

**PENERAPAN HUKUM PIDANA PELAKU  
TINDAK PIDANA PENCUCIAN UANG DALAM TINDAK PIDANA ASAL**

**Abstrak**

Pembuktian unsur Tindak Pidana Pencucian Uang (TPPU) dapat dilakukan dengan dua (2) metode, yaitu membuktikan *predicate crime* terlebih dahulu dan dilanjutkan dengan membuktikan TPPU seperti pada Putusan Mahkamah Agung Nomor: 1607 K/PID.SUS/2012 atau hanya membuktikan TPPU saja dalam hal *predicate crime* tidak didakwakan seperti pada Putusan PT Makassar Nomor: 302/PID.SUS/2014/PT.MKS. Meskipun demikian, adanya dua kondisi yang berbeda itu menimbulkan kesan perbedaan perlakuan disamping secara teknis juga menimbulkan kesulitan mengingat tindak pidana pencucian uang merupakan turunan *predicate crime* (perkara pokok). Artinya tanpa *predicate crime* tidak mungkin terjadi TPPU. Hal itu menimbulkan masalah perbedaan dalam penanganan maupun kendala dalam penerapan *predicate crime* dalam pembuktian perkara TPPU. Penelitian ini adalah penelitian studi kepustakaan (*library research*) dengan menggunakan metode Yuridis Normatif dan berjenis kualitatif dengan cara mengkaji Putusan Mahkamah Agung Nomor: 1607 K/PID.SUS/2012 dan Putusan PT Makassar Nomor: 302/PID/2014/PT.MKS. Dari penelitian ini diketahui bahwa Pembuktian perkara TPPU pada Putusan MA Nomor 1607 K/PID.SUS/2012 diimplementasikan berdasar Pasal 75 UU TPPU dengan cara digabung antara TPPU dan *predicate crime* karena telah ditemukan cukup bukti pada *predicate crime*. Sedangkan, Putusan PT Makassar Nomor 302/PID.SUS/2014/PT.MKS berdasar pada Pasal 69 UU TPPU yaitu memisahkan antar TPPU dengan *predicate crime* karena sudah ditemukan cukup bukti pada TPPU sedangkan pada *predicate crime* masih memerlukan waktu lebih lama dalam pengumpulan alat bukti. Kendala dalam penerapan *predicate crime* terhadap pembuktian perkara TPPU adalah dalam membuktikan unsur harta kekayaan yang diketahui atau patut diduga berasal dari *predicate crime*. Sehingga pembuktian perkara TPPU sebaiknya dilakukan secara komulatif dengan *predicate crime*. Dan apabila belum cukup bukti pada *predicate crime* maka harus memperkuat bukti-bukti adanya *nexus* perbuatan TPPU terhadap kekayaan dengan *predicate crime*.

**Kata kunci: pembuktian, pencucian uang, pidana asal**

## ***Absctract***

*Money laundering is commonly used to describe efforts made by a person or legal entity to legalize “dirty” money, which is obtained from the proceeds of a crime with certain activities such as forming a business, transferring or converting to a bank or foreign exchange as a step to remove the background back from where the money was obtained. The proof of the element of the judge's criminal act is in two options, namely proving the predicate crime first and continued by proving the crime of money laundering as in the Supreme Court Decision Number: 1607 K / PID.SUS / 2012 or only proving the crime of money laundering only in the event that predicate offenses are not charged as in the Decision of PT Makassar Number: 302 / PID.SUS / 2014 / PT.MKS. This raises the problem of differences in handling and obstacles in the application of predicate offenses in proving cases of money laundering. So that proving ML cases should be done cumulatively with predicate crime. And if there is insufficient evidence on predicate crime then it must strengthen the evidence of the existence of ML's crime against wealth with predicate crime. This research is a library research research using qualitative type by reviewing the Supreme Court Decision Number: 1607 K / PID.SUS / 2012 and PT Makassar Decision Number: 302 / PID / 2014 / PT.MKS. From this research it is known that the proof of ML cases in the Supreme Court Decision Number 1607 K / PID.SUS / 2012 is implemented based on Article 75 of the TPPU Law by combining ML and its predicate crimes because sufficient evidence has been found in the original criminal. Meanwhile, the decision of PT Makassar Number 302 / PID.SUS / 2014 / PT.MKS is based on Article 69 of the TPPU Law, which is to separate TPPU from predicate crimes because enough evidence has been found in TPPU, while the original criminal still takes longer to collect evidence. . The obstacle in the application of predicate offenses to proof of ML cases is in proving the elements of assets which are known or reasonably suspected to be originating from the original criminal act.*

***Key words: evidence, money laundering, predicate crime***