Comparison of Regulations in the Eradication of Money Laundering Criminal Offence Originating From Narcotics Between the Countries of Indonesia and the United States of America

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ABSTRACT
Money laundering is a multi-dimensional and transnational crime. In the eyes of the international community, Indonesia is considered to be vulnerable to money-laundering and terrorism-financing practices due to its limited financial system regulations and ineffective law enforcement. INTRAC (Indonesian Financial Transaction Report and Analysis Centre) or known as "PPTAK" in Indonesia is an independent institution in carrying out its duties and authorities to prevent and eradicate money laundering crimes and is also responsible to the President of the Republic of Indonesia. On the other hand, FinCEN (Financial Crime Enforcement Network) is a work unit under the Treasurer (Minister of Finance). In relation to Money Laundering, Criminal Offences derived from narcotics crimes, prior to international talks on money laundering, the United States of America (USA) enacted various legislations to combat money laundering, especially those funds originating from narcotics and drugs. Therefore, it is important to review the regulations in the eradication of money laundering in the USA and Indonesia in order to determine whether the existing regulations are sufficient to eradicate money laundering crimes originating from narcotics crimes.

***Keywords**: Money laundering, narcotics, regulatory comparison.*

1. INTRODUCTION

When discussing comparative law, the starting point certainly begins from the how, the what, and the what for we conduct the comparison of law between one country and another or even with several other countries. The comparative law pays attention to the question of "how the law should be", by studying the regulations and legal institutions in relation to each other. (Zwigert and Kotz [1977], pp. 9-10).[1]

The roots of modern comparative law can be divided into two, namely legislative comparative law and academic comparative law. Comparative legislative law refers to a foreign legal process involved in drafting new national laws, whereas as a discipline, the academic comparative law has taken a long time to become known. The comparative law must be able to overcome the universe of accidental and divisive differences in law from different societies at the same stage of economic and cultural development, reduce the amount of legal diversity, which can be attributed not to the political, moral, social qualities of different nations, but on historical events or in temporary or unforeseen circumstances.

Money laundering is a multi-dimensional and transnational crime. In the eyes of the international community, Indonesia is considered to be vulnerable to money-laundering and terrorism-financing practices due to its limited financial system regulations, ineffective law enforcement, and widespread corrupt practices. In order to address the weaknesses of the Indonesian nation, especially when compared with the United States of America which established a special agency in the field of financial transaction analysis, namely FinCEN (Financial Crimes Enforcement Network) in 1990, so that based on Law no. 15 of 2002 concerning the Crime of Money Laundering, a Financial Transaction Reports and Analysis Center (PPATK) was established which has the main task of assisting law enforcement in preventing and eradicating money laundering and other criminal acts by providing intelligence on money laundering. analyze reports submitted to PPATK. In this study, the author wants to

[1] Peter de Cruz, *Perbandingan Sistem Hukum Civil Law, Common Law dan Socialist Law* (Edition V), (Bandung: Nusa Media, 2014), page 15.

compare the position, background of the formation, duties, and authorities of INTRAC in Indonesia with FinCEN in the United States.

Without realizing it, in everyday life, we are always dealing with money. Likewise, every sector of human life always involves money and the money management institution, namely the bank. The existence of the banking institutions as a place to collect funds and allocate funds becomes a particular attraction because banking is the only entity that owns that function. In addition, the performance of banking institutions can be compared with the performance of the government, because these institutions carry out their functions as financial facilitators. A very strategic function carried out by banks is in relation to being a stimulus for a country's economy. Because it is banking that shall increase the national development activities as well as hinder the wheels of the economy. Banking functions as the intermediary institutions are of highly strategic importance and if these functions are not carried out properly, certain problematic matters await the viability of a nation's economy.

Political, business, and technological advances in the telecommunications sector spurred on the banking industry to create rapid transaction conditions, cheap and easy transactions for the business doers. Among others, through private banking or by utilizing e-commerce and online banking services through the internet network. It is true that when viewed from one side of the advances in science and technology that we have achieved, have created significant effectiveness and efficiency in various banking sectors, on the other hand, the criminals have also utilized them to develop and expand their criminal activities beyond the state border, such as through money-laundering practices.

