Causing Factors Crimes Against the Circulation of Counterfeit Money

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Abstract: This study aims to determine the factors causing crimes against the circulation of counterfeit money. The method used in this study is an empirical legal research methodology and uses a qualitative approach to descriptive qualitative analysis techniques. The results of this study show that the factors causing crimes against the circulation of counterfeit money include economic factors, self-benefit factors, low education factors and factors of opportunities to commit crimes, environmental factors, and technological factors. In preventing the crime of circulating counterfeit banknotes in the city of Gorontalo, in this case, the police must strictly enforce and play an active role if they receive complaints from the community. The police must be able to take precautions before the perpetrators or individuals who play the opportunity circulate counterfeit money.

Keywords: Cause; Distribution; Counterfeit money.

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1. Introduction

Indonesia is the highest agreement of the shapers of the state, even though it had experienced a constitutional test at the time of the amendment of the 1945 Constitution to the Constitution of the Republic of the United States of Indonesia in 1949, however, the recognition of areas under the auspices of the Indonesian State was still recognized. The absolute requirement of state sovereignty is the existence of a society that complies with the constitution and its government. The law is in charge of creating legal certainty because it aims to create public order. On the contrary, the public expects expediency in the implementation or enforcement of the law. Therefore, in legal politics, an invention of law and the creation of new laws under the objectives of the State is a value that must be implemented to achieve supermajority and legal justice.

In our daily life, even in society, to make ends meet there are often crimes and offenses committed by certain people and people who threaten part of the members of society, which in legal science is known as criminal acts. Currently, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has grown rapidly in Indonesia. Criminal sanctions are seen as an effective solution to tackling the problem. Criminal sanctions are a form of the state's responsibility to maintain security and order as well as legal protection efforts for its citizens. This is a logical consequence of the concept of forming a state which, according to J.J. Rousseau, is based on a community agreement. Furthermore, the people agreed to enter into a noble treaty (modus vivendi) which is outlined in a basic law in the form of a state constitution. Legal protection is very necessary because it seeks to integrate various needs in the association so that there is no clash between needs and one can enjoy all the rights granted by law. The state is firmly obliged to strive to fulfill the rights of every citizen.

One of the forms of violation of the norm is the circulation of counterfeit money. Money has a very important role in the course of modern life. The money we know

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today has undergone a very long process of development. Initially, humans used using barter (exchange of goods), the selected objects had a high value, and steps, and could be generally valued as a medium of exchange then came the so-called money. Money can serve as a medium of exchange, a unit of calculation, a means of storing wealth, and a means of adjusting accounts receivable debts.9

The prevailing currency in Indonesia circulated by Bank Indonesia is regulated in Law Number 7 of 2011 concerning Currency. Article 2 paragraph (1) of Law Number 7 of 2011 concerning Currency states that:10

"The currency of the Unitary State of the Republic of Indonesia is the Rupiah. The rupiah has the characteristics of each rupiah set with the aim of showing identity, distinguishing the price or face value, and securing the rupiah from counterfeiting."

The special characteristics of the rupiah are regulated in Article 5 paragraphs (3) and (4) of Law Number 7 of 2011 concerning Currency, where this special characteristic is intended as a security and is contained in the design, material, and printing techniques of the rupiah. The nature of this particular feature is open, semi-closed, and closed. This special feature is used to recognize the rupiah from the act of counterfeiting in the form of imitation of the currency. Counterfeiting of currency is classified as a crime. The crime of currency counterfeiting affects the integrity of the nation and concerns both Bank Indonesia as an authorizer and the public as recipients of counterfeit money.11

Not long ago, the people of Gorontalo City were shocked by the incident of counterfeit money distribution. The Gorontalo Regional Police (Polda) through the Gorontalo Regional Police Resmob team together with the Gorontalo Police Pandawa Resmob team managed to secure the initials of TD aged 54 at around 19.48 WITA, namely the suspected perpetrators of counterfeit money dealers who disturbed the community in the Gorontalo Regional Police Law area, Thursday, February 3, 2022. Dir Reskrim Umum Polda Gorontalo Kombes Pol. Nur Santika revealed that the arrest of the perpetrators began with public unrest with the circulation of counterfeit money that began to circulate in the Gorontalo province area with the main target of small stalls and victims of most of the elderly.12

Based on the victim’s statement, the perpetrator was wearing a black mask, and a black jacket visited a Yam trader, and then exchanged two pieces of 50-50 bills and it turned

