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Criminal Liability of Dormant Account Holders in Money Mule Schemes: An Analysis of the Doctrine of Fault in Money Laundering Offenses in Indonesia

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Abstract

The misuse of dormant accounts in money mule schemes has become an increasingly common method of money laundering because it conceals perpetrators' identities and obscures the origin of illicit funds. This phenomenon raises legal questions regarding the limits of criminal liability for account holders whose accounts are lent or misused by others. This study aims to analyze the legal framework governing the misuse of dormant accounts in money mule schemes under Indonesian law and to examine the criminal liability of account holders based on the doctrine of fault in criminal law. This study adopts a normative juridical approach by applying statutory and conceptual approaches to examine the relevant legal issues. The legal materials were obtained through library research and subsequently examined using qualitative analysis with a descriptive-analytical method. The findings show that dormant accounts are particularly vulnerable to exploitation as instruments of layering in money laundering. Nevertheless, account ownership alone does not automatically give rise to criminal liability. Criminal liability can only be imposed where a causal connection is established between the prohibited conduct (actus reus) and the requisite element of fault (mens rea). Based on their level of knowledge and intent, account holders may be classified as knowing money mules, unknowing money mules, coerced money mules, or individuals who consciously accept the risk of misuse (dolus eventualis). Therefore, criminal liability in money mule schemes should be determined on a case-by-case basis by assessing the account holder's involvement, knowledge, freedom of will, and fault.

Keywords **:** *Criminal Liability; Doctrine of Fault; Dormant Account; Money Laundering; Money Mule.*

I. Introduction

Advances in information technology and the digitization of the financial sector have facilitated modern economic transactions, but at the same time have also fueled an increase in digital-based economic crimes. Various forms of crime, such as online fraud, theft of personal data, and money laundering through electronic systems, show an upward trend in line with the massive use of digital financial services in people's daily lives. Digital transformation in the financial sector not only enhances service efficiency but has also created new opportunities for the exploitation of financial infrastructure for criminal purposes, particularly money laundering. These developments present new challenges for the criminal justice system as criminals increasingly exploit digital infrastructure to conceal the proceeds of crime through the financial system.[1]

Money laundering is the act of concealing or disguising the origin of funds or assets obtained from criminal activities through a series of financial transactions. Through this process, illicit proceeds are made to appear legitimate, thereby obscuring their connection to the underlying criminal conduct and creating the impression that they originate from lawful sources. Generally, money launderers seek to sever the link between the proceeds of crime and their owner or original source, making it difficult for law enforcement officials to trace the origin of those assets. Thus, money laundering serves not only as a means to conceal the proceeds of crime but also as an effort to legitimize assets derived from illegal activities so they can be reused in economic activities without arousing suspicion.[2]

Although Indonesia has clear regulations regarding money laundering, their implementation is still not fully effective in ensuring a sense of justice for the public. The trend of money laundering in Indonesia continues to rise, requiring more serious attention from all stakeholders. According to the 2023 Annual Report of the Financial Transaction Reporting and Analysis Center (PPATK), the number of Suspicious Financial Transaction Reports (LTKM) reached 5,120, representing an increase of approximately 18% compared to the previous year. This increase indicates that money laundering remains a real threat to the integrity of the national financial system as well as the effectiveness of law enforcement efforts in Indonesia.[3]

Criminals generally use various modus operandi to conceal the origin of assets obtained from illegal activities. One of the most frequently used

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[1] Andi Ahmad Munajat and Hudi Yusuf, "Peran Teknologi Informasi Dalam Pencegahan Dan Pengungkapan Tindak Pidana Ekonomi Khusus: Studi Tentang Kejahatan Keuangan Berbasis Digital," *JURNAL INTELEK INSAN CENDIKIA* 1, no. 9 (2024): 4853, https://jicnusantara.com/index.php/jiic/article/view/1385.

[2] Ali Geno Berutu, "Tindak Pidana Kejahatan Pencucian Uang (Money Laundering) dalam Pandangan KUHP dan Hukum Pidana Islam," *TAWAZUN : Journal of Sharia Economic Law* 2, no. 1 (June 2019): 2, https://doi.org/10.21043/tawazun.v2i1.5223.

[3] Muhammad Natsir, Suparji, and Aris Machmud, "Politik Hukum Pemberantasan Tindak Pidana Pencucian Uang di Indonesia: Analisis Efektivitas dan Rekomendasi Kebijakan," *Bappenas Working Papers* 8, no. 2 (July 2025): 272, https://doi.org/10.47266/bwp.v8i2.394.

methods is to channel the proceeds of crime into the financial system, particularly through the banking system.[4] In this context, the banking sector has become one of the primary conduits in the money laundering process. This is consistent with the sector's role in providing financial transaction instruments, thereby enabling the concealment of a fund's origin. The globalization of the banking system has further accelerated the cross jurisdictional mobility of funds, allowing proceeds of crime to be easily transferred through various accounts and financial institutions across different countries. The nature of bank secrecy and the complexity of modern financial crime make it increasingly difficult to trace the origins of illicit funds. These conditions position bank accounts as strategic tools in the stages of money laundering schemes such as placement, layering, and integration.[5]

As various forms of crime in the financial sector continue to evolve, the practice of buying, selling, or misusing bank accounts has also seen a significant increase.[6] One commonly observed pattern is the use of accounts held in another person's name as a means to commit criminal acts. In international literature, this practice is known as "money mule." The recruitment of account holders is no longer conducted through conventional means but has shifted to utilizing various digital platforms and social media, thereby expanding its reach significantly and making it much harder to monitor. Bank accounts that are bought, sold, or lent are subsequently used as a medium to hold and transfer funds derived from criminal activities. This situation demonstrates that advances in information technology not only facilitate financial activities but are also exploited by criminals to conceal their identities and the flow of funds derived from criminal activities.[7]

Based on investigations conducted by PPATK since 2020, more than one million accounts are suspected of being linked to criminal activities. Of this total, more than 150,000 accounts are categorized as nominee accounts that is, accounts obtained through illegal practices such as the buying and selling of accounts, hacking, or other unlawful means which are subsequently used as vehicles to hold proceeds of crime. Interestingly, some of these accounts eventually became dormant, and more than 50,000 accounts were found to have no transaction history whatsoever prior to

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[4] Muhamad Chaidar and Arief Syahrul Alam, "URGENSI PENERAPAN TINDAK PIDANA PENCUCIAN UANG TERHADAP PELAKU PENCURIAN," *Wijaya Putra Law Review* 2, no. 1 (April 2023): 63, https://doi.org/10.38156/wplr.v2i1.90.

