Conceptual Article

Application of Universal Jurisdiction Principles to Cross-Country Money Laundering

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ABSTRACT

The fight against transnational crimes, particularly involving cross-border money laundering, requires a shift from a territorial to a universal jurisdiction approach. The aim of this investigation was to explore the practicality of universal jurisdiction principles in combating cross-border money laundering, which eludes effective criminal law mechanisms to arrest and prosecute offenders. Findings revealed that the crime of cross-border money laundering has not been considered one of the delicta juris gentium or international crimes, leading to an increase in the number of perpetrators who enjoyed refuge in various countries. Therefore, a universal jurisdiction approach is necessary to ensure that criminals are not immune to prosecution, and justice is served universally. As a result, every state must fulfill its obligation of arresting and prosecuting offenders wherever they may be found to uphold the law and universal justice. In conclusion, the need for a universal jurisdiction approach is crucial to combat the increasing threat of transnational crimes, particularly in the context of cross-border money laundering.

Keywords: Money Laundering; Transnational Crime; Universal Jurisdiction; Impunity.

A. INTRODUCTION

Globalization is a critical modern stage in societal development, which is essential to consider when investigating various aspects of a country's political, social, economic, or spiritual facets. The integration of different areas, such as economy, politics, law, and social relations, that take place within globalization have both positive and negative impacts. One negative consequence is the internationalization of crime in which the structure and content of criminal activities are influenced by the priorities of entities involved in countering crime. In recent years, there has been an increasing focus on the joint efforts to combat transnational crimes that pose a significant threat to public safety and affect the interests of multiple nations (Popko, 2021).

It is imperative to enhance the process of criminalizing transnational criminal activities in order to foster system development. As parts of international crime (Titahelu, 2022), transnational offenses possess formal characteristics that are national in nature because they involve forbidden actions that are punishable by national law. Crimes are recognized as such and culprits are put on trial and penalized by a particular country. Therefore, in the course of transnational crimes becoming criminalized, national laws converge due to the impact of international law norms. As such, national legislation is solely capable of

criminalizing a conduct that does not meet the requirements of international criminal responsibility and is not subject to international criminal jurisdiction.

Cross-border money laundering is a form of transnational crime that has emerged as a major global peril, posing a severe challenge to the stability of the global financial system and international economy. Its impact on human life and civilization is profound, and it would not be an overstatement to categorize it as a foe of humanity, an enemy of all people (*hostis humani generis*) (Burgess Jr, 2005; Chuasanga, & Victoria, 2019).

Transnational money laundering crimes are perpetrated through various jurisdictions with the offenders diverging in nationality and originating from multiple countries. Organized crime rings carry out such activities across the globe with the anonymity of perpetrators and victims rendering their impact and damage potential to the global financial system in limitless and indiscriminate ways. These criminal activities may occur in any country without exception. Money laundering offenses are usually orchestrated in an organized fashion across multiple regions around the globe. It is possible to conduct money laundering from any location, with no knowledge of the wrongdoers or victims' whereabouts, as well as the extent of the harm they inflict on the worldwide financial system. Any country could be affected in this way (Le Nguyen, 2020; Amrani, & Ali, 2021).

The evolution of financial technology and banking systems has played a critical role in the growth of money laundering crimes. These crimes have become increasingly complex and sophisticated, aligning with the advancements in technology. As a result, it is no surprise that money laundering has reached the same level as high-tech crimes (EUROPOL High Tech Crime Centre, 2007; Bassiouni, 1974, Clark, 2004; Hoefnagels, 2013).

Indonesia, akin to Ukraine, has encountered the distribution of unlawful money laundering valued at 600 billion dollars in the past decade. The global extent of expenses incurred due to cross-national money laundering has tallied at 2-5% of the Gross Domestic Product (GDP) (Budiantoro, 2016; Sarigul, 2013; Nazar, Raheman, & ul Haq, 2023; Beebeejaun, & Dulloo, 2023). Indonesian fugitives have stashed corrupt proceeds amounting to IDR 600 trillion in Singapore (Atmasasmita, 2004). The evidence indicates an annual rise in both the severity and damages resulting from money laundering offenses.

