

Comparative Study of Criminal Liability of Offenders Committing Fraud and Money Laundering Together as Continuing Actions

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Abstract

The rapid progress in all areas of life including economic, financial, trade, banking and social developments has brought certain legal implications for Indonesia. Law plays an important role in human life, legal ties connect humans with other humans and connect humans with the objects around them. This type of research is normative legal research, namely legal research conducted by examining literature or secondary data which is also known as doctrinal research. The legal research approach is the statutory approach, case approach, conceptual approach. The statutory approach by examining all laws and regulations that are related to criminal issues of additional restitution for victims of criminal acts. First Anugerah Karya Wisata (First Travel). Furthermore, in the Decision of the Makasar District Court Number 1235/Pid.B/2018/PN.MKS in the case of money laundering and embezzlement, the regulation of criminal acts of jointly committing fraud and money laundering as continuing actions in criminal law in Indonesia is regulated by Article 3 Jo. Article 4 Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (UU PP-TPPU). While the laws and regulations governing criminal acts of fraud are regulated in Article 378 of the Criminal Code.

Keywords: *Fraud, Money Laundering, Crime.*



A. INTRODUCTION

The rapid progress in all areas of life including economic, financial, trade, banking and social developments has brought certain legal implications for Indonesia. Law plays an important role in human life, legal ties connect humans with other humans and connect humans with the objects around them (Sitompul, 2022; Fauzia & Hamdani, 2021; Lubis & Nasution, 2020). All relationships and interactions as well as the reciprocity of these actions can run as expected is due to the services of the law. The law that develops is a law that is dynamic, not static, meaning that the law must be able to continue to develop following the development of society (Wulandari & Dermawan, 2022; Fauzia & Hamdani, 2022). However, the law actually has the essence of a living organism (*es ist und wird mit dem volke*) as Von Savigny said that the law will live and develop hand in hand with the development of society, on the basis of its own moral authority. In this case the law must continue to function or have meaning for the benefit, order, and order of society (Soeroso, 2014; Arifin & Choirinnisa, 2019).

However, there will always be loopholes for someone to commit crimes or deviations which of course can harm other people. Globalization causes needs and lifestyles to increase, so that this can be one of the factors for the rise of crime, one of

which is committing fraud, embezzlement and money laundering to enrich and provide for oneself. In carrying out its activities, a fraudster only needs to capitalize on words and persuasion, as well as tempting offers (Andrisman, 2011; Tanuwijaya et al., 2022; Akbar, 2020).

In 2017, there was another "rogue" Umrah travel agency which is currently in the spotlight, namely the Umrah Travel Bureau PT. First Anugerah Karya Wisata (First Travel). The owner of First Travel is suspected of committing fraud, embezzlement and money laundering with the Umrah mode. In this case the police have named three suspects, namely the leader and owner of First Travel, husband and wife pair Andika Surachman and Anniesa Devitasari Hasibuan and First Travel's Finance Director, Siti Nuraidah Hasibuan. Regarding the First Travel case, this article intends to examine First Travel's responsibility for the alleged crime of embezzlement, fraud and money laundering with the Umrah mode because as the owner and leader of First Travel, the suspect must be held accountable for the crime he allegedly committed.

First Travel is suspected of having committed fraud by offering a very cheap Umrah promo package, namely IDR. 14.3 million for the regular package and Rp. 54 million for the VIP package. The Umrah promo package succeeded in attracting many prospective pilgrims. The number of prospective pilgrims registered at First Travel reached 72,672 people. However, most of the prospective pilgrims failed to go for Umrah, with a total loss of IDR. 848.7 billion. From December 2016 to May 2017, First Travel was only able to dispatch 14,000 pilgrims, while 58,682 other prospective pilgrims lost money. The prospective pilgrims who lost money submitted their reports to the Bareskrim Polri crisis center. The total number of reporters reached 4,043 people. There were other reports submitted via email, namely 2,280 reports. In the case of Umrah fraud by First Travel, pilgrims were promised to get VIP-class Umrah facilities with an Umrah fee of only IDR. 14.3 million. This fee is far below the minimum standard price for Umrah fees set by the Association of Indonesian Muslim Hajj and Umrah Organizers (AMPHURI) and the Indonesian Ministry of Religion, which is USD 1,700 or the equivalent of IDR 22.61 million per person. The difference in costs of IDR 8.31 million was not obtained from the company's profits, but was covered using money collected from Umrah pilgrims for the following period.

