



Asset Recovery in Eradication Illicit Enrichment : Indonesia with the United States and South Korea

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ABSTRACT

This research discusses the importance of asset recovery in combating illicit enrichment in Indonesia, with a comparison to the United States and South Korea. Where the level of illicit enrichment has become crucial in this country. The study's goal is to examine asset recovery laws and practices and pinpoint ways that Indonesia might improve. The method used is a literature study with comparative analysis of regulations and practices in the three countries. The results show that Indonesia faces significant challenges in asset recovery, while the United States and South Korea have more comprehensive legal frameworks. The conclusion of this study recommends strengthening the legal system and passing an asset forfeiture bill to increase the effectiveness of corruption eradication in Indonesia.

INTRODUCTION

Tracing, freezing, confiscating, and returning funds that have been obtained illegally is the process of asset recovery. The practice of illicit enrichment or unnatural wealth due to abuse of power is one form of manifestation of corruption. According to Black's Law Dictionary, Second Edition, corruption is defined as illegality, which is a malicious and dishonest attempt to circumvent the law's restrictions. the illicit and improper use of a position or character to get anything by an official or fiduciary person.

In order to recoup state losses and serve as a deterrent to corrupt officials, the process of reclaiming assets arising from corruption, also known as asset recovery, is essential. Indonesia, as a developing country, faces significant challenges in efforts to eradicate corruption and asset recovery. Although there have been various legal and institutional efforts to address this issue, the success rate of asset recovery in Indonesia is still relatively low compared to several other countries. Many people believe that corruption is a multinational organized crime with a very complicated method of operation, many actors involved on a huge scale, and it is challenging to identify its actors.

Asset recovery is a key element in corruption eradication efforts, especially in an increasingly complex global context. Countries that have succeeded in recovering assets from the proceeds of crime show that a strong legal system and effective regulation are essential to address this issue. For instance, the Civil Asset Forfeiture Reform Act of 2000 has sped up the asset recovery process in the United States by establishing a legal framework that permits the seizure of assets without a criminal conviction. And in South Korea, the Proceeds of Crime Act provides for the seizure of assets suspected of being illegally obtained.

Asset recovery arrangements are not only important to recover state losses that have been lost due to corruption or money laundering, but also to prevent public officials from committing corruption crimes in order to obtain illegal financial benefits. In addition, the importance of regulating illicit enrichment is also highlighted to implement the concept of illicit enrichment in accordance with the provisions of UNCAC. As Indonesia is one of the state parties of this Convention. According to Lalola Easter from Indonesia Corruption Watch (ICW), the Asset Forfeiture Bill is expected to bridge the illicit enrichment norm that actually exists in UNCAC, precisely in Article 20 of the United Nations Convention Against Corruption "Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offense, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income." However, this does not yet exist as our law Without a passed Asset Forfeiture Bill, the process of recovering assets obtained through crime becomes more difficult and inefficient. Therefore, it is important to push for the passage of this law in order to provide the necessary legal support to improve efficiency in asset recovery. Indonesia Corruption Watch (ICW) reported that state financial losses throughout 2023 amounted to

Rp.56,000,000,000,000. Legal and Judicial Monitoring Division ICW 2023 claims that corruption is like a chronic illness that is hard to treat and that the number of corruption cases rises annually. This figure shows that corruption greatly affects the country's economy and how important it is to protect the country's assets and resources.

In Indonesia, despite efforts to combat corruption, including the Law on Corruption Eradication, the challenge of asset recovery remains great. This is because many perpetrators of corruption have extensive access to hide and launder the proceeds of their crimes, often beyond the reach of Indonesian law. Meanwhile, in the United States, having an asset recovery mechanism is well-regulated through regulations that allow for the efficient seizure of assets. In South Korea, a similar approach is also implemented with the support of advanced technology to track and return assets from corruption. Therefore, it is important to analyze how these two countries implement asset recovery policies and how Indonesia can learn from their best practices to improve the effectiveness of corruption eradication.

Thus, this research aims to analyze the importance of asset recovery in combating illicit enrichment in Indonesia by comparing other countries. This research will compare the regulation and practice of asset recovery in Indonesia with the United States and South Korea. It is expected that the results of this research can provide relevant recommendations for the development of asset recovery policies in Indonesia. Based on the explanation that has been conveyed, there is also a problem formulation in this study, namely How is the comparison of asset recovery arrangements in the eradication of illicit enrichment between Indonesia and the United States and South Korea? And how can the asset recovery mechanism in Indonesia be optimized to strengthen efforts to eradicate illicit enrichment?