[5] Dadang Prasetyo Aji, "Efektivitas Pemblokiran Rekening Dormant Oleh Tugas Pusat Pelaporan Dan Analisis Transaksi Keuangan (PPATK) Berdasarkan Aspek Perlindungan Konsumen Dalam Ranah Perbankan," *INTERNATIONAL JOURNAL OF RESEARCH AND INNOVATION IN SOCIAL SCIENCE* 9, no. 10 (2025): 3677, https://doi.org/10.2139/ssrn.5065151.

[6] Swity Milen and Rasina Padeni Nasution, "Analisis Hukum Pidana terhadap Praktik Jual-Beli Rekening Bank dalam Transaksi Judi Online di Indonesia," *Legalite: Jurnal Perundang Undangan dan Hukum Pidana Islam* 10, no. 1 (2025): 106, https://doi.org/https://doi.org/10.32505/legalite.v10i1.10525.

[7] Esra Mailany Sinaga, Surya Perdana, and Juli Moertiono, "KEBIJAKAN KRIMINAL TERHADAP TINDAK PIDANA PENCUCIAN UANG MELALUI JUAL-BELI REKENING," *Iuris Studia Jurnal Kajian Hukum* 6, no. 2 (2025): 633, https://jurnal.bundamediagrup.co.id/index.php/iuris/article/view/1149/661.

receiving illicit funds. These findings indicate a systematic pattern in the use of accounts particularly dormant accounts as instruments in criminal schemes, including money laundering.[8]

Essentially, the banking sector plays a crucial role in the economic system, both in raising funds and allocating loans. However, the misuse of banking facilities such as fraud and money laundering has the potential to cause significant financial losses, thereby impacting the stability of the national economic system.[9] These issues raise serious implications for the enforcement of anti-money laundering laws in Indonesia. Account holders whose accounts are used in illegal transactions may face account freezing, be placed on a banking watchlist, or even face criminal liability at the hands of law enforcement authorities.[10] However, Indonesian positive law has not yet explicitly regulated the qualifications for criminal liability of account holders who facilitate the use of their accounts in money mule schemes, particularly in the context of dormant accounts. This situation creates ambiguity regarding the boundaries between intent, negligence, and ignorance in the use of accounts for money laundering offenses.[11]

Criminal liability under Indonesia's criminal law system is not determined solely by the fulfillment of the elements of a criminal offense as defined in statutory provisions; it also requires the presence of fault (schuld) on the part of the perpetrator as the basis for the legitimacy of criminal punishment. The mere existence of an unlawful act does not automatically give rise to criminal liability if it is not accompanied by provable fault. The principle of "geen straf zonder schuld" embodies the fundamental notion that criminal punishment may only be imposed where an individual is proven to bear fault, whether in the form of intent (dolus) or negligence (culpa), thereby rendering the conduct attributable to them for criminal liability. The issue becomes complex when dormant accounts are used in money mule schemes, as the account holders' involvement spans a wide spectrum ranging from knowing, having reasonable grounds to suspect, to being completely unaware that their accounts are being used for money laundering. This

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[8] PPATK, "PERLINDUNGAN HAK DAN KEPENTINGAN PEMILIK SAH REKENING PERBANKAN," 2025, https://www.ppatk.go.id/siaran_pers/read/1499/perlindungan-hak-dan-kepentingan-pemilik-sah-rekening-perbankan.html.

[9] Farrel Putra Ramadhan et al., "Kebijakan Pemblokiran Kartu ATM Rekening Dormant di Indonesia," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 1600, https://doi.org/https://doi.org/10.61104/alz.v4i1.3329.

[10] Selamat Widodo and Ika Ariani Kartini, "Peran Otoritas Jasa Keuangan dalam Pemberantasan Tindak Pidana Penipuan Yang Memanfaatkan Rekening Bank Sebagai Rekening Penampungan," *Kosmik Hukum* 22, no. 2 (May 2022): 111, https://doi.org/10.30595/kosmikhukum.v22i2.14151.

[11] Lorita Tupaida Pane et al., "Optimalisasi Penegakan Hukum Pidana terhadap Tindak Pidana Pencucian Uang dengan Modus Jual Beli Rekening Bank (Studi Putusan Pengadilan Negeri Jakarta Utara Nomor 1080/Pid.Sus/2019/PN. Jkt.Utr dan Putusan Pengadilan Negeri Jakarta Utara Nomor 1131/Pid.Sus/2019/PN. Jkt.Utr)," *Jurnal Ilmu Hukum, Humaniora dan Politik* 4, no. 5 (2024): 1334, https://doi.org/https://doi.org/10.38035/jihhp.v4i5.

situation raises questions regarding the limits of an account holder's criminal liability under the doctrine of fault in Indonesian criminal law.[12]

A number of previous studies have addressed money mule practices, the misuse of bank accounts, and the crime of money laundering. However, these studies generally focus on modus operandi, prevention strategies, and the role of financial institutions. To date, there remains a limited body of research that specifically analyzes the criminal liability of dormant account holders through the lens of the doctrine of fault in Indonesian criminal law. This research gap is significant given the increasing use of dormant accounts in money mule schemes, as indicated by PPATK data.