Money laundering has become a universal issue that demands nations to collaborate and find international remedies. The creation of the Financial Action Task Force (FATF) aims to enhance collective efforts among countries through global coordination to eliminate money laundering offenses globally (Mekpor, Aboagye, & Welbeck, 2018; Pavlidis, 2021; Nance, 2018). In the past, several international agreements were

organized as collaborative efforts between different countries to address money laundering worldwide. These included conventions, such as the 1988 Vienna Convention, the 1990 Strasbourg Convention, the 2000 Palermo Convention, the 2006 United Nations Convention on Transnational Crime, and the 2003 United Nations Convention on Anti-Corruption. Despite efforts to combat it, cross-border money laundering remains a challenge, particularly with apprehending those responsible. Evidence of this is found in the significant number of money launderers who remain at large in different nations, benefiting from the protection of safe havens. These actors may perpetrate their actions with ease and quickly flee to different regions without consequence (Bassiouni, 1997; Wangga, Wirawan, & Kardono, 2022).

The variance in legal systems between the country where the offender is seeking refuge and the country where the unlawful act is first committed may also play a role in the lack of accountability for the perpetrators. This may have consequences on how the principle of "double criminality" is interpreted as the legal framework of another country may not acknowledge an offense as a crime. Moreover, the lack of a globally accepted and enforced international criminal justice system does not only worsens the issue but also enhances the prevalence of law enforcement against wrongdoers (Bingham, 2011; Popko, 2019). Therefore, there is a necessity for a global justice system that can be upheld worldwide to address transnational money launderers. Conversely, the lack of extradition agreements and inadequate cooperation among law enforcement agencies, influenced by political interests of different competitive nations, may result in incongruities and ineffective implementation of laws against these criminals (Le Nguyen, 2020; Sultan, & Mohamed, 2022; Menon, & Siew, 2012). Consequently, a novel approach is necessary to combat international money laundering activities by transnational perpetrators through the implementation of the universal jurisdiction concept within law enforcement strategies (Nurdin, & Turdiev, 2021).

Transnational money laundering criminals can exploit legal gaps to evade punishment by crossing borders or operating in multiple jurisdictions, putting victims in any country at risk. To prevent impunity, a universal approach to jurisdiction is necessary, requiring all sovereign countries to expeditiously prosecute perpetrators wherever they may be hiding. This upholds the universal value of justice, which demands that all offenders be held accountable for their crimes and that no one is exempt from punishment. Therefore, it is the responsibility of every independent nation to apprehend and bring to trial individuals involved in cross-border money laundering schemes, regardless of their location or attempt to evade justice. This is in line with the fundamental principle of fairness, which stipulates that all offenders must face the consequences of their actions, leaving no room for impunity.

This paper applied a conceptual approach centered on the evolution of money laundering, a menacing worldwide phenomenon. The study relied on a criminal jurisdiction-based theory (Boister, 2018; Maculan, & Gil, 2020). The study used a comparative method. The results demonstrated that, by implementing universal jurisdiction, nations can apprehend and try individuals responsible for transnational money laundering crimes irrespective of the location of the crime, perpetrator's nationality, or legal system in place. This approach eliminates any impunity that may have been present beforehand. The study aimed to evaluate the suitability of universal jurisdiction as a means to establish a comprehensive and global strategy to enforce laws against all instances of money laundering in diverse legal frameworks.

Universal jurisdiction is a principle that allows states to exercise jurisdiction over certain crimes committed outside their territory by foreigners who do not have any connection to the state except for the crime committed. This principle has been applied to many transnational crimes, including money laundering. There has been an increasing interest in the use of universal jurisdiction to combat money laundering across borders, given the transnational nature of the crime. The application of universal jurisdiction has the potential to allow jurisdictions to prosecute individuals or entities beyond their borders, increasing the chances of bringing criminals to justice.

