

STRATEGIC ANALYSIS OF GREEN FINANCE CRIME TO STRENGTHEN GREEN ECONOMY IN EMERGING MARKETS

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Abstract

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Green finance crime is money laundering stemming from illegal environmental destruction activities. Indonesia is experiencing this problem, where the number of forest clearing, plantations, and mining is increasing, but the results are not enjoyed by the surrounding community, and only enjoyed by a few people and corporations through illegal mechanisms. Ordinary legal mechanisms have not been able to prevent and crack down on green finance crimes in Indonesia. This study aims to analyze green finance crimes in order to optimize green economy transformation in Indonesia. This study used the juridical-normative method. The purpose of this study is to determine the risk mitigation measures for green financial crime in Indonesia. The result of this study is that the problem faced by Indonesia is that it does not understand environmental crime as a criminal act originating from money laundering so the instruments used to overcome this crime are still conventional. Coupled with the ever-evolving, various modes of washing are complex and involve different legal systems in different countries. This makes green finance crime difficult to eradicate with ordinary legal instruments. Thus, the authors propose mitigating legal risks through joint investigations covering multiple devices, multiple institutions, multiple laws and regulations, and multiple sanctions to overcome this.

Keywords: Financial Crime, Green Crime, Green Economy, Green Finance Crime, Money Laundering

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1. INTRODUCTION

The increase in world population that occurs every year has affected the increase in natural resource consumption and economic growth, resulting in

consequences for economic activities that damage the environment (Wafiq & Suryanto, 2021). The idea of a green economy is a concept that creates a new focus on economies that have positive social outcomes and environmental impacts to achieve

strong economic growth while remaining environmentally friendly and socially inclusive. Thus, all countries in the world have committed to collectively contribute to achieving a more environmentally friendly, resilient, and sustainable world economy (Rafiqi, 2021). This movement is in line with the 2015 Paris Agreement (United Nations, 2015) on climate change mitigation, adaptation, and finance, to guide countries to reduce carbon emissions and greenhouse gases to prevent an increase in climate change. The essence of this agreement is for the world to focus on incorporating policies that support the transition to a green economy (Qurban & Rafiqi, 2022).

According to the United Nations Environment Program (UNEP, n.d.), a green economy is defined as a low-carbon, sustainable, and socially inclusive economy. In the design of a green economy, job and income growth can be achieved by using infrastructure and assets that can reduce carbon emissions and pollution, improve energy and electricity resource efficiency, and prevent loss of biodiversity in ecosystems (UNEP, n.d.). Stoddart (2012) explained that the green economy has a number of policies that can be applied, namely well-being, justice economics, and equity or generation with a guard resource environment for the future. Therefore, aligning the financial system with development sustainability is ultimately an option involving government policies, financial authorities, and relevant stakeholders (Qurban & Rafiqi, 2022).

The concept of a green economy was adopted in the 1945 Constitution of the Republic of Indonesia, in Article 33 Paragraph (4) which states: "The national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental insight, independence, and by maintaining the progress of national economic balance and unity". Then Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states: "Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care". This paragraph shows that although Indonesia has the goal of achieving strong economic growth, it must still pay attention to the protection and management of a living and socially inclusive environment.

As one of the efforts to support the transition to a green economy, all parties need policy and regulatory support from the government in order to overcome challenges and build green financing acceleration, including mitigation of real risks. However, one of the fundamental legal issues in efforts to transform towards a green economy is regarding the mitigation of environmental crimes and environmental financial crimes (Barafi et al., 2022). At the international level, the Financial Action Task Force (FATF) has paid special attention to tackling environmental crimes, especially environmental crimes related to money laundering, namely illegal finance donated from criminal activities in the environmental sector. Environmental crime is one of the three largest contributors to economic losses of USD110–281 billion, including various crimes such as illegal logging, illegal wildlife

trade, and waste trade. In addition to its impact on environmental damage, these crimes are borderless operations and their number continues to increase 5–7% higher than world economic growth (Ruggiero, 2022; FATF, n.d.). Transnational organized crime (TOC) itself has expanded the scope of operations to include green finance crimes because these crimes are considered low-risk, high-profit, but low-law enforcement crimes (van Uhm & Nijman, 2020). Green evil does not exist new. However, their integration into financial crimes (becoming green financial crimes) has been a new phenomenon in the last 20 decades (Grob & Mari, 2021).