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10 “Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang.”
12 “Hasil Wawancara Bersama Bapak Khaidir Nasir, S.H Dan Rikyanto Panua Selaku Penyidik Pembantu Polres Gorontalo, Pada Selasa 22 November 2022, Pukul 13.00 Wita,”
out that the money exchanged to the trader was fake money. The perpetrator visited an elderly mother in the mode of buying cassava. With the modus operandi, the perpetrator gave 100 thousand one sheet of money and bought cassava yam for 10 thousand. At the same time, the perpetrator launched his action by asking the cassava seller for help to exchange 50-50 as many as 2 pieces of money for 100 thousand bills. The victim's statement of the incident occurred at around 07.00 WITA after the completion of the Isya Prayer. When the perpetrator launched his action by buying cassava and exchanging 50 thousand as many as two pieces, initially the elderly mother of the cassava trader did not realize that the money given by the perpetrator was fake. The elderly mother only realized this when her grandson asked for money to buy an internet voucher. The elderly mother and her grandson went to buy internet vouchers at a credit counter and at that time, the owner of the counter said that the money used was fake. Then indirectly the perpetrator must and must be legally processed.\textsuperscript{13}

When people receive counterfeit money, no one compensates for losses as a result of receiving counterfeit money, they cannot use the counterfeit money for transactions. Counterfeit money can also undermine trust in the payment system, resulting in the general public not feeling confident when receiving cash in transactions. The crime of counterfeit money does not only occur in the present moment, it has happened for some time ago and will continue. The perpetrators only attach importance to personal gain regardless of the losses and risks faced by the surrounding community. Every year it is easy to find the crime of counterfeit money. In addition, every time Bank Indonesia issues a new type of money, it is not long before the perpetrators seem to want to be left behind, they immediately imitate the new legitimate money. The sophistication of the perpetrators of making and distributing counterfeit money when carrying out their actions, sometimes makes it difficult for the public to distinguish real money from fake money so many people are deceived and become victims of cases of circulating counterfeit money.

Compensation for the aggrieved victim is a legal protection to the victim where the victim can get certainty, the victim is not only protected with legal witnesses but how the victim's rights are achieved afterward. Compensation itself only exists in civil cases, if the victim feels the need to get compensation, they can make a lawsuit through civil channels, but it seems very detrimental to the victim because it can be seen that the victim has been harmed by material losses and complaints through criminal channels for fraud, especially if it is charged again for a lawsuit for damages that cause more losses to the victim. So it is very detrimental to the victim if you look at the victim's side.\textsuperscript{14} Quoting what was said by Lisnawaty Badu where it is said that the Right to life must also be protected by the state especially the state of law.\textsuperscript{15}

\textsuperscript{13} Fence M. Wantu, \textit{Hukum Acara Pidana} (Yogyakarta: Reviva Cendekia, 2011), 13
\textsuperscript{14} Silvony Kakoe, Masruchin Rubai'i, and Abdul Madjid, "Legal Protection of Victims of Online Buying and Selling Transaction Fraud Through Compensation as An Additional Criminal," \textit{Journal of Legality}. 13, No. 02 (2020): 115–128., 117
\textsuperscript{15} Badu Lisnawaty, “Euthanasia Dan Hak Asasi Manusia,” \textit{Jurnal Legalitas} 5, no. 1 (n.d.): 1–11. 1
existence of existing regulatory regulations provides equal rights for every citizen.\textsuperscript{16} The benefits are so as not to become clashes in social and state life.\textsuperscript{17}

Against this crime of counterfeiting money, the public hopes that the government and law enforcement officials can provide a sense of security against the existence of money objects as legal tools. Therefore, criminal sanctions are one of the efforts in enforcing the rule of law for anyone who is proven to have lawfully and convincingly attacked the authenticity of money as a legitimate tool. Every other person, including the government, must heed it, by making laws based on natural rights themselves.\textsuperscript{18} Policies are very important to take, as they can be a strong legal umbrella for local governments to protect.\textsuperscript{19} As Prof. Fenty Puluhuawa said in his writing, the Government through the law has provided a starting point for the judiciary, which is to be done for justice based on the One True Godhead.\textsuperscript{20} The government as a policymaker must certainly pay attention to the value of justice for society, therefore it occurs when someone violates the law either directly or indirectly, or in a form of negligence that can result in punishment. Therefore, from this form of punishment, it is hoped that it will give birth to a suattu of justice. Quoting as said by Suwitno Yutye Imran Justice serves as a guideline to distinguish between just and unjust acts the elements of the aspect of justice can be contained in the substance.\textsuperscript{21}

2. Method

The method used in this study is empirical legal research methodology and uses a qualitative approach and descriptive qualitative analysis techniques.