In recent years, there have been several research articles discussing the feasibility and challenges of using universal jurisdiction to combat cross-country money laundering. Shehu (2012) discussed financial inclusion for effective anti-money laundering to counter financing of terrorism. Ahmed (2017) examined the disparity among anti-money laundering methods in Bangladesh, while Zafarullah, & Haque (2023) outlined instrumentalities, compliance, policies, and control in combatting money laundering. Moreover, previous studies emphasized on the legal aspect of anti-laundering control (Hülsse, & Kerwer, 2007; Kemal, 2014; Masciandaro, 1999; Ofoeda et al., 2022; Zavoli, & King, 2021). Moreover, Yasaka (2017) suggests the need for a harmonization of laws and regulations to facilitate cooperation between jurisdictions, particularly in terms of mutual legal assistance. Additionally, Mugarura (2011) highlighted the importance of establishing effective international cooperation mechanisms to ensure the success of anti-money laundering control. However, there is a few that emphasized on the universal jurisdiction applied to money laundering control. Hence, this article is of different point of view with previous ones in examining the need for robust legal frameworks and resources to support the prosecution of cross-border money laundering cases in universal jurisdiction context. This article also suggests that universal jurisdiction has the potential to be a valuable tool in the fight against cross-country money laundering. Lastly, this paper emphasized

on some important determinants of successful application of universal jurisdiction applied to money laundering control in terms of legal, practical, and political challenges.

The article's state of the art lies in its application of the universal jurisdiction principle to cross-country money laundering activities. The principle of universal jurisdiction is a legal theory that permits any country to prosecute individuals for crimes that are committed outside their borders, such as crimes against humanity or piracy. Applying this principle to money laundering would enable countries to prosecute individuals who engage in cross-border money laundering activities, thereby providing national and international law enforcement agencies with a new tool to combat global money laundering. The article's contribution to the field is significant in its examination of how the principle of universal jurisdiction could be applied to money laundering. It offers valuable insights into the legal hurdles and jurisdictional challenges faced by law enforcement agencies when prosecuting cross-border money laundering cases. It also provides recommendations for policymakers and legal practitioners on how to structure legal frameworks that would enable the principle of universal jurisdiction to be effectively used in prosecuting cross-border money laundering cases.

B. DISCUSSIONS

1. Legal Considerations of Universal Jurisdiction

The concept of universal jurisdiction is inextricably linked to a state's ability to apprehend and prosecute offenders who operate across borders. The power to bring criminals to justice is an aspect of criminal jurisdiction that is closely tied to a nation's sovereignty (Sasmito, 2017). This definition of jurisdiction aligns with that of Lowe, and Staker (2010), who describe it as the legal competence of a state or other entity, such as the European Community, to establish, implement, and enforce codes of conduct directed at individuals. More specifically, criminal jurisdiction represents a state's jurisdictional authority to enforce specific legal statutes against persons and property through the measures of prescription and enforcement, namely, the ability to detain and charge suspects, as well as to try individuals for criminal acts (Akhavan, 2013; Barkow, 2011).

Various categories can be used to categorize jurisdiction, such as state's jurisdiction, which includes (Lowe, & Staker, 2010):

1. Base of Jurisdiction:
   a. Territorial principle;
   b. Personal principle;
   c. Protective principle;
   d. Universality principle.
2. Types of Jurisdiction:
   a. Jurisdiction to prescribe;
   b. jurisdiction to adjudicate;

c. enforcement jurisdiction.

3. Extra-territorial exercises of jurisdiction: jurisdiction over military personnel abroad.
   a. asserting jurisdiction over citizens or businesses operating in foreign countries;
   b. prosecuting individuals for crimes committed outside of its territory;
   c. asserting jurisdiction over certain types of crimes (such as terrorism or cybercrime) that may have international implications.