Financial crime is often a separate dialogue from green crime. Green crime is one of the predicate offenses of financial crime. However, it is the considerable damage from green finance crime that makes the authors highlight the important role of anti-money laundering in tackling green crime. In addition, the legal apparatus for green crime is not always globally consistent. Green finance crimes can be prevented if the parties are empowered to cooperate more effectively and act more quickly, especially in the role of financial intelligence, because green finance crimes are still considered an environmental conservation problem rather than a serious financial crime.

In Indonesia, law enforcement against green finance crimes is still not optimal, because legal efforts in Indonesia are still oriented to find perpetrators of crimes, but are not followed by other efforts to follow cash flow or profits from green finance crimes. Although the central government has issued various initiatives, the issue of green financial crimes continues to surface. Based on data from the Ministry of Environment and Forestry of the Republic of Indonesia, there have been 1,317 cases of green crime from 2015 to 2023 (Penegakan Hukum Lingkungan Hidup & Kehutanan [Gakkum], n.d.). Green crimes are acts against damaging environmental laws and are criminal acts that have the potential to cause money laundering, making it a green finance crime (Sutanti et al., 2023). According to the Transaction Financing Reporting and Analysis Center (*Pusat Pelaporan dan Analisis Transaksi Keuangan*, PPATK) section of the Financial Intelligence Unit, they have received at least 360 reports of suspicious financing transactions worth more than Rp2.4 trillion related to environmental and forestry crimes throughout 2016–2020. PPATK has also handled the analysis of results and examination of 81 reports, with a total nominal value of Rp44 trillion (Detiknews, 2022). Green crime becomes illegal when 1) done without state permission; 2) contracts and concessions are obtained through corruption or intimidation; 3) the service involves fraud; 4) contrary to agreed terms.

Green financial crimes are difficult to eradicate in Indonesia due to the support of buttocks that operate like criminal organizations and a climate of bribery and corruption involving officials in the fields of environment, business licensing, and law enforcement. The intellectual actors of green financial crimes are difficult to ensnare because law enforcement focuses its investigations on finding material or physical evidence of control of the proceeds of environmental crimes, not the flow of money from environmental crimes. Because of its

focus on finding physical evidence, the fastest targets obtained by law enforcement are of course perpetrators in the field such as truck drivers, miners, and so on. Thus, there is difficulty in proving the relationship between physical evidence brought into the field and buttocks and corruptors who are intellectual actors of green financial crimes (Setiono, 2005).

These crimes also involve organized groups even on a transnational scale, which try to hide profits from illegal activities in the field of power sources, by taking advantage of front companies to mix the proceeds of crime with legitimate business proceeds, corruption, tax fraud, trade-based fraud, using offshore corporate structures to hide beneficial owners and conducting complex cross-border transactions (Nellemann et al., 2016). The negative impact of green finance crime is quite fatal, because in addition to causing environmental damage, at the macro level green finance crime can complicate monetary control, reduce state revenues, and increase state risk, while micro will cause high economic costs and cause unfair business competition, because it is damaged by the legitimate private business sector and further has an impact on reducing economic growth rates world (Kurniawan, 2012).

The Indonesian government's actions to detect and stop the flow of finance from the proceeds of green crime have not been comparable to the scale of this problem. This is due to 1) a lack of coordination between financial transaction supervisory agencies, ministries engaged in environment and mining, and law enforcement agencies; 2) a lack of human resources and tools to investigate and track the proceeds of environmental crimes; 3) a lack of political will from the government and public awareness of the importance of deprivation of proceeds of crime from green crime (Nellemann et al., 2018; Nisa & Suharno, 2020).

So, although green finance crime has become a serious and organized crime, until now there has not been a sufficient source of strength to overcome it, including in Indonesia. To investigate and prosecute these crimes, especially in following the flow of international investment, a collaborative approach with various information and expertise is needed, so that the goals of the green economy can be realized.

Based on some of the background descriptions above, an analysis of the mechanism of green finance crime is needed in order to optimize and strengthen the transformation of the green economy in Indonesia as an emerging market.