Money laundering activities have a serious overall impact on the stability of the financial system and the economy. Money laundering is a multidimensional and transnational crime that often involves large amounts of money. In the 1980s, at least 40 percent of the United States' tax-exempt debt went to the tax-exempt finance centers[2]. This may happen because of the abolition of foreign exchange controls so that the United States government is no longer able to regulate the flow of foreign exchange. The situations like this are in accordance with the wishes of the money launderers, whereby they are easily enabled to take advantage of the tax-exempt financing centers to transfer the proceeds of crimes to the various parts of the world, thus the law enforcement officers will definitely have difficulty in tracing the origin and whereabouts of the dirty money[3] which has been laundered in the tax-exempt financing centers. Meanwhile, in the 1990s, money laundering of the proceeds of crimes was carried out on a large scale. The reports by the United States Office of Technology, among others, states that 0.05 to 0.1 percent of the approximately 700,000 electronic transfers each day is hot money[4] for which the value reaches 300 million US dollars.

Similarly, what happened in Indonesia, the economic crisis that hit our country in 1997-1998, led the banking world to its brink of collapse. At that time, several national private banks had to be liquidated and several other banks had their operations temporarily dismissed. This incident was actually caused by the poor management of banking in the past. It is reflected in the policies issued by the government and monetary authorities towards the banking industry, both in terms of supervision and as a monetary controller. As a result of the heating up of the economy, banking management conditions have become less conducive and very vulnerable to the amendments in economic behavior, both domestically and internationally.

In the eyes of the international community, Indonesia is considered to be vulnerable to money-laundering and terrorism-financing practices due to its limited financial system regulations, ineffective law enforcement, and widespread corrupt practices. Money laundering practices are generally related to activities that are not narcotics crimes, such as gambling, prostitution, banking crimes, theft, credit card abuse, maritime crimes, sale of prohibited goods, illegal logging[5], and corruption. Indonesia also has a long history of smuggling facilitated by thousands of miles of

[2] A tax-exempt financing center is "a jurisdiction whereby the banks and other financial institutions are freed from the regulations usually applied to similar financial institutions in the country". In this tax-exempt financing center, financial transactions are always tax-exempt, and are also exempt from interest and exchange rate regulations. Yunus Husein, *Negeri Sang Pencuci Uang*, edition 1, (Jakarta: Pustaka Juanda Tigalima, 2008), page 7.

[3] Dirty money is "the whole of illicit proceeds, a much larger sum. If it breaks one country's law in its origin, movement, or, use, then it's dirty money, regardless of whether it's singled out as laundered in another country's law". Ibid., page 3.

[4] Arief Budisusilo stated that the definition of hot money is literally "hot money". But the real meaning of hot money is foreign capital that is easy to come and easy to go, depending on the contents of the head and the will of the owner of the money. Hot money is always hunting for short-term profits, anywhere, anytime, and through any instrument: including share, short-term debt securities, and foreign exchange. This type of investor does not care whether their actions will make a country's economy good or bad, shiny or devastated. There is only one ideology of such capital: maximum profit, minimum loss.

[5] Illegal logging is "the harvest, transportation, purchase or sale of timber in violation of laws. The harvesting procedure itself may be illegal, including using corrupt means to gain access to forests; (http://en.wikipedia.org/wiki/illegal_logging)

uncontrolled coastline, and the infrastructure of law enforcement is contaminated by corruption. The result of various criminal activities was placed abroad and returned only to meet commercial and personal needs. All of this has a harmful impact on the economic and financial system of our country in the eyes of the international community.

History records that the development of an anti-money laundering regime by criminalizing money laundering was pioneered by the United States, which was followed by other countries. The formation of the international anti-money laundering legal regime was marked by the issuance of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (Vienna Convention 1988) which is viewed as a milestone and culmination of the international community's attention to money laundering. Therefore, on this occasion, the author would like to analyze the comparison of FinCEN in the United States which was established in 1990 with the INTRAC in Indonesia which was newly established in 2002 considering the importance of international trust in our country. According to the author, the background of the formation of a law that underlies the establishment of a government institution is very important for the continuity of achieving the goals of the institution. Although no country is perfect in implementing the anti-money laundering regime, as a good nation we should always endeavor to make improvements without waiting for external judgments or pressure.

2. DISCUSSION

2.1 Comparison of regulations in the eradication of money laundering in the United States and Indonesia.

In order to answer how the regulation regarding the eradication of the Money Laundering Criminal Offence (hereinafter referred to as "TPPU") is in the United States, we must look further through the history and origins of the money laundering regulations in the United States of America.

