crime in crypto assets? (2) How effective is it to apply the reversal burden of proof in money laundering crimes as a proxy crime in crypto assets?

Methods

The writing method uses a normative juridical approach obtained from pre-existing sources of library material (Soekanto, 2006). Therefore, the research in this article focuses on examining the application of rules and norms to positive legal products in Indonesia. Meanwhile, primary legal materials consist of the Criminal Code, Criminal Procedure, Money Laundering Law, and Babepti Regulations. Hence, the analysis uses descriptive analysis by referring to legal theories and problem practice. Not only that, the research in this article also explores comparative law (comparative law approach) by looking at the application of regulations to prove the crime of money laundering and overcoming money laundering crime in crypto assets as a proxy crime in other countries.

Results and Discussion

The Application of Reversal Burden of Proof Mechanism to Combat Money Laundering Crime for Proxy Perpetrators in Crypto Assets

van Hattum (2009) stated that criminal acts are inseparable from the person who committed the act (Lamintang & Lamintang, 2022). Hence, it can be understood that criminal law will never be separated from a legal subject as one of the elements that must be proven to determine a criminal act.

The above argument has become essential in enforcing criminal law in Indonesia. It becomes a principle of culpability that there is no crime without any guilt. These principles aim to explore the defendant's elements of wrongdoing. Therefore, law enforcers do not only seek the physical or unlawful acts (*wederrechtelijk*) but also investigate the mental acts (*outward conduct*) of the

defendant, which must be proven by a public prosecutor (Ismansyah et al., 2020). Further, it can be understood that there is an obligation to justify the objective elements (*actus reus*) and subjective elements (*mens rea*) within the defendant to prove a wrongful act in a criminal act. The two previous elements should indeed be essential to fulfill a criminal act. As stated by Simons, a criminal act (*starfbar feit)* is a deed that is punishable by crime, which is against the law related to a mistake and carried out by a person who is capable of being responsible (Tomalili, 2019). In line with the previous statement, there needs to be a crucial component for law enforcers to be able to declare subjective and objective elements when carrying out the evidentiary process for criminal acts. According to the term proof, proof is derived from the single word "evidence," which is a right that is sufficient to describe the truth of an event (Sumaryanto, 2009). Thus, proof is said to be an act of providing confidence, truth, or signs of truth about an event. For that reason, the urgency of the evidentiary stage is crucial as a core procedure in uncovering crimes. Without a proof process, a crime is as common as a blank sheet of paper.

The Indonesian state recognizes the theory of evidence based on negative law (*negatief wettelijk bewijstheorie*). The application of this theory is clearly stated in Article 183 of the Criminal Procedure, which states, "*A judge may not impose a crime on a person unless there are at least two pieces of evidence.*" Furthermore, the author divides it into two main points, namely: (1) A criminal conviction can only be carried out if two pieces of evidence have been met, and (2) The judge believes that these two pieces of evidence happened and that the defendant was guilty of committing those acts.

The aim of establishing Article 183 of the Criminal Procedure Law is to guarantee the fulfillment of justice, certainty, and truth for a person (Sumaryanto, 2009). As a result, the two main points of this clause implicitly direct law enforcers to examine and prove each provision before convicting a money laundering defendant. The consequence should the provisions of Article 183 of the Criminal Procedure Law not be proven is that the defendant can be released from the charges (*vrijspraak*) (Sumaryanto, 2009).

When examined from a technological perspective, namely crypto assets, the proof system has difficulties tracing the requirements in those systems. This statement arises because several privacy features have become the main characteristics and differentiators between crypto assets compared to other conventional transaction technologies. Through crypto assets such as Bitcoin, users can only be identified by a specific key address but do not include their name or address information as conventional payment tools today typically do (Casale, 2015). For example, in Monero and Zcash, senders specify a sending address number to be combined in their transaction before executing a transaction; then, using a series of public keys, senders form a token network and hide the specific address.