Based on this discussion, this study offers novelty in several aspects. First, this study specifically examines the misuse of dormant accounts as part of the construction of money mule schemes in money laundering offenses, a topic that has not been extensively discussed in previous literature. Second, this study integrates a criminal law approach with an analysis of the banking sector, thereby providing an interdisciplinary perspective on understanding this phenomenon. Third, this study develops an analysis of criminal liability using the concept of dolus eventualis to explain the legal position of account holders who find themselves in a gray area between "knowing" and " not knowing." Thus, this study not only fills a gap in the existing literature but also offers a more comprehensive analytical framework for determining the limits of criminal liability for account holders in money mule schemes in Indonesia.

Based on the background described above, the author is interested in conducting an in-depth study on how the misuse of dormant accounts in money mule schemes is constructed under Indonesian positive law and whether account holders whose accounts are lent or misused can be held criminally liable.

II. Research Method

This normative legal study examines the legal framework governing money laundering offenses and the criminal liability of account holders under Indonesian law. It employs statutory and conceptual approaches. The statutory approach focuses on the relevant provisions of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes and the Criminal Code, particularly those concerning the elements of criminal liability and culpability. Meanwhile, the conceptual approach was used to analyze the concepts of "money mule," "dormant accounts," and doctrines of criminal liability, such as mens rea, dolus directus, and dolus eventualis.[13]

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[12] Etty Agustin and Tanudjaja, "KEALPAAN SEBAGAI BENTUK KESALAHAN DALAM PIDANA : TELAAH UNSUR SUBYEKTIF DALAM PERSPEKTIF UNDANG-UNDANG NOMOR 1 TAHUN 2023," *Journal of Innovation Research and Knowledge* 5, no. 10 (2026): 11606, https://bajangjournal.com/index.php/JIRK/article/view/12536.

[13] Peter Mahmud Marzuki, *Penelitian Hukum (Edisi Revisi)* (Jakarta: Kencana, 2017), 133–36.

The legal materials examined in this study comprise both primary and secondary sources. Primary legal materials include statutory and regulatory provisions governing money laundering offenses, while secondary materials encompass books, scholarly journal articles, research studies, institutional reports, and other relevant literature that supports the analysis of the issues under investigation. Given that this is a normative study, the data sources used are entirely derived from secondary data obtained through library research.[14] The legal materials were gathered through literature research, involving the systematic identification, classification, organization, and examination of sources relevant to the research issue. The collected materials were then subjected to qualitative analysis using descriptive-analytical and prescriptive methods. The descriptive approach was employed to examine the legal framework governing the misuse of dormant accounts in money mule schemes, whereas the prescriptive analysis was directed toward formulating legal arguments concerning the scope of account holders' criminal liability under the doctrine of fault in Indonesian criminal law.[15]

III. Result & Discussion

A. The Legal Construction of the Misuse of Dormant Accounts in Money Mule Schemes Under Indonesian Positive Law

In the literature on financial crimes, a "money mule" is defined as an individual who knowingly and intentionally grants access or permission for another party to use their bank account to receive, hold, or transfer funds derived from criminal activities. These funds are the proceeds of illegal activities and are subsequently transferred through a series of financial transactions to conceal their origin and obscure the trail of their flow. In practice, a money mule receives a fund transfer from a third party into their personal account and then forwards the funds to another party according to the principal perpetrator's instructions, receiving a commission or reward as compensation for their role.[16]

The recruitment of money mules is generally carried out through personal connections, such as family, friends, or relatives, making it easier for perpetrators to gain the trust of potential money mules. In addition, the recruitment process is also supported by various forms of psychological

[14] Hari Sutra Disemadi, "Lensa Penelitian Hukum: Esai Deskriptif tentang Metodologi Penelitian Hukum," *Journal of Judicial Review* 24, no. 2 (November 2022): 297, https://doi.org/10.37253/jjr.v24i2.7280.

[15] Nadia Adiningrat et al., "PENELITIAN DESKRIPTIF DALAM PENDIDIKAN," *Jurnal Intelek dan Cendikiawan Nusantara*, no. 3 (2025): 2561, https://jicnusantara.com/index.php/jicn/article/download/4107/4155.

[16] Mohd Irwan Abdul Rani et al., "EXPLORING MONEY MULE RECRUITMENT: AN INITIATIVE IN COMBATING MONEY LAUNDERING," *International Journal of Business and Economy* 5, no. 1 (2023): 12, https://www.researchgate.net/publication/369823521_EXPLORING_MONEY_MULE_RECRUITMENT_AN_INITIATIVE_IN_COMBATING_MONEY_LAUNDERING.

rationalization, including the promise of financial gain, the lure of a modern lifestyle, and the perception that such actions do not pose legal risks. These strategies are used to shape the perception of potential money mules that their involvement is a legitimate activity with no legal consequences. As a result, individuals tend to focus more on the economic benefits offered than on the risk of their accounts being misused in money laundering crimes.[17]

Money mules essentially act as intermediaries who create layers in transactions, thereby making it more complex for law enforcement agencies to trace the flow of funds. Although not directly involved in the predicate crimes such as online fraud, drug trafficking, or human trafficking money mules are still considered part of money laundering schemes due to their role in transferring and disguising the flow of funds derived from illegal activities. This role makes money mules a key enabler that allows proceeds of crime to enter the financial system without immediately raising suspicion. By utilizing accounts held in the names of others, the principal perpetrators can maintain their anonymity while reducing the risk of detection by financial authorities or law enforcement agencies. Therefore, the success of money mule schemes heavily depends on the availability of bank accounts that can be used as a medium to receive and transfer proceeds of crime.[18]

The need for such instruments has subsequently driven the development of various methods for obtaining accounts, one of which involves the buying, selling, or transfer of control over bank accounts. The rise in the practice of buying and selling bank accounts is closely tied to the increasing ease of opening accounts through digital banking services, which generally require only personal identification as an administrative prerequisite. Criminal networks have exploited this ease to acquire accounts that are legally registered in the name of specific individuals, but whose control and management are transferred to other parties to support various illegal activities. This discrepancy between legal account ownership and de facto control of the account is one of the primary loopholes in the misuse of accounts across various forms of modern financial crime.[19]

This finding aligns with the Financial Action Task Force (FATF) report on ransomware financing, which explains that accounts used in money laundering are often administratively owned by other individuals but are under the control of the principal perpetrators. This situation demonstrates that the legal ownership of an account does not always reflect the party that actually controls and utilizes the account in a financial transaction. As a result, the perpetrator's identity is concealed behind the identity of the

[17] Rani et al., 14.

