The Combination Of Money Laundering Crime With The Origin Of Narkotics Crime To Islamic Law

Ariman Sitompul [1]
Mhd. Nasir Sitompul [2]

[1]Postgradude Of University Islamic State of Nort Sumatera Utara , Indonesia, (E-mail: Tompul987@gmail.com)
[2]Postgradude Of University Islamic State of Nort Sumatera Utara , Indonesia, (E-mail: nastompul@gmail.com)

Abstract:
Money laundering is basically a further criminal act contained in one of the original criminal acts contained in Law No. 8 of 2010. In this case the origin of narcotics crime. The combination of these crimes involves assets, income, and assets disguised so that they can be used without being detected that the assets originated from illegal activities. Money laundering through income or assets originating from narcotics crime is an illegal activity that is converted into financial assets that appear to come from legitimate sources.The purpose of this study is to find out how the concept of Islamic economics combines the crime of money laundering with the origin of the narcotics crime, how to solve the problem.This study uses a qualitative approach using literature. Criminal research is very interesting because it combines two criminal acts of origin where these two criminal acts are not contained in the newspaper, interestingly investigated the combination of these crimes is an extraordinary crime both state and inter-state. These crimes are crimes that are very damaging to the state, society because it can damage the nation's future and damage the national economy, especially the stability of state finances.This completely contradicts Tasyri 'purpose of preventing harm and creating benefits. The view of Islamic law towards combining such acts is part of an immoral act that leaves the commandments of Allah and does something that is prohibited.

Keywords: *Money Laundering, Combination of Criminal Acts, Islamic Economy*

Introduction

The Indonesian legal system is known for a number of criminal acts which are carried out simultaneously and simultaneously by a person called Samenloop which in Dutch is also called Samenloop van strafbaar feit or concursus. In the Indonesian language is translated as a crime "Combination", hereinafter in this paper uses the word concarengan criminal acts. In a concurrent crime offense in the spotlight is a comparison of two or more criminal acts that are accountable to one person or several people in the context of participation.

Combined committing a crime is often termed the Concursus or Samenloop, To provide a clearer picture of the definition of the sharing of criminal offenses, it is necessary to know how the opinions of legal scholars in providing a definition of this criminal offense. According to the Criminal Code the combined conduct of a crime is often termed Samenloop van Strafbare Feiten, namely one person who commits several criminal events. This merger aims to facilitate the imposition and calculation of criminal sanctions for several crimes committed by one person .

Limitation of concurrent criminal acts is described by Von Lizt with the term gesetzeskonkurrenz, meaning a combination of legal regulations, because one act or feit can only result in one feit. Therefore what is meant by a joint crime is the occurrence of two or more criminal acts by one person in which the first criminal act has not been convicted of a criminal offense, or between the first criminal act with subsequent criminal acts has not been limited by a judge's decision.

Basically what is meant by concurrent crime is the occurrence of two or more criminal acts by one person where the criminal act committed for the first time has not been convicted of a crime, or between the initial criminal act and subsequent criminal acts has not been limited by a judge's decision . It can also be in the form of concurrent criminal acts that occur two or more criminal acts by two or more people. the most important thing is that there is more than one criminal offense and among those offenses the judge has not yet decided.

The Article 65 paragraph (1) of the Criminal Code, regulates the definition of concurrent criminal acts as follows: In the case of concurrent acts which must be seen as stand-alone acts so that they constitute a number of crimes, which are threatened with similar basic crimes, then only one criminal is imposed. The maximum number of sentences imposed is the maximum number of sentences that are threatened with the act, but may be more than the maximum of the maximum number of crimes plus a third " At this time the concurrent case of criminal acts is a casuistic problem and there is still debate for criminal law experts who do not agree on this matter.

The concurrent case of a criminal act (Concursus Realist) carried out in this case a narcotic crime and money laundering crime This does not enter into a criminal participation because the crime was committed by offense individually and not together.

The facts in the case of the crime of money laundering with the origin of the narcotics crime, show and indicate that this crime is a concurrent crime. That is because the suspect is alleged and charged with Article concerning Narcotics and money laundering. The second is a form of crime, each of which differs from one another and has a similar crime. Narcotics crime is regulated in Law No. 35 of 2009 concerning Narcotics regulates imprisonment and substitute fines as well as money laundering is regulated in Law No. 15 of 2002 concerning Criminal Acts of Money Laundering in conjunction with Law No. 25 of 2003 concerning Amendments to Law No. 15 of 2002 concerning Crimes of Money Launderingoncerning Criminal Acts with Law No. 8 of 2010 also regulates imprisonment and substitute fines.