Observers of the blockchain system understand that crypto assets' key numbers, whose ownership is unknown, have been transferred from one public key entry in the form of a series (Fauzi et al., 2019). This becomes challenging to follow and monitor, especially if the defendant of the transaction has launched a money laundering act. Through crypto assets, the ease of transferring funds from one country to another becomes a unique feature, especially when the defendant enters the layering stage because it will be able to launder money. Consequently, crypto assets have become a tool to support money laundering defendants because it is in line with the aim “criminal acts are invisible or turn it into a trusted source." In addition, the transaction actions on crypto assets for the defendant have fulfilled the elements of a money laundering act, as follows (Jahja, 2012): (1) There are funds in the form of proceeds from the illegal acquisition; (2) Dirty money has gone through certain methods using trusted or legitimate systems and institutions, and (3) The action referred to eliminate traces; thus, the origin of the criminal money is untraceable.

Regarding this characteristic of money laundering and crypto assets, law enforcers have been giving close attention to seeking and proving money laundering actions. A proofing mechanism for the evidence must start from the investigation stage. Notwithstanding, this has become more challenging for law enforcement because the money laundering evidence system is complex, and the evidence at the pre-trial stage must be carried out in an efficient way. All attempts have been made to implement mechanisms and systematics to stop money laundering, one of which is through Article 75 in the Law on Money Laundering, which explicitly states, "*if investigators find*

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sufficient preliminary evidence of the occurrence of money laundering and predicate crimes, investigators combine investigations of predicate crimes with investigations of laundering crimes and money laundering crime and notify a center for reporting and analyzing financial transactions." This provision provides two separate evidentiary approaches: (1) proof of predicate crime and (2) proof of money laundering actions. Law enforcers also consider combining the two actions should investigators feel that the initial evidence has confirmed the defendant's actions. Article 75 can be implemented as the investigator's prerogative (Syakur, 2021).