2.1.1. History

a) Year 1930.

The word money laundering has been used since the 1930s in the United States. Money laundering word was first used to refer to the mafia's actions that utilize the proceeds of crime originating from the illegal sale of liquor, narcotics, illegal drugs, and even bought the clothes laundering companies with the aim of mixing the proceeds of crime with the clean businesses to disguise it[6]. Therefore, the United States was the pioneer of the international anti-money laundering legal regime by criminalizing money laundering.

b) Year 1980.

In the 1980s, at least 40 percent of the United States' tax-exempt debt went to the tax-exempt financial centers. This may have happened because of the abolition of foreign exchange controls so that the United States government was no longer able to regulate the flow of foreign exchange. The situations like this are in accordance with the wishes of the money launderers, whereby they are easily enabled to take advantage of the tax-exempt financing centers to transfer the proceeds of crime to various parts of the world, causing the law enforcement officers to have difficulty in tracing the origin and whereabouts of the dirty money (proceeds of crime) that has been laundered in the tax-exempt financing centers[7].

c) Year 1988.

The rampant circulation of narcotics and illegal drugs and large amounts of dirty money entered the banking system, which led to the formation of an international anti-money laundering legal regime which was marked by the issuance of The United Nation Convention Against Illicit Traffic In Narcotics, Drugs and Psychotropic Substances Of 1988 (Vienna Convention 1988) by the United Nations which is viewed as a milestone and the culmination of the international community's attention to money laundering because this convention was the first convention that defined the term of money laundering[8].

Husein (2004: 3) explains that the efforts of the world community to combat money laundering have actually been going on for a long time, but the United Nations (UN) was the first international organization to propose the idea of drafting international legal instruments to combat money laundering. The efforts to issue the 1988 Vienna Convention began at a time when the international community felt frustrated over eradicating the crime of illicit drug trafficking. This is understandable considering that the object being combated is an organized crime that has an organizational structure with a clear division of authority, a powerful source of funding and has a network that crosses national borders. The international law regime of anti-money laundering is definable as the strategic advanced action that is no longer focused only on the perpetrator and arrested the drug traffickers, instead, it was

[6] A. De Feo, Michael. (1990). Depriving International Narcotics Traffickers and Other Organized Criminals of Illegal Proceeds and Combating Money Laundering. Journal of Money Laundering Law, 18(3), page 405.

[7] Erman Rajagukguk, *Rezim Anti Pencucian Uang dan Undang-Undang Anti Pencucian Uang*, (Undergraduate Thesis, Universitas Sumatera Utara, Medan, 2011), page 10.

[8] Yenti Garnasih, *Kriminalisasi Pencucian Uang (Money laundering)*, (Jakarta: Postgraduate F UI, 2003), page 138.

focused on efforts in eradicating the proceeds of crime.[9]

d) Year 1989.

Another monumental international effort to combat money laundering crimes at the international level was in 1989 when the advanced industrial countries that were members of the G-7 Countries (consisting of Canada, Germany, France, Italy, Britain, Japan and the United States) and the Organization for Economic Cooperation and Development (OECD) agreed on the Financial Action Task Force on Money Laundering (FATF) as a duty force with the duty of compiling Forty Recommendations or 40 international standard recommendations to combat money laundering. The FATF is an intergovernmental body as well as a policy-making body that contains experts in the fields of law, finance, and law enforcement who assist the state jurisdictions in drafting laws and regulations.

Husein (2004:4) states that the three main functions of the FATF are to monitor the progress achieved by FATF members in implementing measures to eradicate money laundering, conduct studies on money trends, techniques, countering money laundering, promoting the adoption and application of anti-money laundering standards to the international community. The FATF is one of the most powerful and influential institutions in the world, for it has the power to suppress any country in the world that does not have an anti-money laundering regime that meets international standards.

e) Year 1990.

In April 1990, the FATF for the first time issued international standards in the form of Forty Recommendations as a comprehensive framework for combating money laundering crimes. The Forty Recommendations are widely recognized and accredited by the public and international organizations. For example, the International Monetary Bank (IMF), World Bank, Asian Development Bank (ADB), and other international organizations also recognize and utilize these recommendations as a reference. Although the form is a "recommendation", it is an obligation for every country to comply with it. Thus, every country without exception cannot escape from the said international standards.