Exercise of extra-territorial jurisdiction refers to the power of a country or state to regulate the activities or behavior of individuals or entities beyond its territorial boundaries (Sekati, 2022). Extra-territorial jurisdiction allows a country to punish individuals or companies for the offenses committed outside its jurisdiction when the violation has an impact or effect within its jurisdiction. Schmidt (2022) noted that extra-territorial jurisdiction can be controversial because it can be seen as a violation of the sovereignty of other countries. However, in situations in which there is a need to enforce global standards or to prevent harm to citizens, extraterritorial jurisdiction can be an important tool for governments to ensure accountability (Popović, 2021).

The definitions for jurisdiction within the various categories vary in meaning and emphasis. Nonetheless, territorial, personal (both active and passive), and universal jurisdictions are the standard and traditional definitions for jurisdiction (Arajärvi, 2011; Van Der Wilt, 2011). The type of jurisdiction studied in this research is a combination of universal and enforcement jurisdictions, which is one among several different types of jurisdictions that exist (Stessens, 2000). This study focused on a particular type of jurisdiction; the combination of universal and enforcement jurisdictions. This represents a country's actual authority, and it means that in order for a fugitive to be returned to the country, an extradition process must take place (Lowe, & Staker, 2010). The process involves executing enforcement jurisdiction, which abide by the fundamental principle that a country's rule of law cannot be enforced in another country's territory without its consent. That is to say, when a country seeks to assert its jurisdiction beyond its territorial boundaries, it must first obtain the other country's approval. Although it is a moral obligation for all countries to apprehend transnational fugitives, the transfer to the requesting state cannot happen without a formal extradition request through the application of enforcement jurisdiction. This approach is necessary to facilitate the proper legal process of extradition.

When considering the attributes of transnational criminal activities, universal jurisdiction is not applied solely based on the gravity of the offense, but rather on the influence it exerts on the worldwide financial system and global economy, as well as its cross-border reach. Piracy, despite not being inherently violent, is deemed a transgression of international law (delicta juris gentium) due to the fact that pirates

are able to roam freely on open waters and to evade legal jurisdiction (Lowe, & Staker, 2010). This form of money laundering, which transcends national boundaries, has a significant negative effect on the worldwide financial system, with the international community viewed as a target of this illicit activity. Transnational money laundering can be regarded as a violation of universally esteemed principles of humanity and impartial justice (Popa, 2012; Simmons, Lloyd, & Stewart, 2018). Hence, a strategy that combines enforcement jurisdiction with universal jurisdiction can be employed by law enforcement officials to combat transnational money laundering perpetrators (Arnone, & Borlini, 2010; Teichmann, 2020). The ultimate aim is to ensure that no wrongdoer evades legal repercussions, irrespective of their whereabouts and the legal framework implemented in each country.

Similar to the criminal law of Indonesia, Ukrainian law also implements the concept of active personal jurisdiction, which implies that any offender who has fled from either country's jurisdiction can be apprehended or subjected to legal proceedings under Indonesian law, irrespective of the offender's location. Alternatively, the criminal justice systems in these jurisdictions also utilize a form of passive personal jurisdiction that involves asserting the authority of a country in order to safeguard its citizens from the actions of foreign entities, regardless of their location.

The protective principle in international law refers to the application of jurisdiction to other countries based on safeguarding the interests of the protected state, as well as its national and legal interests (Langer, 2011; Colangelo, 2013). An instance of this is when a country counterfeits the foreign currency of another country within its jurisdiction, allowing that country to exert its criminal authority on the offenders outside its borders. An additional example pertains to the issue of substance misuse in a foreign nation, which has the potential to negatively impact the well-being of residents living in close proximity. Drug abuse has a detrimental impact on the host nation, and prosecuting those responsible is deemed necessary to safeguard its citizens from drug-related harm. The desire to safeguard citizens from drug misuse motivates illegal drug enforcers to pursue legal action against those responsible for it.

