

ANALYSING THE AUTHORITY OF BANK INDONESIA IN COUNTERING THE CIRCULATION OF COUNTERFEIT MONEY

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ABSTRACT

This research focuses on analyzing the authority of Bank Indonesia in countering counterfeit money circulation. The main issues that become the focus of the study are the counterfeit money circulation efforts undertaken by Bank Indonesia, and the obstacles encountered by Bank Indonesia in counterfeit money circulation. The type of research uses empirical juridical research methods, where data obtained from various sources including interviews conducted to the representatives of Bank Indonesia of Central Sulawesi as the research location. From the research conducted, it is concluded that the efforts made by Bank Indonesia in Combating the Circulation of Counterfeit Money include through cooperation with the Coordinating Agency for the Eradication of Counterfeit Money (Botasupal); Socialization of Explanation of Prevention and Eradication of Counterfeit Money, When Transacting and After Transacting; Socialization of Explanation of Differences between Real Money and Counterfeit Money; and Socialization of Punishment for Counterfeit Money Dealers in Indonesia. And against the obstacles found by Bank Indonesia representatives of Central Sulawesi that, people are reluctant to report the findings of counterfeit money, that people feel worried about being used as witnesses in cases of criminal acts of counterfeit money circulation, people are worried that Bank Indonesia does not provide reimbursement for counterfeit money that was accidentally obtained and the community, especially traders are less careful in receiving money from buyers, as well as information on counterfeit money circulation received by Bank Indonesia is still passive, ie waiting for reports from the public.

Keywords: Bank Indonesia; Counterfeit Money; Criminal Offenses

ABSTRAK

Penelitian ini terfokus pada analisis kewenangan Bank Indonesia dalam melakukan penanggulangan peredaran uang palsu. Isu utama yang menjadi fokus kajian adalah mengenai upaya penanggulangan peredaran uang palsu yang dilakukan oleh Bank Indonesia, dan hambatan yang ditemui oleh Bank Indonesia dalam penanggulangan peredaran uang palsu. Jenis penelitian menggunakan metode penelitian yuridis empiris, dimana data yang diperoleh dari berbagai sumber termasuk juga wawancara yang dilakukan kepada pihak Bank Indonesia perwakilan Sulawesi Tengah yang menjadi lokasi penelitian. Dari penelitian yang dilakukan, disimpulkan bahwa Upaya yang dilakukan oleh Bank Indonesia dalam Penanggulangan Peredaran Uang Palsu diantaranya adalah Melalui Kerjasama dengan Badan Kordinasi Pemberantasan Uang Palsu (Botasupal); Sosialisasi Penjelasan Pencegahan dan Pemberantasan Uang Palsu, Ketika Bertransaksi maupun Setelah Bertransaksi; Sosialisasi Penjelasan Perbedaan Uang Asli dan Uang Palsu; dan Sosialisasi Hukuman Pengedar Uang Palsu di Indonesia. Dan Terhadap hambatan yang ditemukan oleh Bank Indonesia perwakilan Sulawesi Tengah bahwa, Masyarakat enggan untuk melaporkan temuan uang palsu, bahwa masyarakat merasa khawatir dijadikan sebagai saksi dalam kasus-kasus tindak pidana peredaran uang palsu, Masyarakat khawatir Bank Indonesia tidak memberikan penggantian terhadap uang palsu yang meskipun tidak sengaja diperolehnya dan Masyarakat khususnya para pedagang kurang hati-hati dalam menerima uang dari pembeli, serta informasi peredaran