THEORETICAL REVIEW

Asset recovery focuses on the mechanisms and processes involved in reclaiming assets that have been obtained through illicit activities, particularly corruption. This theory posits that effective asset recovery is essential for deterring corruption, restoring public trust, and recouping losses incurred by the state. It emphasizes the importance of a robust legal framework, efficient enforcement mechanisms, and international cooperation to facilitate the tracing, freezing, and confiscation of ill-gotten gains. In the context of Indonesia, this theory highlights the need for comprehensive legal reforms to enhance asset recovery practices compared to more developed systems in countries like the United States and South Korea.

Strengthening Indonesia's legal framework for asset recovery will significantly improve the effectiveness of combating illicit enrichment. Previous research supports this hypothesis by demonstrating that countries with well-defined asset recovery laws and practices, such as the Civil Asset Forfeiture Reform Act in the United States and the Proceeds of Crime Act in South Korea, experience higher success rates in recovering assets linked to corruption. Studies

indicate that a clear legal framework not only facilitates asset recovery but also enhances public trust in governmental institutions.

Implementing specific legislation against illicit enrichment will lead to a decrease in corruption levels in Indonesia. Previous studies have shown a correlation between the introduction of illicit enrichment laws and reduced corruption rates in various jurisdictions. For instance, countries like South Korea, which have adopted such measures, often report improved transparency and accountability among public officials, thereby fostering a culture of integrity within government institutions.

The "Follow the Money" approach is a critical strategy in combating corruption by tracing the flow of illicit funds. This method emphasizes identifying financial transactions linked to corrupt activities to uncover networks of perpetrators and recover stolen assets. Countries like the United States and South Korea have effectively implemented this approach within their asset recovery frameworks. The success of these nations demonstrates that without seizing and forfeiting the proceeds of crime, merely identifying offenders is insufficient to reduce crime rates. In summary, these theories provide a foundational understanding of asset recovery and illicit enrichment while supporting the proposed hypotheses with evidence from previous research. The integration of the "Follow the Money" approach further underscores the need for robust mechanisms in asset recovery efforts. Further exploration into these areas can contribute significantly to enhancing anti-corruption strategies in Indonesia by learning from best practices in both America and South Korea.

METHODOLOGY

A comparative approach with an emphasis on normative legal research is the methodology employed in this study. A comparison of asset recovery plans in the fight against illegal enrichment in South Korea, the US, and Indonesia is part of the research topic. Primary, secondary, and tertiary legal elements make up the data type that is utilized. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption, the United Nations Convention Against Corruption (UNCAC), and Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2020 concerning the Second Amendment to the Regulation of the Attorney General Number PER-027/A/JA/10/2014 concerning Guidelines for Recovery are examples of primary legal materials. Books, scholarly articles, and reports from anticorruption groups are examples of secondary legal documents; dictionaries or glossaries that define relevant legal concepts are examples of tertiary legal materials.

Collection of data is conducted through library research, which involves in-depth search and analysis of various legal sources and relevant literature. The data obtained is then systematically analyzed to understand the regulation of asset recovery in the three countries. Through in-depth comparison, this research aims to identify differences in the application of asset recovery as an instrument to combat illicit enrichment. The results of the analysis are expected to provide a comprehensive understanding of the challenges and opportunities in the

implementation of asset recovery mechanisms, as well as formulate relevant policy recommendations for the development of the asset recovery system in Indonesia.

RESEARCH RESULT AND DISCUSSION

Comparison of Asset Recovery Arrangements in Combating Illicit Enrichment between Indonesia and the United States and South

Based on data from Transparency International the global coalition against corruption, Indonesia is ranked 115 out of 180 countries regarding the Corruption perception index. And the United States is ranked 24th out of 180 countries. And also, South Korea is ranked 32 out of 180 countries. The significant difference in the Corruption Perception Index (CPI) between Indonesia, the United States and South Korea has direct implications for the importance of asset recovery. Indonesia's lower GPA indicates greater potential illicit enrichment issues, a possibly weaker legal system, and lower public trust. In contrast, the United States and South Korea with higher GPA scores tend to have stronger legal systems, more effective law enforcement, and higher public trust. This means that asset recovery efforts in Indonesia face more complex challenges compared to these two countries. To overcome this, Indonesia needs to strengthen its legal system, improve inter-agency coordination, and actively involve the public in corruption eradication efforts.