The concept of territorial jurisdiction pertains to a state's ability to apply legal statutes to its citizens, non-native individuals, and objects that exist within its geographical limits. The principle of jurisdiction pertains to the concept of state sovereignty as it empowers the state to establish and enforce laws within its territorial boundaries for the common good. This includes obliging foreign nationals to abide by the laws that are in effect within the specific country (Hovell, 2018). The definition of territories extends beyond land areas, encompassing sea areas within 12 miles from the coast and airspace above land

boundaries. However, this definition can extend up to 200 miles from the coastline within the Exclusive Economic Zone (EEZ) (Lowe, & Staker, 2010).

As transnational crime becomes more prominent, the territorial jurisdiction evolves to include both objective and subjective principles. The concept of objective territoriality pertains to the territorial jurisdiction which can be exerted over a non-native individual who perpetrates an offense within his own nation, yet the repercussions of the offense have a bearing on other nations. The nation in which the offense is initially committed and in which its consequences are felt has an equivalent right to bring charges against the offender. Subjective territorial jurisdiction dictates that a person, who perpetrates a crime within the boundaries of a country but employs the gains from said crime to orchestrate another crime in a foreign country, is subject to jurisdiction by the country where the original crime occurred. This country reserves the right to carry out prosecution of the offender.

2. Universal Jurisdiction and State's Enforcement Jurisdiction

As previously discussed, universal jurisdiction refers to a state's ability to enforce laws against individuals who commit the acts that breach international law due to their impact on humanity as a whole (Scharf, 2012; Kontorovich, & Art, 2010; Reeves, 2017). A fundamental factor to take into account regarding the implementation of universal jurisdiction is that certain legal occurrences that are not encompassed by other jurisdictions cannot be separated from the purview of the law (Farmer, 2013; Hovell, 2018; Langer, 2011). The introduction of universal jurisdiction is a significant advancement towards dismantling the barriers of immunity for individuals committing international crimes across the globe (Coombes, 2011; Moffett, 2015; Krings, 2012).

The usage of universal jurisdiction is restricted to specific nations, such as Belgium, which implemented the concept of universal jurisdiction within its constitution and domestic legislation in 1993 (Human Rights Watch, 2003; Langer, 2011; Panáková, 2011). The utilization of universal jurisdiction was exemplified in the apprehension of General Augusto Pinochet, who served as the Regent of the Chilean Military Junta, apprehended in England during 1988. This was carried out under the charge of genocide, based on an arrest warrant issued by Spanish Prosecutor Joan Garce in 1996 (Amnesty International, 2013).

It is necessary to merge the principle of universal jurisdiction with the principle of enforcement jurisdiction (Stessens, 2000; Garrod, 2019). In order to effectively combat transnational crimes and accommodate the rising number of international agreements regarding the transfer of criminal proceedings, the merging of the principle of universal jurisdiction and enforcement jurisdiction is imperative (Stessens, 2000; Garrod, 2019). The latter is a relatively new form of jurisdiction, encompassing original, subsidiary,

and derivative jurisdictions, that has gained momentum in recent times (Stessens, 2000; Assalmani, 2021). This form of enforcement jurisdiction, previously described, indicates that the country where a crime is initially carried out holds the power to prosecute the offenders. However, other nations also possess the right to do so upon receiving a request from the foreign country regarding the offender. The initiation of "enforcement jurisdiction" occurs when foreign nations make requests for court proceedings. The scope of enforcement jurisdiction is interconnected with the determinations made by foreign courts concerning the extradition of an individual in their jurisdiction (Stessens, 2000). Enforcement jurisdiction extends beyond the legal proceedings concerning evidence exchange and encompasses the extradition process entailing the surrender of individuals or wrongdoers (Lowe, & Staker, 2010).