The Concurrent acts of crime enter into concursus realis (concurrent acts) or meerdaadse samenloop. Regarding what is meant by the concurrent acts of criminal acts as the formulation of Article 65 paragraph (1) and Article 66 paragraph (1) of the Criminal Code which requires concurrent acts of crime with similar types of criminal penalties.

The based on description above, the writer is interested in discussing the problems that arise in connection with the issue of money laundering and the origin of money laundering, namely, how is the Islamic view regarding the merger of the crime.

Literature Review

The Anti-Money Laundering Law No. 8 of 2010 defines money laundering in Article 1, namely the act of placing, transferring, paying, spending, granting, donating, entrusting, bringing abroad, exchanging, or other acts of assets that are known to or suspected to be the result of criminal acts with the intention of hiding, or disguising the origin of assets so that they appear to be legitimate assets.

Review of the literature discovered that money laundering is not a new phenomenon. The origins of money laundering can be traced back to as early as 1930s in organised criminal activities (Bosworth-Davies & Saltmarsh, 1994). However, after September 11, 2001, worldwide efforts to combat money laundering and the financing of terrorism have become prime importance. The FATF has established an international standard against money laundering and terrorist financing and produced recommendations that should be adopted. The FATF measures are viewed as the leading international anti-money laundering standards that provide an enhanced, comprehensive and consistent framework for combating money laundering and terrorist financing. This framework serves as an international benchmark for national governments to implement within their respective national jurisdictions, for the detection, prevention and suppression of money laundering and the financing of terrorism.

A group of studies have taken initiatives to examine the magnitude and scope of money laundering and terrorism financing problems (Schott, 2006; Biagioli, 2008; Zdanowicz, 2009; Walker & Unger, 2009) and investigated how the money is being laundered (Unger et al., 2006; Unger, 2007). Other studies focused on the role of technology in money laundering compliance (Reuda, 2001), money laundering techniques and typology (Ping He, 2010; Irwin, 2011) and money laundering focusing on Hawalla (Bala, 2005). Generally, the findings revealed that the banking sector is the most risky sector. Irwin et al. (2011) have examined the size of money laundering and terrorism financing problems, identifying threats and trends, the techniques employed and the amount of funds involved. The findings revealed that money launderers prefer to use techniques that maintain high levels of anonymity and appear innocuous. The sums of monies involved in money laundering and terrorism financing varies from AUD 68.5M for money laundering as compared to AUD 4.8M for terrorism financing cases.

This study recommends that efforts to combat money laundering in Indonesia be developed in order to increase awareness of compliance actions. In addition, the Indonesian government must exert political influence in making compliance measures mandatory and this will ensure that all relevant authorities take responsibility for their money laundering compliance measures with the inclusion of the Islamic economic concept. Global cooperation is needed to overcome this threat. Therefore, sharing anti-money laundering information with law enforcement agencies and other financial institutions is important to ensure effective law enforcement.

The review on literature shows that combining these criminal acts there are differences and similarities between Positive law and Islamic law, so this study is very interesting to produce laws that are in accordance with the principles of justice.

Definition of Money Londering

The term money laundering (money laundering, laundering = washing, laundry = laundry) or money laundering. Money Laundering has been known since 1936 in the United States. At that time, the crime of money laundering originated from the crime of trafficking in firearms and narcotics committed by the crime mafia. To cover up or disguise its activities, purchases of companies are used as a place to hide its activities that result from crime.

The concise definition is "an act of cleaning up a dirty result to look clean", the word looks of that nature if the truth is not necessarily clean, only the appearance. If the result is wealth in the form of money, it means that the money is dirty in the sense that it is not dirty because of mud or graffiti, but dirty because it comes from the proceeds of crime. Money Laundering or also known as money laundering is an act of concealing or disguising the origin of assets through various financial transactions so that they appear to be permitted in a legal manner.

Money Laundering does not or does not yet have a Universal and comprehensive definition, but several experts put forward including: suggesting that "money laundering is the process by which one conceals the illegal source, or illegal application of income, and than disguises that income to make it appear legitimate .