According to the FATF Press Release dated 14 February 2003, which was published in Paris, to encourage all countries to implement the Forty Recommendations and at the same time evaluate the level of compliance of each country with the recommendations issued, the FATF established a list of NCCTs (Non-Cooperative Countries and Territories) with the aim of conducting an assessment of the country or territory that hinders or is considered to be uncooperative in efforts to prevent and eradicate the money laundering offences. The assessment utilizes 25 criteria and the results of the study will be placed on a list of NCCTs that are open to the public.

f) After 1990.

One of the recommendations issued by the FATF is that it is necessary to establish a Financial Intelligence Unit (FIU) institution in each country to prevent and eradicate money laundering. In order to make the anti-money laundering strategy effective, it is necessary to have continuous support and coordination from all relevant parties, especially in terms of finance and law enforcement. To connect the two different sides, it is necessary to have one of the functions to be to receive and analyze all of the financial-related information, then to submit them to the law enforcement for further follow-up.

The existence of this FIU is indispensable, and in several countries, its formation has been carried out, for example, FinCEN (Financial Crimes Enforcement Network) in the United States which was established in 1990. In Southeast Asia, AMLO (Anti-Money Laundering Office) in Thailand was established in 1999, Financial Security Unit in Malaysia was established in 2001, STRO (Office for Reporting Suspicious Transactions) in Singapore was established in 2000, Anti-Money Laundering Office in the Philippines was established in in 2001, and PPATK (Center for Transaction Reports and Analysis) or Center for Financial Transaction Reports and Analysis (PPATK) in Indonesia was established in 2002.

In order to provide a forum for the FIUs to support one another, in 1995 the Egmont Group was formed which was established at the Egmont-Arenberg Palace in Belgium. Thus, the Egmont Group is an association of all FIUs in the world.[10]

2.1.2 Comparative Method

Comparison is a method to present components to be compared. Comparison is one of the important scientific source. Such comparison method can be said to be a technique, discipline, implementation and method where the values of human nature of its relationship and activities are introduced and evaluated.

Importance of comparison is acknowledged in any field of study and research. These important values are reflected in the papers and work of scientists, historians, economists, politicians, law experts and those in investigation and research. Any suggestion, idea, principle, and theory, need to be formulated and produced as the result of comparison. That is the original law.

The simplest form of comparative law, is a method of study and research that shows the comparative law and legal institutions of two or more countries. In this study, the author wants to compare two similar legal

[9] Yunus Husein (2004) *Tindak Pidana Pencucian Uang (Money Laundering) dalam Perspektif Hukum Internasional*. Jurnal Hukum Internasional, 1 (2). page 3

[10] International Monetary Fund Legal Dept., Financial Intelligence Units: An Overview, (Washington D.C.: World Bank, Financial Market Integrity Div, 2004)

institutions in different legal systems. The two institutions are INTRAC and FinCEN, whereas the two different legal systems are Indonesia and the United States. This means laying out the comparable elements of two legal systems and then determining their similarities and differences.

Considering comparative legal activity and its field of study, regarding its scope of comparison, comparisons can be carried out in two forms, namely:

a. Institutional comparison

Institutional comparisons, also known as structural comparisons, are comparisons of the institutions that have a relationship with the law. This method is related to the phenomena of the judicial system, the constitution, the appointment and transfer of judges, lawyers, legal structures and sources, etc. Institutional comparison studies and compares the legal institutionalization of two or more legal systems.

This comparative method tries to explain and show both the differences and similarities of the legal institutions, whereby the laws made have been implemented in countries based on the results of the study. After adopting comparisons of such types, if one of them is further developed and then tries to find out the specific characteristics of the institutions, it puts itself into the field of functional comparison.

b. Functional Comparison

Functional comparison is a comparison of the legal regulations in more detail, for example, the functions of the law and its related institutions. Functional comparison is the study of legal processes and content as well as the actual implementation of the various functions offered by various legal systems. In this case, the rule of law and its causes and effects will be studied. Thus, if one compares a particular problem of legal institutions in Indonesia with other countries, the said comparison is called a functional comparison.

Utilizing the functional comparison method by considering the real implementation of the functions, duties, and authorities of INTRAC in Indonesia and FinCEN in the United States of America. Broadly speaking, the uses and objectives of the comparison of these two institutions are:

1. A better understanding of the law
2. Assist in the formulation of laws and regulations in the banking sector and other reform bodies
3. Assist in the formation of law in the judicial system
4. Helping lawyers to practice
5. Enabling contribution in terms of trade and economic relations with other countries.