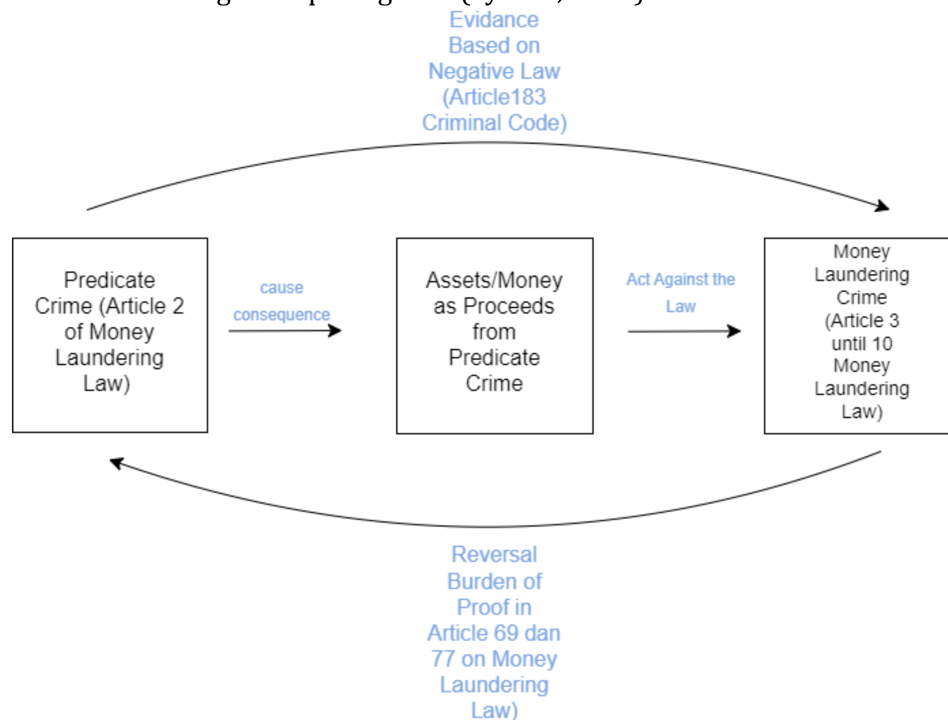

Figure 1. Reversal burden of proof illustration in money laundering crime

Based on the illustration in the Figure 1, the defendant carries out various stages of money laundering with origins starting from the predicate crime. In this case, one of the crucial prerequisites for a criminal act to be said to be a money laundering crime is the existence of assets from a predicate crime. With the emergence of assets from predicate crimes, defendants attempted to hide their actions by committing the crime of money laundering. This urge arises because defendants realize that their actions are evil and dirty. Thus, how can the assets (money as proceeds from predicate crime) be converted so it becomes a clean result? Therefore, money laundering is an option for the defendant so that their dirty assets appear to have originated from a clean process. Then, what kind of assets qualify as an object in money laundering? These assets are defined in Article 1 Point 13 in the Law of Money Laundering, where crypto assets are one of the instruments regulated as assets in the money laundering crime.

Then, Article 77 in the TPPU Law states, "*For the purposes of examination at court, the defendant is obliged to prove that the defendant's assets are not the proceeds of a criminal law*." The phrase "...proving assets" states that the defendant's assets can be proven without having to return to the predicate crime (Irman, 2017). These provisions direct the defendants to take strong evidence that the elements of their assets are not from money laundering crimes. Furthermore, suppose we refer to the theoretical approach in the money laundering case. In that case, applying the theory of individuality (*individualiserende theorieen*) is one of the ideas that can be compared with the reversal proof, which states that every cause will be separated from its effect. In the sense that there is a difference between conditions and causes, only one condition is taken that is most decisive for the emergence of an effect (Lamintang & Lamintang, 2022).

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Effectiveness of Applying Reversal Burden of Proof Evidence in Money Laundering Crime with Proxy Crimes in Crypto Assets

A question arises by looking at the relevance of the argumentation before whether the application of reversal burden of proof in stand-alone money laundering is considered effective in ensnaring the defendant in crypto assets. In the author's opinion, applying the evidence is ineffective. First, in carrying out the defendant's subjective (*mens rea*) and objective (*actus reus*) elements, where the subjective elements in question are intentional or unintentional, attempting, purpose for the trial act, various motives in a criminal plan and act, contrive in advance, and conscience of feelings fear (Lamintang & Lamintang, 2022). The objective elements are the nature of breaking the law and the quality of the defendant (Lamintang & Lamintang, 2022). Departing from the two previous elements, law enforcers should have to prove these two elements in determining the criminal act of a suspect in a money laundering crime.

There will also be difficulties if such proof is implemented to uncover proxy crimes in crypto assets. One of the characteristics of crypto assets is that they are anonymous. In this sense, buying and selling transactions only rely on keys in the form of encryption codes to identify transaction information (Casale, 2015) without explicitly displaying the identity of each party. The implementation of encryption aims to (Fadhillah, 2016), (1) Protect data from being read by unauthorized people and (2) Prevent unauthorized people from inserting or deleting data.

Therefore, it will be complicated if money laundering is carried out in crypto assets, especially in regard to the aspect of the TPPU investigation strategy, which prioritizes following the laundered money. Providing a detailed history and flow of transactions through the crypto asset system will be difficult, especially in connection with defendants of money laundering transactions. It will be even more complicated if the action is carried out by relying on another party as a proxy in carrying out the criminal act of money laundering by a main actor against predicate crimes.

Examining proxy crimes from related experts, namely, Professors Larry Alexander and Kimberly Kessler Ferzan, explained the conceptualization of proxy crimes, which, as a conceptual approach, are violations that are defined as stated in the rules or regulations. However, the difference between the act in question is that defendants carry out the crime without explicitly complying with the provisions against the regulations being violated and only indirectly address the primary wrongdoing they are intended to avert to overcome the wrong elements of their actions by avoiding or overcoming their criminal acts in certain ways (Bystranowski & Mungan, 2021). Meanwhile, according to Husak (2017), declaring a proxy crime is an offense deliberately designed to fulfill a criminal target and prevents criminal behavior from being explicitly stated or seen. It can be said that proxy crime is an action that initially does not pose a dangerous risk but secretly causes disaster. It is otherwise called an invisible crime because it is carried out indirectly and secretly.

