
**THE EFFECTIVENESS OF THE PRINCIPLE OF CONSUMER RECOGNITION FROM BANK IN PREVENTING
THE CRIME OF MONEY LAUNDERING**

Rafii Diaz Rasendriya¹, Aidul Fitriaciada Azhari²¹ Fakultas Hukum, Universitas Muhammadiyah Surakarta (C100190034@student.ums.ac.id)² Fakultas Hukum, Universitas Muhammadiyah Surakarta (Aidul.F.Azhari@ums.ac.id)

ABSTRACT

This journal entitled "Effectiveness of the Principle of Getting to Know Consumers from Banks in Preventing the Crime of Money Laundering" focuses on research to determine policy arrangements for implementing the principle of getting to know consumers in the series of preventing criminal acts of money laundering through banking transactions. The problem in this writing is how to apply the principles regarding consumers in banking transactions and the obstacles encountered by banks in implementing the principles regarding consumers in banking transactions. Based on the problems that have been prepared, it can be concluded that in implementing the principles regarding consumers from banks in order to avoid criminal acts of money laundering, banks are obliged to implement principles regarding consumers continuously and significantly by implementing five basic elements, namely organizational policies, clear policies and procedures regarding consumer acceptance, provisions for ongoing updates and surveys on customer accounts and transactions, provisions for documenting files and reports of suspicious financial transactions, as well as risk management policies and internal regulations. Then, in implementing the principle provisions regarding consumers, all parties must be active in their implementation, both from the banking sector and the people who use banking services.

Keywords: Principles of Knowing Your Consumer, Money Laundering, and Banks

INTRODUCTION

Money laundering is a way for criminals to cover up or cover up criminal assets by placing criminal assets into financial systems, including domestic and foreign bank financial systems, with the aim of avoiding criminal prosecution. achieved by securing property obtained through crime against confiscation from law enforcement. With different modes, this can be implemented in different ways, from subsidies, custody, exchange, payment to transfer. Money laundering crimes have recently been monitored from various circles, not only at the national level but also regionally and globally through cooperation between countries. Banking is one of the targets of economic development, where banking is said to be able to improve and encourage the economy in the country. Especially by increasing the equality of prosperity of society as a whole, in this chapter it is not just the prosperity of a group of parties or individuals, but the prosperity of all the people of the country without exception. In Indonesia, the principles regarding consumers are outlined in Indonesian Bank Regulation (PBI) No. 3/10/PBI/2001 regarding the implementation of principles regarding consumers, as recently revised in PBI No. 5/21/PBI/2003. The meaning of the principle of understanding consumers in this PBI is: "the principles adopted by banks in order to recognize consumer identities, monitor consumer transaction activities, including reporting doubtful transactions". Financial institutions, especially banks, are very vulnerable to being used as a means of money laundering or terrorist financing, because banks provide various transaction options for money launderers or financiers of terrorist organizations for the purpose of running their business. activity. criminal. Through various transaction options, for example remittances, banks are the entry point for criminal assets or nominal operational financing into the financial system, which can then be used for the needs of criminals. For example, for money laundering, these assets can be removed from seemingly legitimate assets and cannot be traced. As part of efforts to prevent infiltration of criminal proceeds,

based on the Law on the Prevention and Eradication of Money Laundering No. 8 of 2010 and the appointment of Bank Indonesia as the Supervisory and Regulatory Authority (LPP), Bank Indonesia has issued criminal acts of money laundering. regulations from 2001 concerning the principle of Knowing Your Consumer. We all know that the effects of money laundering are very large, and they threaten the balance of the country's economy. Indeed, money laundering greatly influences the progress of many serious crimes. In the economic sector, money laundering can damage legitimate private sectors, because money laundering is often carried out in business applications to mix illegal money with legitimate money, which prevents legitimate businesses from competing with these companies. For self-government, The next effect is to increase crime in the financial sector and high social costs, including the costs of law enforcement.

Because of this, banking institutions are one of the financial institutions that play a vital role in the economy of a country. In carrying out its functions, banking bodies have the task of being an intermediary between parties who have excess capital and parties who lack or need capital. In Indonesia, KYC principles were first outlined in Bank Indonesia regulation Number 3/10/PBI/2001 concerning Implementation of KYC Principles, and were most recently revised in Bank Indonesia Regulation Number 3/10/PBI/2001. 5/21/PBI/2003, the principle of knowing consumers in Bank Indonesia regulations is "the principle applied by banks to find out consumer identities, monitor consumer transaction activities, including reporting suspicious transactions. In 2009, Bank Indonesia Regulation no. 5/21/PBI/2003 concerning Implementation of Know Your Consumer as amended by Bank Indonesia Regulation Number 11/28/PBI/2009 concerning Implementation of Anti-Money Laundering and Terrorism Financing Programs for Commercial Banks, which was extended by Regulation No. 27/14/PBI/2012 Year This Bank Indonesia Regulation adopts recommendations from the Financial Action Task Force (FATF) regarding efforts to prevent money laundering using bank facilities and products.