The follow the money approach is an important cornerstone of asset recovery. This approach emphasizes the importance of tracing the flow of proceeds of crime to uncover networks of perpetrators and confiscate ill-gotten assets. Experience in Indonesia and other nations demonstrates that if measures are not made to seize and forfeit the money and tools of crime, the revelation of crimes, the identification of offenders, and their incarceration are insufficient to lower crime rates. providing criminals or other individuals with the chance to keep these earnings and tools.

The Follow the money approach is one of the most effective mechanisms in the fight against global corruption. By recovering illegally obtained assets, countries can return stolen money to legitimate citizens, thereby cleaning up public reputation and restoring public trust. To understand the urgency of asset recovery arrangements in combating illicit enrichment and their implementation, it is necessary to compare Indonesia's arrangements with those of several other countries. This analysis can help identify the strengths and weaknesses of existing arrangements, as well as provide recommendations for the development of comprehensive arrangements in Indonesia. In this context, the return of assets resulting from corruption is very important as a strategy in combating corruption. Asset recovery arrangements in Indonesia still have many obstacles compared to practices in other countries such as the United States and South Korea, which have developed good legal frameworks and mechanisms to address this issue.

With the intention of combating corruption worldwide, the United Nations (UN) created the United Nations Convention Against Corruption

(UNCAC) in 2003. Through Law No. 7 of 2006 on the Ratification of the United Nations Convention Against Corruption, 2003, Indonesia became one of the 145 countries that ratified the convention on April 18, 2006, joining the 141 state parties that have already signed it. Even the eradication of corruption is also one of the focuses of the G20. In addition to Indonesia, several countries in the Asian region also participated in ratifying UNCAC, including South Korea. Countries that ratify the United Nations Convention on Combating Corruption (UNCAC) are committed to implementing comprehensive anti-corruption measures and stronger international cooperation in the fight against corruption.

The United States is also a signatory to UNCAC and even has the authority to enforce foreign orders and forfeiture judgments based on MLAT requests or based on those made by certain multilateral conventions, including UNCAC. The United States is also involved in international initiatives such as StAR (Stolen Asset Recovery Initiative) which works with The World Bank and UNODC (United Nations Office on Drugs and Crime) to facilitate the recovery of assets linked to corruption.

Indonesia is indeed a state party to UNCAC and has ratified it in its positive law, however, in its legal system and laws, there is no specific regulation of asset recovery. Law Number 31 Year 1999 jo. Law Number 20 Year 2001. concerning Eradication of Corruption in Article 18 paragraph (1) letter a which in the article discusses asset forfeiture. this is the first step in carrying out asset recovery. Then, based on the three (3) functions of the National Asset Recovery Agency of the Attorney General's Office of the Republic of Indonesia, namely tracing, seizure, asset recovery, assets that have been seized can be carried out for asset recovery. With the asset recovery guidelines of the Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2020 concerning the Second Amendment to the Regulation of the Attorney General Number PER-027/A/JA/10/2014 concerning Guidelines for the Recovery of Article 691 C, the prosecutor has the position, duties and authority in carrying out asset recovery. This is supported by Supreme Court Regulation Number 1 of the Year concerning Procedures for Settling Applications for Handling Assets in the Crime of Money Laundering or Other Crimes in which the Prosecutor has the authority in each stage of asset recovery.

Tracking, freezing or blocking, confiscation, seizure, and asset recovery are the steps involved in unlawful enrichment in Indonesia. According to the Academic Paper of the Asset Forfeiture Bill, tracking or tracing is a collection of procedures used to look for, seek, gather, and examine data in an attempt to identify or disclose the source and whereabouts of assets that belong to a criminal. The passage of the Asset Forfeiture Bill is critical to strengthening efforts to combat corruption and unlawful enrichment in Indonesia. This bill will not only provide the necessary legal tools to conduct asset recovery, but will also ensure that Indonesia fulfills its international obligations as a state party to UNCAC. As such, the passage of this bill should be a priority for legislators and the government to create a more effective legal system in tackling criminal offenses and returning lost assets to the state and society.

