

Implementation of 'customer due diligence' as a measure against trade-based money laundering: comparison between Indonesia and Singapore = Implementasi 'customer due diligence' sebagai upaya melawan trade-based money laundering: perbandingan antara Indonesia dengan Singapura

Oktoriza Adyaprasasta, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20514456&lokasi=lokal>

Abstrak

“Customer Due Diligence” (CDD) adalah salah satu komponen terpenting dalam rezim anti-pencucian uang (APU). Dari berbagai tipologi pencucian uang, “trade-based money laundering” (TBML) merupakan praktik pencucian uang terbesar. Mengingat risiko unik yang ditimbulkan TBML, mungkin diperlukan standar CDD khusus untuk melawan TBML, sebagaimana terlihat dari praktik Singapura. Penelitian ini akan mencoba menjawab pertanyaan-pertanyaan berikut: (1) Bagaimana CDD diatur di Indonesia dan Singapura? (2) Bagaimana implementasi CDD Indonesia dibandingkan dengan Singapura dalam hal TBML? Skripsi ini mengadopsi pendekatan yuridis-normatif melalui analisis kualitatif terhadap sumber hukum primer dan sekunder, serta metode komparatif untuk membandingkan rezim hukum Indonesia dan Singapura. Penelitian ini menemukan bahwa Indonesia dan Singapura memiliki langkah-langkah CDD yang serupa. Namun, Indonesia tidak memiliki persyaratan screening yang dimiliki Singapura, begitu pula persyaratan CDD spesifik dalam trade finance. Oleh karena itu, skripsi ini mengusulkan sebagai berikut: (1) Penilaian risiko berkala untuk menangani risiko TBML terhadap nasabah bank, produk dan layanan, dan pengendalian bank terhadap red flag TBML; (2) Menerbitkan peraturan yang mencakup standar CDD untuk transaksi terkait perdagangan yang setidaknya mencakup: CDD dokumen perdagangan, sanctions screening, dan red flag TBML; (3) Bank harus memiliki akses ke data perdagangan terkait demi menjalankan CDD, terutama dalam hal sanctions screening.

.....One of the most important component of any anti-money laundering (AML) regime is “Customer Due Diligence” (CDD). Among the many money laundering typologies, “trade-based money laundering” (TBML) is regarded as the most pervasive of money laundering typologies. Considering the unique risks which TBML poses, a dedicated CDD standards to combat TBML may be required, as shown by Singapore’s practice. This research will try to answer the following questions: (1) How is CDD regulated in Indonesia and Singapore? (2) How does Indonesia’s implementation of CDD compare to Singapore’s when it comes to TBML? This thesis adopts juridical-normative approach through qualitative analysis of primary and secondary legal sources, as well as comparative method to compare Indonesia and Singapore’s legal regime. This research found that Indonesia and Singapore have similar CDD measures. However, Indonesia lacks the screening requirements that Singapore has, and specific CDD requirements in trade finance. Therefore, this thesis propose the following: (1) Periodic risk assessment addressing TBML risks regarding the bank’s customers, products and services, and the bank’s controls against TBML red flags; (2) Issue a regulation covering CDD standards for trade related transactions which should cover at the minimum: due diligence of trade documents, sanctions screening, and TBML red flags; (3) Banks should have access to relevant trade related data to perform the CDD measures, especially in regard to sanctions screening.