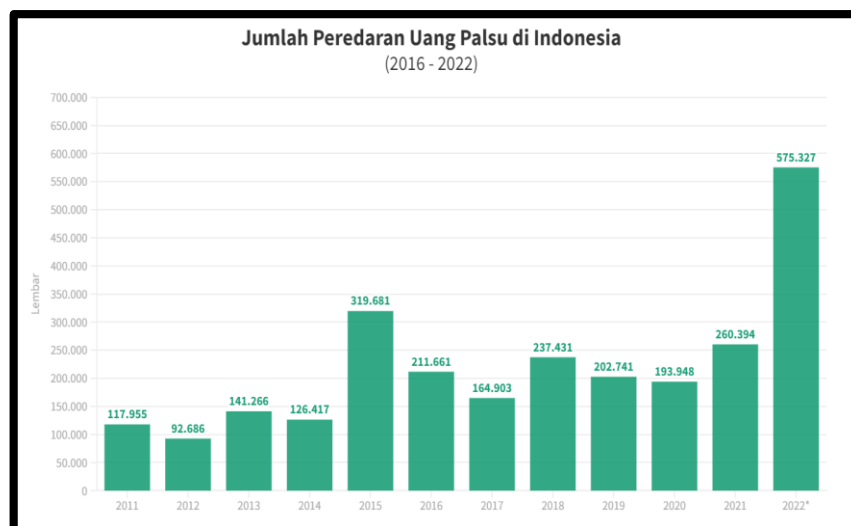
uang palsu yang diterima oleh Bank Indonesia masih bersifat pasif, yakni menunggu laporan dari masyarakat.

Kata Kunci: Bank Indonesia; Uang Palsu; Tindak Pidana

Introduction

The prevailing currency in Indonesia is regulated in Law No. 7/2011 on Currency (Currency Law). Article 2 paragraph (1) of the Currency Law states that the currency of the Unitary State of the Republic of Indonesia is the Rupiah. The rupiah has characteristics on each rupiah that are determined with the aim of showing identity, distinguishing the price or nominal value, and securing the rupiah from counterfeiting efforts. The special characteristics that exist in the rupiah are regulated in Article 5 paragraph (3) and (4) of the Currency Law where this special feature is intended as a security and is contained in the design, materials and printing techniques of the rupiah. The nature of this special feature is open, semi-closed, and closed.

The manufacture and circulation of rupiah in Indonesia is mandated in Article 11 paragraph (3) of the Currency Act to Bank Indonesia. Bank Indonesia is the only institution authorized to circulate rupiah money to the public. This means that no other institution or person has the right to circulate rupiah money that has been made. The number of counterfeit money circulation in Indonesia, such as the data in the graph below (Data Bank Indonesia, 2022).



Bank Indonesia (BI) reported that the circulation of counterfeit money in Indonesia reached 575,327 pieces in January-October 2022. The number increased by 154.38% compared to 226,170 pieces in the same period last year (Sarnita Sadya,2022). There are many influencing factors, one of which is the low economic factor of the community. This is utilized by irresponsible parties in providing jobs to people with economic difficulties. Another factor is the increasing sophistication of technology in imitating the original rupiah. This technological advancement is used to take advantage by making counterfeit money (Denico Doly,2013).

Money plays an important role in human life because it is a legal tender used by modern society in the world to fulfill daily needs. The more important and necessary money is, the more crimes that utilize money occur. That's why there are some people who try to counterfeit money. Currently, the crime of counterfeiting money is increasingly troubling the community because it has become rampant on a large scale and its circulation is increasingly organized. In addition to being detrimental to the community, the most important impact of this crime is that it can threaten monetary conditions and the national economy. In addition, there can also be an impact

on the interests of the state, namely the loss of public confidence in the government and the rupiah currency itself.

Money counterfeiting is a type of crime that has long appeared in the world along with the use of tools (money) in economic transaction activities. Various forms of these tools are always sought to be counterfeited because of the need for people to meet their needs while the original money is not easy to obtain. This has motivated some people to commit counterfeiting in order to fulfill their economic needs (economic motive).

Currently, the threat of the crime of counterfeiting rupiah money is getting bigger due to the country's economic situation which is in a downturn. Under such circumstances, more and more people want to get a lot of money to fulfill their needs in an easy way. This is one of the strong motivations for counterfeiters to commit their actions, in addition to other motivations, such as political motivations to disrupt the country's economy. Based on the findings to date, the types of counterfeiting of rupiah money can be in the form of hand painting, color transfer, screen printing, offset printing, color photocopying, and color printer. Considering the crime of counterfeiting rupiah money is a serious crime because in addition to aiming to enrich themselves economically, counterfeiting rupiah money can also aim to disrupt the country's economy politically. Therefore, it is necessary to take a policy/action that can inhibit the emergence of counterfeiting and also inhibit its circulation. In order to participate in efforts to eradicate counterfeit money, Bank Indonesia acts more in preventive efforts, while repressive efforts are generally carried out in cooperation with related agencies.

