

REFORM OF CORRUPTION CRIMINAL LAW: A STUDY OF CORRUPTOR ASSET APPLICATION LAW IN INDONESIA

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ABSTRACT

The development of a new criminal law system in Indonesia still aims to reveal the crimes committed, find the perpetrators, and punish them with criminal sanctions, especially "corporate punishment", which includes imprisonment and the death penalty. Meanwhile, the issue of international law development, such as the issue of confiscation of proceeds of crime and tools of crime², has not become an important component in the Indonesian criminal law system. The purpose of this study is to determine the extent to which the reform of corruption criminal law can be carried out, especially in terms of asset forfeiture of corruptors. The research method used is normative research with a legal approach and conceptual approach. The reform of corruption criminal law must provide a clear definition of asset forfeiture of corruptors. The definition must include various types of assets, both tangible and intangible, which are illegally obtained through acts of corruption. The research method used is normative research with a legal approach and conceptual approach. The results of the discussion show that the reform of corruption criminal law regarding the seizure of corrupt assets can strengthen corruption eradication efforts and improve the existing seizure mechanism. The legal reforms carried out include Law Number 31 of 1999 concerning Eradication of Corruption (PTPK Law); Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (TPPU Law); Presidential Instruction Number 3 of 2018 concerning Increasing the Role and Optimizing Community Participation in Corruption Eradication; Government Regulation Number 13 of 2021 concerning Procedures for Forfeiture of Corruption Proceeds.

Keywords: *legal reform, criminal, asset forfeiture, corruptors*

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INTRODUCTION

Criminal demonstrations with financial thought processes that started out as mundane in nature as robbery, fraud and misappropriation, have now grown to become increasingly complex as they involve trained entertainers and are in many cases transnational or cross-national in nature. Apart from generating a lot of wealth simultaneously, this kind of crime requires a lot of money to finance the equipment, facilities and infrastructure that support its implementation. With this complexity, the treatment of criminal demonstrations is even more confusing and difficult for the police to handle (Wachid, 2015).

We already know that getting as much wealth as possible is the main goal of criminals with financial motives. The most effective strategy for eradicating and preventing criminal acts with economic motives is to kill offenders by seizing the proceeds and instruments of crime. An asset for criminals is the blood that feeds criminal acts. The significance of the use of corporal punishment against criminals is undoubtedly not diminished by this argument. However, it must be acknowledged that it has been proven that corporal punishment alone does not deter criminals (Sibuea et al., 2016).

The development of a new criminal law system in Indonesia still aims to reveal the crimes committed, find the perpetrators, and punish them with criminal sanctions, particularly "corporate punishment", which includes imprisonment and the death penalty. Meanwhile, issues of the development of international law, such as the problem of appropriation of the

proceeds of crime and the instruments of crime², have not yet become an important component of the Indonesian criminal law system.

Return of state assets in acts of corruption is always associated with corruption issues. Calculations or calculations must have been used to commit corruption in the past (crime calculation). As a result, perpetrators are very concerned about how assets will be managed and stored so that they are not seen as proceeds of crime. If the benefits outweigh the potential consequences (penalties) of their actions, they will be willing to take the opportunity to be punished. In addition, a number of perpetrators actually intended to keep their families prosperous from corruption while serving their sentences. As a result, corruption must be eradicated, not only by punishing the perpetrators but also by confiscating assets or assets resulting from corruption crimes to stop the flow of corruption proceeds. As part of the state's rights as a victim of crime, the stages of the asset recovery process include tracing, freezing, confiscating, maintaining, and returning stolen assets and the proceeds to victims of crime and the state (Latifah, 2016).