This paper is structured as follows. Section 1 is an introduction. Section 2 reviews various literature relevant to this study. Section 3 contains the methodological analysis used in this study. The juridical-normative research methods or literature-based legal research with a concept approach, a statutory approach, and a case approach are used. Section 4 discusses the problems and legal vagueness regarding the issue of green finance crime in Indonesia as a developing country. Section 5 discusses possible alternative solutions to mitigate the risk of green finance crime in Indonesia. Section 6 concludes the research.

2. LITERATURE REVIEW

2.1. Law enforcement effectiveness theory

Legal effectiveness can be defined as the ability of law to create or give birth to circumstances or situations as desired or expected by law (Rumadan & Herlina, 2021). To measure the extent of the effectiveness of the law, the first thing that must be known is the extent to which the rule of law is obeyed or disobeyed. If a rule of law is obeyed by most of the targets to whom it is subjected, then it can be said that the rule of law is effective (Yudho & Tjandrasari, 2017; Salim & Nurbani, 2013).

The definition of law enforcement is an effort to implement the law as it should supervise its implementation so that violations do not occur, and if there is a violation, it must be restored to be re-enforced (Paruki & Ahmad, 2022). Law enforcement against green financial crimes is very important to pay more attention to (Putri, 2020).

One of the important points in measuring whether the effectiveness of law enforcement in green financial crimes works ideally or not is to test it through indicators of how the law is said effective. The law enforcement system is a set of legal institutions or legal institutions that have authority in the law enforcement process and legal norms, as well as the culture of compliance with a legal process (Rochmani, 2020; Rumadan & Herlina, 2021).

Deep green financial crimes law enforcement requires a combination of regulatory reform, cultural change, the introduction of new ways of working methods, and the application of new technologies in order to significantly improve the performance of law enforcement officials in addressing the threat of green financial crimes (Deloitte, 2020).

2.2. Theory of legal systems

Law as a system is defined that law is an order or a whole unit consisting of parts or elements that are closely interrelated, one with another. In other words, a legal system is a unity consisting of elements that interact with each other and work together to achieve certain goals. A country's legal system will be greatly influenced by the development of society and the paradigms that are built in society itself. Friedman (1975) stated that the legal system consists of three components, namely: legal substance, legal structure and function, and legal culture. These components are interrelated to achieve the goals of the law and realize justice in society. Legal substance is the main component in order to realize the purpose of a rule, whereas legal substance consists of material and procedural rules. Legal culture is legal behavior in society, while the legal structure is the authority of law enforcement institutions/law enforcement officials to implement applicable laws (Astriani, 2021; Imami, 2014; Friedman, 2018).

One of the subsystems that has an important role is the structure of the law, as it determines how the written law is implemented, used, avoided, or even abused. This is because legal structures that are unable to move the legal system will create non-compliance with the law. The working of the legal

structure depends heavily on law enforcement officials. One of the crimes that requires attention from the implementation of law enforcement is green financial crimes (Ansori, 2017).

2.3. Green financial crimes

Financial crime is a threat to financial stability and financial inclusion, so its mitigation and prevention must be prioritized (Kukutschka et al., 2019). Green financial crimes are money laundering crimes derived from the proceeds of forestry crimes. It was found that against 3 risk factors, namely threats, vulnerabilities, and impacts on 5 types of forestry crimes, transportation, control, or ownership of timber forest products were not accompanied by a valid certificate, carrying out plantation activities without ministerial permission in forest areas, carrying out mining activities in forest areas without ministerial permission. Transport illegally logged timber by land, water, or air and engage in activities such as acquiring, trading, selling, receiving in exchange, accepting deposits, or possessing forest products made from timber known to originate from illegal logging.

Based on the profile of the perpetrator of the crime, it is known that entrepreneurs or entrepreneurs PEP (politically exposed person), and non-individual limited liability companies (*perseroan terbatas*, PT), trading companies (*perusahaan dagang*, PD), and trading businesses on a smaller scale (*usaha dagang*, UD) means have a high risk. In this study, it was found that areas that have a high risk in the distribution of money laundering proceeds from forestry crimes were found to be Papua, Riau, West Papua, West Kalimantan, Central Kalimantan, Jambi and South Sumatra (PPATK, 2020).