First Travel deliberately dispatched a small number of pilgrims so that there was a time limit to be able to use the available money to send pilgrims who registered first. Losses for prospective Umrah pilgrims reach IDR. 839.12 billion. This figure does not include an additional fee of IDR. 2.5 million that First Travel asked for in May on the pretext of airplane charter costs. First Travel also offers Ramadan packages at an additional cost of IDR. 3 million to IDR. 8 million per congregation. The total loss of pilgrims under this pretext reached IDR. 9.54 billion. Not only harming the congregation, Bareskrim Polri has also received debt complaints of IDR 9.7 billion from First Travel to visa providers, three hotels in Mecca and three hotels

in Medina for a total of IDR 24 billion, and to flight ticket providers of IDR 85 billion (Warganegara, 2022)(Japriyanto et al., 2022).

In addition to the cases above, on March 23 2018, Commissioner of PT Abu Tours and Travel Khairuddin and CEO of PT Abu Tours Hamzah Mamba were investigated and later became suspects in a case of money laundering and embezzlement. Based on research results, the Ministry of Religion audited Abu Tours and found that until early 2019 around 86,000 Abu Tours pilgrims had not departed. Of the remaining funds at Abu Tours, around IDR. 2 billion was only able to send 27 pilgrims, who later announced that the total loss of all pilgrims reached 1.2 trillion. Abu Tours made a management mistake in managing the money for its prospective Umrah pilgrims. The 1.2 trillion fund is considered missing. From a series of confiscations carried out, only IDR. 200 Billion only. On January 21 2019, Hamzah Mamba was charged by the prosecutor with embezzlement and money laundering articles. During the trial Hamza gave complicated statements. In court it was proven that Hamzah Mamba bought assets with congregational money (www.cnbcindonesia.com).

From a legal perspective, the legal responsibilities of First Travel and Abu Tours can be seen from civil, criminal and administrative aspects. From a civil aspect, First Travel has defaulted by not sending prospective Umrah pilgrims, as well as having committed acts against the law (onrechmatige daad in Dutch and Tort in English). Therefore, First Travel and Abu Tours can be sued civilly for fulfilling the agreement, namely sending prospective pilgrims to Umrah to the holy land. Fulfillment of this obligation cannot be carried out by First Travel and Abu Tours alone because the Indonesian Ministry of Religion has revoked their operational permits as organizers of the Umrah pilgrimage. Fulfillment of the obligations of First Travel and Abu Tours can be arranged by other Umrah Travel Agencies, but at the expense of First Travel and Abu Tours. Another alternative, First Travel and Abu Tours can be sued for cancellation of the engagement so they have to return the money deposited by the prospective Umrah pilgrims to go to the holy land.

Regarding the civil liability to First Travel, the Panel of Judges at the Suspension of Obligation for Payment of Debt (PKPU) hearing at the Central Jakarta District Court decided that First Travel owed the plaintiff and granted the PKPU lawsuit from 3 First Travel customers. The three customers are Hendarsih, Ananda Perdana Saleh, and Euis Hilda Ria. Pursuant to Article 225 Paragraph (3) and Paragraph (4) of Law Number 37 of 2004 concerning Bankruptcy and Suspension of Obligations for Debt Payment, the Assembly considers that the PKPU request has reason to be granted. With the granting of the PKPU, First Travel is declared "alive" and can be held liable in civil terms for sending prospective Umrah pilgrims or returning Umrah fees. From an administrative aspect, administrative responsibility has been imposed on First Travel and Abu Tours for violating policies or administrative legal provisions. First Travel has been subject to administrative sanctions in the form of revocation of operational permits by the Indonesian

Ministry of Religion. With the revocation of the license, First Travel can no longer organize Umrah services (Effendi, 2011). From a criminal aspect, criminal liability can be requested for perpetrators of criminal acts such as First Travel or Abu Tours who have clearly committed crimes of fraud and money laundering.