In 2022, Indonesia Corruption Watch (ICW) found that there were 612 suspects in corruption cases with a total potential state financial loss of up to Rp. This shows that the return on assets from corruption cases is still far from the expected target. 33.6 trillion However, the presentation of Febrie Adriansyah, who serves as Deputy Attorney General for Special Crimes (Jampidsus) at the Attorney General's Office, reveals a different scenario: IDR will be the total lost state money. as a result of corruption throughout 2022. 36.8 trillion. This means that acts of corruption continue to significantly harm state finances. Apart from that, in ICW data the total state loss for 2021 was recorded at Rp. 64.9 Trillion However, based on the verdict of the panel of judges regarding the payment of compensation, the state can only recover a total loss of Rp. 1 trillion 8 As a result, in 2021, losses related to corruption will only reach around 2.2% of the total state losses (Kusyandi, 2016).

In many countries of the world, corruption has developed into a serious problem. In practice, corruption is when a person or group abuses power for personal gain at the expense of the public interest. Corruption has a devastating impact on society, politics, and the economy all at once. Economic growth is hampered, public trust in the government is damaged, and the result is an unequal distribution of resources.

In eradicating corruption, the confiscation of individual assets of corruptors is an important tool. Corrupt individuals often gain significant financial gain illegally when they engage in acts of corruption. The purpose of confiscating the assets of corruptors is to return the assets obtained illegally to the state or the people who are actually entitled to these assets. This not only provides effective punishment for corrupt individuals but also compensates the state for corruption-related losses.

There are several reasons why appropriation of corrupt individual assets is important: 1) Compensation for state losses: The state and society suffer significant financial losses due to corruption. 2) Confiscation of assets of corrupt individuals makes it possible to recover some or all of the losses, thereby reducing the detrimental impact of corruption on economic growth and development. 3) Dissuasive effect: The possibility of confiscating the assets of corruptors can be a factor that encourages prevention. For individuals or groups who may be involved in acts of corruption, the possibility of losing illegally acquired assets can be prohibitive. 4) Breaking corruption nets: By eliminating financial incentives for perpetrators, confiscation of

corruptors' assets can help break and break the chain of corruption. These resources can no longer be used to finance further acts of corruption if the corruptly acquired assets are returned. 5) Gaining public trust: The government's commitment to fighting corruption and restoring public trust is demonstrated by consistent and successful efforts to seize corruptors' assets. Public trust in law enforcement agencies can be supported by this (Fauzia & Hamdani, 2022).

It is hoped that with the introduction of the idea of appropriating corruptors' assets, efforts to eradicate corruption and restore state losses will be more effective. A solid foundation for reforming the criminal law on corruption to make it more effective and aimed at eradicating corruption as a whole is an understanding of the problem of corruption and the importance of confiscating the assets of corruptors.

Because the amount of money returned from corruption is still far from the total state losses, Indonesia's asset recovery practices are still ineffective and need to be reviewed. The Electronic Identity Card (KTP-el) corruption case committed by Setya Novanto in the 2011 to 2013 fiscal year is one example. Setya Novanto was sentenced to 15 years in prison, a fine of 500 million rupiahs, three months in prison, an additional fine of 7.3 million USD minus the 5 billion rupiahs that had been paid to the state, and the revocation of his political rights after taking office. The corporal crime was resolved in a court decision number 130/PID.SUS/TPK/2017/PN.JKT.PST. In this case, there is only a refund of Rp for corruption. 500 billion or Rp., from the loss. 2.3 trillion. Because it could only return around 22.69% of the total state losses due to e-KTP corruption, the amount of additional compensation charged to Setya Novanto did not accurately reflect the amount of state losses suffered. This shows a very striking disparity between total state losses and assets that must be returned due to corruption (Abdullah & Eddy, 2021).