That the legal factors that prompted the Indonesian government to enact UUTPPU and establish INTRAC are: The inadequacy of solid and firm legal instruments regarding money laundering.

The situation after the 1997 to 1998 economic crisis created a difficult situation for the banking industry. This risk is experienced by individuals and institutions because taking action or dissertation in overcoming a crisis is full of uncertainty due to the absence of a clear and strong legal basis. As a result, some Indonesian Bank officials were investigated by the law enforcement officials, and some even served time in prison as victims of the policies they took. This situation was exploited by the law enforcement officers, thus presenting the cases of the flow of Bank Indonesia funds.

As an umbrella law of crisis, the 1945 Constitution stipulates that the President declares a state of danger. The conditions and consequences of the dangerous situation are stipulated by the 1945 Constitution (Article 12). The current implementing regulation is Law Number 23 Prp of 1959 concerning State of Danger. From the material of the Law, it can be viewed that the state of danger only concerns the matters of security or public order, the danger of war, territorial integrity, or symptoms that endanger the life of the state. However, in today's life, which is influenced by globalization and abnormal situations, the state of danger may arise from other matters such as political crisis, economic crisis, multidimensional crisis, and natural disaster.

For example, the political crises in 1965-1966 and 1997-1998, the multidimensional crises in 1997-1998, and the Tsunami disaster in 2004. In fact, the dangerous situation caused, can be more dangerous and greater than the dangerous situation arising from security and safety issues. Therefore, it is necessary when drafting laws and institutions that regulate the handling of dangerous situations arising from various crises, such as economic crises, such that the state power may perform properly and crises can be resolved as best as possible.

There is a need of government institutions that are capable of preventing and eradicating money laundering crimes. Money laundering practices that generally occur in Indonesia are not related to narcotics crime activities but are related to gambling, prostitution, banking crimes, theft, credit card abuse, maritime crimes, sale of prohibited goods, and corruption. The practice of corruption is ingrained in Indonesia, with a lot of hope upon the Parliament to produce laws that create a working system to prevent and eradicate corruption. Whereas the legal factors that prompted the United States government to establish FinCEN were that the government needed financial institutions to assist the United States government agencies in detecting and preventing money laundering, the BSA (Bank Secrecy Act) needed financial institutions that are capable of recording cash purchases of financial instruments, recording cash transactions exceeding USD 10,000 per day, and reporting suspicious transactions or financial activities that indicate money laundering, tax evasion, or other crimes. Based on this necessity, the Financial Crimes Enforcement Network, abbreviated as FinCEN, was formed.

2.2 Comparison of the regulations of money laundering offences in the United States and Indonesia

In relation to money laundering offences originating from narcotics crimes, prior to international community talks about money laundering, the United States of America enacted various laws to combat money laundering, especially those funds originating from narcotics and drugs, as follows:[11]

1. The Bank Secrecy Act of 1970

The Bank Secrecy Act of 1970 (BSA) requires financial institutions to create and maintain the "paper trail" (written evidence of a person's financial activities) for various types of transactions. The prosecutors consider that the paper trail required by the BSA and its amendments are important devices for conducting investigations and investigations as well as prosecution of money laundering violations.

The Law authorizes the Minister of Finance of the United States to issue legislation requiring financial institutions to maintain certain records and submit certain reports, and implement anti-money laundering programs, and comply with related procedures.

2. Money Laundering Control Act of 1986 (MLCA)

Prior to 1986, the scope of law enforcement regarding money laundering under the United States law was quite insufficient, because the existing laws were only aimed at combating the drugs themselves, namely through the court decisions that prohibited the entry of drugs into the United States and imprisoned those who circulated and used drugs.

If the money launderers originating from drugs were arrested, at that time the prosecutors did not have sufficient means to prosecute the money launderers, thus they were only charged with minor offences with quite undemanding sanctions, namely being prosecuted for traveling from one state to another (interstate) or abroad to carry out unlawful activities, or being sued for not making a Currency Transaction Report (a report on every placement, withdrawal, currency exchange, other payment, transfer through a financial institution in excess of USD 10,000) which financial institutions are required to provide because the transactions exceed USD 10,000, or being sued for conspiring to commit any such acts.
Each of the said violations may only be punished with imprisonment of not more than 5 (five) years. No law was enacted to arrest the rampant large-scale money launderers in the 1980s.