The existing legal rules do not yet reflect the seriousness of tackling green financial crimes, because violators are only subject to short prison sentences and small nominal fines, not proportional to the proceeds of the crime committed. High-level officials involved in green financial crimes often go unpunished (Basel Institute on Governance, 2021; Ortiz-von Halle, 2018). This is because corrupt public officials are key to facilitating complex money laundering schemes such as green financial crimes (Mutia & Nurjanah, 2019). Therefore, it is important to know who the real beneficial owners are and screen precisely the people who are exposed politically. This is because, criminals use companies under the guise of profiting from illegal mining, logging, and waste trading into their legitimate business accounts (van Uhm & Nijman, 2020; United Nations Environment Programme [UNEP], n.d.).

Another additional challenge is the overlapping authority among law enforcement officials, the rule of law that has not been rigid, which results in weak coordination so that the handling of green financial crimes is not optimal. This complexity surrounding law and jurisdiction suggests that a common law approach to the question of "who committed the crime" becomes difficult, but "did this crime actually occur" because the mechanism is carried out through efforts that at first glance seem legal (Charity & Ferreira, 2020; Ege et al., 2020).

3. RESEARCH METHODOLOGY

This study uses juridical-normative methods, also known as doctrinal legal research. In this study, the authors conducted research by examining legal materials that are literature or other secondary data as characteristics of normative legal research. In this normative legal research, an assessment of internal aspects and positive law is carried out to solve a problem. To solve existing problems, normative legal research is limited to aspects contained in the positive legal system itself. The approach used refers to applicable laws and regulations. In other words, the normative legal research method is limited to the relevant laws and literature in this study. The authors focus on reading, studying, and analyzing crime problems and solutions (Marzuki, 2019; Ibrahim, 2005; Mamudji & Soekanto, 2007; Sunggono, 2016; Benuf & Azhar, 2020). Green finance in Indonesia as one of the emerging markets should support and strengthen green economy transformation, especially in terms of law enforcement. In this study, the authors will examine laws and literature related to green finance crime, both at the international and national levels, and then analyze them so that they can answer the questions that arise in this study. For this reason, this legal research aims to examine the development and modus operandi of green finance crime and analyze ideal strategic policies for handling green finance crime in Indonesia in order to support green economy programs.

This research will largely rely on legal analysis and will therefore study the framework for tackling green financial crimes in Indonesia in particular and in the world at large. Because the topic of green financial crime is relatively new, and changes in policy and the rule of law are still dynamic, this study will draw on all existing developments and explore the extent to which they can catalyze to advance the ongoing debate on this topic. This research will seek to provide relevant guidelines for the implementation of appropriate and effective legal measures to address green financial crimes and their impact on strengthening the green economy (Faure & Kindji, 2022).

Due to the cross-border and multidisciplinary nature of green financial crimes, as far as necessary, we will take a socio-legal perspective based on existing empirical research, economic perspectives, and international policy in response to this (Lynch, 2019).

Then, the basis of this research will be analyzed based on relevant concepts, such as the concept of green economy, the concept of environmental crime, the concept of green finance, the concept of seizure of assets resulting from crime, and the concept of money laundering.

This study also uses socio-legal studies, which aims to gain knowledge about the relationship between law and society, as well as factors that influence the application of law in society, especially regarding the role of the legal system in overcoming green financial crimes. So in addition to reviewing legal regulations and literature, we also review empirical facts that occur in the field to complete the data. Thus, in this approach, the law is not only seen as a written legal norm (Handayani & Suparno, 2023).

In finding answers to the above questions, the authors use several research approaches, namely: 1) a statutory approach, namely by examining and analyzing laws and regulations related to legal issues that the researcher examined, namely a strategic analysis of green financial crimes in the context of strengthening the green economy in Indonesia; 2) a concept approach, namely by analyzing and understanding concepts. The conceptual approach in question is an approach that departs from views and doctrines that develop in legal science that are relevant to this issue; 3) a case approach, namely by examining law enforcement cases regarding green financial crimes.

Data collection techniques in this study were carried out by literature/documentary studies. The collected data is then analyzed for the process of simplifying the data into a form that is easier to read and interpret.