Therefore, by looking at the background regarding the problem above, the author wants to discuss it in a journal study with the title "The Effectiveness of the Principle of Knowing Consumers in Banks as an Effort to Prevent the Crime of Money Laundering." Then, the author wrote this journal with the aim of analyzing and finding out the problem the effectiveness of the principle of consumer recognition from banks in preventing money laundering crimes which are usually carried out by bank consumers. For this reason, the problem formulation in this journal is related to how to prevent money laundering crimes by applying the principle of knowing the consumer.

Likewise, the aims and benefits of this journal include helping the public to become more familiar with the principles of knowing consumers in preventing money laundering crimes and providing solutions to prevent money laundering crimes.

RESEARCH METHODS

This research article applies normative juridical research methods by examining library materials, namely primary and secondary legal materials.¹The data collection technique uses library research, by collecting data and information or legal materials related to the substance of the research. After the legal materials are collected, an analysis is carried out and appropriate conclusions are drawn regarding the problems contained in the problem formulation. This research applies data analysis techniques using deductive logic. This conclusion is based on an analysis of money laundering regulations. The problem of money laundering will be analyzed according to existing regulations, from a brand law perspective in order to understand its essence and purpose in resolving the legal problems discussed in this research.

¹Khudzaifah Dimiyati & Kelik Wardiono, 2004, Legal Research Methods, Surakarta: UMS Faculty of Law, p. 4.

RESULTS AND DISCUSSION

1. Analysis of the Implementation of the Principle of Knowing Your Consumer in Preventing Money Laundering Crimes

And with the increasing number of money laundering crimes and terrorist financing using financial institutions, cooperation and attention from all parties is needed to prevent and eradicate these crimes. Then, the development of increasingly complex banking goods, operations and information technology has opened up opportunities for criminals to use banking facilities and products to support crime. In this situation, the role of banking cooperation is urgently needed to help law enforcement officials combat money laundering and prevent terrorist financing. Implementation of an anti-money laundering program from banks will reduce various risks that are present, including legal risks, operational risks, concentration risks, and reputation risks.

The development of the BPR industry is accompanied by the development of products and services, especially for consumers, with the use of information technology, the risk of BPR money, money laundering credit and terrorist financing is increasing. Bank Indonesia regulations regarding the implementation of consumer principles that have been applied so far are deemed to require adjustments to references in very comprehensive international standards to support efforts to prevent money laundering.

Provisions related to the implementation of the know-your-customer principle in BPRs that have been in effect so far need to be refined by referring to general principles that apply at the national economic level to support anti-money laundering and anti-money laundering efforts. on terrorist financing. This principle aims to implement Law no. 15 of 2002 concerning the Crime of Money Laundering as amended by Law no. 25 of 2003, and implementation of PBI No. 3/10/PBI/2001 and amendment no. 3/23 /PBI/2001 . Bank Indonesia regulations regarding the implementation of the principle of knowing your consumer have been replaced with Law no. 12/20/PBI/2010. And improvements continue to be made to laws and PBI related to money laundering and know-your-consumer principles. This is to prevent Indonesia from becoming a money launderer and to remain on the list of cooperating countries, so that Indonesia can be trusted and can continue to carry out financial transactions with the international world. requirements for BPR to support the program. The Standard Guidelines for the Implementation of Know Your Consumer Principles prepared by Bank Indonesia at least contain policies regarding the acceptance and identification of potential consumers, monitoring policies for consumer accounts and transaction products, and risk management policies. And based on this regulation, it is also stated that every bank is obliged to form a special task force to implement anti-money laundering and prevention of terrorism financing programs, namely a Workbook unit which functions to implement the Know Your Consumer Principles (UKPN).

And in carrying out its duties, this unit reports and is directly responsible to the Chief Compliance Officer. In addition, UKPN regulates and coordinates its operational units, including its branches, including offices under its supervision, as well as those operating at its head office, in implementing the above program, because the operator is the leading unit to protect the Bank. against money laundering and terrorist financing activities. The operations department is obliged to ensure that internal controls run correctly, correctly and effectively and that all employees in the operations department have received adequate training so that each employee has the same understanding of money laundering and terrorist financing. The following are operational steps implemented by the Bank to prevent money laundering, namely:

In implementing the APU and PPT program, BPR and BPRS are required to have written policies and procedures that at least contain the following matters:

- CDD implementation, which consists of: a. request for information and documents;
- document verification; And

- updating and monitoring.
- Document administration;
- Transfer of funds;
- Closing the relationship and rejecting the transaction;
- Provisions regarding Beneficial Owners;
- Provisions regarding high risk areas and PEP;
- Simpler CDD implementation; And
- Implementation of CDD from a third party.

In accordance with Indonesian bank regulations, BPRs are required to apply the principle of knowing the consumer. BPR's obligation to apply the principle of understanding consumers in every transaction it carries out is of course related to the consumers themselves. The principle of getting to know the consumer requires the bank to get to know the consumer's profile better and even ask for very personal information from the consumer concerned, which is carried out jointly between the bank and the consumer. For this reason, BPRs are obliged to properly socialize the importance of knowing their consumer guidelines, so that consumers are not bothered by these regulations.