In connection with the lack of legal provisions, the United States Congress in 1986 enacted the Money Laundering Control Act of 1986 (MLCA) which for the first time attempted to define and determine the type of criminals of various activities categorized as money laundering.[12] The law regulates 2 (two) new types of federal crimes, as stipulated in articles 1956 and 1957 of Title 18 of the United States Code (U.S.C).

USA PATRIOT Act Section 311 To keep the domestic financial system secure against external criminal threats, section 311 authorizes the secretary of the treasury to assign "primary money laundering precautions" to financial institutions, jurisdictions, foreign transactions, and certain accounts and requires the Minister of Finance of the United States to take special steps against the institutions. The USA PATRIOT Act Section 314 (a), Section 314 (a) requires the Minister of Finance provide encouragement to authorities and law enforcement to share information with financial institutions regarding individuals, entities, and organizations that participate in or are suspected of participating in money laundering or terrorism. This allows the federal law enforcement agencies to reach more than 27,000 financial institutions to examine the accounts and transactions of people suspected of being involved in terrorism or money laundering. FinCEN applies analytical capabilities to inform governments to identify weaknesses in combating money laundering and terrorism financing. Particular attention is paid to the financial services business. These activities include small business remittances, check cashing, stored value products, money orders, and informal value transfers.

In carrying out this function, FinCEN cooperates not only with one agency or a group of entities but with all agencies that have a role in conducting financial crime investigations to provide product and service information. FinCEN creates a network with the agents using technology that is clearly able to identify when the different agents are browsing the same data. This aims to facilitate coordination, in order to avoid overlapping investigations and to allow agencies to adjust information resources. Article 39 of Law no. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, it can be understood that its contents regulate the PPATK which has the task of preventing and eradicating the crime of money laundering. This task is carried out by PPATK with 4 functions and their respective authorities, namely the prevention and eradication of money laundering; In carrying out the functions of preventing and eradicating money laundering offenses, PPATK has the authority to: (a) request and obtain data and information from government agencies and/or private institutions authorized to manage information or data, including government agencies and/or private institutions that receive reports from a profession ; (b) determine guidelines for the identification of Suspicious Financial Transactions; (c) coordinating efforts to prevent the crime of Money Laundering with the relevant agencies;

[11] Shirlay Santosa, *Analisis Perbandingan PPATk di Indonesia dan FinCEN di Amerika Serikat*, Undergraduate Thesis, Universitas Indonesia, Depok, 2011), page 78

[12] http://www.fincen.gov/

(d) provide recommendations to the government regarding money laundering prevention efforts; and (e) become a representative of the Government of the Republic of Indonesia in international organizations and forums regarding the prevention and eradication of the Crime of Money Laundering.

3. CONCLUSIONS

Based on the analyses that have been conveyed in the article above, the conclusions of this writing are:

1. INTRAC is an independent institution in carrying out its duties and authorities in the context of preventing and eradicating money laundering crimes and is responsible to the President of the Republic of Indonesia. Whereas, FinCEN (Financial Crime Enforcement Network) is a work unit under the Treasurer (Minister of Finance). The Director of FinCEN shall report to the Treasury Under Secretary for Terrorism and Financial Intelligence (TFI). INTRAC was established due to pressure from one of the FATF recommendations, so that in order to avoid international sanctions and remove our country from the NCCT's list, Indonesia must immediately enact the Money Laundering Law. FinCEN was established based on the government's demand for an institution capable of collecting and analyzing information to support federation law enforcement, state law, and international law. INTRAC has broader duties, functions, and authorities than FinCEN. INTRAC's mission is even more difficult considering the constraints of available facilities. FinCEN is more of an information provider network and an information network management center rather than a law enforcement function. It is definable that what INTRAC has performed may have to be done by several agencies in the United States.
2. A similar obstacle experienced by both INTRAC and FinCEN is that they do not have an investigative function. INTRAC and FinCEN only forward the findings to the investigators, that they do not have an active capacity in the investigation. INTRAC is an institution that provides information but is not supported by technology that allows INTRAC to connect online with FSP (Financial Service Provider), which is different from FinCEN which is greatly supported by the wide availability of information technology networks in America. On the other hand, FinCEN cannot stop ongoing financial transactions even if FinCEN already has the financial data about suspicious transactions, whereas INTRAC has such authority (regulated in articles 65 and 66 of Law No. 8 of 2010).

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