Regulatory review is prescriptive, meaning it examines regulatory issues in green financial crime based on how it should be. In addition, in this study, the authors use deductive reasoning where research departs through prepositions that are general to specific prepositions. After all legal materials that can support this research are successfully collected; the legal materials obtained are inventoried, classified, and analyzed. Furthermore, for laws and regulations, their respective legal rules and the contents of articles related to problems will be taken which are then studied using legal interpretation to describe the legal problems raised to obtain the right solution.

4. RESULTS

Indonesia is a country rich in natural resources. However, this vast natural wealth can be a disaster or curse depending on how it is managed. Whether the management is based on the principles of sustainable development and community welfare, is only managed exploitatively. The danger is that its management and control are only controlled by a few people or corporations, resulting in the destruction of biodiversity and the decline in environmental quality and public health aspects. There is the fact that most permits for the management and control of natural resources are carried out in illegal ways (Rachman, 2016; Pattiwael, 2021; Widjojanto, 2017; Pattiwael & Hamidi, 2021).

According to data from the Indonesian Corruption Eradication Commission (*Komisi Pemberantasan Korupsi Republik Indonesia*, KPK), out of 522 court rulings in corruption cases from 2014 to 2020, only 24 convictions related to corruption in the natural resources sector (4.6%) were made (Capri et al., 2021). Even in money laundering, especially in the forestry sector, there were only 1 number of decisions on money laundering due to forest crimes from 2017 to 2019 (PPATK, 2020). This percentage figure indicates that financial handling is green Crime in Indonesia has not shown maximum results.

Money laundering is a term to describe the field of investment law through legal channels so that money is known to its origin. Money laundering is the process of erasing traces of the origin of money,

illegal activities carried out repeatedly intending to gain legal status (Sonsuphap, 2022).

Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering, there are two criminal acts, namely predicate crimes and money laundering crimes. Predicate crime is defined as a crime that is a source of money laundering (Septiawan et al., 2019). The predicate of this crime is regulated in Article 2 Paragraph (1) of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering on a limited basis. The classification of the crime predicate will then develop into money laundering crimes. It is this crime predicate that distinguishes money laundering from other crimes; Money laundering is not a single crime, but a crime with other crimes before.

However, the current law has not been able to resolve the issue of green finance crime in Indonesia, because 1) articles that are still multi-interpreted; 2) there is a law of inequality; 3) vague sanctions, both penalties and asset confiscation; 4) not use it shift proof load; 5) access restricted information; and 6) limitations on the reporter's scope and type of report, as well as its nature and duties. However, based on the results of the money laundering risk evaluation in Indonesia published by PPATK in 2021, it was identified that the majority of money laundering originating from green financial crimes is included in the high-risk medium (Mardiansyah, 2021). The high risk of money laundering stemming from green finance crimes is due to the low enforcement of money laundering law enforcement stemming from criminal acts of origin.

One of the predicates of crime is crimes that occur in the environment and forestry sector. Both of these crimes are related to crimes that occur in the environment, so they are closely related to green finance crimes. Corruption in environmental crimes has been a concern for the FATF since 2019. In 2021, the FATF published a report on money laundering that proceeds from the illegal wildlife trade. In many countries, money laundering from environmental crimes has become a priority in strengthening prosecutions. For example, since 2020 Germany has prioritized a firm understanding of money laundering from environmental crimes of its scale and nature (Deloitte, 2021). There are various money laundering stemming from environmental crimes, such as extractive industries committed in West Africa (The Inter-Governmental Action Group against Money Laundering [GIABA], 2018).

Recent developments in environment-related businesses have encouraged the potential of the environment to become the object of criminal acts. As evidence, in December 2019, a decision was made through Assembly Resolution 74/177 to criminalize illicit trade in protected wild fauna and flora along with other environmentally related crimes such as illegal trade involving organized criminal groups. Environmental crime is one of the crimes with a very high criminal profit value. According to World Bank records, the estimated government losses in 2019 due to illegal logging crimes reached 6-9 billion dollars (FATF, 2021). This loss also has a much wider impact on environmental damage. For example, in Papua New Guinea it shows that the losses from illegal environmental crimes outweigh the gains from legal markets.