3. Causative Factors Affecting the Circulation of Counterfeit Money

The criminal act of circulating counterfeit money has several modus operandi that is carried out and violate the provisions of the Currency Law. Although there are already regulations that regulate in detail the prohibition of the practice of circulating

counterfeit money, the reality is that there are still actors who can circulate counterfeit money that is produced and traded.\textsuperscript{22}

The Gorontalo Regional Police (Polda) through the Gorontalo Regional Police Resmob team together with the Gorontalo Police Pandawa Resmob team managed to secure the initials of TD aged 54 at around 19.48 WITA, namely the suspected perpetrators of counterfeit money dealers who disturbed the community in the Gorontalo Regional Police Law area, Thursday, February 3, 2022. Dir Reskrim Umum Polda Gorontalo Kombes Pol. Nur Santika revealed that the arrest of the perpetrators began with public unrest with the circulation of counterfeit money that began to circulate in the Gorontalo province area with the main target of small stalls and victims, mostly the elderly. With the modus operandi the perpetrator gave 100 thousand one sheet of money and bought cassava yam for 10 thousand. At the same time, the perpetrator launched his action by asking cassava sellers for help to exchange 50-50 as many as 2 pieces of money for 100 thousand.\textsuperscript{23}

This is inseparable from several factors that cause perpetrators to commit criminal acts of circulating counterfeit money in the city of Gorontalo. Factors influencing the occurrence of criminal acts of counterfeit paper currency circulation include:

1. **Economic Factors**

Abdulsyani in his book tells that many aspects can be seen from an evil deed, namely the juridical aspect, the social aspect, and the economic aspect. The juridical aspect means that a person commits an evil act if he commits a criminal offense and is found guilty by a court and serves a period of imprisonment. The social aspect means that a person is considered to have committed a crime if he fails to adjust himself in an act that deviates consciously or unconsciously from the norms prevailing in the social environment so that the act cannot be considered true by a group of people concerned, especially the economic aspect has the meaning that a person is considered to have committed a crime if it can harm others by imposing his economic interests to the surrounding community and so that it is considered an obstacle to the happiness of others.\textsuperscript{24}

Based on what the investigator said:

"The cause of the perpetrators in their act of circulating counterfeit money is due to economic pressure. We received complaints from the public that there were people suspected of male identities in the act of circulating

\begin{itemize}
\item \textsuperscript{22} Hafidz Al Qadri, “Tindak Pidana Peredaran Uang Palsu Berdasarkan Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang ( Suatu Penelitian Di Wilayah Hukum Pengadilan Negeri Idi ) Counterfeit Money Circulation Crimes Based On Law Number 7 Of 2011 Concerning Currency A Study” 5, No. 4 (2021): 552–59., 553
\item \textsuperscript{23} “Hasil Wawancara Bersama Bapak Khaidir Nasir, S.H Dan Rikyanto Panua Selaku Penyidik Pembantu Polres Gorontalo, Pada Selasa 22 November 2022, Pukul 13.00 Wita,”
\item \textsuperscript{24} Ende Hasbi Nassarudin, Kriminolog. (Bandung: CV. Pustaka Setia, 2016)., 115
\end{itemize}
counterfeit money with the motive of the perpetrator shopping by exchanging 50-100 thousand denominations to each trader with the target of elderly traders. This is done by the perpetrator to the elderly trader because the target or victim is unable to distinguish the authenticity of the money spent considering the age factor that is already elderly, making it easier for the perpetrator to act as circulating counterfeit money”.25

The crime of circulating counterfeit money does not only occur in the Gorontalo regency area but also occurs in Gorontalo City and Bone Bolango Regency. This economic factor is in line with the view of a British researcher of criminology Sterven Box that in the book of criminology that is appropriate and in line with this thinking, that explains that one of the structural problems that need to be considered in the analysis of Indonesian criminology is the problem of poverty. In criminologists’ theory, this situation is considered important because poverty itself is a structural form of crime in which some so many people are victims. In Indonesia itself, economic injustice is included in income inequality driven by the economic crisis. Therefore, according to the author, it is an unbalanced situation in society that results in a striking difference, especially about the very high-income difference between the upper class and the lower class. Social inequality can be interpreted by society as a form of injustice in status and position in society. So that socioeconomic inequality/inequality can be interpreted as symptoms that arise in society due to differences in the limits of financial capability and social status among people living in a certain environment/region.