[18] Muhammad Subtain Raza, Qi Zhan, and Sana Rubab, "Role of Money Mules in Money Laundering and Financial Crimes a Discussion through Case Studies," *Journal of Financial Crime* 27, no. 3 (2020): 914, https://doi.org/10.1108/JFC-02-2020-0028.

[19] Milen and Nasution, "Analisis Hukum Pidana terhadap Praktik Jual-Beli Rekening Bank dalam Transaksi Judi Online di Indonesia," 112.

officially registered account holder. This phenomenon also demonstrates that the use of accounts belonging to third parties has become an effective method for obscuring the trail of funds derived from criminal activities, thereby complicating the process of asset tracing and evidence gathering in the enforcement of anti-money laundering laws. The FATF's findings indicate that the primary issue in money laundering practices does not lie in the legality of opening an account, but rather in the separation between the account holder's identity and the party who actually controls its use. This condition is the defining characteristic of the "money mule" scheme.[20]

In practice, one type of account that is highly vulnerable to misuse is a dormant account. A dormant account is a savings account that shows no transaction activity for a certain period of time, as defined by each bank's policies, causing its status to change to inactive (dormant) even though the account remains administratively valid and registered in the banking system.[21] Unlike active accounts, which have routine transaction patterns that make it easier to establish a transactional behavior profile, dormant accounts generally lack consistent transaction activity patterns. This situation benefits perpetrators because the accounts can be used as a transit medium for a short period without immediately raising suspicion. Furthermore, the use of previously inactive accounts creates an additional layer of transactions (layering), which further complicates the process of tracing the flow of funds derived from criminal activities. Consequently, the minimal transaction activity in dormant accounts means that changes in transaction patterns are not always easily detected from the outset, especially if monitoring systems have not yet identified any deviant activity.[22]

These conditions create opportunities for certain parties to misuse accounts, either through unlawful access to the banking system or through manipulative actions involving internal parties. In fact, financial authorities have identified dormant accounts as one of the vulnerable points frequently exploited in various forms of financial crime, including money laundering.[23] In this context, dormant accounts not only serve as instruments facilitating the movement of proceeds from crime but also have the potential to hinder law enforcement agencies' efforts to trace the flow of funds (asset tracing) because transactions are conducted through accounts that appear administratively valid but are no longer under the active supervision of their

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[20] FATF, *Countering Ransomware Financing* (FATF, 2023), http://www.fatf-gafi.org/publications/Methodsandtrends/countering-ransomware-financing.htm.

[21] Suluh Wisnu Hapsoro and I. Made Sukresna, "PENGARUH REKENING DORMANT DAN DIGITAL MARKETING TERHADAP MINAT MENABUNG KEMBALI DENGAN MEDIASI KEPERCAYAAN NASABAH (Studi Pada Nasabah PT. Bank Negara Indonesia (Persero) Tbk, Cabang Pati)," *Jurnal Akuntansi dan Pajak* 23, no. 2 (2022): 47, https://jurnal.stie-aas.ac.id/index.php/jap/article/view/6561.

[22] Ramadhan et al., "Kebijakan Pemblokiran Kartu ATM Rekening Dormant di Indonesia," 1600.

[23] Febby Cahya Andina Susilo et al., "Sengketa Penutupan Rekening Dormant Secara Sepihak Oleh Bank: Analisis Yuridis Dan Perlindungan Hukum Nasabah," *Wathan: Jurnal Ilmu Sosial dan Humaniora* 3, no. 2 (June 2026): 124, https://doi.org/10.71153/wathan.v3i2.508.

owners, thereby impacting the integrity and stability of the national financial system.[24]

The practice of misusing dormant accounts in money laundering is essentially no different from the misuse of bank accounts in general that is, they are used to receive, hold, transfer, or divert funds derived from criminal acts.[25] However, the characteristic of dormant accounts which do not show regular transaction activity makes them more attractive to criminals than active accounts. This situation allows such accounts to be used as temporary transit accounts for moving proceeds of crime without immediately drawing attention from the account holders or banking institutions. In practice, this pattern is commonly found in "money mule" schemes, where accounts held in the names of third parties are exploited to obscure the identity of the principal perpetrators and disguise the origin of the funds before they are transferred to the next account.[26]

These findings are further supported by the results of a survey released by GBG in collaboration with Chartist Risk in 2020. The survey showed that Indonesia ranked highest in money mule cases, with a percentage reaching 68%. This data indicates that the misuse of bank accounts in money mule schemes is no longer an incidental phenomenon but has evolved into one of the most commonly used modus operandi in financial crime. This phenomenon also demonstrates that bank accounts no longer serve solely as personal financial instruments but have transformed into tools supporting the operations of organized crime.[27]

Based on the above description, it can be understood that the misuse of dormant accounts in money mule schemes occurs through several stages, namely: (i) the perpetrator gains access to another party's account, whether through purchase, loan, or transfer of account control; (ii) the dormant account is used as a transit account to receive and transfer proceeds of crime due to its minimal prior transaction activity; (iii) the use of such accounts creates a separation between the identity of the account holder and the party who actually controls the transactions; and (iv) this separation is used to conceal the origin of the funds while hindering the tracking process by law enforcement authorities. It is this structure that subsequently serves as the basis for assessing the legal status of the account holder under Indonesian positive law.

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[24] Denisa Nurmariani et al., "Analisis Hukum Terhadap Wewenang PPATK : Studi Kasus Pemblokiran Rekening Oleh PPATK," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 6 (2025): 8129, https://doi.org/https://doi.org/10.61104/alz.v3i5.2474.

[25] PPATK, *Tipologi Pencucian Uang Berdasarkan Putusan Pengadilan Perkara Pencucian Uang Tahun 2016* (PPATK, 2017), https://www.ppatk.go.id/backend/assets/images/publikasi/1543290973_.pdf.

