

The Urgency of the Asset Confiscation Law in on Effort to Restore State Losses Due to Corruption

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ABSTRACT

Corruption in Indonesia continues to cause significant state financial losses and erode public trust in governance. Traditional criminal sanctions such as imprisonment and fines have proven insufficient to deter corrupt actors, particularly due to the absence of a clear legal framework allowing asset confiscation without requiring a criminal conviction. This study examines the urgency of ratifying the Asset Forfeiture Law as a strategic tool to recover state losses resulting from corruption crimes. Employing a normative juridical approach, the study analyzes relevant laws, literature, and documentation using qualitative and prescriptive methods. Findings reveal that the Asset Forfeiture Law, through its in rem-based asset confiscation mechanism, addresses critical gaps by enabling the state to seize assets suspected of being derived from criminal acts regardless of the perpetrator's criminal conviction. This progressive legal reform not only enhances law enforcement effectiveness but also reinforces social justice by preventing corrupt individuals from benefiting from illicit gains. The study underscores the need for coherent, comprehensive regulations aligned with international standards, facilitating more efficient asset recovery and strengthening public confidence in the legal system. The implications highlight the Asset Forfeiture Law's role in advancing Indonesia's anti-corruption framework and promoting good governance.

Keyword: asset forfeiture, loss restoration, corruption laws

INTRODUCTION

Corruption is an extraordinary crime so that its handling requires unusual measures considering the impact it has caused is very detrimental to the country's economy. Corruption is included in the category of extraordinary crimes because it is generally recognized in an organized manner and involves the abuse of authority by those in power (Ferdian, 2018; Sanjaya, 2023; Simatupang, 2022). This characteristic makes efforts to eradicate corruption even more complex if it only relies on conventional law enforcement officials, especially if corruption practices have become widespread and uncontrollable to affect various aspects of people's lives. Therefore, the imposition of criminal sanctions against corruption perpetrators should be carried out more firmly and comprehensively, considering that the losses of

corruption not only harm state finances, but also cause social losses that are felt by the community at large (Suriyadinata, 2023; Syarafi, 2024; Trinchera, 2020).

The corruption situation in Indonesia is showing an increasingly worrying trend every year. Based on data from the Attorney General's Office (Attorney General), the total state losses due to alleged corruption crimes throughout 2024 reached IDR 310.61 trillion, 7.88 million US dollars, and 58.135 kilograms of gold. In the same year, there were 2,316 cases in the research stage, 1,589 cases in the research process, 2,036 cases that had entered the prosecution stage, and a total of 1,836 cases were executed. In addition, the Corruption Eradication Commission (KPK) received a total of 4,560 reports of public complaints related to alleged corruption crimes. Of these, 3,868 reports were declared to be continued to the verification stage, while 692 reports were archived because they did not qualify as reports that were worthy of follow-up. After the verification process was carried out, 3,867 reports were declared to have been verified, with 1,547 of them continuing for further review. A total of 25 reports were forwarded to the KPK's internal unit for follow-up, while 2 reports were forwarded to external KPK parties according to their authority. Meanwhile, another 2,293 reports were archived because they were not accompanied by sufficient information or descriptions regarding alleged corruption crimes (Listiwati, 2023; Pratiwi, 2023).

Regarding state losses in cases of corruption, Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Corruption Crimes (UUPTPK) has regulated the mechanism for recovering state financial losses. The law has indeed stipulated criminal sanctions in the form of imprisonment and fines for perpetrators of corruption crimes. However, in practice, prison sentences and fines have not been able to have a significant deterrent effect (Hafid, 2021; Hidayat, 2023; Ilahi, 2021; Jannah et al., 2020; Leasa, 2020). Various forms of non-imprisonment sanctions, such as fines, court costs, and compensation, often do not reflect proportionately the serious impact of corruption. This condition implicitly shows that the community also bears the burden of state losses caused by corruption. In addition, many corruption convicts choose to serve corporal punishment rather than pay compensation, which in the end is one of the main factors in the lack of optimal deterrent effect on corrupt perpetrators