The judicial mechanism in Indonesia to eradicate corruption still adheres to kantiasm through a philosophy of retributive approach when referring to applicable legal provisions. In other words, the current concept focuses on criminals in the form of a deterrent effect with retaliation. The direct rather than in-rem approach is still the current legal regulatory method. There is a difference between the personal and in-rem approaches. These assets are still attached to individuals as defendants or suspects with the current in-personam approach paradigm. The confiscated property must then be established as evidence of the criminal's guilt. While in rem confiscation is when the state controls assets that have been decided by a court in a civil case based on strong evidence if the assets are suspected of being used for a crime. The striking difference between the two lies in the in rem approach which focuses on assets or objects, and the in personam approach which focuses on the dimensions of the actor as a human being (Rosyad, 2014).

Based on the conditions described above, it seems that a system is needed that allows for the confiscation of criminal proceeds and instruments in an effective and efficient manner. Of course, this is done without violating the rights of any individual, while still paying attention to the principle of justice. Criminals take advantage of other people by sacrificing the interests of society as a whole or other people in a fraudulent way and violating legal norms and provisions. Crime also enables perpetrators of criminal acts to amass large financial resources, which are often used for purposes contrary to the interests of society as a whole. In other words, crime has the potential to disrupt the social order that seeks to achieve prosperity and justice throughout society.

METHOD

The research method employed in this study is normative research, utilizing both a legal and conceptual approach. Normative research seeks to analyze and interpret existing legal principles, norms, and rules to derive conclusions and recommendations. It involves a theoretical and doctrinal analysis of legal sources, statutes, case laws, and legal literature. The legal approach in this study involves an examination of the relevant legal provisions, statutes, and judicial decisions related to the subject matter. It aims to comprehend the legal framework governing the issue under consideration and assess how it applies to the given context. This approach helps in understanding the legal implications and obligations surrounding the topic.

Simultaneously, the conceptual approach focuses on the theoretical aspects of the subject matter. It involves exploring legal theories, concepts, and philosophies that underpin the topic and using them to analyze the research problem. This approach facilitates a deeper understanding of the underlying principles and ideologies that shape the legal landscape related to the research. By combining the legal and conceptual approaches, the study aims to provide a comprehensive and well-rounded analysis of the topic. The normative research method allows for critical evaluation and interpretation of legal materials, leading to valuable insights and recommendations. This approach is particularly relevant when exploring complex legal issues, examining legal gaps, or proposing legal reforms to address contemporary challenges. Overall, the research endeavors to contribute to the legal discourse and enhance understanding in the relevant field.

RESULTS AND DISCUSSION

Basically, reforming the criminal law on corruption in terms of appropriating corruptors' assets has significant benefits in eradicating corruption and recovering state losses. Some of the benefits of this renewal include (Abdullah et al., 2021):

1. **Deterrent Effect and Prevention of Corruption:** Renewal of the criminal law on corruption which strengthens the confiscation of corruptors' assets can provide a deterrent effect for perpetrators of corruption. The threat of significant asset confiscation will make corruptors think twice before committing acts of corruption. This can act as a preventive factor to reduce the level of corruption.
2. **Recovery of State Losses:** Confiscation of corruptors' assets helps in recovering state losses caused by acts of corruption. Assets obtained illegally by corruptors can be used to replace losses suffered by the state and society. This can reduce the financial burden on the state and improve people's welfare.
3. **Sources of Funds for Development and Welfare:** The results of the confiscation of corruptors' assets can be used as a source of funds for community development and welfare. Confiscated assets can be allocated for infrastructure development programs, education, health, or other public services. This will provide direct benefits to communities and help improve their quality of life.
4. **Strengthening the Legal System and Law Enforcement:** Reforming the criminal law on corruption in terms of appropriation of corruptors' assets helps strengthen the legal system and law enforcement. By having a clear and effective legal framework, law enforcement agencies can better carry out their duties. This includes investigations, searches,

confiscations, and management of corruptors' assets involving collaboration between related institutions.

5. Renewal of the criminal law on corruption in terms of confiscating corruptors' assets can increase international cooperation in eradicating corruption. Countries can cooperate with each other in disclosing, pursuing, and seizing corrupt assets hidden outside the jurisdiction of the state. This helps prevent corruptors from escaping and ensures that they do not enjoy the fruits of their corruption.