A fundamental tenet of the enforcement jurisdiction is that the authority of an overseas nation cannot be exercised within the borders of a separate nation without said nation's authorization. When a nation desires to expand its territorial jurisdiction beyond its current limitations, it must collaborate and obtain consent from other nations (Lowe, & Staker, 2010). This regulatory authority aligns with the jurisdictions established by treaties, which prioritize the importance of collaboration through an accorded network. Collaboration is facilitated through a network agreement that permits the state to work alongside other nations in achieving effectiveness in the elimination of transnational crimes, based on shared interests (Lowe, & Staker, 2010).

The fundamental tenet underlying enforcement jurisdiction dictates that every state is obligated to exercise its criminal jurisdiction over offenders within their jurisdictional reach, regardless of their nationality or where the crime is perpetrated. This extends to any geographic location where the offender is located or can be found. Prior to its execution, an extradition process must be initiated to apprehend the perpetrator. Under customary international law, all offenders must undergo trial or be surrendered to the jurisdiction of the nation in which the crime is committed (au dedere aut punere), irrespective of the presence of an extradition agreement between the involved nations. However, concerning transnational criminal activities like money laundering across borders, while the universal jurisdiction approach of arresting the culprits anywhere they are found is important, it must be balanced against enforcement jurisdictions that adhere to treaty-based jurisdictions. It is imperative to do so as the principle of universal jurisdiction is not fundamentally predicated upon or interdependent upon the cooperation amongst nations, but rather upon the ethical obligation that each country inherently possesses to apprehend perpetrators regardless of their location. In the context of transnational crimes, cooperation relies heavily on mutual agreement, particularly with respect to the

technical aspects of transferring fugitives following an arrest. This is guided by the principle of sunt servanda (Lowe, & Staker, 2010).

An additional type of jurisdiction is the exertion of jurisdiction beyond a country's borders, which occurs in exceptional situations when jurisdiction is exercised within the territory of another nation (Krisch, 2022; Schmidt, 2022). This idea of jurisdiction suggests that specific circumstances compel some nations to exert their sovereignty in the territorial regions of other nations without the approval of the country where the individuals responsible is concealing themselves. The use of extraterritorial jurisdiction has sparked much debate in scientific communities due to the absence of direct contact and mutual consent between the nations where a criminal act occurred or where perpetrator resides (Michael, Goo, & Osaulenko, 2020). This implies that the commencement and conclusion of the process, commonly referred to as initiation and completion, are not directly or indirectly connected. The principle of extra-territorial jurisdiction, demonstrated through the actions of the US Military Police, permits the arrest of US military personnel stationed in the UK or South Korea without the consent of those nations.

The utilization of extraterritorial jurisdiction is not limited to criminal law, as evidenced by the enforcement of the United States Anti-Monopoly Law under the Sherman Act of 1890 in the economic domain (Akhtar, 2019; Mahncke, 2006). In the realm of the United States law, any agreements, collusion, or conspiracies that strive to impede trade in domestic and international markets with the aim of monopolization are deemed unlawful according to this Act (Jones, 2003; Lande, & Zerbe, 2020). Apart from the United States, it has been discovered that the European Court of Justice (ECJ) exercises extraterritorial jurisdiction over the matters concerning business competition law (EU Competition Law) (Zelger, 2020; Nishioka, 2020).

3. Employing Universal Jurisdiction in Combating Transnational Money Laundering

It is necessary to employ universal jurisdiction when enforcing laws across jurisdictions in order to track down and prosecute those who commit transnational money laundering crimes and to evade capture. Therefore, it is possible to dismantle the barrier of immunity. By comparing transnational crimes to international crimes and highlighting their similarities and differences in Table 1, the principle of universal jurisdiction can be employed.