[26] Irgi Prayogo and Sugianto, "PERAN KRUSIAL PERBANKAN DALAM MEMUTUS MATA RANTAI TRANSAKSI DAN PERKEMBANGAN JUDI ONLINE," *Jurnal Soshum Insentif* 8, no. 1 (July 2025): 42, https://doi.org/10.36787/jsi.v8i1.1679.

[27] GBG, *GBG Announces New Report on Future-Proofing Fraud Prevention for Indonesian Financial Institutions* (GBG, 2020), https://www.gbg.com/apac/news/gbg-future-proofing-fraud-prevention-for-indonesian-banks/.

In light of these circumstances, an analysis of Indonesian positive law is essential to understanding the legal framework regarding the misuse of dormant accounts as a means of committing money laundering. Under Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering, Article 3 essentially prohibits any person from engaging in any form of conduct involving assets known or reasonably suspected to be derived from a predicate crime, with the intent to conceal or disguise the origin of such assets. This provision indicates that the scope of money laundering extends not only to the perpetrators of the predicate crime but also to parties involved in the process of disguising or transferring proceeds of crime. In the context of dormant accounts their use as a medium for receiving or transferring illegal funds can constitute part of the "layering" stage if done to obscure the origin of such assets.[28]

In addition to Article 3, the misuse of dormant accounts in money mule schemes is also related to Article 4 of the Anti-Money Laundering Law, which prohibits actions to conceal or disguise the origin, source, location, or true ownership of assets derived from criminal offenses. The use of accounts belonging to third parties, including inactive accounts, can create a distance between the proceeds of crime and the perpetrator who actually controls the transaction. Therefore, dormant accounts serve not only as a means of transferring funds but also as an instrument to obscure the connection between the perpetrator, the account holder, and the source of the illicit funds.[29]

Article 5 of the Anti-Money Laundering Law prohibits any person from receiving, controlling, or using assets known or reasonably suspected to be derived from criminal acts. This provision indicates that criminal liability may extend to parties who did not commit the underlying criminal act but played a role in the receipt or use of illicit funds. However, the application of this article depends on proof and the presence of an element of fault, particularly regarding knowledge or circumstances indicating that the account holder knew or should have suspected the origin of the funds. The phrase "reasonably suspected" is significant because it broadens the assessment of culpability to include not only actual knowledge but also objective circumstances that a person should have been aware of. Therefore, an analysis of the account holder's culpability is a critical aspect in determining the scope of criminal liability in the misuse of dormant accounts within money mule schemes.[30]

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[28] Johri, Rodliyah, and Rina Rohayu Harun, "ANALISIS PENEGAKAN HUKUM TINDAK PIDANA PENCUCIAN UANG TANPA PUTUSAN PIDANA ASAL KORUPSI," *The Juris* 7, no. 2 (December 2023): 425, https://doi.org/10.56301/juris.v7i2.1048.

[29] Berutu, "Tindak Pidana Kejahatan Pencucian Uang (Money Laundering) dalam Pandangan KUHP dan Hukum Pidana Islam," 10.

[30] Anggelika Patricia Wewengkang, Dientje Rumimpunu, and Yumi Simbala, "TINDAK PIDANA PENCUCIAN UANG MELALUI REKENING BANK DENGAN MODUS SMURFING," *Lex_Crimen* 15, no. 4 (2026): 3, https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/68200/52708.

Furthermore, the legal relationship between the bank and the customer also imposes an obligation on the account holder to safeguard the means of accessing the account, including ATM cards, PINs, online banking passwords, and other authentication codes. This obligation is relevant in determining whether or not there is an element of fault if the account is subsequently used in a money mule scheme. An account holder who voluntarily grants access to their account to another party is in a different legal position than an account holder who loses control due to identity theft, system hacking, or other forms of misuse. Therefore, the assessment of criminal liability does not depend solely on the fact that the account was used as a means to commit a crime, but must also consider the extent to which the account holder has fulfilled their obligation to maintain the security of and control over the account.[31]

B. Criminal Liability of the Owner of a Loaned or Misused Account

In the context of money laundering, the use of another party's account (including dormant accounts) is often employed to conceal the origin of funds. Accounts that are no longer used by their owners are frequently exploited by criminals as a means to hold funds derived from illegal activities. These accounts can be controlled by third parties without the active involvement of the account holder, thereby raising legal questions regarding whether the account holder bears criminal liability. In practice, dormant accounts are particularly vulnerable to misuse due to minimal activity and oversight by their owners.[32]

The potential for criminal liability becomes increasingly relevant given that accounts that have been inactive for a certain period of time tend to be less closely monitored by their owners. This situation creates an opportunity for third parties to exploit these accounts, either with or without the owner's knowledge. However, the "dormant" status does not automatically absolve the account holder of legal responsibility, particularly if there are elements of willful neglect or serious negligence in safeguarding the security and use of the account. Determining criminal liability for the owner of a dormant account in a "money mule" scheme is a complex issue, given the need to

[31] PPATK, "PERLINDUNGAN HAK DAN KEPENTINGAN PEMILIK SAH REKENING PERBANKAN," 2025, https://www.ppatk.go.id/siaran_pers/read/1499/perlindungan-hak-dan-kepentingan-pemilik-sah-rekening-perbankan.html.