Criminal liability or commonly known as criminal liability is an obligation attached to individuals or corporations that are subject to consequences for actions that result in losses due to criminal acts committed (Setiadi & Andriasari, 2020)(Ali et al., 2022)(Baharudin & Kartika, 2023). The criminal acts that have occurred are not all committed for one act, but can occur as a result of several actions. In the Criminal Code (KUHP), these crimes which are committed jointly are referred to as concurrent, commonly referred to as concursus, samenloop, or combined criminal acts. In the Criminal Code itself, the term Samenloop van Strafbare Feiten means someone who commits several criminal acts (Utrecht, 1994). This action is regulated more clearly in Article 64 of the Criminal Code, which mentions concurrent or combined. Prof. Kansil defines the concurrence or combination of a crime that can occur if a person commits several criminal acts between the times when he commits the offense he is not punished (C.S.T. Kansil, 2004)(Ginting & Chairunissa, 2021).

It is said to be concurrent if there are two or more criminal acts by one person, the first crime has not been sentenced to a crime, or between the crime committed and the next crime is not limited by a judge's decision (Chazawi, 2002; Apriliani, 2019). It is regulated in Article 64 of the Criminal Code regarding concurrent or what is known as continuing actions that if between several acts, even though each one is a crime or violation, there is such a relationship that it must be seen as one continuous action, then only one criminal rule is applied; if different, the one applied which contains the most serious principal punishment. The continuing actions in Article 64 are criminal acts that stand alone, are not in one unit, but in their actions they are interconnected with one another (Go & Benarkah, 2019).

In other words, these criminal acts occurred at different places, times, and expiration dates (Saleh, 1998; Yulianti et al., 2021). Legal subjects commit criminal acts more than once, have not been punished for previous actions, and between one crime and another are closely related. Article 64 regulates the determination of the maximum sentence for a crime committed based on the respective criminal provisions. Continuing actions are different from inclusion or deelneming which are regulated in Chapter V of the First Book of the Criminal Code, this is because continuing actions are carried out by one person for several criminal acts, while participation is carried out by several people for one crime.

Legal subjects who carry out these continuing actions are deemed to deserve the heaviest punishment, bearing in mind that several criminal acts committed have not been decided by a judge. The existence of regulations regarding continuing actions carried out by perpetrators of criminal acts indirectly indicates that there are cases that do occur in this way. For example, if a criminal commits theft, assault, and brutal destruction of goods, then there is a possibility that that person can be sentenced to as much as 20 years in prison. In the study that the author intends to

raise, a clear example of continuing actions is that carried out by First Travel and Abu Tours as previously described, namely that the two of them committed fraud and money laundering activities together, and for this ongoing action the Panel of Judges decided. Both the crime of fraud and money laundering that occurred as a follow-up action need to be proven separately between the two. An ongoing action that can be carried out by one's aunt has certain conditions, namely:

1. If the act committed by that person is an implementation of a prohibited decision;
2. If the said action results in the occurrence of other similar actions;
3. If one action is not separated from another by a relatively long distance (Samosir, 1983).

Of course, for criminal acts of fraud and money laundering as an ongoing action, a different responsibility will arise from criminal acts committed as ordinary acts, which in this case are not included in continuing actions. From the description above, the writer is interested in discussing the Comparative Study of Criminal Liability of Offenders Jointly Committing Fraud and Money Laundering as a Continuing Action.