However, suppose a proxy crime is constructed narrowly. In that case, this crime is understood as someone's actions in their place or sent by another person by representing them and acting on their behalf (Black Law, 2023). In other words, the main actor did not directly carry out the crime. Thus, it was handed over to a third party as an intermediary. Depictions of proxy crimes use various forms and methods intending to cover up one's own mistakes. If traced back to the proxies' actions, they appear to be continued crimes that are sustainable with each other. In addition, proxy crimes are divided into three characteristic forms, as follows (Bystranowski & Mungan, 2021): (1) The act was committed before the initial offense was committed (drug transaction); (2) The act was committed after the initial offense was committed (money laundering); and (3) The act was carried out as a generalization of the violation committed.

Based on the explanation above, proxy actions indirectly give rise to consequences that have quite significant implications for society and the government. These hidden actions will create economic distortions, give rise to various new criminal acts, and cause restlessness in society.

It will also become more complicated if the proxy crime strategy uses money laundering representatives to conduct their actions by exploiting the anonymous nature of crypto assets so that the suspect, both the main actors and other parties, is hard to identify, referred to as shadow ownership. Law enforcers must firmly prove the elements of the defendant's guilt in preparing

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the indictment statement as evidence in a money laundering crime. If the defendant can be found, they can be charged under Article 10 of the Law on Money Laundering by being convicted to the same penalty as the money laundering defendant in Articles 3, 4, and 5. If investigated through the Criminal Code, the defendant can be charged under Articles 55 and 56 as criminal acts of participation (*delneming*) and abetment (*uitlokken*). In some way, the arrest must be based on the elements as explained above. Even in the clause of Article 55 Paragraph (2), which states, "*Regarding these last people, the only things that can be held accountable to them are the actions which they have deliberately moved to be carried out by other people*" and Article 56 paragraph 1 "*those who deliberately have assisted in committing the crime" and number 2* " those who have deliberately provided the opportunity, means or information to commit the crime." The phrase "intentionally," as stated in each article, contains a subjective element within the defendant. Intentionality must be proven by law enforcers in the case of criminal accomplices, whether he or she intentionally ordered another individual or whether that individual had the intention to carry out the crime of money laundering.

Furthermore, from the author's view, the statutory clause, namely Article 78 of the TPPU Law, states: (1) *During the examination at the court hearing as intended in Article 77, the judge orders the defendant to prove that the assets related to the case do not originate from or are related to the criminal act as intended in Article 2 paragraph 1; and (2) The defendant proves that the assets related to the case do not originate from or are related to the criminal act as intended in Article 2 paragraph 1 by presenting sufficient evidence.*

Based on the two phrases above, there is a lack of clarity in the provisions of Article 78. At least two things require careful attention: First, the defendants can prove that their assets do not originate from or are related to a criminal act, and Second, the defendant can prove sufficient evidence. Based on the first element, it directs the defendant to prove at least their actions' subjective and objective elements.

Through the objective element of proof (or *mala prohibita*), the defendants must convince the judge that their actions do not fulfill a criminal offense or that the defendant's actions are not prohibited by law (Mandagie, 2020). Therefore, the evidentiary reference to be studied by the defendants is whether their criminal act "does not" comply with the provisions of the law as regulated in Article 2 paragraph (1) of the Law on Money Laundering, such as Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, Law Number 35 of 2009 concerning Narcotics and other related laws along with Article 3, Article 4 and Article 5 of the Law on Money Laundering. Afterward, observing the subjective (or *mala in se*), the defendants can prove that at least the elements inherent in the defendant are not related to the criminal act they committed (Mandagie, 2020). Meaning that their actions were by their consciousness, not under the influence of others. For example, they unintentionally obtained their wealth through the Money Laundering Act.