Not only can corrupt assets be seized, but deprivation is also considered a crime under the Criminal Code, requiring legal action and proof before confiscation can take place. As a result, law enforcement officials have started to shift the focus of their efforts to combat crime from punishing the offenders to recouping state assets that were lost as a result of the crime (asset recovery). Using the Stolen Asset Recovery concept Based on the idea of asset recovery found in the United Nations Convention Against Corruption (UNCAC), which Law No. 7 of 2006 ratified, non-conviction-based asset forfeiture can be understood as the retrieval of stolen assets through the seizure of assets without imposing penalties.

Asset recovery cases are investigated and prosecuted by a specialized team of attorneys, detectives, and financial analysts under the Kleptocracy Initiative, which was established by the US Department of Justice in 2010. The Office of International Affairs, the Fraud Section, and federal law enforcement agencies support the project, which is spearheaded by the Asset Forfeiture and Money Laundering Section. Civil forfeiture has emerged as a key instrument for identifying illicit assets in many nations, particularly common law nations like the US. The United States has the Civil Asset Forfeiture Reform Act (CAFRA) 2000 in place to implement asset recovery. Nonetheless, forfeiture procedures that are not founded on a court ruling are referred to as "civil forfeiture" procedures. Unlike this word, "criminal forfeiture" is enforced as part of a criminal penalty and necessitates a criminal court ruling. However, when used internationally, the phrase "civil forfeiture" might be ambiguous. Using the term "non-conviction-based forfeiture" instead of "civil forfeiture" when talking about asset recovery helps to prevent needless misunderstanding. Although civil forfeiture and criminal forfeiture share the same meaning of confiscation in asset recovery, what distinguishes them is the mechanism.

Prevention, criminalization, law enforcement, international collaboration, technical aid, information sharing, and asset recovery are all covered in Chapter V of the United Nations Convention against Corruption (UNCAC). The Convention's most significant chapter is this one. Creating the idea of Non-Conviction Based Asset Forfeiture (NCB) by initially taking assets without a conviction is one of them. This has been widely implemented in the United States.

The relevant laws that control the act of passing off criminal proceeds as lawful proceeds or hiding such proceeds and recovering assets in South Korea include the Criminal Act, the Act on Regulating Penalties for Concealment of Proceeds of Crime, and the Act on Special Cases of Confiscation and Seizure of Assets Obtained through Corrupt Practices. Because of South Korean law's rules against the concealing or disposal of property, several legislation allow assets to be frozen prior to conviction or indictment. Both demonstrate stronger legal frameworks and faster procedures in dealing with illicit enrichment compared to Indonesia, which requires strengthening the legal system and passing an Asset Forfeiture Bill to improve the effectiveness of the fight against corruption.

The prosecutor conducts criminal investigations after receiving a criminal complaint against a person, information from another authority, or even

information the prosecutor's office has got from the media or other sources. With appropriate protection of the rights of third parties acting in good faith, a general framework is provided for the confiscation of property, tools, and equipment used or intended to be used in corruption offenses, as well as the criminal proceeds (article 48) and the Act of Regulation of Punishment of Criminal Proceeds Concealment (articles 8 to 10). Criminal proceeds, including money earned from them, are subject to confiscation laws under the Law on Special Cases of Confiscation and Forfeiture of Assets Acquired via Corrupt Practices (articles 3 to 6) and the Law on Special Cases Concerning Forfeiture for Criminal Offenses by Public Officials (articles 3 to 6). Another alternative is confiscation based on value. The prosecution's evidence is used by the court to determine the property's worth. The entities responsible for tracking and seizure are as follows:

- a) Attorney General's Office;
- b) Ministry of Justice;
- c) Police; and
- d) Financial Services Commission.

Property used or to be used in the commission of a crime, created or gained by means of a crime, and received in return for such property may be seized in whole or in part, according to Article 48 of the Criminal Act. When the forfeiture conditions in Article 48 are satisfied, Article 49 allows for forfeiture even in cases where a conviction has not been obtained.

The following table compares Asset Recovery between Indonesia and the United States and South Korea:

Aspects	Indonesia	The United States	South Korea
Legal System	There is no comprehensive legal framework for asset recovery. Corruption Eradication Law exists, but implementation is weak.	It has a Civil Asset Forfeiture Reform Act that allows for the seizure of assets without waiting for a criminal conviction, speeding up the recovery process.	Using the Crime Act which allows for the seizure of assets suspected of being illegally obtained.
Regulatory Guidelines	Referring to the Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2020 concerning Guidelines for	Civil Asset Forfeiture Reform Act (CAFRA) 2000.	The Act of Regulation of Punishment of Criminal Proceeds Concealment.