Law of the Republic of Indonesia No. 7 of 2011 on Currency defines currency as money issued by the Unitary State of the Republic of Indonesia, hereinafter referred to as rupiah (article 1 point 1). Rupiah management is an activity that includes planning, printing, issuing, circulating, revoking and withdrawing, as well as destroying rupiah which is carried out effectively, efficiently, transparently and accountably (article 1 point 10). Bank Indonesia is the only institution authorized to issue, circulate, and/or revoke and withdraw rupiah (article 11 point 3).

Maintaining the stability of the rupiah exchange rate is the goal of Bank Indonesia as mandated by Law No. 23 of 1999 concerning Bank Indonesia. To maintain rupiah stability, it needs to be supported by the regulation and management of the smooth running of the National Payment System (SPN). The smoothness of this SPN also needs to be supported by reliable infrastructure. So, the smoother and more reliable the SPN, the smoother the transmission of time critical monetary policy. If the monetary policy runs smoothly, the end result is exchange rate stability. Then of course Bank Indonesia has a concrete function to also play an active role against the circulation of counterfeit money which of course the more widespread counterfeiting of money will disrupt the stability of the rupiah, and will disrupt the National Payment System.

In the crime of counterfeiting money and its distribution, it is very difficult to collect sufficient evidence and find suspects. This is because the crime of counterfeiting money and its distribution is carried out in an organized manner and is often committed by people who have capital, education, and good social status and from a decent level of association. This can cause the police to have difficulties in conducting the investigation process to collect sufficient evidence and find suspects.⁴ In the crime of counterfeiting money and its distribution, it is very difficult to collect sufficient evidence and find suspects. This is because the crime of counterfeiting money and its distribution is carried out in an organized manner and is often committed by people who have capital, education, and good social status and from a decent level of association. This can cause the police to have difficulties in conducting the investigation process to collect sufficient evidence and find suspects.

Methods Research

The research method uses empirical juridical method, which is an approach used to see social symptoms related to law in the practice of legislation in Indonesia. The research method is juridical empirical with the type of field research, namely the author conducts research directly to the location to obtain and collect data. Research conducted in the field is research that examines qualitative problems, namely research data procedures that produce descriptive data in the form of written or spoken words from people and observed behavior. Sampling is done randomly.

Results and Discussion

Bank Indonesia's Efforts in Countering the Circulation of Counterfeit Money

Prevention and eradication of counterfeit currency - Counterfeit currency circulation is a form of crime that is certainly detrimental to the State and also the community. With the circulation of counterfeit rupiah currency, there will be inflation for the State's losses, and a reduction in the amount of money for people who allegedly get the counterfeit money. Systematically, if there are people who have counterfeit money, but do not know it and make transactions with the bank. Then, the bank will immediately notify and store the counterfeit money. So that this loss will be experienced by the community because the amount of money they have is not intact (Osriansyah dkk, 2019).

Efforts made by Bank Indonesia in tackling the circulation of counterfeit money include:

1. Through cooperation with the Coordinating Agency for Counterfeit Money Eradication (Botasupal);
2. Socialization of Explanation of Prevention and Eradication of Counterfeit Money, During Transaction and After Transaction;
3. Socialization Explanation of Differences between Original Money and Counterfeit Money;
4. Socialization of Penalties for Counterfeit Money Dealers in Indonesia

Details can be described as follows:

Through cooperation with the Coordinating Agency for Counterfeit Money Eradication (Botasupal);

The government has established an agency for the prevention and eradication of counterfeit money through the Counterfeit Money Eradication Coordination Agency (Botasupal), which consists of the National Intelligence Agency (BIN), the National Police, the Attorney General's Office, the Ministry of Finance and Bank Indonesia (Buku Pedoman Pelaksanaan Tugas Polri, 2000). Botasupal itself has duties, functions and authorities that are regulated in Presidential Regulation No.123/2012 on the Coordinating Body for Counterfeit Rupiah Eradication. Explanation of Botasupal's functions based on Presidential Regulation No.123/2012, among others:

Article 2 paragraph 1, Botasupal has the function as coordinator of counterfeit rupiah eradication

Article 2 paragraph 2, the function of Botasupal is to integrate counterfeit money prevention and eradication activities and operations carried out by related institutions/agencies, in accordance with the functions, duties and authorities of each institution/agency based on the provisions of laws and regulations.