Renewal of the corruption criminal law in terms of appropriation of corruptor assets has important benefits in eradicating corruption, recovering state losses, building a strong legal system, and encouraging community development and welfare.

Reforming the Criminal Law on Corruption in Terms of Appropriation of Corruptors' Assets

Renewal of the criminal law on corruption in terms of appropriating corruptors' assets is an important step in efforts to eradicate corruption. The renewal of the corruption criminal law must provide a clear definition of the appropriation of corruptors' assets. This definition must include various types of assets, both tangible and intangible, which were obtained illegally through acts of corruption. The following are some aspects that can be considered in the renewal: (Deli, 2016)

1. Provisions for proving ownership of corruptors' assets: Renewal of the corruption criminal law must include provisions that make it easier to prove ownership of corruptors' assets. This involves proving a direct link between the seized assets and the corrupt acts committed by the perpetrators.
2. Role of law enforcement agencies: The reform of the criminal law on corruption must strengthen the role of law enforcement agencies in carrying out the confiscation of corruptors' assets. These institutions must have sufficient strength and authority to carry out investigations, search, and secure assets of corruptors.
3. Fair and transparent trials: Renewal of the corruption criminal law must ensure that court processes related to the appropriation of corruptors' assets are carried out in a fair and transparent manner. This involves appointing independent and objective judges, using valid evidence, and protecting the rights of suspects and defendants.
4. Efficient procedures: The reform of the corruption criminal law must regulate efficient procedures in carrying out the confiscation of corruptors' assets. This involves good coordination between law enforcement agencies, an effective system of confiscating and selling assets, and the use of the proceeds of confiscation of corruptors' assets for the public good.
5. International cooperation: Renewal of the criminal law on corruption must strengthen international cooperation in terms of appropriation of corruptors' assets. Countries should cooperate in exchanging information, coordinating case management, and repatriating assets hidden outside the jurisdiction of the countries involved.
6. Management of confiscated assets: The reform of the criminal law on corruption should provide clear guidance on the management of assets that have been confiscated. These assets must be managed in a transparent and accountable manner and used for the public interest or recovery of state losses due to corruption.

Renewal of the corruption criminal law in terms of confiscating corruptors' assets requires strong political commitment and coordination between various stakeholders. These steps are expected to increase the effectiveness of eradicating corruption and recover losses caused by acts of corruption.

In addition to the above aspects, reforming the criminal law on corruption in terms of confiscating corruptors' assets is an effort to strengthen the legal framework governing the process of confiscating assets illegally obtained by corruptors. Several aspects that can be part of the renewal are as follows (Rosyad, 2014b):

1. Expansion of the types of assets that can be confiscated: Renewal of the criminal law on corruption can expand the types of assets that can be confiscated by the state. In addition to financial assets such as money, these reforms may include property, vehicles, luxury goods or other assets acquired through acts of corruption.
2. Affirmation of the obligation to store and report assets: The reform of the criminal law on corruption can stipulate the obligation for corruptors or related parties to report and store assets owned. This can facilitate the process of appropriation of corruptors' assets by the state.
3. Proof of the origin of assets: Renewal of the criminal law on corruption can provide provisions that make it easier to prove the origin of assets allegedly obtained corruptly. This can involve changing the burden of proof which places the burden of proof on corruptors to prove that the assets were legally obtained.
4. Strengthening law enforcement agencies: Reforming corruption criminal laws could involve strengthening law enforcement agencies responsible for appropriating corruptors' assets. These institutions need to be provided with adequate resources, adequate training, and independence in carrying out their duties.
5. The process of managing and selling assets: The reform of the criminal law on corruption can regulate clear and transparent procedures for the management and sale of confiscated assets. This process must involve efficient and accountable management, as well as the use of proceeds from the sale of assets for recovery of state losses or public interest.
6. International cooperation: Renewal of the criminal law on corruption can strengthen international cooperation in terms of appropriation of corruptors' assets. This involves exchanging information, coordinating legal action across countries, and repatriating assets hidden outside the jurisdiction of the countries involved.