B. METHOD

This type of research is normative legal research, namely legal research conducted by researching literature or secondary data which is also called doctrinal research, where law is often conceptualized as what is written in laws and regulations (law in books) or conceptualized as rules or norms which are benchmarks for human behavior that are considered appropriate. According to Peter Mahmud Marzuki, normative legal research is a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues at hand (Marzuki, 2007). In normative juridical law research, the types of data are not known, but legal materials, namely primary legal materials and secondary legal materials. The model for collecting legal materials used is the library research model or library research. This study takes place in the library or other places where various sources of data on legal materials can be obtained (Mukti Fajar, 2010).

C. RESULT AND DISCUSSION

1. Arrangements for Fraud and Money Laundering in Indonesian Criminal Law

The crime of money laundering (TPPU) is a crime that has a characteristic, namely, this crime is not a single crime but a double crime. This crime is characterized by a form of money laundering which is a crime that is a follow-up crime or a follow-up crime, while the main crime or original crime is referred to as a predicate offense or core crime or some countries formulate it as an unlawful activity, namely a predicate crime that generates money which is then carried out by the laundering process (Suprihadi, 2012). Money laundering is an attempt to conceal or disguise the origin of money/funds or assets resulting from crime through various

financial transactions so that the money or assets appear as if they originate from legitimate/legal activities.

The concept of money laundering is to hide the origin of assets resulting from crime in various ways and enter them into the financial system so that assets resulting from crime appear legal. Therefore, so that the proceeds of crime can generate profits in a legal financial system and also maintain the reputation or social status of a person or group, the perpetrators commit the crime of money laundering (UGM).

The Case of the Umrah Travel Bureau PT. First Anugerah Karya Wisata (First Travel). The owner of First Travel is suspected of committing fraud, embezzlement and money laundering with the Umrah mode. In this case, the Police have named three suspects, namely the leader and owner of First Travel, husband and wife couple Andika Surachman and Anniesa Devitasari Hasibuan and First Travel's Finance Director, Siti Nuraidah Hasibuan. First Travel is suspected of having committed fraud by offering a very cheap Umrah promo package, namely IDR 14.3 million for the regular package and IDR 54 million for the VIP package. The Umrah promo package succeeded in attracting many prospective pilgrims. The number of prospective pilgrims registered at First Travel reached 72,672 people. However, most of the prospective pilgrims failed to go for Umrah, with a total loss of IDR. 848.7 billion. From December 2016 to May 2017, First Travel was only able to dispatch 14,000 pilgrims, while 58,682 other prospective pilgrims lost money. The prospective pilgrims who lost money submitted their reports to the Bareskrim Polri crisis center. The total number of reporters reached 4,043 people.

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In addition to the cases above, on March 23 2018, Commissioner of PT Abu Tours and Travel Khairuddin and CEO of PT Abu Tours Hamzah Mamba were investigated and later became suspects in a case of money laundering and embezzlement. Based on research results, the Ministry of Religion audited Abu Tours and found that until early 2019 around 86,000 Abu Tours pilgrims had not departed. Of the remaining funds at Abu Tours, around Rp. 2 billion was only able to send 27 pilgrims, who later announced that the total loss of all pilgrims reached 1.2 trillion. Abu Tours made a management mistake in managing the money for its prospective Umrah pilgrims. The 1.2 trillion fund is considered missing. From a series of confiscations carried out, only IDR. 200 Billion only. On January 21 2019, Hamzah Mamba was charged by the prosecutor with embezzlement and money laundering articles. During the trial Hamza gave complicated statements. In court it was proven that Hamzah Mamba bought assets with congregational money (CNBC Indonesia Research Team. www.cnbcindonesia.com).

The provisions of the law in Indonesia that regulate the Crime of Money Laundering (TPPU) can be seen in the provisions in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (hereinafter referred to as the TPPU Law). Article 1 point (1) of the TPPU Law which confirms the following:

Article 1 number (1):

Money laundering is any act that fulfills the elements of a criminal act in accordance with the provisions of this law. As for the forms of criminal acts and criminal sanctions as referred to, they are regulated in Article 3 to Article 10 of the TPPU Law which reads as follows:

Article 3:

Everyone who places, transfers, diverts, spends, pays, grants, deposits, takes abroad, changes form, exchanges with currency or securities or other actions on Assets that he knows or should reasonably suspect constitutes the proceeds of crime as referred to in Article 2 paragraph (1) with the aim of concealing or disguising the origin of Assets shall be punished for the crime of Money Laundering with imprisonment for a maximum of 20 (twenty) years and a fine of up to IDR. 10,000.00 0000.00 (ten billion rupiah).