While the Black Law Dictionary states that "Popularly it can be explained, that money laundering activities in general are an act of transferring, using or doing other actions on the results of a crime that is often committed by crime organizations, as well as individuals who commit acts of corruption, narcotics trafficking and other criminal acts with the aim of concealing or obscuring the origin of the money originating from the proceeds of the crime, so that it can be used as if it were legitimate money without being detected that the assets originated from illegal activities.

Money laundering is one of the acts prohibited by law so that it is qualified as a criminal offense, so we need to know the meaning of Money Laundering itself or in a foreign term called Money Laundering. The term Money Laundering has been known since 1930 in the United States, at that time this crime was committed by a "mafia" through the purchase of companies

The Law No. 8 of 2010 provides the term Money Laundering or Article laundering in Article 1 number 1, namely the act of placing, transferring, paying, spending, giving away, donating, entrusting, bringing abroad, exchanging, or other acts of assets that are known or reasonably suspected to be the result criminal acts with the intention of hiding, or disguising the origin of assets so that they appear to be legitimate assets.

The Combination of Money Laundering and Original Crimes

In Money Laundering, for example, with the origin of a Narcotics crime, if someone commits three types of delict, each of which is threatened with his own sentence. For example 2, 3, 6 years so if this is seen from the perspective of the "principle of pure communication:, that person must be sentenced to 2 + 3 + 6 years = 11 years, but if the so-called "medium commulation principle: the sentence imposed only for: the heaviest sentence that is threatened plus a third, so: 6 years + 1/3 x 6 years = 8 years.

The principle adopted by the Criminal Code after being known to both the "principal aszas" and the two "middle" principles above, is the question now: "which principle is adopted by the KIHP". What the KUHP adheres to: generally the two "middle" principles, but the KUHP also uses both basic systems, although this is only used in a number of cases.

How can it be proven now, that the Criminal Code generally adheres to the two middle principles (tussenstelsel) and in some cases only uses the two basic systems? To know that, we must first know "several types of samenloop contained in the Criminal Code. However, before explaining the form or type of samenloop, it must be known in advance "what is it considered by the Criminal Code? Because the samenloop mainly deals with the provisions of the amount of the penalty (steraftoemeting), then: samenloop by the Criminal Code is considered as a condition that incriminates the punishment.

This can be seen in article 18, as follows:

(1) The length of imprisonment is at least one day and for a period of one year,
(2) The sentence may be sentenced to a maximum of one year and four months in the event that the sentence exceeds one, because it is added because there is a combination of crimes, because of repeated acts of crime or because of the provisions in article 52
(3) the sentence may not be longer than one year and four months

As explained above the samenloop concerned with the sentence to be determined (straftoemeting) and with the use of the principle of punishment by the Criminal Code in this samenloop case, will mean that someone who commits several delicts, each of which is threatened with his own sentence, the number of penalties yaqng will be dropped will be the amount for each delict. Example: A commits five times the theft according to article 362 if there are no regulations regarding samenloop, the maximum penalty that can be imposed on A is 5x5 years = 25 years but due to the samenloop principle contained in the Criminal Code, for A self can only be sentenced to a maximum of 5 years + 1/3 x 5 years = 6 years 8 months.

As it is known that the existence of a combination of actions will lead to a combined punishment. Abdul al Qadir Audah in his book Al-Tasyri 'al Jinaiy al Islami explained that according to him in positive law there are three methods relating to the merger of this rahmah, namely:

1. The Method of Merging (al-Jam'u). This method requires the application of the perpetrators of crime, the punishment for each crime committed, this theory is also called the cumulation theory or multiple theories.
2. The Absorption Method (al-Jabbu), which provides the most severe punishment among other penalties that must be given. This method requires that the perpetrators of crime do not accept punishment except the most severe punishment for a few fingers that he did. This theory is also called the Absorption theory.
3. Mixing Method (al-Mukhtalath), which is a combination of several types of punishment but does not exceed a certain limit.

Discussion of the punishment system mentioned above Next will be discussed in the combined forms of committing criminal acts according to the Criminal Code. The Basically, in Islamic law it is known that every crime or jarimah has its own legal provisions. The diversity of types of punishment contained in Islamic law often creates problems when there is someone who commits multiple radius or double radius.

The Islamic law, this combined punishment is known by the terms ta'adudul ‘uqubat (the number of punishments) and al-ijtimaul‘ uqubah (the gathering of several penalties). The combination of jarimah occurs when a person commits multiple jarimah before the final punishment of each tomb is determined. This is when the first crime has not been sanctioned or punished as a result of the final verdict given to the perpetrator of the crime, then he commits the second, third and so on. So when the perpetrator is caught he is exposed to accusations in accordance with the violation of each sanction that is threatened against the crime he has committed.