Based on FATF data, internationally there is a gap in the legal framework between countries regarding the regulation of money laundering in the scope of environmental crimes. This clearly hinders international cooperation in dealing with these crimes. Based on a survey from the FATF, crime in some countries is still very narrow in the scope of money laundering (FATF, 2021).

The above statement proves that environmental crime has not been the main approach as the essence of money laundering crimes, but rather general crimes, which makes the developed paradigm not focused on environmental crimes as an integrated act with money laundering. In fact, crimes against the environment integrated with money laundering are very detrimental to the country because of the impact of the economic system as well as environmental problems such as the safety of the earth. Moreover, Indonesia has abundant natural resources so it has the potential to become an object of environmental crime.

In minimizing money laundering, the FATF has provided Recommendation Number 30 on the Responsibilities of Law Enforcement and Investigative Authorities recommending that states should ensure that competent authorities have the responsibility to promptly identify, trace, and initiate actions to freeze and seize property that is, or may become, confiscated, or suspected to be proceeds of crime.

Further explanation of the recommendations contained in the Interpretation Note to Recommendation Number 30 which contains information on the state's obligation to ensure the investigation of money laundering crimes that may be carried out with value and by applying financial investigation techniques, namely investigative techniques whose purpose is one of them to identify and track the proceeds of criminal acts, terrorist financing or other assets that may be the subject of seizure. It also states that officials authorized to conduct investigations and prosecutions must have sufficient financial capacity, and human and technical resources and ensure that members of the investigating and prosecution apparatus maintain high professional standards, including standards related to confidentiality, integrity, and adequate capabilities.

In Indonesia, the regulation of money laundering in a criminal environment has certainly been accommodated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering. However, the problem is the understanding and knowledge to follow criminal-related money laundering with the crime environment. Even though Indonesia has many laws that contain environmental crimes such as Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, then Law Number 22 of 2001 concerning Oil and Gas, and various other Constitutions.

Often environmental crime becomes one following crimes unrelated to money laundering. Meanwhile, due to environmental crimes which are then placed in banks according to their status, they become legal money or legal, so money laundering has been carried out.

The stages of money laundering in a criminal environment can be seen from the stages of

placement, layering, and integration. At the placement stage, the proceeds from the crime environment will stray into a valid bank account or can also be paid as police insurance. After the placement phase, the next step is layering with the aim of disguising the true ownership of the bank account (Setiono, 2005).

In multi-layered stages, usually, the owner of funds will instruct financial service providers to transfer funds to some accounts at other banks in the name of the owner or the name of another person. In addition, layering can be implemented by changing the form of property, proceeds of crime, in the form of property, and other assets, without using banking. In the criminal environment of criminal money laundering, layering can be done by transferring payments from the buyer's crime environment, then bribery or corruption in various domestic and foreign accounts, furthermore, through other financing purchase instruments.

Furthermore, integration is the stage when the perpetrator performs an act using existing property placed or plated for his wishes. In a criminal money laundering environment, integration can be done with the financing of the production of timber through property derived from the crime environment.

The problem faced by Indonesia and the world is the lack of understanding of the crime environment as a criminal act from money laundering. This challenge, coupled with various modes of money laundering crime (*tindak pidana pencucian uang*, TPPU) that are always evolving, is supported by development, ease of technology, business, and asset concealment. The layered structure involving lot accounts, multi-layered transactions, and multi-jurisdictions with different legal systems makes money laundering in the natural resources sector difficult to eradicate with normal legal instruments.

Cooperation between law enforcers in eradicating green financial crimes is also difficult to do consistently, due to the legal framework that is not yet comprehensive, the management of financial transaction information that is still scattered in several institutions causes the existence of the same person's information, but overlapping, incomplete and inconsistent to hinder cooperation (Institute of International Finance [IIF], 2019).

5. DISCUSSION

In order to support economic growth that is responsible for the sustainable development goals, facing the transition to sustainable development through the concept of green economy requires policy support from all stakeholders. This is expected to address challenges in the green financing escalation process, including real risks and perceptions of inadequate return on investment, as well as capacity and information gaps (Tahana et al., 2022). Thus, in response to national and global development on the green economy, especially the crime aspect of green finance, a strategy is needed to deal with it. Because green finance crimes in addition to damaging the environment, also cause losses in the country's economy and encourage misuse of financing/investment that does not support environmental sustainability aspects. Therefore, a strategy for handling green finance

crimes is needed so that the integrity of the Indonesian financial system is not contaminated by revenue streams following crimes originating from green crimes so that economic development becomes sustainable and environmentally friendly.