Explanation of Article 3:

Quite clear

Article 4:

Everyone who hides or disguises the origin, source, location, designation, transfer of rights, or actual ownership of Assets which he knows or reasonably suspects are the proceeds of a crime as referred to in Article 2 paragraph (1) shall be punished for the crime of Money Laundering with imprisonment for a maximum of 20 (twenty) years and a maximum fine of IDR. 5,000,000,000.00 (five billion rupiah).

Explanation of Article 4 :

Quite clear

Article 5:

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

Explanation of Article 5 :

Paragraph (1) What is meant by "reasonably suspect" is a condition that meets at least the knowledge, desire, or purpose at the time of the occurrence of the Transaction that is known to him which indicates a violation of law.

Paragraph (2) Self-explanatory.

Article 6:

- (1) In the event that the crime of Money Laundering as referred to in Article 3, Article 4 and Article 5 is committed by a Corporation, the sentence shall be imposed on the Corporation and/or Corporate Controlling Personnel.
- (2) Criminals are imposed on Corporations if the crime of Money Laundering: a) dilakukan atau diperintahkan oleh Personil Pengendali Korporasi; b) dilakukan dalam rangka pemenuhan maksud dan tujuan Korporasi; c) dilakukan sesuai dengan tugas dan fungsi pelaku atau pemberi perintah; dan d) dilakukan dengan maksud memberikan manfaat bagi Korporasi.

Explanation of Article 6 :

Paragraph (1) Corporations also include organized groups, namely structured groups consisting of 3 (three) or more people, whose existence is for a certain time, and act with the aim of committing one or more criminal acts regulated in this Law with the aim of obtaining financial or non-financial benefits, either directly or indirectly.

Paragraph (2) Self-explanatory.

Article 7:

- (1) The principal sentence imposed on a Corporation is a maximum fine of Rp. 100,000,000,000.00 (one hundred billion rupiah).
- (2) In addition to the fine as referred to in paragraph (1), additional penalties can also be imposed on Corporations in the form of: a) announcement of a judge's decision; b) freezing of part or all of the Corporation's business activities; c)

revocation of business license; d) dissolution and/or suspension of the Corporation; e) appropriation of Corporate assets for the state; and/or f) corporate takeover by the state.

Explanation of Article 7:

Quite clear

Article 8:

In the event that the convict's assets are insufficient to pay the fine as referred to in Article 3, Article 4 and Article 5, the fine shall be replaced by imprisonment for a maximum of 1 (one) year and 4 (four) months.

Explanation of Article 8:

Quite clear

Article 9:

- (1) In the event that the Corporation is unable to pay the fine as referred to in Article 7 paragraph (1), the fine shall be replaced by confiscation of the Corporation's Assets or Controlling Personnel of the Corporation whose value is the same as the fine imposed.
- (2) In the event that the sale of the confiscated Corporation's Assets as referred to in paragraph (1) is not sufficient, imprisonment in lieu of a fine shall be imposed on the Corporate Controlling Personnel taking into account the fine already paid.

Explanation of Article 9:

Paragraph (1) is self-explanatory

Paragraph (2) is self-explanatory

Article 10:

Everyone who is inside or outside the territory of the Unitary State of the Republic of Indonesia who participates in trying, assisting, or conspiracy to commit the criminal act of Money Laundering shall be subject to the same punishment as referred to in Article 3, Article 4, and Article 5.

