

ABSTRACT

From this background, this dissertation is titled "Prosecution Authority of Money Laundering by KPK", In this study the legal issues or legal issues are:

1. Philosophy Prosecuting Authority of Money Laundering.
2. Ratio Decidendi Judicial Rules Related Commissions Of Corruption Eradication As A General Proter In The Criminal Money Laundering With Criminal Act Of Criminal Act Of Corruption

To obtain a scientific truth the answer to the legal issue are reviewed, this study used several statute approach, case approach, historical approach, comparative approach, conceptual approach.

The constitutional prosecution is stipulated in the provisions of Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, that Indonesia is a state of law. As a consequence of state administration, any policy taken by the government should be based on the law of prosecution in several laws, namely: Criminal Procedure Code, Corruption Law, KPK Law, Prosecutor Law, UU PP TPPU, that the law gives the prosecution authority to the prosecutor Prosecutor, except for corruption cases prosecution authority is also given to the KPK. As a consequence, the KPK has no legitimacy to prosecute Money Laundering criminal acts even if the crime is originally a criminal act of corruption.

The decision of the Constitutional Court as Positive legislature (making norms or regulating norms) should relate its decision with the rules of the other rules so that the synchronization between the rules of one with the other rules so that there is no conflict of norm in prosecuting money laundering crime with the criminal act of origin of corruption.

Keywords: The Corruption Eradication Commission, prosecution, money laundering