Combined sentences can occur when there is a combination of criminal offenses. While a combination of criminal acts can be said to exist when someone commits several kinds of criminal acts where each of them has not received a final decision. Combined criminal acts in Islamic law actually there is no special term. But in this sense there are two things that need to be considered, namely about the definition of joint offense and about a

series of violations which are both like two sides of a coin, meaning that there is a joint offense due to a series of violations.

The Islamic law, this combined punishment is known by the terms ta'adudul ‘uqubat (the number of punishments) and al-ijtimaul‘ uqubah (the gathering of several penalties). Jarimah combined occurs when a person commits several Jarimah before the final punishment is determined from each Jarimah. This is when the first crime has not been sanctioned or punished as a result of the final verdict given to the perpetrator of the crime, then he commits the second, third and so on. So when the perpetrator is caught he is exposed to accusations in accordance with the violation of each sanction that is threatened against the crime he has committed.

Departing from this understanding also, it can be seen the difference between the combination of doing jarimah and the repetition of doing jarimah. The combination of criminal acts, in this case a combination of punishment, the perpetrators of the crime of committing several radius where each of the radius of the decision has not been determined, whereas in the repetition of the radius occurs when the perpetrator commits the second finger and so on after being sentenced to the first finger.

The matter of the repetition of this tune, the jurists agreed to punish the perpetrators of crimes, according to the threat of criminal. Because according to them, the repetition of Jarimah by someone after he gets the final verdict, in fact it can show the nature stubborn the perpetrators of jarimah and not playing the first punishment. Therefore, it is natural that a tendency arises to exacerbate penalties for the repetition of the jarimah.

As is the case with the Criminal Code, the main issue in combining criminal acts according to Islamic law is the granting of punishment for someone who commits a criminal offense whether the sentence can be combined if the fingers have the same or different types of punishment. The ulama agreed that in Jarimah there was a merging of sentences caused, violations of several Jarimah each of which had not yet received a permanent decision, but they differed on what kind of punishment should be given to the perpetrators of combined crimes. Surely the proper combination is given based on the consideration of the benefit of humanity.

The Basically, the Islamic Shari'a has provided the provision that a sanction for an act of jarimah is with a sanction. There are several gabunngan theories in carrying out crime in Islam, namely the Theory of Complementing / Entering (Nazariyyatut Tadkhul / at-Tadkhul) and the Absorption Theory (al Jabbu), Mixed Theory (al Mukhtalath)

The complementary theory, a person who performs a mercy of a mercy will only get one punishment as well as when he commits one of the mercy, this is because the punishment of some of the mercy is entered into each other, some enter the other part, so that only one sentence is imposed. In this case there is a condition if the sentence is only one, namely the combined sentence is carried out on the basis of maintaining benefit.

This case, it can be seen that a combination of fingers that have different types and purposes of punishment cannot enter each other. Whereas in the theory of Absorption, a person who commits an amalgam jarimah other penalties and in theory mixing overcomes the weaknesses of the two methods formerly the theory of al jabbu (absorption) and the theory of ad tadaahul (mutual entering), namely by means of combine the two and find a middle ground.

As mentioned at the outset that Islamic law in using these two theories is not absolute. In this mixing theory the steps taken are to limit the absoluteity of the two previous theories. Combination of penalties may be done but may not exceed certain limits. The purpose of giving this deadline for punishment is to prevent excessive punishment.

Both theories are recognized in Islamic law, but among the scholars there is an ikhtilaf, both the way they are applied and the logical basis of determining the punishment that will be given to the perpetrators of criminal acts. Discussion of the two theories will then be discussed in combined forms.