Explanation of Article 10:

Quite clear

Based on the provisions of the TPPU, it can be seen that Indonesia still defines it only by referring to the elaboration of the forms of criminal acts. This is because, by not clearly defining the crime of money laundering, it is easy to accommodate various forms of money laundering. Moreover, the mode of money laundering continues to develop along with technological developments and modes of crime, so

that if there are additions and developments in the form of money laundering, it will be easier in terms of adjustments. However, from this elaboration it can actually be seen that the philosophy of ML is in the form of an attempt to disguise the origin of assets obtained illegally so that it appears as if they originate from legal acquisitions that are still accommodated (Husein, 2013).

Sanctions for perpetrators of money laundering are quite severe, starting from a maximum prison sentence of 20 years, with a maximum fine of 10 billion rupiah.

Article 378 of the Criminal Code has been formulated which can be said to be fraud, namely: "Whoever with the intention of unlawfully benefiting himself or others by using a false name or false dignity, with deception, or with a series of lies, incites other people to hand over goods to him, or to give debts or receivables, is threatened with fraud, with a maximum imprisonment of 4 (four) years" (Anwar, 1989). The crime of fraud or bedrog is regulated in Articles 378-395 of the Criminal Code, Book II Chapter XXV. In Chapter XXV, the words "Fraud" or "Bedrog" are used, "because in fact that chapter regulates a number of acts aimed at property, in which the perpetrator has used fraudulent acts or used deception." The principal form of fraud is regulated in Article 378 of the Criminal Code (Lamintang, 1984). Soesilo formulates as follows: This crime is called the crime of fraud. The job of a fraudster is to: a) Persuade people to give goods, make debts or write off debts; b) The purpose of the inducement is to benefit oneself or others by violating rights; c) Persuading him by using a fake name or a fake condition, clever tricks (tricks) or a fabrication of lying words; d) Persuading, i.e. exerting influence by cunning over people, so that person according to him does something that if he knew the real situation, he would not have such an argument; e) There is no mention of restrictions regarding goods, that said goods must belong to someone else, so persuading people to surrender the goods themselves, can also be considered fraud, as long as other elements are met; and f) As is the case with theft, even if fraud is committed within a family circle, the regulations referred to in article 367 in conjunction with 394 of the Criminal Code apply (Soesilo, 1996).

The essence of the crime of fraud is aimed at benefiting oneself or others against rights, by using fraudulent efforts as stated in a limited manner in Article 378 of the Criminal Code. As a method of fraud in Article 378 of the Criminal Code, according to M. Sudrajat Bassar states: (Bassar, 1986);

- a. Using a fake name
- b. Nama palsu adalah nama yang berlainan dengan nama yang sebenarnya, akan tetapi kalau si penipu itu menggunakan nama orang lain yang sama namanya dengan ia sendiri, maka ia tidak dapat dikatakan menggunakan nama palsu, tetapi ia dapat dipermasalahkan melakukan "tipu muslihat" atau "susunan belit dusta".
- c. Using fake position, A person can be accused of cheating by using a fake position.
- d. Using gimmicks, what is meant by deception is actions that can give rise to belief in false confessions, and in the description of events that are actually

made in such a way that the falsification can deceive people who are usually careful.

e. Using a lying convoluted arrangement

The lie must be so convoluted that it is a whole that looks like it is true or true and it is not easy to find where the falsehood is. This deception tends to mix with the deception mentioned in point 3 (three), and therefore it is difficult to separate them.

Thus, that the provisions governing prohibited acts which constitute money laundering crimes are regulated in statutory regulations, namely Article 3 Jo. Article 4 Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (UU PP-TPPU). While the laws and regulations governing criminal acts of fraud are regulated in Article 378 of the Criminal Code.

2. Arrangements for Fraud and Money Laundering Crimes in Indonesian Criminal Law

Application of criminal liability law for criminal offenders for crimes committed jointly by committing fraud and money laundering crimes as ongoing actions. Researchers analyzed 2 (two) court decisions, namely Depok District Court Decision Number 83/Pid.B/2018/PN.Dpk in cases of criminal acts of fraud, embezzlement, and money laundering with the Umrah mode carried out by the Umrah Travel Bureau PT. First Anugerah Karya Wisata (First Travel). Furthermore, in the Makasar District Court Decision Number 1235/Pid.B/2018/PN.MKS in the case of money laundering and embezzlement committed by Commissioner PT Abu Tours and Travel Khairuddin and CEO of PT Abu Tours Hamzah Mamba.