Renewal of the corruption criminal law in terms of confiscating corruptors' assets is very important to provide a deterrent effect on corruptors, recover state losses, and build a more effective and fair legal system in eradicating corruption.

In Indonesia, there have been several reforms to the criminal law on corruption in terms of appropriating corruptors' assets. Some of the initiatives that have been carried out are as follows: (Prasetyo, 2016)

1. Law Number 31 of 1999 concerning Eradication of Corruption Crimes (UU PTPK): The PTPK Law is the main legal basis governing the eradication of criminal acts of corruption in Indonesia. This law includes provisions regarding the confiscation of corruptor assets as part of criminal sanctions against corruptors.
2. Law Number 20 of 2001 concerning Amendment to the PTPK Law: This amendment provides a further explanation regarding the confiscation of corruptors' assets, including

provisions regarding proving ownership of assets, exclusion of certain types of assets, and the process of managing and selling confiscated assets.

3. Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (UU TPPU): The TPPU Law is a law that is closely related to the appropriation of corruptors' assets because corruptors often use money laundering mechanisms to hide and exploit the proceeds of their corruption. The Money Laundering Law provides a legal basis for the confiscation of assets obtained from criminal acts of corruption.
4. Presidential Instruction Number 3 of 2018 concerning Increasing the Role and Optimizing Community Participation in Combating Corruption: This Presidential Instruction directs the government to increase the effectiveness of corruptor's asset confiscation through inter-agency coordination and involving the community in monitoring and implementing asset confiscation.
5. Government Regulation Number 13 of 2021 concerning Procedures for Confiscation of Goods Proceeds from Corruption Crimes: This Government Regulation provides more detailed guidelines and procedures regarding the confiscation of corruptor assets, including the process of investigation, confiscation, management, and sale of confiscated assets.

Renewal of the criminal law on corruption in the case of confiscation of assets of corruptors in Indonesia continues to be carried out in order to increase the effectiveness of eradicating corruption and recovering state losses. These initiatives aim to provide a strong legal basis, and clear procedures, and strengthen law enforcement agencies in carrying out the confiscation of corruptors' assets.

Mechanism of Asset Confiscation of Corruption in Indonesia

Mechanisms of in personam deprivation and in rem deprivation are two types of deprivation discussed in international principles. 18 The first revocation is known as in personam, which is an act committed by a guilty person through a criminal law mechanism. The prosecutor must be able to prove that the confiscated assets are the result of a crime in this case. Regarding the second form of deprivation, it is also called real deprivation. The terms NCB Asset Forfeiture, civil forfeiture, and civil forfeiture are all used to describe this type of forfeiture. What is meant by confiscation is the confiscation of non-individual assets.

In fact, asset confiscation is a crime that aims to seize the perpetrator's assets. The result of the extra discipline is that additional penalties will continue to follow the main case. This means that assets resulting from crime can only be confiscated if the main case has been examined and it is proven that the person concerned made a mistake. As a result, the court can decide that the state takes goods obtained from crime and destroys and eliminates them. Courts can also take other steps to ensure that these assets are used for the benefit of the state (Pranoto et al., 2018).

In accordance with the provisions of Article 46 paragraph (2) of the Criminal Procedure Code which regulates the confiscation of assets resulting from criminal cases and states that objects that have been confiscated as evidence must be returned immediately if a crime has occurred. discontinued, there are additional sanctions. to those who have the greatest right to receive, according to the decision. In addition, the decision stated that evidence could be confiscated for the benefit of the state. These rulings can be found in economic crimes, drug

trafficking, smuggling, and other related offenses. Evidence deemed dangerous to society or the state can be confiscated and destroyed (Pranoto et al., 2019).