After knowing the development of policies and handling green finance crime in a global context, this section will explain the potential and urgency of tackling green finance crime in Indonesia. This is referred to as potential because Indonesia has sufficient policies or ground rules to produce strategies for handling green financial crimes, and urgent because the practice of green finance crimes in Indonesia is still difficult to deal with due to its distinctive typology and crime modes that greatly impact the country's losses.

Green finance crimes can take the form of corruption along with other crimes in the field of environment and natural resources such as illegal logging, illegal fishing, illegal mining, illegal dumping, and so on. Various other types of crimes in the concept of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering are referred to as predicate crimes that can result in financial crimes.

Legal arrangements in Indonesia have provided a way to deal with green finance crimes, especially the basic rules contained in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering. This law regulates the types of crimes that are sources of obscured property, including assets obtained from crimes in the forestry, environment, and marine and fisheries sectors. This norm is the main basis for tackling green finance crimes in Indonesia, as well as other laws related to the environment forestry, and natural resources.

In legal developments, especially law enforcement against green finance crimes, the Constitutional Court of the Republic of Indonesia through Decree Number 15/PUU-XIX/2021 has also emphasized the importance of handling green finance crimes in Indonesia. The decree extends the authority of TTPU investigators to all Civil Service Investigators who were previously limited to investigators from the Indonesian National Police, the Attorney General's Office, Customs and Excise investigators, the National Narcotics Agency, and tax investigators. In other words, the ruling now provides an opportunity for Civil Service Investigators at the Ministry of Environment and Forestry to conduct trafficking investigations related to the environment and forestry as well as natural resources.

So far there are no technical or derivative regulations directly related to the handling of green finance crimes, and there are only guidelines recently made by the Indonesian National Police together with PPATK, the Ministry of Environment and Forestry, the Attorney General's Office of the Republic of Indonesia, and the Supreme Court of the Republic of Indonesia on Sectoral Risk Assessment of Forestry Money Laundering Crimes. In addition, the document is not classified as a rule or policy.

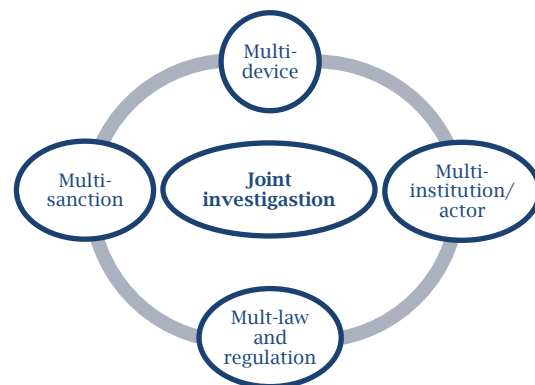
To optimize the handling of green finance crime in Indonesia, the first step that can be taken is the preparation of technical policies. Technical policies for handling green finance crimes contain important matters consisting of structuring

the institutional side, operational side, and goals and objectives for achievement (Wolmer et al., 2006). The technical policy can be formed with several model options, namely through a Presidential Regulation, a Joint Decree of Related State Institutions, or at least a National Action Plan. The existence of technical policies can provide legal certainty for state institutions that deal with green finance crimes in Indonesia.

When a country starts its sustainable finance initiatives, it is essential to also create effective and robust tools to combat financial crimes; otherwise, certain challenges may arise (Ruggiero, 2022). Moreover, financial crime is not a pure crime that stands alone without other sectors, such as green finance crime, so a special approach is needed to deal with it.

Green finance crime has many modes and typologies and is transnational with organized actors or groups. Thus, technical policies must be supported by the concept of multi-approach. This is because green financial crime risk management can be improved by facilitating increased sharing of crime information. (Deloitte, 2020) Thus, the concept of multi-approach refers to prevention, supervision, and action by connecting various dimensions, aspects, and components or joining investigation through multiple devices, multiple institutions, multiple laws and regulations, and multiple sanctions. Figure 1 illustrates the concept of multiple approaches.