3. Depok District Court Decision Position Case Number 83/Pid.B/2018/PN.Dpk Sit Case

On July 1, 2009 First Travel started its business as a travel agency business, under the banner of CV First Karya Utama. Initially, First Travel's travel agency only offered domestic and international travel services for individual and corporate clients. It was only in 2011 that First Travel entered the Umrah pilgrimage business under the banner of PT First Anugerah Karya Wisata, and grew rapidly from year to year. After 6 years of operation, First Travel started to smell strange signs. It was the Ministry of Religion who first observed that there was something strange about First Travel's business model.

PT First Anugerah Karya Wisata offers Umrah Promo Packages 2017 at a price of IDR 14,300,000 (fourteen million three hundred thousand rupiah) per person, for travel of 9 (nine) days with 3-star hotel accommodation facilities with a FIFO (First In First Out) departure system. Departure is carried out 1 (one) year later after payment is paid in accordance with the list of payment orders on behalf of those who register first, depart first. Umrah Promo Packages are offered from January 2015 for departures from November 2016 to May 2017.

Apart from that, there are also other packages, Regular Umrah Packages at a price of IDR. 26,613,000.- (twenty-six million six hundred thirteen thousand rupiahs)

per person, with 4-star hotel accommodation facilities, the 8th Anniversary Package First Travel at a price of IDR. 8,888,888,- (eight million eight hundred eighty-eight thousand eight hundred and eighty-eight rupiahs) per person, a VIP Package at a price of IDR. 54,000,000.- (fifty four million rupiahs) per person, with 5 (five) star hotel accommodation facilities and departure at any time after payment has been paid, and the 2018 Promo Umrah Package at a price of IDR 15,000,000 (fifteen million rupiah) per person, with 3-star hotel accommodation facilities.

First Travel received the attention of the Ministry of Religion after First Travel failed to send Umrah pilgrims on March 28, 2017, during which incident the congregation was lodged in hotels around Soekarno Hatta Airport. The Ministry of Religion also carried out clarifications, investigations, advocacy, and mediation with the congregation. The first clarification attempt was made on April 18 2017. The congregation felt disadvantaged because some of them failed to go for Umrah 3 times. When asked for clarification, First Travel's management always evaded. During that same meeting, the Ministry of Religion immediately asked the First Travel officials for the clarity of this case. But the management did not give any answer at all.

On May 22 2017 the Ministry of Religion invited First Travel to mediate with the congregation. They sent a legal team but it was not continued. The problem is that First Travel's legal team is not equipped with a power of attorney. On the other hand, on the same date, 600 First Travel pilgrims from East Java complained to the DPR. The 600 pilgrims from East Java were stranded in the capital city for four days and never knew when they would depart for the Holy Land. The Ministry of Religion summoned First Travel again on May 24 2017. This attempt also failed because the management was not present.

On June 2 2017, mediation was held between First Travel and a number of pilgrims from Bengkulu. For the umpteenth time, the management of First Travel has no solution that can be provided. 10 July 2017 was the last time mediation attempts were made. Again, the mediation failed because First Travel's management was not present. Eleven days later, on July 21 2017, the Financial Services Authority (OJK) Investment Alert Task Force ordered PT First Anugerah Karya Wisata to stop selling its promotional packages because there were indications of illegal investment and collection of public funds without permission. First Travel has also never submitted data on pilgrims who have registered and have not yet departed. This document has been requested for four months.

The Ministry of Religion revoked First Travel's operational license. The permit revocation was carried out by the Ministry of Religion because First Travel had violated the law regarding the organization of the pilgrimage. This ultimately resulted in the congregation experiencing both material and immaterial losses. The permit was revoked because PT First Anugerah Karya Wisata was deemed proven to have violated Article 65 letter a of Government Regulation Number 79 of 2012 concerning the Implementation of Law Number 13 of 2008 regarding the Implementation of the Hajj.