Bank Indonesia as one of the parts of Botasupal has an active role in efforts to prevent and eradicate counterfeit money, with the aim of narrowing the space for counterfeit money circulation, reducing the perpetrators of counterfeiting crimes and reducing the circulation of counterfeit money in the community. In Central Sulawesi, clarifications are often made between related parties. The communication relationship is formal, equipped with a confirmation form

that has been arranged in accordance with the provisions of the Coordinating Body for Counterfeit Money Eradication (Botasupal).

Socialization of Explanation of Prevention and Eradication of Counterfeit Money, During and After Transactions;

Socialization efforts by Bank Indonesia through increased information and public awareness of counterfeit money circulation. Therefore, Bank Indonesia continues to educate the public on what steps the public should take when receiving counterfeit money. As the only institution that has the right to determine the authenticity of the Rupiah, Bank Indonesia provides an explanation regarding efforts to prevent and eradicate counterfeit money that can be done by the community.

Table.1 Precautions when transacting

When transacting			
The public can politely decline and explain the authenticity of the money	Asking the counterfeiter for other money, as a substitute for the counterfeit money, while still double-checking	Advise the person giving the counterfeit money to check the authenticity of the money at the bank, the police or the nearest Bank Indonesia office	The next prevention and eradication of counterfeit money is to use the presumption of innocence, because it is possible that the giver is also a victim who does not realize that the money is money of doubtful authenticity.

Table.2 of Precautions after transaction

After Transaction	
Safeguarding the physical (money of questionable authenticity) and not attempting to re-circulate the money.	Report the findings by bringing the physical money of doubtful authenticity to the bank, police or by visiting the Bank Indonesia office

The government has conducted socialization related to the difference between real money and counterfeit money by giving an appeal to the public to continue to check the authenticity of the rupiah which is currently still effectively used, namely, seen, felt and handled. As well as continuing to make efforts or provide punishment for counterfeit money dealers who are carried out intentionally and consciously.

Socialization Explanation of the Differences between Original Money and Counterfeit Money;

Although the government has provided socialization regarding the differences between real and fake money, there are still people who are still fooled by the circulation of counterfeit money. In fact, this is still widely found in today's society. The government's efforts to prevent and eradicate counterfeit money still seem to be a work in progress. Although the penalties for counterfeit money dealers are quite severe, counterfeit money dealers who have the intention of deliberately circulating counterfeit money are still found by the authorities.

Differences between Real and Fake Money

Over time, counterfeiters have improved their knowledge of how to make counterfeit money, which makes it difficult for the general public to distinguish between genuine and counterfeit money. Therefore, know the difference between real and fake money from the following points:

1. Color Differences

Although briefly the color similarities between genuine and counterfeit money are difficult to distinguish, it is better to be more careful in looking at the color of the money. As in the original Rp.100 thousand denomination which has a golden color and has a greenish color when viewed from different angles.

2. Raw Material Differences

The original rupiah has raw materials from cotton fibers and is equipped with a safety thread whose color can change when viewed from a certain point of view. Then if the fake rupiah will have raw materials that are not the same as the original money raw materials.

3. Money Texture

The difference between real and fake money can be seen in the texture of the paper. On the original money is rough, especially on the state emblem. This cannot be done by the perpetrators of counterfeiting money, by imitating making a rough texture on the state emblem.

Specific Characteristics of Real Money

- a. The original Rupiah has raw materials and is made of special paper made from cotton fiber;
- b. Genuine Rupiahs have a security thread on denominations of Rp100,000, Rp50,000, and Rp20,000. In addition, specifically for denominations of Rp. 100,000 and Rp. 50,000, the security thread will change color when viewed from a certain point of view;
- c. Genuine Rupiahs have watermarks in the form of images of Indonesian heroes;
- d. Genuine Rupiah has a design, size, and color that looks bright and clear.
- e. On the denominations of Rp100,000, Rp50,000, Rp20,000, and Rp10,000 on the front of the money there is a hidden image that reads BI that will be visible from certain angles of view;
- f. Finally, for the difference between genuine and counterfeit money when viewed and examined, a hero image will appear according to the currency denomination.