The words "enjoyment" or "prosperity" must be interpreted as one of the defendant's subjective elements in proving evidence, one of which is through reverse evidence. This meaning needs to be further interpreted by law enforcement during court proceedings. Some countries' laws, such as the Law on Unlawful Increase of Wealth in Hong Kong and Fiji, require that the word "enjoyed" or "welfare" be defined as someone having 'maintained their standard of living' or 'maintained their income or property' (Dornbierer, 2021).

Departing from the elements of the previous words, it refers to the definition that subjective evidence from money laundering can be intended for defendants to obtain wealth, one of which is for their welfare. Apart from proving the meaning of the previous words, the definition of the words "favor" or "prosperity" cannot be found with certainty from the results obtained by the defendant. Therefore, the meaning of these words must be re-interpreted and re-measured by the defendant and law enforcers. The second element confirms "sufficient evidence," considering that ordinary evidence requires fulfilling two pieces of evidence based on Article 183 of the Criminal Procedure Law. While Article 77 only mandates "sufficient evidence," it seems there is no clear legal limitation for the defendants regarding the 'type and amount of evidence' that they should prove in court because the Indonesian law adheres to a civil law system that is closely related to the application of the legality principle of Article 1 paragraph (1) of the Criminal Code Law, which

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states "*There is no deed can be punished apart from the provisions of the Criminal Law that preceded it."* Meanwhile, the application of reversal burden of proof is better known by countries adhering to the Anglo-Saxon system, oriented towards the previous judge's decision on a case-by-case scenario and based on the judge's considerations (Lasmadi & Sudarti, 2021). Meanwhile, the evidence provided by the defendant must be exceptionally strong. It thus can refute the evidence presented by the public prosecutor. Applying the reverse evidence mechanism, it seems complicated for money laundering defendants and violates the principle of the presumption of innocence or is connected through the Criminal Code and violates Article 66: "The suspect or defendant is not burdened with the burden of proof."

Regarding these various presentations, it has become a reflection that there is still a void in applying reverse evidence for money laundering defendants. This void must be attended collectively to guarantee benefit, peace (*ius suum cuique tribuere*), and justice. Again, how can the legal objectives be fulfilled? The answer to this question is simply to reflect on the justification of value determined through emotional factors and relative subjectivity (Asshiddiqie & Safa'at, 2006). Therefore, subjectivity and relativity can essentially be concretized into a form of uniformity through law and through various adequate supports and efforts. Mochtar Kusumaatmadja's views of development law theory emphasize that adequate law is not just a set of rules and principles in regulating human life but also requires institutions and processes to realize the law. These four elements (rules, principles, institutions, and processes) must also move continuously to achieve the legal goals that have been hoped for, including eradicating and handling money laundering.

Thus, referring to what has been explained previously, there are three considerations as reform efforts in dealing with the complexity of money laundering crimes namely: **First**, In terms of implementation, applying the reversal burden of proof in stand-alone money laundering is considered ineffective. So, applying ordinary evidence by starting to prove a predicate criminal act can be applied. These considerations become the basis for law enforcers to dig deeper into the elements of criminal acts by starting to investigate the main defendants of money laundering crime, who then hope that the defendants as representatives in proxy crimes can be identified even though they use anonymous accounts within the scope of crypto assets. Also, considering the clause in Article 69, which is "not required to be proven" this indicates that stand-alone money laundering may or nor to be implemented depending on law enforcement.