2. Monitoring and Reporting Policy

Banks are required to have a policy regarding monitoring consumer accounts and transactions which includes at least the following matters:

- Administration of files relating to the consumer's identity, including intermediaries or proxies of other parties, at least 5 (five) years after the consumer closes the account. Administration of documents for consumers who do not have an account at the Bank at least 5 (five) years after the transaction is carried out.
- Updating data in the event that there are changes to the documents specified as referred to in number 1 above;
- Securing consumer identity includes at least information about:
 - a. Consumer identity;
 - b. Occupation or line of business;
 - c. Amount of income;
 - d. Owned account
 - e. Normal transaction activity; And
 - f. Purpose of opening an account.

3. Policies to consider rejection of transactions and/or termination of business relations, in the case of consumers:

- fulfill the criteria as intended in letter b number 6; or
- using a bank account is not commensurate with the purpose of opening the account. An example is the use of savings accounts as a means for unlawful acts.

CONCLUSION AND SUGGESTION

Money laundering is an activity carried out to hide the origin of funds obtained illegally by changing or transferring the money into legal or official form. The aim is to disguise the true source of funds so that they appear to come from legal activities and can be used without suspicion from the authorities.

Money laundering is usually carried out by criminals who want to hide money obtained from illegal activities such as drugs, theft, corruption and other crimes. The money laundering process can be carried out through several stages such as hiding, placing, merging, integrating and using laundered funds.

Money laundering is an illegal act that causes misery to society and the state, because the laundered money must be used for legitimate and legal purposes. Due to this, the government and related institutions are obliged to take effective action to prevent and stop money laundering, for example by

making stricter regulations, tightening supervision of financial transactions, and increasing public education and awareness about the dangers and negative impacts of money laundering.

REFERENCES

1. Komarudin, Kamus Perbankan. Jakarta: Rajawali. 1989.
2. Pramono Nindyo, Bunga Rampai Hukum Bisnis Aktual, Bandung: Citra Aditya Bakti, 2006
3. Da'i Bachtiar, 2003, Pedoman Penyidikan Tindak Pidana Pencucian Uang, Jakarta, tidak ada penerbit. Ferry Aries Surananta, 2010, Peranan PPATK dalam Mencegah Terjadinya Praktik Money Laundering, Depok, Gramata Publishing.
4. Munir Fuady, 2001, Hukum Perbankan Indonesia, Bandung, PT Citra Aditya Bakti.
5. Yenti Garnasih, 2017, Penegakkan Hukum Anti Pencucian Uang Dan Permasalahannya di Indonesia, Depok, PT RajaGrafindo Persada.
6. Yunus Husein, 2001, "Beberapa Petunjuk Bagi Bank dalam mewaspadaai kejahatan Pencucian Uang", makalah institute Bankir Indonesia.
7. Alis Yulia, "Prinsip Mengenal Konsumen (Know Your Customer Principle) Dari Penyedia Jasa Keuangan Di Bidang Pasar Modal", Volume 7 No. 1-Maret 2019.
8. Asep Rozali, "Prinsip Mengenal Konsumen (Know Your Customer Principle) Dalam Praktik Perbankan", Jurnal Wawasan Hukum, Vol. 24 No. 01 Februari 2011.
9. Elisabeth Y Metekohy dan Ida Nurhayati, "Efektivitas Prinsip Mengenal Konsumen Pada Bank Sebagai Salah Satu Upaya Mencegah Tindak Pidana Pencucian Uang", Jurnal Ekonomi Dan Bisnis, Vol 11, No. 1, Juni 2012.
10. M. Rudi Setiawan, "Implementasi Prinsip Mengenal Konsumen Sebagai Upaya Pencegahan Tindak Pidana Pencucian Uang", Journal Diversi, Volume 3, Nomor 2, September 2017.
11. Leny Eka Novitayaningsih, Krisnadi Nasution, "Prinsip Mengenal Konsumen Pada Bank Umum Dalam Mencegah Tindak Pidana Pencucian Uang", Jurnal Hukum Bisnis Bonum Commune, Volume 2 Nomor 1 Februari 2019.
12. Marlina Kalangkahan, "Implementasi Prinsip Mengenal Konsumen Dalam Transaksi Perbankan Berdasarkan Undang-Undang Nomor 10 Tahun 1998", Lex Privatum, Vol. VII/No. 2/Feb/2019.
13. Yunus Husein. "Arti Penting Pelaksanaan Undang-Undang Anti Money Laundering Dan Prinsip Mengenal Konsumen Bagi Bank Dan Konsumen",
14. Undang-Undang Nomor 10 Tahun 1998 tentang Perubahan atas Undang-Undang Nomor 7 Tahun 1992 tentang Perbankan, LN tahun 1992 Nomor 3472.
15. Peraturan Otoritas Jasa Keuangan Nomor 22/POJK.04/2014 tentang Prinsip Mengenal Konsumen dari Penyedia Jasa Keuangan di Sektor Pasar Modal.
16. Peraturan Bank Indonesia Nomor 14 Tahun 2012 tentang Implementasi Program Anti Pencucian Uang dan Pencegahan Pendanaan Terorisme Bagi Bank Umum.