TABLE 1. TYPOLOGY OF TRANSNATIONAL AND INTERNATIONAL CRIMES IN APPLYING UNIVERSAL JURISDICTION APPROACH TOWARD CROSS-BORDER CRIME AND INTERNATIONAL FUGITIVES

Characteristics	Transnational Crime	International Crime
Types of Crime	Cross-border Money	Genocide, War Crime, Piracy,

	Laundering	Terorism, etc
General Term	Hostis Humanis Generris	Crime Against Humanity
Approach to combating	Universal Jurisdiction Principle & Enforcement Jurisdiction	Universal Jurisdiction Principle
Scale of crime	Severe on Economy & Humanity	Severe on Humanity
Locus delicti	Operates Cross-Jurisdiction	Operates Cross-Jurisdiction
Enforcement	Formal Request Basis (Voluntarily)	Without Formal Request (Compulsory)
Jurisdiction	Trial in National Court	Trial in International Court (International Criminal Court/ ICC)
Similarity	Against Impunity	Against Impunity

In accordance with the preceding account in Table 1, it can be posited that international and transnational crimes, encompassing money laundering, are the actions that run counter to fundamental principles of human dignity and judicial equity (Mugarura, 2011; Dreżewski, Sepielak, & Filipkowski, 2012). the principle of universal jurisdiction ought to be extended to the perpetrators. There exist no legal gaps that such wrongdoers may utilize to evade their culpability as alternative jurisdictional principles can be employed to counteract any attempts to circumvent justice.

Therefore, a fundamental shared feature between the utilization of universal jurisdiction for transnational and international crimes is the aim of preventing perpetrators from avoiding accountability, which underlies the implementation of this principle for both crime categories. The utilization of the universal jurisdiction principle pertaining to transnational crimes aligns with the aut dedere aut punire principle (Starke, 2008). The idea is conveyed that individuals who commit transnational crimes, including money laundering, are considered to be enemies of all mankind and, therefore, subject to universal jurisdiction. It means that they must either be tried in the state where the crime is committed or where they are currently hiding. This pertains to the universal adversary of humanity. All nations possess the power to detain offenders regardless of their whereabouts, citizenship, and respective legal frameworks.

The primary differentiating aspect in the utilization of universal jurisdiction in the context of these two classes of offenses pertains to their execution. The responsibility of enforcing the law against transnational offenders essentially lies with the respective national law of the country, and the extradition of fugitives who have absconded to foreign jurisdictions continues to necessitate a formal appeal from the extraditing nation to the intervening nation. The aforementioned inquiry aligns with the concept of universal jurisdiction, coupled with enforcement and treaty-based jurisdictions, emphasizing the importance of establishing a collaborative network amongst nations through treaties. Therefore,

universal jurisdiction is combined with enforcement and treaty-based jurisdictions. The core objectives are to establish a collaborative network among nations via treaties and to enable seamless implementation of universal jurisdiction and surrender of offenders without the need for an arrest. Technical expertise would be used to support this effort. The reason for the aforementioned is that transnational crime offenders usually face the trial in the jurisdiction of the country where the crime occurred. By adopting such a strategy, multiple nations can collaborate to effectively and sufficiently address transnational crimes through demonstrating shared concerns on transnational financial crimes.

There are ongoing discussions regarding how universal jurisdiction can be enforced for money laundering offenses as they do not typically fall under the category of delicta juris gentium. This debate is reasonable given that money laundering has not been recognized as an international crime, unlike other offenses such as war crimes, genocide, and ethnic demolition (Wardani, Ali, & Barkhuizen, 2022; Samanta, & Hossain, 2022).