Both Islamic sharia and the Criminal Code both recognize the existence of a combined theory of committing this crime. Even so between the two there are differences and similarities.

a) Both of them use the limited multiple theory.162 In the multiple theory, every deed of the tomb will be punished according to the existing provisions. However, the sentence is still limited, that is, it does not exceed one third of the various types of sentences that should be handed down. The reasons used from the two laws are also the same, namely when a combination of criminal acts occurs, it will result in the emergence of a mergerpunishment. In such conditions various sentences occur, so that the sentence imposed is too much. If the sentence is a prison sentence then the length of imprisonment can become a life sentence if not limited. This is undesirable in both laws.
b) The same rationale for the two laws is that there is an element of forgiveness. Both of them looked at the offender in a hindered position when he did the second rahmah, because he had not yet received the punishment for the first rahmah.
c) Both also hold that the combined punishment without any restrictions will lead to an outcome that is rejected by reason and syara thought.
d) Both Islamic sharia and the Penal Code both recognize the existence of a combined theory of committing this crime. Even so between the two there are differences and similarities.
e) Both recognize the theory of absorption (absorption or al Jabbu). Although in Islamic law there is one school leader not accepting this theory. Imam Malik, Abu Hanifah and Imam Ahmad, agreed that the death penalty which is the hardest sentence absorbs all types of punishment. While Imam Shafi'i believes that each of the fingers of his sentence cannot be combined with one another, but must be met one by one. In the Criminal Code this absorption theory is regulated in article which determines the maximum punishment for several different sentences.

Although there are some similarities between Islamic law and the Criminal Code, there is no meaning between them the differences. The use of multiple theories that are not absolutely in Islamic law is a factor triggering the difference between the two.

a) The use of multiple theories is limited in Islamic law which is not used absolutely, but applies it when one finger is repeated repeatedly and also in Jarimah are different, but the punishment has the same purpose. The reason is that each of the fingers has their own punishment. If someone performs the repeated rahmah before getting the punishment of the first or previous rahmah, then he is logically prevented from receiving the second punishment because he has not received the punishment for the first rahmah deeds. In this case it means that there is no multiple theory of punishment. It is different if the Jarimah is different, then the non-execution of one of the ceremonies which has been done cannot be a barrier for the second Jarimah to get the punishment too. The application of the second sentence is expected to prevent the perpetrators of crimes from committing similar crimes, because in Basically every sentence has a purpose and purpose. In the Criminal Code, this law nullifies penalties for other tombahs so that there is a tendency that if someone does a heavy tombah penalty then it is very likely that he will do other lighter tions.

b) The theory of mutual entry used in Islamic law is far broader in scope than the Criminal Code. Because the law does not recognize al tadaahul except in one case, namely when the perpetrators commit several crimes to achieve one the purpose of the conditions of the radius-radius has a relationship that can not be separated from one another.

Here, we can see the difference between conventional law and Islamic law on the basis of complementary / tadkhul theory. According to conventional law, the basis for the existence of a common goal in criminal offenses committed by the perpetrators and closely related to each other so that it cannot be separated.

The basic theory of complementarity according to the fuqah is the common goal of the sentences imposed. In other words, theories complement each other in conventional law are placed on the objectives to be found by the perpetrators, whereas in Islamic law, the theory is placed under the objectives to be achieved by the Syar'i (the maker of Sharia law / Allah and His Messenger).

The Criminal Code, imprisonment is a basic punishment with maximum and minimum limits. In this case it means that the sentence is limited by time. Meanwhile in Islamic law, those which become basic punishments are "cut" and "flogging" punishments, which are limited by the morals or behavior of jarimah.

Although between the Criminal Code and Islamic Law both know the theory of absorption of punishment (al Jabbu) as explained earlier, there are differences between the two. In Islamic law this absorption theory is only used by a combination of sentences which have only a murder sentence. Meanwhile, in the Criminal Code the absorption theory is used when there is a combination of penalties which have the heaviest penalty both death penalty and prison, so it is hoped that this theory limits freedom of sentencing to be carried out in accordance with the levels.

Although Islamic law stipulates a temporary prison sentence for certain criminal acts as ta'zir punishment, it does not need to make the highest limit for those sentences already using the theory of mutual entry / complementarity. So, if he commits one kind of crime repeatedly, only one sentence is imposed on him in accordance with the theory of mutual entry. If the perpetrators carry out several kinds of the same criminal act, the criminal offenses are generally not more than three or four kinds. If each of the offenses is sentenced to him, the entire sentence does not need to be a prison sentence. If the offender is sentenced to all imprisonment, the highest limit will not reach unreasonable limits, especially if we remember that the highest limit of imprisonment according to some jurists does not exceed one year or three years according to the authorities.

The Islamic law and conventional law are equally agreed in establishing the theory of absorption of punishment. However, there are some differences in their application. In Islamic law, the theory of the absorption of punishment is only used when the death penalty converges with other penalties, as stated. in conventional law, the theory is used in two circumstances when the death sentence converges with other penalties and when the heavy labor sentence collects with other penalties that limit independence (imprisonment). In this case, Islamic law does not stipulate the latter because:

1) Imprisonment is not a basic punishment in Islamic law
2) The prison term in Islamic law is not long,
3) A prison sentence may not be a life sentence
4) Prison sentences do not consist of several types.