This complex condition raises concerns that the main goal of criminalization will never be truly achieved. Based on the existing reality, it is not surprising that there are many complaints from the public who feel that there is an injustice in the sentencing of perpetrators of corruption crimes. One of the effective solutions in overcoming this problem is to impose sanctions that have an impact on the economic aspect of the perpetrators, namely by impoverishing corruptors by confiscating assets resulting from corruption crimes. The plaintiffs must be fully responsible for the losses incurred and are obliged to compensate for all such losses. This approach is in line with the principle of *malis non expediat malos esse* which means that a person who commits a crime should not benefit from his actions. In addition, this is also a form

of legal consequences that should be borne by every perpetrator of a criminal act.

The asset forfeiture law is a rare breakthrough that is urgently needed by law enforcement officials in strengthening the legal system, especially related to (non-conviction based forfeiture). The non-conviction based forfeiture approach provides a wider opportunity to confiscate assets suspected of being derived from criminal acts, as well as other assets that are suspected of being used as instruments for crime, especially in cases of serious cases or cross-border organized crime. Implementing this system is seen as an effective solution, considering that the process of asset confiscation through criminal channels often takes a very long time.

The background of the birth of the law on asset confiscation is based on the background reflected in its considerations, namely that the current system and mechanism of asset forfeiture of criminal acts is still not able to optimally support fair law enforcement and has not been able to encourage the improvement of public welfare as mandated by the 1945 Constitution of the Republic of Indonesia. In addition, the need for clearer and more comprehensive regulations on the governance of seized assets is important to support the achievement of a professional, transparent, and accountable law enforcement system. Therefore, the establishment of a law on the confiscation of criminal assets is an urgent urgency. This law focuses more on the recovery of losses by confiscating assets derived from criminal acts, not only against the perpetrators of the crime. Thus, the presence of this law has also brought a paradigm shift in criminal law, from the traditional approach oriented to a deterrent effect through retributionist to a more progressive approach.

Based on the description above, there is an urgency to reconstruct the criminal law system in Indonesia, especially through regulations regarding the confiscation and confiscation of assets resulting from criminal acts in a stand-alone regulation. This regulation must not only be comprehensive, but also need to have integrity with other legal provisions so that the laws formed can be established effectively, provide legal certainty, and ensure legal protection for the community. In addition, the regulation also needs to be aligned with the generally accepted international legal standards, in order to make it easier for the Indonesian government to cooperate and request mutual legal assistance from other countries in the context of cross-border law enforcement based on the principle of reciprocity.

In an effort to reduce the number of corruption crimes that harm the state's finances, the Indonesian government has proposed the establishment of a Asset Forfeiture Bill. Formally, the bill has actually been included in the National Legislation Program (Prolegnas)

in the last two periods, namely the 2015-2019 period along with 189 other bills, and the 2020-2024 period which contains 284 bills. However, until now there is no clarity on when the bill will become law.

As part of the legal reform to optimize efforts to recover losses due to corruption crimes, the concept is outlined in the Draft Law on Asset Forfeiture through the mechanism of asset forfeiture in rem. In rem Asset Forfeiture, as explained in the Criminal Asset Forfeiture Bill, is a

legal action taken by the state to confiscate assets resulting from criminal acts based on court decisions that have been has permanent legal force, without depending on the criminalization of the perpetrators. Thus, the application of this mechanism is in principle separated from the status of the actor or asset owner as a legal subject.⁸

Indonesia's criminal justice system faces serious challenges in the implementation of anti-corruption laws, including weak legal institutions, complex bureaucracy, and limited resources. In addition, slow legal processes and the use of unclear legal norms are also the main obstacles in prosecuting corruption cases and optimal asset recovery. The social impact of corruption in Indonesia is particularly significant, as it has weakened government institutions and principles of legal supremacy, encouraged the rise of crimes such as smuggling and extortion, and placed an unbalanced burden on the poor who are often forced to bear the costs of corruption.

Corruption in Indonesia remains a severe problem, causing substantial state financial losses and undermining public trust in governance. Existing sanctions like imprisonment and fines have not proven sufficiently deterrent, and the absence of a clear legal framework for asset confiscation without criminal conviction hinders effective recovery of illicitly gained assets. This legal gap allows perpetrators to retain wealth acquired through corruption, exacerbating social injustice and economic inequality.

The urgency to enact a dedicated Asset Forfeiture Law arises from the increasing complexity and scale of corruption, which conventional law enforcement methods struggle to contain. The lack of a robust asset confiscation mechanism impedes efforts to restore state losses, allowing corrupt actors to enjoy the proceeds of their crimes unchecked. Furthermore, the slow legal process in confiscating assets diminishes the effectiveness of anti-corruption initiatives, necessitating immediate legal reform.

Additionally, Indonesia's commitment to international anti-corruption standards, such as UNCAC, requires alignment of domestic laws with global best practices. Enhancing asset recovery mechanisms is crucial for strengthening the rule of law, improving public confidence, and ensuring that corruption offenders do not benefit from their illegal actions.

Previous studies have discussed the challenges of corruption eradication in Indonesia, emphasizing the limited impact of conventional criminal sanctions on deterring corrupt practices (Agustina, 2019; Hafid, 2021). Research highlights the need for legal innovations like asset forfeiture to disrupt the economic incentives of corruption (Anggraini, 2024). Comparative analyses of anti-corruption frameworks globally demonstrate that non-conviction based asset confiscation is effective in accelerating recovery of illicit assets and deterring crime (Trinchera, 2020).

Scholars have also explored the procedural and human rights concerns associated with asset forfeiture, advocating for balanced regulations that protect legitimate property rights while enabling effective enforcement (Hidayat, 2023). The role of institutions like the Corruption Eradication Commission (KPK) in implementing asset recovery strategies has been examined, noting both successes and ongoing challenges (Divania, 2023).

While asset forfeiture is recognized as vital, there is a gap in Indonesian legal scholarship regarding the integration of *in rem* (non-conviction based) asset confiscation mechanisms within the existing criminal justice system. Moreover, empirical assessments of enforcement challenges, procedural safeguards, and socio-legal impacts remain limited. This study addresses these gaps by evaluating the normative, procedural, and practical aspects of the proposed Asset Forfeiture Law.

This research uniquely combines normative legal analysis with a progressive legal theory perspective to highlight the urgency and potential benefits of the Asset Forfeiture Law in Indonesia. It underscores the law's role in shifting from traditional punitive approaches to a more effective, asset-focused framework, promoting social justice and state financial recovery. The study also offers policy recommendations grounded in both international legal standards and Indonesia's contextual realities.

The study aims to examine the urgency of ratifying the Asset Forfeiture Law as a strategic instrument to enhance the recovery of state losses caused by corruption crimes. It seeks to analyze the law's potential to strengthen law enforcement, improve deterrence, and align Indonesia's anti-corruption framework with global best practices.

This study provides valuable insights for policymakers, legal practitioners, and anti-corruption agencies by clarifying the need for and benefits of the Asset Forfeiture Law. It supports the development of legal policies that facilitate more effective asset recovery, reinforce public trust in the justice system, and contribute to social justice by ensuring corrupt actors are deprived of illicit gains. The findings can guide legislative processes and institutional reforms in Indonesia's fight against corruption.

METHOD

This study uses a normative juridical approach, by examining issues raised through a review of positive law, especially related to the regulation of the Asset Forfeiture Law as an instrument in recovering state losses due to corruption. The analysis method used is qualitative which focuses on an in-depth understanding of the legal phenomenon being studied. In addition, this research is prescriptive, which aims to provide legal policy proposals or recommendations to strengthen regulations related to asset confiscation in order to support efforts to eradicate corruption more effectively.

The data collection technique in this study was carried out through a literature study which included references from books, scientific journals, articles, and draft laws on asset confiscation. The data that has been collected is then analyzed and compiled descriptively, by examining the legal phenomena that are the focus of the research systematically and

objectively. This analysis is also linked to the perspective of progressive Legal Theory in order to gain a more contextual understanding. Through this approach, the research is expected to be able to provide a comprehensive picture of the urgency of the passage of the law on the confiscation of assets resulting from corruption crimes, as well as highlight its implications in realizing social justice and the ability of the law to adapt to the dynamics of the times.⁹ In addition, the results of this study are expected to offer constructive recommendations for the development of legal policies in efforts to eradicate corruption in Indonesia.

RESULTS AND DISCUSSION

The Urgency of the Asset Forfeiture Law in Efforts to Recover State Losses Due to Corruption Crimes

Corruption crimes are categorized as extra ordinary crimes because they have a higher

level of complexity compared to conventional crimes and other special crimes¹⁰. Corruption can be interpreted as a form of abuse of power for the benefit of certain individuals or groups, which ultimately damages public trust and causes losses to society. The impact of corruption crimes is very significant on social life and development processes, resulting in serious economic losses, hindering the efficiency of resource allocation, increasing transaction costs, and reducing investment interest. In addition, corrupt practices are also the main obstacle in infrastructure development and the provision of public services which play an important role in improving people's welfare and quality of life. The injustice in the distribution of resources caused by corrupt practices has deepened social inequality, making vulnerable groups increasingly excluded from access to rights and opportunities. Therefore, corruption not only hinders the process of economic growth, but also damages the social and political foundations that are essential for the realization of a just and prosperous social order.

According to the Law of the Republic of Indonesia Number 27 of 2003 article 1 number 1, what is meant by state finance is all rights and obligations owned by the state that can be expressed in the form of money and wealth that belongs to the state in connection with the implementation of the right to fund these obligations. In this context, the state not only has certain rights over finance, but also assumes responsibilities that are part of its main function. The existence of these rights and obligations is a mutual relationship that is interrelated and cannot be separated from each other.

State financial loss refers to a clear and measurable reduction in money, securities, or state assets, which is caused by unlawful actions, whether done intentionally or negligently. Such losses can also arise from wrong policies, self-enrichment actions of individuals, other people, or a corporation. In some cases, state financial managers lose awareness of their responsibilities, causing losses to the state. Laws and regulations emphasize that the calculation of state losses must refer to losses that actually occur and can be ascertained. This is affirmed in article 1 number 22 of Law Number 1 of 2004 concerning State Treasury, which states that: "Lack of money, securities, and goods that are real and definite as a result of unlawful acts, either intentionally or negligently."

The term "real and certain" indicates that the loss must be proven concretely, including with legal documents showing that the asset in question belongs to the state.¹³ In Indonesia, the implementation of asset forfeiture is currently carried out through

civil and criminal law channels by referring to the provisions contained in the Criminal Code, the Criminal Code, and a number of special laws, including article 18 (a) of Law Number 20 of 2001 Jo Law Number 31 of 1999 concerning the Eradication of Corruption. However, existing regulations are still considered to have not provided a significant deterrent effect for perpetrators of corruption crimes that have not functioned optimally as a prevention instrument.

However, the current legal provisions have not been able to be an effective basis for the

implementation of asset confiscation. This condition is the background for the birth of the Asset Forfeiture Law in response to the increasing cases of corruption and other crimes that cause great losses to the state and society. Considering the high rate of corruption in Indonesia, the losses caused are very significant. For example, in the crude oil corruption case involving PT Pertamina Patra Niaga, the state suffered losses of up to Rp.193.7 trillion. In addition, in the case related to PT Timah, there was a very large state loss, namely Rp. 217 Trillion due to environmental damage in PT Timah's IUP area and Rp. 29 Trillion from the financial losses of the company itself.

In this context, a regulation is needed that is able to effectively support the process of confiscating assets obtained through illegal means, with the aim of recovering state losses while having a deterrent effect on law violators. The presence of the Law is intended to strengthen law enforcement measures and eradicate corruption through a more strict and structured asset forfeiture mechanism. In addition, this law is expected to be a means of improving the national legal system in dealing with economic crimes, as well as providing maximum protection for the public from the negative impact of corrupt practices.

The Asset Forfeiture Bill raises various debates and challenges, especially related to human rights and the protection of legally acquired assets. On the other hand, the Asset Forfeiture Law is seen as a strategic step in efforts to eradicate corruption and economic crimes, as well as a suggestion to recover state losses. In the drafting process, it is hoped that the active involvement of various parties, including civil society, will be created in order to create a balance between the effectiveness of law enforcement and the protection of individual rights.

Some of the obstacles faced by law enforcement officials in confiscating assets resulting from criminal acts include the limitations of legal instruments that support the process, the lack of optimal international cooperation, and the lack of understanding of the procedures and mechanisms of asset confiscation. In addition, the process of confiscating assets by the state often takes a long time, because it can only be carried out after a court decision with permanent legal force.

In the development of international law, the confiscation and confiscation of assets and tools used in crimes are seen as an important component in reducing the crime rate. In fact, the confiscation of assets is specifically regulated in Chapter V of the United Nations Convention Against Corruption (UNCAC), which emphasizes the importance of taking the proceeds of crime as part of the settlement of cases. Indonesia itself has ratified the UNCAC through Law Number 7 of 2006, which gives the state the authority to trace and seize illegal assets hidden abroad. In addition to UNCAC, several other international conventions also regulate the confiscation of assets resulting from criminal acts, such as the UN Convention on Illicit Circulation in Drugs and Psychotropic Substances (1988), the UN Convention on Traditional Organized Crime (2002), and other policies in the UN Convention on the Eradication of Terrorism.

As an independent state institution, the Corruption Eradication Commission (KPK) has a

strategic role in efforts to eradicate corruption in Indonesia. The KPK has the main responsibility in conducting investigations, investigations, and prosecutions of corruption crimes. In addition, the enforcement function, the KPK also carries out a preventive role through the development of policies and systems that support transparency and accountability in the government and other sectors. The authority of the KPK includes handling corruption cases involving state officials and actors from the private sector. The KPK also plays a role in coordinating with various agencies, including law enforcement officials and government agencies, to strengthen the effectiveness of cooperation in the mission of eradicating corruption.

The KPK faces instrumental obstacles stemming from the limited legal tools available, so that efforts to handle corruption crimes have not been carried out optimally. The existence of overlapping laws and regulations also triggers corrupt practices and hinders the effectiveness of law enforcement.

The Progressive Legal Theory put forward by Prof. Satjipto Raharjo has strong relevance in the context of corruption eradication, especially in understanding the value of justice contained in the Asset Forfeiture Law. After the basic principles of progressive law that emphasize that the law must develop in line with the dynamics of human life, the implementation of these principles in the Asset Seizure Bill is expected not only to provide a deterrent effect to corrupt actors, but also to be able to bring justice and improve the welfare of the affected communities. This is in line with the view of Prof. Satjipto Raharjo who emphasized that the law must be adaptable to the changing times which plays a role in protecting the public interest and encouraging the creation of social justice through effective law enforcement.

The Asset Forfeiture Law not only serves as a legal instrument, but is also an important strategy in strengthening the country's financial integrity and improving people's welfare. Through the implementation of this law, it is hoped that law enforcement against corruption crimes can run more optimally. This regulation provides a firm legal basis for law enforcement officials in identifying and confiscating assets derived from corruption crimes. This step is crucial in realizing justice for the community affected by corrupt practices, as well as providing an opportunity to return the losses that have been caused. The existence of the Asset Forfeiture Law shows the government's seriousness in upholding the values of social justice and ensuring that no party is immune from the law in accordance with the principle of equality before the law.

The Asset Forfeiture Law has a great opportunity to become a powerful instrument in eradicating corruption and strengthening social interests in Indonesia. The success of its implementation is highly determined by the seriousness of all elements of the nation in encouraging honest and open law enforcement, in order to achieve the goal of social justice. Asset forfeiture should ideally be positioned as a complementary step in the criminal law system, not as a substitute for the criminal enforcement process itself.

Implementation of the In Rem Approach in the Asset Forfeiture Law

Efforts to combat crime continue to increase in line with the dynamics of the times. Traditional approaches that focus on arresting and imprisoning perpetrators are starting to be seen as less effective, especially against economic crime. Therefore, now it is turning to an asset recovery strategy that aims to reclaim the profits of crime rather than just arresting the perpetrators. In Indonesia, the mechanism for asset forfeiture is still slow, providing an opportunity for perpetrators to hide their assets or even enjoy the proceeds of crime. This hinders the achievement of the main purpose of asset confiscation, which is to prevent the behavior from reaping the benefits of its illegal actions.

Corruption, which is classified as an extraordinary crime, not only causes losses to state finances, but also erodes public trust in government institutions. According to data from Transparency International, the Corruption Perception Index (CPI) in Indonesia in 2024 shows an increase, with the score rising to 37 from 34 in the previous year. This increase also pushed Indonesia's position up to 99th out of 180 countries, higher than the previous year's position which was ranked 115th. This fact indicates that efforts to eradicate corruption are still not running optimally. Especially in the aspect of recovering state losses due to corruption. In 2022, the total state losses caused by corruption crimes reached IDR

310.61 trillion. However, the amount of compensation through the penalty mechanism for compensation only reached Rp2,544,426,279,509 (two trillion five hundred and forty-four billion four hundred and twenty-six million two hundred and seventy-nine thousand five hundred and nine rupiah), which already includes the determination of use status (PSP) and grants. This large comparison emphasizes more progressive and effective legal reform in efforts to eradicate corruption (Dimant & Tosato, 2018; Fisman & Golden, 2017; Olken & Pande, 2012).

Asset forfeiture is classified into two forms, namely in personam and in rem. Deprivation in personam is part of the criminal sanctions imposed on individuals through a court decision. In its implementation, the application for forfeiture is submitted at the same time as the prosecution file, where the public prosecutor is obliged to prove that the asset in question is the result or means of a criminal act. Meanwhile, in rem confiscation is a civil law mechanism that begins with a lawsuit against assets, separate from criminal proceedings, which requires proof that the assets are indicated to be related to a criminal act. Based on the provisions of the Draft Law on Asset Forfeiture, in rem confiscation is defined as the state's action in taking over assets through a civil court decision based on strong enough evidence that the assets originate from, or are used for, a criminal act.

The Law on Asset Forfeiture provides a new paradigm in efforts to eradicate a crime of corruption through an in rem implementation approach. This approach focuses on assets as the main legal objects that can be subject to forfeiture without the need to prove the perpetrator's individual fault. The concept allows for the seizure of assets in situations where the suspect has died, fled, or is unknown. One of the provisions contained in this Bill is Article 7 paragraph

(1), which expressly states that the asset confiscation process can still be carried out even if the suspect cannot be presented in court. Through this mechanism, the state has a greater opportunity to recover losses incurred due to corruption crimes.

A similar approach as stipulated in the Asset Forfeiture Bill has the potential to be a breakthrough step in the eradication of corruption. Corruption not only causes losses to state finances, but also has a direct impact on losses experienced by the wider community. The magnitude of these losses reflects a significant level of damage to the stability and growth of the national economy. Through the implementation of a more progressive asset forfeiture mechanism as stipulated in the Asset Forfeiture Law, the potential for similar losses can be suppressed more effectively. This condition is also a weakness of the current legal system. With the passage of the law, the state gains the authority to immediately confiscate assets related to criminal acts without having to wait for the criminal process against the perpetrator to be completed. This step not only accelerates the process of recovering state losses, but also emphasizes the state's commitment to efforts to eradicate corruption as a whole.

The Asset Forfeiture Law provides an opportunity to expand the scope of the law and address the recovery of state losses, which in this context is known as an asset recovery that is necessary as a preventive measure against crimes with economic motives. This mechanism is different from conventional assets which are in addition to criminal penalties, so it is called Non-Conviction Based (NCB). In this Law, this *in rem* approach is the core that suppresses assets as legal subjects that can be confiscated. This is different from the *in personam* approach which requires proof of the perpetrator's individual guilt before assets related to the crime can be confiscated. In the *in personam* approach, recovery depends on the existence of the perpetrator, which can pose significant obstacles in the judicial process. The *in rem* approach overcomes these obstacles by allowing asset confiscation based on the link of the asset to the crime, without the physical need of the perpetrator

In rem affirmation is a legal paradigm that focuses on assets or objects as the main subject in a case. In the legal framework of asset confiscation of assets, this approach gives the state the authority to confiscate assets suspected of being related to criminal acts, without having to prove the guilt first. The *in rem* approach places assets as subjects that can be confiscated independently if proven to be connected to a criminal act. This approach is relevant to cases where the suspect escaped, died, or could not be found. By emphasizing the relationship between assets and criminal acts, the *in rem* approach provides a more flexible and efficient solution in an effort to recover state losses due to corruption.

There are challenges in the implementation of *In rem* which are considered contrary to human rights and legal principles. The confiscation of assets *in rem* does not violate economic rights or property rights. Viewed from a conceptual perspective, *in rem* deprivation sets certain restrictions and prioritizes the principle of equality before the law in the process of resolving it. Therefore, concerns about violations of economic rights or property rights can be avoided, as

long as law enforcement against asset confiscation in rem is carried out consistently in accordance with the established mechanism.

The Asset Forfeiture Bill (Asset Forfeiture Bill) was drafted to adopt this approach to address the existing legal vacuum. The Corruption Law has not been able to accommodate cases where suspects cannot be tried for various reasons. This situation creates a considerable legal loophole, considering the large number of cases where assets obtained from criminal acts remain unconfiscated due to obstacles in the criminal process.

One of the provisions in this bill is Article 7 paragraph (1), which states that asset confiscation can be carried out even if the suspect has died, fled, or is unknown. This provision provides a strong legal basis to ensure that assets obtained from crime do not remain in the hands of the perpetrator or other parties who benefit from the crime. In addition, Article 5 paragraph (2) of this bill expressly stipulates that assets that are not proportional to income or a legitimate source of wealth can be confiscated, if the owner fails to prove the origin of his wealth.

The asset forfeiture process not only accelerates asset recovery, but also provides clearer legal certainty for the state. Article 6 paragraph (1) stipulates that assets that can be confiscated are assets with a minimum value of one hundred million rupiah or assets related to the threat of criminal acts that are punishable by imprisonment of four years or more. This mechanism allows investigators or public prosecutors to immediately order the blocking and confiscation of assets based on strong suspicions that the assets originate from criminal acts (Agustine, 2019; Anggraini, 2024; Divania, 2023; Faridzi & Nachrawi, 2022; Fernanda, 2023).

Substantially, the Forfeiture Act reflects a step forward in Indonesia's legal reform, by integrating international legal principles and best practices from other countries. The in rem approach carried out in this bill is not only relevant in the context of eradicating corruption but also in efforts to strengthen the legal system as a whole. Indonesia can demonstrate its commitment to creating clean, transparent, and accountable governance. In the long term, the implementation of the Asset Forfeiture Law is expected to be one of the main pillars in efforts to build a country free from corruption.

CONCLUSION

The results of this study confirm the high urgency of enacting the Asset Forfeiture Law to support corruption eradication efforts in Indonesia. This law not only facilitates the recovery of illegally acquired assets but also plays a crucial role in restoring public trust in the government's legal system. By regulating an in rem-based asset forfeiture mechanism, the law offers a progressive solution to overcome significant challenges in combating corruption. Focusing on assets as the primary subject of legal action, this approach effectively fills the existing legal vacuum that has hindered the recovery of state losses caused by corruption crimes. For future research, it is recommended to examine the practical implementation of the

Asset Forfeiture Law across various jurisdictions in Indonesia, evaluate its impact on the efficiency of asset recovery, and explore potential legal and human rights concerns arising from in rem forfeiture processes to ensure balanced and fair application.

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