Thus, it is important to establish the definition and scope of universal jurisdiction as a precursor to further discussion. Essentially, it is an accord forged between nations acknowledging the transnational and global nature of money laundering as a crime against humanity. The 1997 ASEAN Declaration on Transnational Crime acknowledged that money laundering is an act of transnational crime. This perception is shared by the UN Convention on Organized Transnational Crime (2000) and the UN Convention on Anti-Corruption (2003), which consider transnational crime as a worldwide issue. The crime of transnational money laundering may have a hugely detrimental effect on both the global financial system and the world economic order due to the severity of damages and its negative impacts. Its corrosive and harmful nature is well-established. Money laundering has the potential to harm the well-being of global populations. Conversely, those who engage in cross-border money laundering conduct their activities systematically and employ technology to carry out such actions in multiple jurisdictions. Currently, transnational money laundering is considered a form of transnational crime that has evolved into a violation against international community. Therefore, it is reasonable to categorize this crime as being equivalent to delicta juris gentium (Obokata, 2013).

Consequently, it is crucial to promptly execute the principle of universal jurisdiction in addressing transnational crimes to prevent perpetrators from evading legal consequences for profoundly violating societal norms of fairness and equity. The fundamental concept behind the use of universal jurisdiction for transnational offenders is exemplified by its application to transnational financial crimes, particularly those involving money laundering. Every nation is under the

responsibility for eliminating it without considering the crime's whereabouts, the perpetrator or the victim's nationality. Instead, they should prioritize the types of offense and the actions of the offenders, which cause significant harm to societal structure and lay the groundwork for worldwide economic and financial instability (Prayogo, & Chornous, 2020).

The concept of delicta juris gentium, which pertains to cross-border money laundering, is evident in the array of the measures implemented by the FATF in different parts of the globe to prevent and eliminate this activity. The evidence can be observed through the multiple measures recommended by the FATF for the purpose of confronting and eliminating international money laundering offenses across the globe. It is evidenced by the adoption and implementation of 49 FATF recommendations by 170 countries worldwide, alongside the International Monetary Fund (IMF) and World Bank, as referenced in several United Nations conventions. The FATF mandates the criminalization of transnational money laundering through its member countries' national legislation and urges each member state to implement policies and measures to combat money laundering globally. The directive also mandates that every member nation implement local strategies and protocols to impede and eliminate money laundering at a global scale (Clark, 2004). The 1997 ASEAN Declaration on Transnational Crime emphasized that money laundering is a transnational offense. To combat this, the ASEAN member nations committed to creating national legislation and regulations pertaining to "Anti Money Laundering" with the objective of criminalizing money laundering in foreign territories. the ASEAN member states have reached a consensus with regard to considering money laundering an international dilemma that necessitates a global remedy. It is worth noting that the same approach is deemed applicable in the fight against corruption as a cross-border criminal activity (Syarifuddin, 2021). It is possible to perceive the use of universal jurisdiction against transnational criminals, particularly those involved in cross-border money laundering as a global resolution which is one of the primary focuses of universal jurisdiction. As a result, the use of universal jurisdiction against transnational criminals, including those involved in cross-border money laundering, can be viewed as a global remedy.

C. CONCLUSION

Universal jurisdiction is founded on the recognition that transnational crimes, such as cross-border money laundering, pose a global threat and are considered crimes against humanity. The significant harm and detrimental impact inflicted upon the global financial system and world economic order by these crimes highlights their corrosive and destructive nature. Thus, transnational money laundering is now regarded as an international offense on par with delicta juris gentium.

The article examined the direct repercussions of money laundering on the financial security of states. Indonesia and Ukraine have acknowledged that transnational crimes, including money laundering, have evolved into worldwide predicaments necessitating global remedies. To address this, a worldwide approach known as universal jurisdiction has been proposed. The institution of universal jurisdiction mandates that all nations are required to apprehend and try individuals responsible for transnational money laundering offenses, regardless of their location, the perpetrators' nationalities, or the legal structures of each country. The detrimental effects of money laundering were examined based on the components of financial security, including the effectiveness of monetary and fiscal policies, the security of currency and budget, and the economic well-being of banks and other establishments. Ultimately, the implementation of universal jurisdiction is anticipated to eradicate immunity, thereby ensuring that individuals who commit heinous acts cannot evade justice, regardless of their whereabouts or attempts to conceal themselves.

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