[32] Rahmadani Putri Erdiyanti Manurung and Zulfi Diane Zaini, "Aspek Hukum Pemblokiran Rekening Pasif/Rekening Dormant Berdasarkan Asas Kerahasiaan (Confidential Principle) Dalam Lembaga Perbankan Yang Dilakukan Oleh Pusat Pelaporan Dan Analisis Transaksi Keuangan," *JALAKOTEK: Journal of Accounting Law Communication and Technology* 3, no. 1 (2026): 58, https://rayyanjurnal.com/index.php/JALAKOTEK/article/download/7901/pdf.

prove the account owner's involvement in the series of criminal acts that occurred.[33]

Under Indonesian criminal law, criminal liability must be established based on the fulfillment of the elements of a criminal offense, one of which is the criminal act (*actus reus*). *Actus reus* refers to the actual conduct or action committed by a person that constitutes part of a criminal offense. However, not every act can be categorized as *actus reus*; only conduct that corresponds to the legal elements of an offense as prescribed by applicable laws and regulations may qualify as such. Accordingly, the existence of a criminal act must be assessed by referring to the specific statutory provisions governing the offense in question.[34]

In addition to the actus reus element, criminal liability also requires the presence of a mens rea element in the perpetrator, which relates to the mental aspect or the existence of intent. The mens rea element serves as the basis for assessing whether a person possesses the intent, knowledge, or a specific form of fault regarding the act they committed. Therefore, the mere existence of a criminal act does not automatically result in a person being punished if there is no connection between the perpetrator's mental state and the act in question. In the context of dormant accounts involved in money-mule schemes, proving the mens rea element is crucial to distinguishing between parties who knowingly assist in the money laundering process and those whose accounts are merely misused without their knowledge of the intended purpose.[35]

This is consistent with the principle of "no crime without fault" (green straf zonder schuld), which affirms that a person may only be sentenced to a criminal penalty if there is fault that can be attributed to them. Although this principle is not explicitly formulated in written legal provisions, its existence is recognized as a fundamental principle in Indonesian criminal law. This principle establishes fault as the primary basis for determining whether or not a person can be held criminally liable; thus, an act that meets the elements of a criminal offense still requires proof of a connection between the perpetrator's mental state and the act committed.[36]

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[33] Yenni Kartika, Benny Djaja, and Maman Sudirman, "Perlindungan Hukum terhadap Rekening Nasabah yang Otomatis Berstatus Dormant pada Sistem Perbankan," *Deposisi: Jurnal Publikasi Ilmu Hukum* 3, no. 2 (2025): 1, https://doi.org/https://doi.org/10.59581/deposisi.v3i1.4964.

[34] Rizki Romandona and Bukhari Yasin, "Analisis Hukum Asas Mens Rea Dan Actus Reus Dalam Kasus Pembunuhan Brigadir Nofriansyah Yosua Hutabarat (Studi Kasus Dalam Putusan Pn Jakarta Selatan No. 796/Pid.B/2022/Pn Jkt.Sel)," *JUSTITIABLE - Jurnal Hukum* 6, no. 2 (January 2024): 5, https://doi.org/10.56071/justitiable.v6i2.817.

[35] Aris Munandar Ar et al., "Peran Niat (Mens rea) dalam Pertanggungjawaban Pidana di Indonesia," *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 3 (October 2024): 240, https://doi.org/10.71153/jimmi.v1i3.140.

[36] Ahda Muttaqin et al., "Telaah Asas Geen Straf Zonder Schuld terhadap Pertanggungjawaban Pidana Penipuan melalui Modus Ritual Mistis," *University of Bengkulu Law Journal* 8, no. 1 (2023): 37, https://doi.org/https://doi.org/10.33369/ubelaj.8.1.35-51.

Differences in the perpetrator's level of knowledge and intent within the money mule scheme are crucial factors in determining whether criminally attributable fault exists. This is because a person's involvement as a money mule does not necessarily indicate awareness or intent to facilitate the commission of the crime of money laundering. Based on their level of awareness and intent, money mules can be classified into three categories: knowing money mules, unknowing money mules, and coerced money mules. This classification is important to distinguish between parties who knowingly participate in a money laundering scheme and those who are merely victims of account misuse, given that not every administrative involvement in a financial transaction can be directly categorized as a criminal offense.[37]

First, account holders who are aware and knowingly involved (knowing money mules) are those who are aware that their accounts are being used as instruments to receive, hold, or transfer funds related to the criminal act of money laundering. In this category, account holders not only know that their accounts are being used by others but also understand or at least are aware of the connection between the transactions being conducted and unlawful activities. This awareness indicates a connection between the mental element (mens rea) and the act committed (actus reus), thereby fulfilling the element of culpability as the basis for criminal liability. Account holders in the "knowing money mule" category are viewed as parties who knowingly contribute to the process of concealing the origin of funds derived from criminal acts.[38]

If an account holder merely receives, controls, or uses funds that they know or have reasonable grounds to suspect are derived from a criminal offense, their actions may be subject to Article 5 of the Anti-Money Laundering Law. However, if their involvement does not stop at merely receiving the funds but also involves active actions such as depositing, transferring, or diverting assets with the intent to conceal or disguise the origin of those funds, then their actions may meet the criteria of Article 3 of the Anti-Money Laundering Law. For example, the holder of a dormant account knowingly receives proceeds of crime and then transfers them to another account at the direction of the principal perpetrator. Such active involvement indicates the presence of intent (dolus directus) to participate in the process of disguising or concealing the origin of the funds, as the account holder helps sever the link between the funds and the underlying criminal act.[39]

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[37] Dr Arun Kumar Jain, "A Study Of Money Mules And Cybercrime: The Invisible Bridge Of Illicit Finance," *International Journal of Creative Research Thoughts* 3, no. 3 (2015): 28–29, https://www.ijcrt.org/papers/IJCRT1136148.pdf.

[38] Jain, 28.

[39] Reza Hidayat, "PENYERTAAN DALAM TINDAK PIDANA KORUPSI (TELAAH TERHADAP KELALAIAN DALAM PENYERTAAN UNTUK MELAKUKAN TINDAK PIDANA KORUPSI)," *e-Jurnal Katalogis* 3, no. 12 (2015): 6, https://media.neliti.com/media/publications/152971-ID-penyertaan-dalam-tindak-pidana-korupsi-t.pdf.