The islmic law there is a system of imprisonment - unlimited, but this system is not used freely, but is limited by repentance and the improvement of the convicted person, thus

there is no need to limit the highest period to release him because the release of the condemned depends on his condition not the period certain. Therefore, the convicted person can be free if he repents or continues to be sentenced to death if he does not repent or his personality does not turn out well. The reason, the main purpose of imprisonment in Islamic law is to eradicate the evils of perpetrators from the community. If his evilness has been eradicated because he has repented, the convicted person will be free, but if he has not repented, the sentence will remain in prison until death.

As explained that Islamic law does not make prison sentences a time-limited human sentence as in the Penal Code. However, Islamic law stipulates imprisonment without any time limit for absolute use, such as stealing by cutting off hands, adultery by flogging, and others. The purpose of Islamic law in applying this absorption theory is to improve the behavior of the doers of the rahmah and also so that those who perform the rahmah repent so they do not repeat the rahmah again. There is no time limit in giving punishment, so the discharge of the perpetrators from prison is perfect, namely by repenting from moral improvement, not because of the length of time he was in prison.

The From similarities and differences between Islamic law and the Criminal Code in view of the combined problem of committing criminal acts, the authors draw conclusions that between the Criminal Code and Islamic law which is better used as a guideline in providing penalties for combined criminal offenders are theories that contained in Islamic law. With the existence of these theories, it is possible that Islamic law can include and contribute ideas to the Criminal Code in dealing with the combined problem of committing this crime.

Conclusion

The theory of merging criminal acts according to Islamic law there are two theories, namely: first, the theory of mutual entering or al tadaahul, ie if there are several merges of the mercy, then some of the mergers are entered into each other, some enter in some others, so that for the entire finger is only given one sentence. Second, the theory of absorption or al jabbu, which is to suffice the implementation of punishment whose implementation hinders the implementation of other penalties.

While the combined theory of criminal acts according to the Criminal Code there are four, namely: first Stelsel absorption, the basis of this suction system is articles 63 and 64. Second, the Absolute Principle (absortie) as for the basis used is article 65. Third cumulatie stelsel, the legal basis is article 70 of the Criminal Code. The four softened cumulatie as for the legal basis for this system are article 66 of the Criminal Code.

Both Islamic sharia and the Criminal Code both recognize the existence of a combined theory of committing this crime. Even so between the two there are differences and similarities.

The equation:

1. Both of them use limited double theory.
2. The same premise of the two laws is the element of forgiveness.
3. Both also hold that the combined punishment without any restrictions will lead to an outcome that is rejected by the common sense and thought of syara.
4. The both Islamic sharia and the Criminal Code both recognize the existence of a combined theory of committing this crime. Even so between the two there are differences and similarities.
5. The both recognize the theory of absorption (absorption or al-Jabbu). Although in Islamic law there is one school leader not accepting this theory. Imam Malik, Abu Hanifah and Imam Ahmad, agreed that the death penalty which is the hardest sentence absorbs all types

of punishment. While Imam Shafi'i argues that each sentence may not be combined with each other, but must be met one by one.170 In the Criminal Code the absorption theory is regulated in article 63 which determines the maximum punishment for several different sentences.

The difference:

1. The use of multiple theories is limited in Islamic law which is not used absolutely, but applies it when one finger is done repeatedly and also on different fingers, but the punishment has the same purpose.
2. The theory of mutual entry used in Islamic law is far broader in scope than the Criminal Code.
3. The basic theory of complementarity according to the fuqah is the common goal of the sentences imposed. In other words, theories complement each other in conventional law are placed on the objectives to be found by the perpetrators, whereas in Islamic law, the theory is placed under the objectives to be achieved by the Syar'i (the maker of Sharia law / Allah and His Messenger).
4. In the Criminal Code, imprisonment becomes a basic punishment with maximum and minimum limits. In this case it means that the sentence is limited by time. Meanwhile, in Islamic law which is a basic punishment is a "cut" and "caning" sentence, where this punishment is limited by the character or behavior of the behavior of rahmah.
5. As explained that Islamic law does not make prison sentences a time-limited human sentence as in the Penal Code.

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