Based on the results of interviews conducted by researchers with investigators, it is explained that:

"The perpetrator confessed his crime by circulating counterfeit money for personal gain. The crimes committed by the perpetrator were also assisted by his partner who also participated in helping to commit the crime of circulating counterfeit money with his role as a counterfeit money printer. So that in the crime of circulating counterfeit money that occurred in the legal area of the Gorontalo police, two perpetrators have been secured and the legal process has been transferred to the prosecutor's office for trial."26

The nominal amount of money forged is also not half-hearted. Generally, the perpetrators are more eyeing currencies with a high face value to be counterfeited, such as Rp. 100,000.00, Rp. 50,000.00 and Rp. 20,000.00. In addition to being seen as more profitable because of its large face value, the

25 “Hasil Wawancara Bersama Bapak Khaidir Nasir, S.H Dan Rikyanto Panua Selaku Penyidik Pembantu Polres Gorontalo, Pada Selasa 22 November 2022, Pukul 13.00 Wita.”
26 "The results of the interview with Mr. Khaidir Nasir, S.H and Rikyanto Panua as assistant investigators of the Gorontalo Police, on Wednesday, November 23, 2022, at 10.00 WITA," n.d.
manufacture of counterfeit money is also proportional to the production costs incurred. So that the perpetrators still get promising profits.27

2. Low Education Factor

The educational factor in view of strongly influencing the individual's self both mental state, behavior and especially at the level of intelligence of crime is often symbolized because low education and failure in schools are also developed to the education of poor families. According to Bawengan, crime and delinquency can also be the result of lack of education and failure - the failure of educational institutions is the same as the failure caused by the conditions of the family environment.28 In line with what the sources below say that:

"Low education is also the reason for someone to commit money counterfeiting. A person who is poorly educated is classified as someone who does not know the law and does not know the consequences so they dare to print counterfeit money."29

According to the author that it is undeniable that the role of education is very large in its influence carried out by the formation of one's personal disposition. Educated individuals are likely to be more stoic in dealing with the social problems around them. Conversely, individuals who are not or are less educated are very likely to be influenced by the social conditions in which they are located. This is likely due to making a living, then coupled with a lack of critical thinking in responding to the surroundings. Thus, schools play an important role in the life of every human being compared to other institutions. It is also often stated by criminologists that, schools are a place to cultivate human beings who will later be useful for the development and welfare of the nation.

3. The factor of the presence of opportunities in committing crimes

As a result of an interview conducted by researchers with the Gorontalo Police Assistant Investigator, that:

"The perpetrator carried out his act of circulating counterfeit money also because of the opportunity for the perpetrator to circulate counterfeit money. This then happens because the perpetrator sees an opportunity by circulating counterfeit money in the mode of buying and exchanging fractional money with the target of elderly traders."30

28 G.W Bawengan, Hukum Pidana Dalam Teori Dan Praktek. (Jakarta: Prada Paramita, 1977), 110
29 "The results of the interview with Mr. Khaidir Nasir, S.H and Zulkifli Tahalele, S.H as auxiliary investigators, on November 26, 2022, at 13.00 WITA."
30 "The results of the interview with Mr. Khaidir Nasir, S.H and Rikyanto Panua as assistant investigators of the Gorontalo Police, on November 25, 2022, at 13.00 WITA."
According to the author, the crimes committed by the perpetrators makes it very easy for the perpetrators to carry out their actions considering that elderly traders are no longer able to distinguish the existence of banknotes, plus the lack of understanding of traders in detecting counterfeit banknotes in a simple way such as 3D slogans (seen, palpable, handled), so that this opportunity is utilized by perpetrators to commit crimes against counterfeit money dealers.

4. Environmental Factors

The influences that exist in this environmental factor are not properly controlled, that it will cause a negative influence on everyone who just lives in that environment and seeks to associate with others, whose neighbors are people who are in an evil environment. Perhaps there is some truth to say that a person in a bad atmosphere, not doing well at home, is a great obstacle for a person to reach physical maturity. Therefore, a good environment is the main point which is the main fortress for a person to become a human being with a noble personality or arguably the environment has an important second role after the family. Because more or less a person can freely vent his excessive emotions.