Second, an account holder who is unaware of the misuse (an "unwitting money mule") is a party whose account is used without their consent or knowledge of the illegal activities taking place. This situation can occur if the account is taken over through the theft of personal data, identity manipulation, hacking of banking access, or other forms of fraud. In the context of dormant accounts, the "unknowing money mule" scenario can occur when a former account holder no longer uses the account, and it is subsequently transferred to or controlled by another party without the account holder's understanding of its intended use.[40]

From a criminal law perspective, this situation indicates the absence of a connection between the mental element (mens rea) and the outward actions occurring through their account. Although, in fact, the account is used as a means to receive or transfer funds derived from criminal acts, such use occurs without the account holder's knowledge, intent, or consent. Consequently, the account holder's administrative involvement cannot automatically serve as a basis for imposing criminal liability, as criminal law requires the presence of culpable fault as the basis for punishment.[41]

From the perspective of the Anti-Money Laundering Law, the category of "unknowing money mule" in principle does not satisfy the elements set forth in Article 5 of the Anti-Money Laundering Law. This is because the phrase "known or reasonably suspected" requires actual knowledge or circumstances that should give rise to suspicion regarding the origin of the assets. If the account holder is completely unaware that their account is being used as a means of money laundering and, objectively speaking, there are no circumstances indicating that they should have suspected such illegal activity, then the element of fault under Article 5 is not satisfied. Under such circumstances, the account holder is more appropriately classified as a victim of account misuse rather than as a perpetrator of the crime of money laundering.[42]

Third, account holders who are involved due to pressure, threats, or manipulation by another party (coerced money mules) are those who outwardly perform actions related to the use of their accounts, but their involvement occurs because their consent was not freely given. Account holders in this category are generally aware that their accounts are being used by others, but their consent is given as a result of psychological pressure, threats, intimidation, or certain forms of manipulation. In the context of dormant accounts, this situation can occur when the account holder is forced to hand over access to their account or carry out transactions due to threats

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[40] Jain, "A Study Of Money Mules And Cybercrime: The Invisible Bridge Of Illicit Finance," 29.

[41] Rila Kusumaningsih, "Analisis Yuridis Normatif terhadap Pertanggungjawaban Pidana Penderita Kleptomania dalam Tindak Pidana Pencurian," *Jurnal Penelitian Inovatif* 5, no. 3 (August 2025): 2378, https://doi.org/10.54082/jupin.1751.

[42] Wewengkang, Rumimpunu, and Simbala, "TINDAK PIDANA PENCUCIAN UANG MELALUI REKENING BANK DENGAN MODUS SMURFING," 3.

against themselves or their family, so that the use of the account is not based on free will but rather on pressure from the principal perpetrator.[43]

From a criminal law perspective, this situation indicates that even though, on the surface, there is an act that satisfies the elements of a criminal offense (actus reus), the establishment of the element of culpability (mens rea) cannot be assessed simply. This is because the perpetrator's will has been influenced by circumstances beyond their control, thereby severely limiting their choice to commit or refrain from committing the act. In this context, this category is related to the concept of exculpatory grounds in criminal law. Exculpatory grounds do not, in essence, eliminate the unlawful nature of the act committed, but they do absolve the perpetrator of culpability because certain circumstances exist that prevent the perpetrator from being held accountable for the act. However, the application of exculpatory grounds in this category cannot be automatic. Law enforcement officials must still objectively prove the existence of coercion, the level of pressure experienced, and its impact on the account holder's free will.[44]

In addition to these three categories, from the perspective of the doctrine of culpability, there are situations where the account holder cannot be classified as a "knowing," "unknowing," or "coerced" money mule, but is aware of the possibility of their account being misused and nevertheless accepts that risk. From a criminal law perspective, this situation indicates that although the perpetrator did not have the direct intent to assist in the crime of money laundering, they were aware of the possibility of unlawful consequences arising and still accepted that risk. Such a condition is known as "intent with the possibility of a prohibited consequence" (dolus eventualis), which is a form of intent where a person is aware of the possibility of a consequence prohibited by law but continues their actions without making any effort to prevent that consequence. Thus, the element of culpability is no longer based on the intent to commit a criminal act but rather on a mental state that accepts or allows for the possibility of a consequence prohibited by law.[45]

In the context of the Anti-Money Laundering Law, this category is relevant to the phrase "reasonably suspected" as stipulated in Article 5. This phrase indicates that criminal liability is imposed not only on parties who actually know the origin of the assets but also on parties who, based on objective circumstances, should have been aware of indications that the

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[43] Jain, "A Study Of Money Mules And Cybercrime: The Invisible Bridge Of Illicit Finance," 29.

[44] Dwi Sekar Sari and Dina Tsalist Wildana, "Alasan Pemaaf Bagi Anak di Bawah 12 (Dua Belas) Tahun (Analisis Pasal 40 KUHP Nasional)," *PERSPEKTIF: Kajian Masalah Hukum dan Pembangunan* 31, no. 2 (2026): 83, https://doi.org/https://doi.org/10.30742/perspektif.v31i2.1023.

[45] Hariati Kalia, "PEMBUKTIAN TINDAK PIDANA DENGAN TERANG-TERANGAN DAN TENAGA BERSAMA MENGGUNAKAN KEKERASAN TERHADAP ORANG YANG MENGAKIBATKAN LUKA-LUKA (STUDI PUTUSAN NOMOR: 256/PID.B/2010/PN.DGL)," *Jurnal Ilmu Hukum Legal Opinion* 1, no. 4 (2013): 6, https://media.neliti.com/media/publications/144796-ID-pembuktian-tindak-pidana-dengan-terang-t.pdf.

funds originated from a criminal act. Nevertheless, the determination of criminal liability under this category must still be conducted with caution. Law enforcement authorities must prove that the account holder indeed had a reasonable opportunity to be aware of the misuse of the account and consciously chose to disregard such circumstances.[46]

The assessment of the phrase "reason to suspect" in the Anti-Money Laundering Law cannot, in principle, be based solely on the subjective suspicions of law enforcement officials, but must be grounded in objective circumstances that would reasonably give rise to suspicion in a person in the same position. In other words, the standard is not whether the account holder actually knew the origin of the funds, but rather whether, based on the available facts, he or she should have been aware of indications that the account was being used as a means to commit the crime of money laundering. Therefore, the interpretation of the phrase "reason to suspect" must be carried out carefully so as not to shift the principle of "no punishment without guilt" into a form of absolute liability (strict liability).[47]

In the context of the misuse of dormant accounts, these objective circumstances may be reflected in various indicators, such as large transactions that do not align with the account's usage profile, the receipt of payments without a clear basis for the relationship, requests to hand over an ATM card or mobile banking access to a third party, and instructions to immediately transfer funds to several different accounts within a short period of time. The more objective indicators that are met, the stronger the basis for concluding that the account holder should at least have suspected that their account was being used as a means to commit the crime of money laundering.[48]

Based on these categories, it is clear that the status of being an account holder does not automatically serve as a basis for imposing criminal liability. The determining factor lies not in administrative ownership of the account, but rather in the account holder's level of knowledge, intent, and degree of involvement in the use of the account as a means of committing the criminal act of money laundering. Therefore, the stronger the connection between the act (actus reus) and the mental state (mens rea), the stronger the basis for imposing criminal liability on the account holder.

Consequently, an account holder whose account has been lent or misused cannot, in principle, be automatically held criminally liable merely because an account in their name was used in a "money mule" scheme.

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[46] Wewengkang, Rumimpunu, and Simbala, "TINDAK PIDANA PENCUCIAN UANG MELALUI REKENING BANK DENGAN MODUS SMURFING," 3.

[47] Amanda Geraldine, Altuti Altuti, and Muhamad Rayhan Firmansyah, "Urgensi Pembentukan Laporan Khusus Sebagai Solusi Alat Bukti Surat Dalam Penanganan Kasus TPPU Di Indonesia: Pintu Optimalisasi Hubungan PPATK-Penyidik," *Jurnal Hukum & Pembangunan* 52, no. 4 (2022): 796, https://doi.org/10.21143/jhp.vol52.no4.1502.

[48] Sinaga, Perdana, and Moertiono, "KEBIJAKAN KRIMINAL TERHADAP TINDAK PIDANA PENCUCIAN UANG MELALUI JUAL-BELI REKENING," 635.

Criminal liability must be determined on a case-by-case basis based on evidence regarding the form of involvement, level of knowledge, free will, and the element of culpability inherent in the account holder. Account holders who knowingly receive, control, or transfer funds derived from criminal acts may be held liable under the provisions of Article 3 or Article 5 of the Anti-Money Laundering Law. Conversely, account holders who are unaware of the misuse of their accounts or who act under duress that deprives them of their free will, in principle, do not meet the grounds for criminal liability. Meanwhile, for account holders who are aware of the risk of misuse but still allow it to occur, criminal liability remains possible as long as it can be proven that the person in question should at least have suspected that their account was being used as a means of committing the crime of money laundering.[49]

In law enforcement practice, determining the category of an account holder cannot be based solely on the admission of the party concerned. Law enforcement officials must establish proof through a body of evidence capable of demonstrating a connection between the account holder and the transactions in question. Such proof may be established through an analysis of transaction history, control over means of accessing the account, electronic communications with the principal perpetrator, receipt of commissions or economic benefits, or other digital evidence indicating involvement in the transfer of funds. Conversely, if it is found that the account was used as a result of identity theft, system hacking, or the misuse of personal data without the account holder having control over the account or deriving any benefit from it then such circumstances actually reinforce the fact that the account holder lacks the element of fault required for criminal liability. Thus, the classification of the account holder as "knowing," "unknowing," "coerced," or a party who "should have suspected" must be based on comprehensive evidence regarding the entirety of the objective circumstances surrounding the use of the account.[50]

IV. Conclusion

Based on the research findings, it can be concluded that the legal construction of the misuse of dormant accounts in money mule schemes under Indonesian positive law is essentially part of the mechanism of money laundering that utilizes bank accounts as a means to receive, hold, and transfer proceeds of crime. The characteristic of dormant accounts which have minimal transaction activity makes them vulnerable to being exploited as transit accounts during the "layering" stage, as they create a separation

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[49] Arvina Dera Vania and Ade Mahmud, "Pertanggungjawaban Pidana terhadap Keterlibatan Beneficial Owner untuk Pencucian Uang," *Bandung Conference Series: Law Studies* 5, no. 2 (July 2025): 632, https://doi.org/10.29313/bcsls.v5i2.18512.

[50] Geraldine, Altuti, and Firmansyah, "Urgensi Pembentukan Laporan Khusus Sebagai Solusi Alat Bukti Surat Dalam Penanganan Kasus TPPU Di Indonesia," 800.

between the account holder's identity and the party who actually controls the transactions. From the perspective of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering, the use of dormant accounts may be related to the provisions of Article 3, Article 4, or Article 5, provided that it meets the elements of the criminal offenses stipulated in those provisions. Furthermore, criminal liability cannot be imposed on the owner of an account that has been lent or misused solely on the basis of the account's administrative ownership status. The determination of criminal liability must be based on the doctrine of fault (schuld) through proof of a connection between the actus reus and the mens rea. Based on their level of knowledge and intent, account holders can be classified into four categories: knowing money mules, unknowing money mules, coerced money mules, and account holders who knowingly allow the risk of misuse (dolus eventualis). Account holders in the "knowing money mule" category may, in principle, be held criminally liable under either Article 3 or Article 5 of the Anti-Money Laundering Law. Conversely, "unknowing money mules" generally do not meet the element of fault and are therefore more appropriately classified as victims of account misuse. As for "coerced money mules," criminal liability must take into account the possibility of exculpatory grounds that negate the perpetrator's fault. Meanwhile, for account holders who are aware of the risk of misuse but still allow it to occur, criminal liability is possible provided it can be proven that the individual in question should at least have reasonably suspected that their account was being used as a means to commit the crime of money laundering as referred to in Article 5 of the Anti-Money Laundering Law. Thus, this study affirms that the imposition of criminal liability on account holders in money mule schemes must be conducted on a case-by-case basis based on proof of the element of fault, not solely based on account ownership.

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Generative AI Statement

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