As a result, the Indonesian government has issued a number of regulations which can then be used as a basis for recovering existing state losses. This regulation is based on the provisions of the Criminal Procedure Code that have been enacted by the Indonesian government in responding to losses due to criminal acts of corruption and in terms of compensating for state financial losses due to criminal acts of corruption. Moreover, proper sanctions are needed to curb the rising pace of corruption in Indonesia. If the perpetrator is proven to have committed a criminal act of corruption, then it is appropriate to be given an additional punishment, in this case, confiscation of assets.

In the Indonesian legal system, the Corruption Law also regulates the rules for confiscating assets other than those outlined in the Criminal Procedure Code. In terms of mechanisms for compensating the state for losses due to criminal acts of corruption, the Corruption Law has regulated two legal instruments, namely civil instruments and criminal instruments. The mechanism for confiscating assets in corruption cases has the same arrangements as the Criminal Procedure Code, namely the generally accepted rules for confiscating assets. This is explained in Article 18 paragraph (1) of the Corruption Law which regulates the mechanisms of criminal instruments. The provision clarifies that asset confiscation has evolved into a punishment for those who commit corruption with the intention of returning assets. The judge can impose the main punishment and additional punishment in the form of confiscation of tangible movable property or even intangible immovable property. This is useful for obtaining assets resulting from criminal acts of corruption in this case, namely companies owned by the perpetrators at the place of the case, assets, and substitutes for these goods. The process of confiscating assets in criminal charges can be carried out through the trial process.

Article 32 of the Corruption Law stipulates that if investigators find insufficient evidence of a criminal act of corruption, state losses will be found so that investigators can submit their files to the District Attorney or the injured party. then file a lawsuit. As a result, there are regulations regarding the mechanism for confiscating assets against criminal acts of corruption with civil instruments.

International legal instruments, such as Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption (UNCAC 2003), contain additional arrangements regarding the mechanism for confiscating assets resulting from criminal acts of corruption. This arrangement is used to strengthen efforts to confiscate assets resulting from corruption. In this regard, as stated in Article 54 paragraph 1 of the UN Convention on International Trade in Goods (UNCAC 2003), all countries are obliged to exercise good judgment in all necessary measures so that the confiscation of assets can be carried out without resorting to criminal penalties in circumstances where they cannot sue.

UNCAC 2003 stipulates NCB Asset Forfeiture, a method of confiscating assets that is more effective in confiscating assets in rem. With no proven guilt of the perpetrators, the NCB Asset Forfeiture mechanism is used to confiscate criminal assets. In this situation, the prosecution given to the wrongdoer is not carried out in court but only shows resources as a consequence of the wrongdoing. The NCB's Asset Confiscation Mechanism is based on the notion of formal evidentiary and targets civil law frameworks. This explains why NCB Asset Forfeiture can also be used to seize assets caused by corruption in any jurisdiction.

The development of NCB Asset Forfeiture was triggered by a change in law enforcement paradigm which shifted focus from catching criminals to pursuing losses. Of course, this is important because corruption can harm state funds. As a result, there are several significant contexts for the emergence of asset confiscation as a form of corruption in Indonesia. The NCB's Asset Confiscation System has the capability to confiscate any and all assets resulting from corruption, as well as any and all assets used as tools to commit crimes, especially particularly serious crimes. The existence of the system is expected to increase efficiency.

In fact, if efforts to confiscate assets resulting from corruption cases are not followed by eradicating corruption cases in Indonesia which is carried out by arresting corruptors and imprisoning them, this will still be ineffective in reducing corruption rates. crime. This is because the perpetrators of crime are still allowed to use the proceeds of their crime. Of course, in this case it will provide opportunities for criminals or those who have relationships with criminals to benefit from the proceeds of their crimes, reuse the tools of crime, or even increase previous criminal acts.

Regarding the concept and paradigm of confiscating assets resulting from corruption, many corruptors actually divert the proceeds of their crimes abroad. This is done so that assets resulting from criminal acts can be stored and protected, which is certainly safer than keeping them at home. As a result, tracking and recovering these assets is difficult. Of course, efforts to track and seize assets require a larger budget, are of course complicated, and require quite a long time because they involve many parties. In addition, defendants are only subject to short-term physical confinement and are not required to return assets they have acquired through corruption, reducing the severity of the sentence they face (Muhtar, 2019).

Another factor, a number of corruption defendants were found not guilty due to insufficient evidence. Consequently, the state cannot confiscate assets. It is clear, as a result of this arrangement, that the wrongdoer must first be established before assets can be taken from him. Actually there are still several possibilities that can hinder the completion of the asset confiscation mechanism, such as the perpetrator being unable to continue the process in court or the lack of evidence as previously mentioned. Of course this is very ironic because of the failure of efforts to improve state finances through the criminalization of corruptors and the confiscation of their proceeds.

With regard to the regulations discussed by the author above regarding the confiscation of assets resulting from corruption, there is no single regulation that regulates mechanisms or specific procedures for confiscating assets resulting from corruption from the state. In fact, when viewed from UNCAC 2003, it is stated that each country must be able to think about making rules and decide how to act if necessary so that the confiscation process does not have to go through criminal proceedings. In essence, Indonesia, which is a party to UNCAC 2003, does not yet have a comprehensive regulatory framework that can regulate current asset confiscation schemes. In practice, this mechanism has been used in various crimes, such as drugs and money laundering. However, asset confiscation is still not effective as a way or tool to recover state losses, both criminally and civilly, especially in cases covered by the Corruption Law (Tantimin, 2023).

The aspect of law enforcement is the main component of the asset repair procedure when examined in practice. Law enforcement officials will later carry out the process of repairing assets which is part of the legal process for handling corruption cases. In relation to the previous

explanation, law enforcement officials, in this case, are still experiencing difficulties in confiscating assets, especially in corruption cases that have been controlled by criminal offenders. Efforts to confiscate assets resulting from criminal acts are still lacking or inadequate, international cooperation is inadequate, and law enforcement officers' understanding of the mechanisms for confiscating assets proceeds from crimes is still lacking.

If the mechanism for confiscating assets of corruption in Indonesia is carried out properly, this will provide a number of benefits in efforts to eradicate corruption and recover state losses. Several important aspects that show the mechanism is carried out properly are (Garini & Azzahra, 2022):

1. **Strong Legal Basis:** There are clear and strong laws that regulate the confiscation of corruptors' assets, such as Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. This legal basis provides a strong foundation for law enforcement agencies to carry out asset forfeiture effectively.
2. **Transparent Confiscation Process:** The process of confiscating corruptors' assets is carried out in a transparent and accountable manner. This includes confiscation, inventory, valuation and management of seized assets. This transparency is important to prevent abuse of authority and ensure that the confiscated assets are used as best as possible for the benefit of the state.
3. **Inter-agency Collaboration:** There is good coordination and collaboration between related institutions, such as the Corruption Eradication Commission (KPK), the Attorney General's Office, the Police, and the Supreme Audit Agency (BPK). This collaboration ensures that the asset confiscation process is carried out synergistically and effectively, and avoids overlapping or conflicting policies between institutions.
4. **Strict Legal Protection:** There is strict legal protection for confiscated assets, both to prevent the transfer, concealment, or flight of assets by corruptors or other parties who seek to violate the confiscation process. Strong legal protection helps maintain the integrity and security of confiscated assets during the legal process.
5. **Use of Assets for Public Interest:** Confiscated assets are used for public purposes, especially in recovering state losses. Funds obtained from the confiscation of corruptors' assets can be allocated to development programs, public services, education, health, and other sectors that provide direct benefits to the community.
6. **Resource and Capacity Support:** Law enforcement agencies involved in confiscating corruptors' assets are supported by adequate resources and capacities, such as trained personnel, modern technology, and adequate facilities. This is important to ensure the effective and efficient implementation of the forfeiture process.

By implementing an appropriate mechanism for confiscating assets for corruption, the state can reduce the impact of corruption, recover state losses, and provide a deterrent effect on perpetrators of corruption. It also supports the strengthening of the legal system and law enforcement in efforts to eradicate corruption as a whole.

If the mechanism for confiscating assets of corruption in Indonesia is not appropriate, it can hinder effectiveness in eradicating corruption and recovering state losses. Some of the problems that may arise if the mechanism is not appropriate are as follows (Wedha, 2020):

1. **Ambiguity or ambiguity in the law:** If the law governing the confiscation of corruptors' assets is not clear enough or contains ambiguity, this can affect the confiscation process

and allow legal loopholes that can be exploited by corruptors to avoid having their assets confiscated.

2. Complicated and slow confiscation process: If the process of confiscating corruptors' assets is too complicated, long, or slow, this can hinder efforts to eradicate corruption and restore state losses. Processes that take a long time can provide opportunities for corruptors to hide or transfer their assets elsewhere, thus making confiscation more difficult.
3. Lack of inter-agency coordination: If there is no effective coordination between the agencies involved in carrying out the confiscation of corruptors' assets, this can lead to complications and inefficiencies in the expropriation process. A lack of collaboration and cross-agency information can hinder effective dispossession efforts.
4. Legal and administrative obstacles: If there are legal or administrative obstacles in the process of confiscating corruptors' assets, such as requirements that are too onerous, complicated bureaucracy, or weaknesses in the court system, this can slow down or even hinder the entire process of confiscation.
5. Lack of resources and capacity: If law enforcement agencies do not have sufficient resources and capacity to carry out the confiscation of assets of corruptors, this will become an obstacle in carrying out this task effectively. Lack of trained personnel, adequate technology, or adequate facilities can affect an institution's ability to carry out asset forfeiture efficiently.

If the mechanism for confiscating assets of corruption in Indonesia is not appropriate, an evaluation and update need to be carried out to overcome the existing problems. This involves improving legislation, improving inter-agency coordination, streamlining processes, improving legal and administrative systems, and providing law enforcement agencies with adequate resources and capacity.

CONCLUSION

The renewal of the corruption criminal law regarding the confiscation of corrupt assets aims to strengthen efforts to eradicate corruption and improve existing confiscation mechanisms. The legal reforms carried out included: Law Number 31 of 1999 concerning the Eradication of Corruption Crimes (PTPK Law); Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (TPPU Law); Presidential Instruction Number 3 of 2018 concerning Increasing the Role and Optimizing Community Participation in Eradicating Corruption; Government Regulation Number 13 of 2021 concerning Procedures for Confiscation of Goods Proceeds from Corruption Crimes. Renewal of the corruption criminal law in terms of appropriating corruptors' assets in Indonesia is an important step in eradicating corruption and recovering state losses. Effective mechanisms, inter-agency cooperation, firm legal protection, and the use of confiscation proceeds for the public interest will strengthen efforts to eradicate corruption and increase the integrity and welfare of society.

The mechanism for confiscating corruptors' assets needs to involve cooperation between good institutions, such as the KPK, the Attorney General's Office, the Police and the BPK. Synergic collaboration between these institutions will strengthen efforts to eradicate corruption and ensure the effectiveness of asset confiscation. The importance of strict legal protection for confiscated assets, both to prevent the transfer or flight of assets by corruptors and the acts of obstruction from other parties. Strong legal protection will maintain the integrity of confiscated

assets and ensure their use in the public interest. The proceeds from the confiscation of corruptors' assets can be allocated to recover state losses and other public interests, such as the development of infrastructure, education, health, and community services. This will provide direct benefits to the community and help improve their quality of life

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