"This factor influences a person to commit a criminal act of circulating counterfeit money because in an environment a person will meet different people, if they get along with criminals, good people can also turn evil. Meanwhile, good people, but living in an environment of bad people, will be evil and will commit crimes, one of which is circulating counterfeit money as it is known that the level of circulation of money issued by Bank Indonesia is very much and very easy to be counterfeited by irresponsible individuals who are at risk of harming themselves and others for their unlawful actions."

5. Technology Factors

Counterfeiting of banknotes is carried out using impersonation (counterfeiting). An impersonation is an act of forgery by producing or imitating a document as a whole. The perpetrator attempts to make the initiation result have similarities with the original one. However, considering that banknotes have a high level of quality and are expensive, counterfeit money is usually of low quality. Several modes are often used by perpetrators, including the mode of doubling money, this mode is not only often used for deception but also to circulate counterfeit money. In his way, the perpetrator promises to be able to multiply the money. Meanwhile, the victim is asked to deposit a certain amount of money, and then

31 Ninik Widiyanti dan Panji Anogara, Perkembangan Kejahatan dan Masalahnya Ditinjau dari Segi Kriminologi dan Sosial. (Jakarta: Pradnya Paramita, 1987), 24

32 "The results of the interview with Mr. Khaidir Nasir, S.H and Rikyanto Panua as assistant investigators of the Gorontalo Police, on November 25, 2022, at 13.00 WITA."
the perpetrator will give a much larger amount of money. Then the money handed over by the perpetrator is what is fake money. Then the perpetrator transacts as usual using counterfeit money. This mode can overwrite anyone, especially those who are in the buying and selling business ranging from traders to vegetable sellers and perpetrators usually, take advantage of busy situations so that the victim does not have time to pay attention and check that the money he receives is counterfeit. The development of digitalization of information and communication technology in the form of social media exposes the public to a new reality, namely the mortal world that is visible from the screen of devices/gadgets but synchronized with real life. Based on what the investigator said that:

"Technological factors play an important role in the production of counterfeit money, because with the rapid advancement of technology like today, it will make it easier for money counterfeiters to commit counterfeiting, even counterfeit money made by money counterfeiters will be difficult to distinguish from real money. These technological advances can be used by actors to take advantage of making counterfeit money." The technological factor is basically already part of the emergence of a crime. Where more and more days that technological developments have become more sophisticated and more advanced, so anything that becomes a crazy human idea can be done with this increasingly sophisticated technology. Therefore, with the development of increasingly advanced technology, it is hoped that it will be used and utilized as well as possible, not used as a tool to commit crimes that can harm others and even oneself. Furthermore, according to the author, the development of technology has begun to be sophisticated, because the existence of this technology causes people to easily get information. This is certainly an advancement for this nation and country because the information provided can be easily obtained by all circles. This can also be a negative thing for this nation when people cannot be effective in using technology. Why is this because it is easy to get information, many people easily receive the information without first selecting what is good and what is bad?

The author sees that the people who are the main targets of counterfeit money dealers are one of the factors that can influence the high circulation of counterfeit banknotes. The daily activities of the community, especially the city of Gorontalo, make people pay less attention to the problems of counterfeit banknotes. People with a level of vigilance and awareness such as traders and other professions related to buying and

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35 "The results of the interview with Mr. Khaidir Nasir, S.H and Rikyanto Panua as assistant investigators of the Gorontalo Police, on November 25, 2022, at 13.00 WITA."
selling that are lacking in the dangers of counterfeit money cause counterfeit banknote dealers to become rampant. In addition, public knowledge about counterfeit banknotes is still minimal. People who don't know enough about counterfeit banknotes are generally small people. This is generally because they only think about meeting their daily needs without paying attention to matters related to counterfeit banknotes.

4. Conclusion

Factors that cause perpetrators to circulate counterfeit money that researchers found during the study include economic factors, self-benefit factors, low education factors and factors of opportunities to commit crimes, environmental factors and technological factors.

In preventing the crime of circulating counterfeit banknotes in the city of Gorontalo, in this case the police must strictly enforce and play an active role if they receive complaints from the community. The police must be able to take precautions before the perpetrators or individuals who play the opportunity circulate counterfeit money.

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Book:

Journal:


