THE URGENCY OF LEGAL REGULATIONS REGARDING ASSET CONFISCATION IN CORRUPTION CRIMES AS AN EFFORT TO RECOVER STATE LOSSES

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ABSTRACT

Indonesia faces corruption as an extraordinary crime that undermines economic stability and democratic values. Current law enforcement still tends to use a conventional approach, emphasizing corporal punishment rather than restitution of state losses. Consequently, the recovery of assets obtained from corruption is less than optimal due to weak evidence and asset tracking processes. Based on these issues, this study formulates three issues: how to enforce the law on corruption crimes, the urgency of regulating asset confiscation as an effort to recoup state losses, and the criminal law policy regarding asset confiscation in corruption crimes.

This research employs a normative legal method with a statute approach. The research is descriptive and analytical in nature, utilizing secondary data in the form of primary, secondary, and tertiary legal materials. Data were collected through literature review and analyzed qualitatively to provide systematic solutions.

The research findings show that corruption law enforcement in Indonesia still relies on a follow-the-suspect approach rather than a follow-the-money approach. The current asset confiscation mechanism (in personam) has limitations, particularly when the defendant dies or flees, thus hampering the recovery of state losses. Therefore, there is an urgency to pass the Asset Forfeiture Bill to adopt a more progressive and asset-oriented non-conviction-based asset forfeiture (NCB) mechanism. Future criminal law policy must integrate penal and non-penal approaches so that asset confiscation becomes the primary instrument for recovering state losses, as initially accommodated in the new Criminal Code.

Keywords: Urgency, Corruption, Asset Confiscation, State Losses.

A. Introduction

Indonesia is a state based on law, not just power. This demonstrates that the Republic of Indonesia upholds democratic legal principles, based on Pancasila and the 1945 Constitution. The law regulates what actions must be taken, what is permitted and what is prohibited. The legal objectives sought to be achieved include not only individuals who clearly violate the law, but also potential legal actions, as well as state officials' obligation to act in accordance with the law. This legal process constitutes a form of law enforcement.

The development process can create progress in people's lives, but it can also lead to changes in social conditions that have negative impacts, particularly related to the increase in crime that disrupts society. One type of crime that can be considered particularly glaring is corruption. This crime not only harms state resources but also violates people's social and economic rights. Around the world, corruption consistently receives greater attention than other types of crime. This is understandable because of the negative consequences it causes. These impacts can affect various aspects of life.[1]

Corruption is a serious problem that can threaten the stability and security of communities, undermine socio-economic and political development, and destroy democratic and moral values. Over time, this practice seems to have become the norm. Corruption threatens the goal of achieving a just and prosperous society. To date, many parties have accepted the existence of corruption rather than working to eliminate it, even though corruption is a form of crime that can affect various interests, including human rights, state ideology, the economy, state finances, public morals, and others. This is a destructive act and tends to be difficult to overcome. To date, many people have tended to accept the presence of corruption rather than working to eradicate it.

Corruption is a crime that can undermine the order of government and social life. Legally, corruption is defined as an unlawful act committed intentionally through the abuse of authority for the purpose of enriching oneself, others, or corporations. Although corruption is a type of crime that can affect various interests, including human rights, state ideology, the economy, state finances, public morals, and others, it is a detrimental act and tends to be difficult to address.[2]

The difficulty of handling corruption cases is evident in the frequency with which defendants in corruption cases are acquitted or receive very light sentences, disproportionate

[1]Evi Hartani, 2023, Criminal Acts of Corruption, Jakarta: Sinar Grafika, page 1.
[2]Ibid., page 1.

to their actions. This is highly detrimental to the state and hinders development progress. If this situation persists over a long period of time, it can erode the sense of justice and public trust in existing laws and regulations. Corruption cases are extremely difficult to uncover because the perpetrators utilize advanced technology and often involve many people in hidden and planned situations. Therefore, these crimes are often known as white-collar crimes, committed by officials or powerful individuals in a structured and complex manner. Corruption is also classified as an extraordinary crime due to its widespread impact and the large-scale losses it causes to the state.[3]

Corruption is a problem that is a concern both within the Indonesian government and internationally. The high number of corruption cases can threaten democratic principles that uphold transparency, accountability, and integrity. The international community has stated that corruption also threatens societal stability and security, ethical values, and justice, and undermines sustainable development in a state governed by the rule of law. Therefore, the international community frequently holds conferences and establishes regulations to highlight corrupt practices occurring in various countries.[4]

Several national legal instruments related to the eradication of corruption that have been issued by the Indonesian government are:

1. MPR RI Decree Number XI/MPR/1998 concerning the Implementation of a Clean State Free from Corruption, Collusion and Nepotism.
2. Law Number 28 of 1999 concerning the Implementation of a Clean State Free from Corruption, Collusion and Nepotism.
3. Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001.
4. Law Number 30 of 2002 concerning the Corruption Eradication Commission.
5. Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters.
6. Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.
7. Presidential Instruction of the Republic of Indonesia Number 5 of 2004 concerning the Acceleration of Corruption Eradication.

[3]Ibid., page 2.

[4]Ibid., page 2.

8. Presidential Instruction of the Republic of Indonesia Number 9 of 2011 concerning Actions to Prevent and Eradicat Corruption in 2011.
9. Presidential Instruction of the Republic of Indonesia Number 17 of 2011 concerning Action to Prevent and Eradicat Corruption in 2012.
10. Presidential Regulation of the Republic of Indonesia Number 55 of 2012 concerning the National Strategy for the Prevention and Eradication of Corruption for the Long Term 2012-2025 and the Medium Term 2012-2014.
11. Presidential Instruction of the Republic of Indonesia Number 1 of 2013 concerning Action to Prevent and Eradicat Corruption in 2013.
12. Presidential Instruction of the Republic of Indonesia Number 7 of 2015 concerning Actions to Prevent and Eradicat Corruption in 2015.

Law number 31 of 1999 which was amended by Law number 20 of 2001 states that the types of criminal acts of corruption are:

1. Bribery is regulated in Article 5 of Law 20/2001, Article 6 of Law 20/2001, Article 11 of Law 20/2001, Article 12 letters a, b, c, and d of Law 20/2001, Article 13 of Law 31/1999.
2. Harming state finances as regulated in Articles 2 and 3 of Law 31/1999 in conjunction with Constitutional Court Decision No. 25/PUU-XIV/20.
3. Embezzlement in office is regulated in Article 8 of Law 20/2001, Article 9 of Law 20/2001 and Article 10 letters a, b and c of Law 20/2001.
4. Extortion is regulated in Article 8 of Law 20/2001, Article 9 of Law 20/2001 and Article 10 letters a, b and c of Law 20/2001.
5. Fraudulent acts regulated in Article 7 paragraph (1) of Law 20/2001.
6. Conflicts of interest in procurement are regulated in Article 12 letter i of Law 20/2001 and gratuities are regulated in Article 12B paragraph (1) of Law 20/2001.[5]

The Corruption Eradication Commission (KPK) acts as the primary institution that handles the stages of the investigation, inquiry, and prosecution of corruption cases independently and professionally in order to create clean and corruption-free governance. In

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[5] Online Law, "Types of Corruption Crimes and Examples"". www.hukumonline.com. Accessed on Tuesday, October 28, 2025 at 20:22 WIB.

its implementation until the trial process, the law enforcement mechanism for corruption crimes does not only focus on punishing perpetrators of corruption through corporal punishment such as the death penalty or imprisonment but is also necessary for the prosecution of the return of state losses or additional penalties by confiscating assets from the proceeds of corruption. This aims to ensure that assets obtained from the proceeds of corruption illegally can be returned to the state treasury as an effort to recover state losses.[6]

Asset confiscation as an effort to impoverish perpetrators of corruption is a strategic step in combating corruption in Indonesia. Assets derived from corruption, both domestically and internationally, can be traced, frozen, confiscated, and then handed over to the state, thereby recovering the losses incurred by the corruption. In this situation, asset confiscation serves as a means to remove the motivation for perpetrators of corruption, preventing them from enjoying the wealth obtained from their criminal activities. In accordance with the teachings of the Quran and Hadith, namely:

Surah Al-Baqarah verse 188 which confirms:

God bless you وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ God bless you

"Do not eat the wealth between you in a false way and (do not) bring (the affairs of) the wealth to the judges with the intention that you can consume some of other people's wealth in a sinful way, even though you know. (QS Al-Baqarah: 188).

Hadith narrated by Imam Bukhari said: "Hajjaj bin Minhal told us that Shu'bah told me that Adi bin Thabit told me that he heard Abdullah bin Yazid from the Prophet sallallaahu 'alaihi wasallam that he forbade nuhbah (robbery) and acts of mutilation."

Asset confiscation as an additional sanction in corruption cases is regulated in the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP). The KUHP, specifically Articles 10 and 156, stipulate that confiscation is a judicial action in the form of an additional decision that revokes a person's ownership rights to assets obtained through criminal activity and which may become state property. Under the KUHP, before assets can be confiscated, investigators must first conduct a confiscation as the initial step in the confiscation process.[7]

Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which has been amended to Law Number 20 of 2001, stipulates the confiscation

[6]Evi Hartani, Op.cit., pages 12-14.

[7]Rizky Chandra, P. (2025). "Human Rights Perspective on Asset Confiscation Based on the Asset Confiscation Bill". pages 45-46.

of assets as an additional punishment in Article 18 paragraph (1) letter a, which includes the confiscation of tangible and intangible movable goods used or obtained from criminal acts of corruption, including companies owned by convicts and replacement goods. This provision is the main legal basis in efforts to recover state losses through the confiscation of assets originating from criminal acts of corruption.[8]

The implementation of asset confiscation in the eradication of criminal acts of corruption in Indonesia is expected to support law enforcement efforts and recover state losses due to corruption. Asset confiscation is part of corruption control that emphasizes the recovery of state financial losses as clearly stated in Article 18 paragraph 1 letter b of Law Number 31 of 1999 which has been amended to Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.[9]

The implementation of the asset confiscation mechanism faces several real obstacles that hinder the efficient recovery of state losses. One major challenge is the difficulty of tracking widely dispersed assets, particularly assets of corruptors hidden abroad. This is exacerbated by limited coordination between law enforcement agencies, both nationally and internationally, which is needed to integrate efforts to track and recover these assets. Furthermore, the legal framework and mechanisms established at both the national and international levels are not yet comprehensive and efficient enough to ensure that the seizure, confiscation, and transfer of assets are carried out optimally and expeditiously.[10]

Asset confiscation has not been maximized because the Asset Forfeiture Bill currently being deliberated in the House of Representatives has not yet been approved. The bill could be an effective tool by emphasizing assets, although there are still issues with inter-institutional coordination and legal policy that require transparency.[11]Accelerating the ratification of the Asset Forfeiture Bill and aligning it with the new Criminal Code and the Criminal Procedure Code (KUHAP) is a solution to strengthen the legal basis and effectiveness of law enforcement in order to recover state losses due to corruption. This situation indicates

[8]Ibid., pages 45 - 46.
[9]Pebrianto, R., et.al. (2025). "Discourse on Asset Confiscation as a Form of Restitution for State Financial Losses Due to Criminal Acts of Corruption." Journal of Legal Struggle, No. 1. pages 313-326.
[10]Asy'ari, KD, & Naibaho, N. (2024). "Asset Confiscation in Efforts to Recover Assets Proceedings of Corruption in Indonesia," Journal of Law, Humanities and Politics, No. 5. page 1973.
[11]Saputro, HJ, & Chandra, TY (2021). "The Urgency of Recovering State Financial Losses Through Asset Blocking and Confiscation as a Strategy for Enforcing Corruption Law." Mizan: Journal of Islamic Law, No. 2. pages 273-290.

that the provisions regarding asset forfeiture in the Indonesian legal system are currently scattered across various laws and regulations, without a single specific law specifically governing the mechanism for asset forfeiture. Existing regulations still place asset forfeiture as an additional penalty that relies on proving the perpetrator's guilt through an in personam mechanism.