How to Recognize the Characteristics of Authenticity of Money with 3D (Seen, Felt and Handled)

1. Viewed;

When you look at a glance, there will be a color change in the security thread found on the Rp.100,000 and Rp.50,000 denominations.

2. Felt;

Then the difference between real and fake money you can know when you touch the original money, you will feel some rough parts of the money such as on, the main image, the nominal number, the image of the state symbol, the letters spelled out, the writing

of Bank Indonesia and the phrase Unitary State of the Republic of Indonesia.

3. Captured;

When Money is lifted up and pointed at the light, you will find the image of the hero.

Although the punishment for counterfeit money dealers is quite severe, counterfeit money is still circulating in the community. So it is necessary to be careful and always be vigilant in receiving or shopping so as not to be deceived by counterfeit money. Here are some tips to avoid counterfeit money: Recognize the difference between fake and real money. Always check the condition of money before receiving and giving it to others. Provide authenticity checkers in every store. Do not accept money with different textures or sloppy images. Contact the authorities if you are unsure.

4. Socialization of Punishment for Counterfeit Money Dealers in Indonesia

The penalties for counterfeit money dealers in Indonesia are set out in the Criminal Code and Law No. 7/2011 on Currency. Counterfeit currency dealers can be sentenced to up to life imprisonment depending on their actions. Counterfeiting of money is strictly prohibited by the state because it can have a major adverse impact on the country's economy. Counterfeit money will disrupt the distribution and circulation of money, which in turn leads to inflation or a decline in the value of the currency.

As explained earlier, the state will always aggressively prevent and eradicate counterfeit money. The enforcement of counterfeit money penalties against counterfeiters is intended to maintain the value of the Rupiah currency. The complete counterfeit money law is regulated in Law No. 7/2011 on Currency. According to Article 245 of the Criminal Code, people who counterfeit Rupiah and use/ transport it are punishable with a maximum sentence of 15 years imprisonment. Here are some of the penalties for counterfeit money dealers according to the law:

1. Counterfeiting Rupiah;;

The punishment for counterfeit money makers in Law No.7 of 2011 on Currency is imprisonment for a maximum of 15 years and a maximum fine of IDR 10,000,000,000 (ten billion rupiahs).

2. Storing Counterfeit Rupiahs;

For people who keep counterfeit rupiah notes and know that they are counterfeit, they are subject to a maximum prison sentence of 10 years and a fine of IDR 10,000,000,000 (ten billion rupiah). The punishment for storing counterfeit money is as stated in Article 36 Paragraph 2 of Law No.7 of 2011.

3. Circulating Counterfeit Money;

Circulating or spending counterfeit money can be punished in accordance with Article 36 Paragraph 3 of Law No.7 of 2011, which is a maximum imprisonment of 15 years and a fine of Rp50,000,000,000 (fifty billion rupiah).

4. Export/Import of Counterfeit Money;

People who bring counterfeit money into Indonesia or abroad are threatened with life imprisonment and a fine of Rp. 100,000,000,000,- (one hundred billion rupiah). This regulation is stipulated in Article 36 Paragraph 5 of Law No. 7 of 2011.

1. Circulating Counterfeit Currency or Banknotes, or Currency That Has Been Reduced in

Value.

The crime of distributing counterfeit currency or banknotes is regulated in Article 245 of the Criminal Code which reads as follows: "Whoever intentionally circulates state or bank currency or bank notes as if they were genuine and unfalsified, whereas they have been imitated or counterfeited by himself, or when received he knows that they are not genuine or falsified, or has in stock or imports into Indonesia such currency or bank notes, with intent to circulate or to cause to circulate them as if they were genuine and unfalsified, shall be punished by a maximum imprisonment of fifteen years".

The crime of distributing counterfeit currency or banknotes is regulated in Article 245 of the Criminal Code which reads as follows: "Whoever intentionally circulates state or bank currency or bank notes as if they were genuine and unfalsified, whereas they have been imitated or counterfeited by himself, or when received he knows that they are not genuine or falsified, or has in stock or imports into Indonesia such currency or bank notes, with intent to circulate or to cause to circulate them as if they were genuine and unfalsified, shall be punished by a maximum imprisonment of fifteen years" (Sugandhi,2016).

The subject of the article is whoever, which means it can be anyone or everyone. The intent of the perpetrator covers all the elements. The intent is intended so that in its circulation it appears to be genuine or unfalsified. The act referred to in Article 245 of the Criminal Code, if viewed from the angle of occurrence, can continue, namely: 1) Imitating or counterfeiting currency or banknotes and then proceeding with the act of circulating such money, having a supply of such money or importing into Indonesia such money. 2) Knowing at the time of receipt that the currency or banknotes are counterfeit or forged and proceeding to circulate, keep in stock or import such currency or banknotes into Indonesia.

2. Circulating Currency or Other Counterfeit Money

It is very difficult to prove that a person when he receives a currency or banknote is counterfeit or fake or that the currency has been reduced in value. If he states that he only realized the falsity after some time after receiving it, then he did not want to lose it and circulated it again, then Article 249 of the Penal Code can be applied to him, which reads: "Any person who with deliberate intent utters counterfeit or forged currency, or counterfeit or forged state or bank notes, except as provided for in Articles 245 and 247, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs (X 15)".

In order to apply Article 249, the perpetrator must be completely unaware of the falsity when he receives it. If he knew then the provisions of Article 245 or Article 247 apply, but if he at the same time circulated/spent the money and was completely unaware of the falsity, then the provisions of Article 245 or Article 247 cannot be applied to him.

Bank Indonesia's Obstacles in Countering the Circulation of Counterfeit Money

In the implementation of the prevention of counterfeit money circulation carried out by the Central Sulawesi Province branch of Bank Indonesia, there are several problems that are an obstacle. Rachmat Hendrawan Sa, Rupiah Money Management Unit of Bank Indonesia Representative Office of Central Sulawesi Province, stated that the obstacles in

tackling the crime of counterfeit money are among others:

- a. The public is reluctant to report the finding of counterfeit money, as they are worried about being used as witnesses in cases of counterfeit money circulation.
- b. People are concerned that Bank Indonesia will not reimburse them for counterfeit notes that they have accidentally obtained. People who do not want to lose money will distribute the counterfeit notes to others, even though if they do so they can be accused of being a dealer and face criminal charges.
- c. The community, especially traders, are less careful in receiving money from buyers, this makes it easy for the perpetrators of counterfeit money circulation to spread the counterfeit money (Rachmat Hendrawan,2023).

The wide coverage of the working area of the representative office of Bank Indonesia, Central Sulawesi Province Branch makes it difficult for the police to identify the perpetrators of the crime of distributing counterfeit money because many of the perpetrators of these crimes are not people who live in the place but migrants and Bank Indonesia is limited to identifying the distribution of counterfeit money, as well as information on the circulation of counterfeit money received by Bank Indonesia is still passive, namely waiting for reports from the public. What is bad about the existence of counterfeit money in our country is that there are several conditions that ultimately still make the reporter lose money by having counterfeit money, where:

1. If the money is carried out by him (given to another person without informing him that it is counterfeit) because he does not want to lose money while he knows that the money, he receives is counterfeit, he can be accused of being a dealer and punished for committing the crime of counterfeit money circulation.
2. If he keeps the money because he is afraid of being called a dealer, he loses money.
3. If it is reported, he also loses money because there is no replacement for counterfeit money. The aforementioned is a dilemma due to the weak conditions resulting from counterfeiting crimes in Indonesia. Any action taken by the holder of counterfeit notes will cause him to lose money. Therefore, it is very necessary for everyone to be careful when receiving money from anyone (Endra Eka Putra,2016).

Conclusions

Efforts made by Bank Indonesia in Combating the Circulation of Counterfeit Money include through cooperation with the Coordinating Body for the Eradication of Counterfeit Money (Botasupal); Socialization Explanation of Prevention and Eradication of Counterfeit Money, When Transacting and After Transacting; Socialization Explanation of the Differences between Real Money and Counterfeit Money; and Socialization of Punishment for Counterfeit Money Dealers in Indonesia.

The obstacles found by Bank Indonesia representatives of Central Sulawesi are that people are reluctant to report the findings of counterfeit money, that people are worried about being used as witnesses in cases of criminal acts of counterfeit money circulation, people are worried that Bank Indonesia does not provide reimbursement for counterfeit money that they accidentally obtained and people, especially traders, are less careful in receiving money from

buyers, and information on counterfeit money circulation received by Bank Indonesia is still passive, namely waiting for reports from the public.

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