The violation was in the form of neglecting the Umrah congregation which resulted in the failure to leave for Saudi Arabia, and resulted in material and immaterial losses being experienced by the Umrah congregation. Then the Ministry of Religion gave administrative sanctions to PT First Anugerah Karya Wisata (First Travel) as stated in the Decree of the Minister of Religion Number 589 of 2017 dated 1 August 2017. 9 August 2017, Bareskrim Polri named the main director and director of First Travel Andika Surachman and Anniesa Desvitasari Hasibuan as suspects. To hide or to disguise the origins of the money coming from deposits by prospective Umrah pilgrims, which were collected in an escrow account in the name of First Anugerah Karya Wisata by Defendant I, part of the money was diverted by transferring to personal accounts in the names Andika, Anniesa, Siti Nuraida, Andi Wijaya, Usya Soeharjono. That at trial the Defendants explained that from the start they realized that the price of the 2017 Umrah Promo Package of Rp. 14,300,000 (fourteen million three hundred thousand rupiah) was not enough to finance the Umrah pilgrimage package as offered, but the Defendants continued to offer the umroh packages, especially the 2017 Umrah promo packages to prospective pilgrims so that they managed to get and attract prospective pilgrims to register and have paid the 2017 Umrah promo package costs.

The total cases of prospective Umrah pilgrims who failed to depart for the holy land were as many as 63,000 pilgrims. The loss reached IDR. 905.33 billion. In order to attract prospective pilgrims, First Travel offers an Umrah promo price of IDR 14.3 million. The marketing strategy has been carried out by opening branches in several regions since 2015. The First Travel branches are in Medan, Kuningan, Jalan TB Simatupang, Bandung and Bali. He also formed a marketing network throughout Indonesia by forming partnership agents. The Panel of Judges stated that there were around 835 partnership agents with active status. First Travel also sells franchises to several cities with a franchise fee of IDR 1 billion. In addition, it also disseminates information through social media, brochures. As well as sending a number of public figures.

D. CONCLUSION

Arrangements for criminal acts of jointly committing fraud and money laundering as continuing actions in criminal law in Indonesia are regulated in Article 3 Jo. Article 4 Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (UU PP-TPPU). While the laws and regulations governing criminal acts of fraud are regulated in Article 378 of the Criminal Code.

The criminal responsibility of the perpetrators of the crime together commits fraud and money laundering as an ongoing act in the Depok District Court Decision Case Number 83/Pid.B/2018/PN.Dpk The judge's legal considerations referred to Article 378 of the Criminal Code in conjunction with Article 55 paragraph 1 of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code and Article 3 of the TPPU Law jo. Article 55 paragraph (1) 1st of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code, by imposing a

sentence on Defendant I Andika Surachman for 20 years in prison and Anniesa Hasibuan 18 years in prison. Furthermore, in the Makasar District Court Number: 1235/Pid.B/2018/PN.MKS the judge's legal considerations referred to Article 372 of the Criminal Code in conjunction with Article 55 paragraph 1 1 of the Criminal Code in conjunction with Article 64 paragraph 1 of the Criminal Code and Article 3 of Law Number 8 of 2010 Concerning the Crime of Money Laundering in conjunction with Article 55 paragraph 1 1 of the Criminal Code in conjunction with Article 64 paragraph 1 of the Criminal Code by imposing a crime on the Defendant H.Muh Ham zah Mamba. S.Hi alias Abu Hamzah alias Hamzah alias Pak Abu alias Anca Bin Sapareng Mamba for 20 years in prison. Based on the two cases that were decided through the Depok District Court Decision Case Number: 83/Pid.B/2018/PN.Dpk and Makasar District Court Decision Number: 1235/Pid.B/2018/PN.MKS, there is no difference in the imposition of criminal sanctions, where in both decisions the defendant was sentenced to 20 (twenty) years in prison.

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