This situation shows a gap between the goal of eradicating corruption and the reality of legal implementation in the field. The bill on the confiscation of criminal assets based on the first basis is that the existing system and mechanism regarding the confiscation of assets resulting from criminal acts, as well as the instruments used in committing criminal acts, are currently unable to support efforts to enforce the law fairly and improve the welfare of the people as mandated by the 1945 Constitution of the Republic of Indonesia. Second, clear and comprehensive regulations regarding the management of confiscated assets will encourage the realization of professional, transparent and accountable law enforcement. Third, that based on the first and second statements, it is necessary to form a law on the Confiscation of Criminal Assets by considering Article 5 paragraph (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia.[12]

Various studies have shown that asset confiscation in corruption cases not only serves as an element of criminal law enforcement but also as a crucial tool in recovering state financial losses. Through sanctions such as asset confiscation, corruptors lose their illegally obtained financial gains and send a clear message to the public that corruption has severe consequences, including not only imprisonment but also the loss of valuable assets.[13]

In Indonesian law enforcement, asset forfeiture is regulated as a mutually supportive administrative and criminal law measure. With coordination between institutions such as the Police, the Prosecutor's Office, the Corruption Eradication Commission, and the courts, the asset forfeiture process begins with freezing and confiscation, ending with auction and the transfer of proceeds to the state. This process requires a clear approach to avoid legal issues and prevent attempts to evade or conceal assets by suspects or other involved parties.[14]

[12]Yusmar, W., Somawijaya, S., & Putri, NS (2021). "The Urgency of Ratifying the Draft Law on Confiscation of Criminal Assets as an Effort to Eradicate Money Laundering with Narcotics as a Predicate Crime." Galuh Justisi Scientific Journal, No. 2. pages 219-240.

[13]Ibid., pages 219-240.

[14]Ilma, HA (2024). "Challenges of the Non-Conviction Based Asset Forfeiture Mechanism in the Draft Asset Confiscation Law in Indonesia." Ma'mal: Journal of Sharia and Law Laboratory. No. 4. pages 321-344.

Given the importance of asset confiscation in efforts to recover state financial losses resulting from corruption, a legal analysis of its legal aspects, implementation requirements, and emerging obstacles is essential. This research is expected to provide a comprehensive overview that serves as a basis for strengthening regulations, improving procedures, and recommending policies that embody the principles of accountability, transparency, and effectiveness in combating corruption in Indonesia.[15]Therefore, strengthening and establishing more effective legal arrangements for asset confiscation is an urgent matter that cannot be postponed to ensure optimal recovery of state losses. This study will discuss in depth the legal principles for enforcing asset confiscation, the urgency of legal arrangements, and policies as concrete solutions to increase the effectiveness of efforts to recover state losses.

B. Research Methods

A study cannot be called research if it does not have a research method.[16] Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.[17]

C. Discussion

1. Law Enforcement in Handling Criminal Acts of Corruption

Corruption is a serious problem facing many countries, including Indonesia. It is an act in which an individual uses their power or authority for personal gain, often disregarding the law and ethics. The impact of this act is far-reaching; it not only harms state finances but also hinders economic growth and undermines public trust in government institutions. Corruption is considered an extraordinary crime, meaning its handling requires a more serious and structured approach.

The importance of effective law enforcement in eradicating corruption cannot be underestimated. Without decisive action from law enforcement officials, corruption will continue, harming both society and the state. Therefore, we need to understand that law

[15]Ibid., pages 321-344.

[16] Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, *14*(1).

[17] Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. Pena Justisia: Media Komunikasi dan Kajian Hukum, 24(1), 3554-3462.

enforcement is not just about imposing punishment, but also efforts to recover state losses and prevent similar crimes from recurring in the future.

In this context, we must encourage better regulation and collaboration between law enforcement agencies. With the right approach, we can hope to reduce corruption and restore public trust in the government. Let's take a closer look at existing law enforcement mechanisms and the challenges faced in eradicating corruption.

In Indonesia, law enforcement against corruption involves several institutions, namely the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police. Each institution has distinct authorities and roles, but they complement each other in the fight against corruption. The KPK has specific authority to handle strategic cases with broad impacts, while the Prosecutor's Office and the Police are responsible for investigations and prosecutions.

However, in practice, inter-agency collaboration often faces challenges. For example, there are cases where law enforcement officers from certain agencies are involved in corruption, which undoubtedly compromises the integrity of law enforcement as a whole. This demonstrates the importance of maintaining integrity and professionalism within each law enforcement agency to achieve the goal of eradicating corruption.

We also need to develop a system that supports collaboration between institutions, so that law enforcement becomes more effective. Through close and transparent cooperation, we can create an environment that not only prosecutes corruptors but also restores public trust in Indonesia's legal system. Let's explore further the challenges and solutions in enforcing corruption laws.

The challenges of enforcing corruption laws in Indonesia are complex. One major issue is the difficulty in proving and confiscating the proceeds of crime. While many corruption cases are successfully uncovered, not all perpetrators are effectively punished, particularly when the assets obtained through the crime have been moved or disguised. This results in irrecoverable state losses.

Weaknesses in existing legal mechanisms also pose a barrier. Currently, the evidentiary process still relies heavily on difficult-to-obtain evidence, and many cases are hampered by lengthy and complicated procedures. Therefore, we need to find new, more effective approaches to eradicating corruption, including implementing asset confiscation mechanisms without having to wait for a criminal verdict.

Recommendations for strengthening law enforcement include regulatory reforms, capacity building for law enforcement officers, and strengthening inter-agency cooperation. With these steps, we can hope to improve the law enforcement system and achieve our goal of eradicating corruption more effectively. Let us all commit to creating a corruption-free and better Indonesia for the future.

2. The Urgency of Legal Regulations on Asset Confiscation for Perpetrators of Corruption Crimes as an Effort to Recover State Losses

Asset confiscation is a crucial instrument in the criminal justice system, aimed at recovering state losses resulting from criminal acts, particularly corruption. In this context, asset confiscation aims not only to punish the perpetrator but also to ensure that the proceeds of crime are not shared with the perpetrator. This is crucial given the far-reaching impact of corruption on the economy and social justice.

The importance of legal regulation of asset forfeiture is evident in the increasing complexity and variety of methods used by corruptors to conceal the proceeds of their crimes. Therefore, the state needs an effective legal mechanism to address this challenge. Asset forfeiture, carried out legally through a court decision, can be an effective tool to recover state losses and prevent perpetrators from benefiting from the proceeds of their crimes.

With clear and firm legal regulations, it is hoped that the asset confiscation process will be more effective. This will help ensure justice for those harmed and strengthen public trust in the legal system and government.

Asset forfeiture mechanisms consist of two main types: in personam and in rem. In personam forfeiture is an action directed at an individual as part of a criminal sanction, while in rem forfeiture focuses on the asset itself, without necessarily linking it to a specific individual. This allows the state to seize assets contaminated by a crime, even if the perpetrator cannot be prosecuted.

However, this criminal-based confiscation system has weaknesses, particularly when the perpetrator cannot be brought to justice, for example due to death or absconding. In such situations, assets obtained through criminal activity can remain beyond the reach of the state, making recovery of state losses difficult. Therefore, it is crucial to develop a confiscation mechanism that does not rely on conventional criminal proceedings to effectively allow the state to seize illegally obtained assets.

By adopting a more comprehensive approach to asset forfeiture law, it is hoped that the state can ensure better recovery of losses and prevent corruptors from enjoying the proceeds of their crimes. This is not just about punishment, but also about ensuring justice for the community.

The draft Criminal Asset Forfeiture Bill is crucial in the context of eradicating corruption in Indonesia. This bill focuses on regulating asset forfeiture based on proving the assets' status, not just individual culpability. This allows the state to take swifter and more effective action against assets suspected of being obtained through criminal activity.

The basic principle of this bill is to grant the state legal authority to seize assets whose origins cannot be proven, without waiting for the criminal process to conclude. This is particularly relevant in situations where perpetrators evade justice, allowing the state to protect public interests and recover losses caused by corruption.

With the adoption of this bill, it is hoped that the asset recovery process will be more efficient and effective. This is not only about returning assets to the state, but also about rebuilding public trust in the legal system and government. Through these steps, we can create a fairer and more transparent environment for all.

3. Criminal Law Policy on Asset Confiscation in Corruption Crimes as an Effort to Recover State Losses.

Criminal law policy is an effort to create regulations that are appropriate to the needs of society and the prevailing situation. In the context of asset confiscation, this is crucial to ensure that the proceeds of crime, particularly corruption, cannot be enjoyed by the perpetrators. The 1945 Constitution of the Republic of Indonesia affirms that everyone has the right to fair legal protection and the right to private property. However, when such property rights are obtained through crime, the state has the authority to confiscate.

Asset confiscation is not merely a legal action, but also a strategic step to recover state losses resulting from corruption. In this regard, criminal law policies must be able to deter perpetrators and ensure that the proceeds of crime do not become their property. Thus, we can see that asset confiscation is a crucial instrument in the fight against corruption.

Through a sound understanding of criminal law and asset forfeiture policies, we can create a legal system that is more responsive to crime. This is a crucial first step in building public trust in the law and law enforcement institutions in Indonesia. Let's continue by taking a deeper look at the mechanism of asset forfeiture in the context of corruption.

In the implementation of criminal law, the process of confiscation and forfeiture of assets has a clear and structured mechanism. According to the Criminal Code and the Criminal

Procedure Code, confiscation is the initial step in law enforcement carried out by the state to seize control of assets related to a crime. Meanwhile, confiscation is a further action taken after a court decision has become legally binding.

The legal basis for asset confiscation in corruption crimes is regulated in Law Number 31 of 1999, which was amended by Law Number 20 of 2001. Under this law, asset confiscation is an additional penalty aimed at recovering state losses. With this provision, it is hoped that the state will take decisive action to return illegally obtained assets, thereby preventing perpetrators from enjoying the proceeds of their crimes.

This mechanism aims to protect the public interest and ensure justice for the community. Through asset confiscation, we not only punish the perpetrators but also seek to restore what has been lost through corruption. This is part of our efforts to create a fairer and more transparent legal system.

In efforts to eradicate corruption, it is crucial to integrate penal and non-penal policies. Penal policies focus on the use of criminal law to punish perpetrators, while non-penal policies encompass administrative and social preventative measures. Both must work hand in hand to achieve optimal results in overcoming corruption.

Striking a balance between these two approaches is crucial, as relying solely on criminal law enforcement is insufficient to address the root causes of corruption. Preventive efforts involving the community, anti-corruption education, and stricter oversight of potentially corrupt practices are needed. This way, we can build a system that not only punishes perpetrators but also creates an environment that discourages corrupt practices.

Recommendations for more effective policies include strengthening regulations regarding asset confiscation and increasing the capacity of law enforcement agencies to investigate and prosecute corruption cases. With these steps, we hope to create a responsive legal system capable of delivering justice to the people. Let us jointly commit to fighting corruption for a better future for our nation.

D. Conclusion

Based on the research results discussed in the previous chapter, conclusions can be drawn as answers to the problem formulation contained in the research Law enforcement against corruption in Indonesia is carried out by law enforcement agencies such as the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK). Currently, the approach to corruption remains conventional and suboptimal, with a greater emphasis on corporal punishment (imprisonment) than on recovering state financial losses. The effectiveness of law enforcement is hampered by weak evidence collection, limited asset tracing, and an approach that focuses on the perpetrator (follow the suspect) rather than the flow of funds (follow the money). As a result, many assets obtained from corruption fail to be confiscated because they have been disguised or transferred to third parties.

The current regulation of asset forfeiture in the Indonesian legal system still faces various obstacles, both normative and practical. The existing mechanism relies on proving a criminal conviction against the perpetrator (in personam), making it ineffective when the perpetrator dies, flees, or has transferred the assets to another party. This situation indicates that Indonesia does not yet have a comprehensive, specific regulation regarding the forfeiture of assets resulting from criminal acts. Therefore, the ratification of the Asset Forfeiture Bill is urgently needed to provide the state with a stronger legal basis through a non-conviction-based asset forfeiture mechanism, allowing the asset forfeiture process to be carried out more effectively in order to recover state financial losses.

as the most effective way to provide a deterrent effect by impoverishing corruptors and cutting off their economic motivation. This urgency demonstrates that legal reform can no longer be postponed, as the existing system has not yet fully prioritized the recovery of state losses as a top priority in criminal policy.

The current approach to asset confiscation in corruption eradication has undergone a shift. While law enforcement previously focused on punishing perpetrators, attention is now also directed to the return or confiscation of assets obtained through crime. This change is evident in the provisions of the New Criminal Code (Law No. 1 of 2023), which has begun to incorporate the concept of recovering state losses as a key component of law enforcement. Thus, corruption eradication efforts are not solely carried out through criminal penalties, but also through a combination of penal and non-penal policies. This approach aims not only to recover state economic losses through asset confiscation but also to build public awareness and mentality through educational and social approaches, enabling a more comprehensive approach to corruption prevention.

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