Figure 1. Multi-approach in handling financial crime



Multi-device is divided into 2, namely the availability of hardware and software. The hardware in this case can turn into all sorts of objects, goods, or equipment that support the overall operation of tackling green financial crime. The software can be a prevention and control system in the form of information, data, or programs. What is meant by multi-device is that these tools are not only limited to conventional tools for prosecuting predicate crimes but also related to financial crimes through tools in banking operations/financial transactions to wiretapping. Multi-device operations should be accompanied by institutional strengthening with multi-institutions/actors. State institutions that can cooperate in handling green finance crimes in Indonesia are the National Police of the Republic of Indonesia (POLRI), the Ministry of Environment and Forestry, the Attorney General of the Republic of Indonesia, PPATK, KPK, and Bank Indonesia. Based on

the authority of these state institutions, all of them directly related to green finance crimes in Indonesia. In addition, most of these institutions have also made Memorandums of Understanding (MoUs) on enhancing law enforcement cooperation for sustainable natural resource management in the context of REDD+.

Multi-laws and regulations mean that when it comes to formulating policies and taking action against green finance crimes, one must look holistically at the various interrelated legal rules. The goal is to avoid disparities in criminal prosecution in similar cases later. In the case of multiple sanctions, this has been applied for a long time to the enforcement of environmental law sanctions that recognize various kinds of sanctions, namely civil sanctions, criminal sanctions, and administrative sanctions. For green finance criminals, multi-sanctions are preferred over single sanctions to provide maximum deterrent effect.

Multi-approach in tackling green finance crime can benefit institutions or countries in general. This multi-approach can provide recovery of state assets through the return of state losses (asset tracking) with several sanctions given. In addition to recovering state assets, a multi-approach in handling green finance crimes can also restore the environment because it is related to underlying criminal acts that allow perpetrators to disguise their assets. This multi-approach concept is in line with the concept of a green economy because it can protect the environment, and its long-term benefits can improve welfare as well as ecological justice and generate.

Thus, collaboration between financial institutions, law enforcement agencies, and officials, as well as the government as a legal policy shaper is the essence of developing a framework to enforce green financial crime. However, this multi-approach still requires further development studies to effectively prevent green financial crimes in Indonesia (IF, 2019).

6. CONCLUSION

Green financial crimes often use more than one typology of crime and combine them with complex schemes, making the proceeds of crime difficult to trace, requiring cooperation and understanding from the same law enforcement, as well as a strong rule of law. The green economy program which is the focus

of the world in general and Indonesia in particular will not be achieved optimally if there is no renewal of green financial crime reduction instruments, both in terms of rules and law enforcement.

The result of this study is that the problem faced by Indonesia is that it does not understand environmental crime as a criminal act originating from money laundering so the instruments used to overcome this crime are still conventional. Coupled with the ever-evolving, various modes of washing are complex and involve different legal systems in different countries. This makes green finance crime difficult to eradicate with ordinary legal instruments. In fact, losses from this crime can be higher, both in terms of economic and environmental damage. Thus, the authors propose mitigating legal risks through joint investigations covering multiple devices, multiple institutions, multiple laws and regulations, and multiple sanctions to overcome this.

Thus, researchers recommend taking a more comprehensive and not only partial approach to dealing with the problem of green financial crimes. First, by passing the Asset Forfeiture Law and synchronizing existing legal rules so that law enforcement can be consistent; second, namely by forming a joint investigation team that includes multi-devices, multi-institutions/actors, multi-laws and regulations, and multi-sanctions. A multi-sectoral approach is needed to deal with green finance issues that are also multi-sectoral.

This study offers ideas in the form of a strategic analysis of green finance crimes needed to support the growth of an environment-based green economy by mitigating the real risk of money laundering in the field of natural resources.

The limitation of this study is that it has not elaborated more technically on what and how green finance crime emerges in Indonesia, as well as how to determine money laundering risk mitigation measures to support and strengthen green economy transformation in Indonesia and around the world, considering that green finance crime is actually a transnational organized crime.

The perspective going forward is that it needs to be further developed in the future regarding opportunities and formulations of collaboration between law enforcement, financial institutions, government, and the private sector in the war against green finance crime.

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