Second, In terms of a juridical perspective, regulatory reformulation is needed in handling money laundering in crypto assets. Currently, preventive measures are regulated in Commodity Futures Trading Supervisory Agency Regulation Number 6 of 2019 concerning implementing Anti-Money Laundering and Terrorism Financing Prevention Programs Related to the Implementation of Physical Commodity Markets on the Futures Exchange. Nonetheless, the regulation still creates confusion. Firstly, Articles 3, 4, and 5 state that the implementation of obligations for each party is carried out by matching without providing a definition or further elaborating on the obligations' systematics. The author attempts to provide an example, namely Singapore as one of the countries in Asia that has joined the FATF since 1992 (Monetary Authority of Singapore, 2022) and is a country that has received satisfactory recommendations for implementing money laundering regulations by the FATF (FATF and APG, 2016). Singapore, through AML/CFT regulations via the monetary authority body, issued guidelines for digital token offerings by elaborating on the various parties who must be responsible if there are indications of money laundering and terrorism and providing applications in the form of any measures to prevent money laundering and terrorism such as monitoring, establishing rules, controlling each party as well as implementing customer due diligence procedures (Monetary Authority of Singapore, 2022). The Chinese state, through its central bank called the People's Bank of China, is joined by five components of its state ministries: the Ministry of Industry and Information Technology (MIIT), the Banking Regulatory Commission (CBRC), the Insurance Regulatory Commission (CIRC), and the Securities Regulatory Commission (CSRC) developed a review system. It is called the Notice on Preventing Risks of Bitcoin and requires every institution that offers services in the field of Bitcoin or virtual currency exchange to fulfill AML/CFT obligations and take action to identify customers and record customer information transaction flows (FATF, 2015).

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Third, From a sociological perspective, the community has an important role in eradicating money laundering crime. Without society, it could be said that law is written down as a text, only read like a book without being followed by real action. According to Eugen Ehrich, the emphasis of legal development is not placed on the separation of powers (*trias politica*) but rather resides within society itself (Soekanto, 2006). Thus, the community's contribution is considered essential because, without realizing it, various crimes, such as money laundering, are very close to social life.

In handling money laundering crimes, the community is also expected to participate to speed up the follow-up process for handling that crime. The public can be given space as reporting parties to institutions (Police, Prosecutor's Office, Corruption Eradication Commission, Directorate General of Customs and Excise, Directorate General of Taxes, PPATK, and others). Why is this applicable? Article 76, paragraph (1) of the Law on Money Laundering stipulates, "The public prosecutor is obliged to submit the money laundering criminal case files to the district court no later than 30 working days from the date of receipt of the case files which have been declared complete." This clause implies the need for coordination between the community, the police, and the prosecutor's office. Without the support from the public, the pre-trial investigation stage will take quite a long time.

Conclusion

The birth of crypto asset technology has changed the human perspective to turn into predators to each other (*homo homini lupus*). This representation is reflected in money laundering crime by using other people to cover up its schemes in the form of proxy crimes in crypto assets. Meanwhile, looking at the stand-alone money laundering approach in Article 69 of the Law on Money Laundering as a model for resolving this crime, law enforcers use reversal burden of proof in uncovering money laundering crimes, one of which is by exploring the elements of guilt of each defendant. For this application of the practice of reversal, the burden of proof focuses on the defendant being able to prove that the proceeds from the assets they obtained did not come from the crime of money laundering. Therefore, the burden of proof is no longer placed solely on the public prosecutor but on the money laundering defendant. As a result, the defendant is required to be able to submit strong evidence regarding their assets, one of which is the flow of money from crypto assets.

Considering the anonymous nature of crypto assets, the application of the reversal burden of proof is ineffective due to the uncertainty in identifying suspects. Also, the culpability element is difficult to prove. Problems also arise regarding the legal vacuum, as stated in Article 78, so there are difficulties in carrying out reversal evidence in court. This complexity is considered quite vulnerable to the protection of the defendant's rights because it has violated the principle of presumption of innocence. Hence, the proposed advice is to use negative evidence based on the law by first revealing the main defendants and reconstructing the regulations for handling money laundering crimes. Indonesia can learn from Singapore, which extensively regulates the accountability of each party and provides an explanation regarding the methods that can be taken in handling money laundering crime, or China by coordinating with various state agencies. Besides, community participation is important to encourage the accelerated handling of money laundering crimes.

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