	Asset Recovery, however, implementation is still limited.			
Asset Recovery Process	Awaiting court decision.	Confiscation can be carried out without waiting for a court decision (non-conviction based).	Confiscation can be carried out without waiting for a court decision (non-conviction based).	
Institution in Charge	National Asset Recovery Agency under the Attorney General's Office.	Department of Justice.	Financial Services Commission, Ministry of Justice, Police, and Attorney General's Office.	

There are a number of parallels and divergences between the asset recovery legal frameworks of South Korea, the US, and Indonesia. The three nations' understanding of the value of asset recovery as a tool in the fight against illegal wealth is their primary commonality. Although their structures and roles differ, all three have institutions in charge of asset recovery. This function is carried out by the Attorney General's Office's National Asset Recovery Agency in Indonesia, although the Department of Justice in the US has more power to seize assets. Additionally, South Korea includes a number of organizations in the process, including the Ministry of Justice and the Attorney General's Office.

There is a notable distinction in the methods used. Although the Corruption Eradication Law exists, Indonesia does not yet have a complete legislative framework for asset recovery; instead, its implementation is currently shaky and dependent on court rulings. The United States, on the other hand, has a Civil Asset Forfeiture Reform Act that speeds up the recovery process by permitting the seizure of assets without a criminal conviction. The Proceeds of Crime Act, which is in effect in South Korea, permits asset seizure without a conviction. Although Indonesia cites the Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2020 as a regulatory guideline, its application is still somewhat restricted. Meanwhile, the asset recovery process is supported by more organized and transparent legislation in South Korea and the United States. This overall research demonstrates that although the three nations have the same objective of combating corruption through asset recovery, their strategies differ greatly, with Indonesia encountering more implementation difficulties.

Asset Recovery Mechanisms in Indonesia Can be Optimized to Strengthen Efforts in Combating Illicit Enrichment

Based on experience in Indonesia and other countries, the eradication of corruption does not only focus on the arrest and trial of perpetrators (follow the suspect), but also the seizure and forfeiture of criminal revenues and tools (follow the money). In addition to returning criminals' riches to society, confiscating and forfeiting their tools and earnings will boost the likelihood that society will accomplish shared objectives, such establishing social welfare and justice. So that, Indonesian criminal law enforcement still operates under the paradigm that assets linked to or sourced from criminal acts – referred to as "Criminal Assets" – can only be seized if the offender has been criminalized in the main case. This is what investigators, prosecutors, and judges mean when they say that the process of criminal law enforcement is followed. Any policy pertaining to the crime's assets can only be implemented after the predicate crime. As long as the criminal in the case origin is not punished, foreclosure and other actions involving the asset cannot be carried out. This is especially true if law enforcement is still focused on the offender. It may lessen the accomplishment of criminal and criminal goals since every legal action on criminal assets must wait for the criminal prosecution. This is because saving or returning the asset is one of the goals of criminal prosecution when there is an asset involved.

To date, there is no specific law in Indonesia governing asset forfeiture; the only regulations governing asset forfeiture are Article 38 paragraph (5), Article 38 paragraph (6), and Article 28 B paragraph (2) of Law Number 31 Year 1999 jo. Law Number 20 Year 2001. Considering that the current asset recovery mechanism is inadequate and still has many shortcomings (loopholes) that can hinder the process of returning assets, there needs to be a special law that regulates the seizure of criminal assets. Current provisions regarding asset forfeiture and confiscation are also scattered across various legislations and have not thoroughly and in detail regulated asset forfeiture related to criminal offenses. As a result, they have not produced significant results. In addition, asset forfeiture now falls under the category of additional punishment in the Indonesian legal system. Additional punishment cannot stand alone and always follows the principal punishment, so it can only be imposed if there is a principal punishment.

Data collected by Indonesia Corruption Watch (ICW) shows that to date, 44 countries have used legal instruments at the level of legislation to control illicit revenues. With Law No. 7/2006 on the Ratification of the World Treaty Against Corruption, Indonesia is one of the countries that has ratified the UNCAC. However, illicit enrichment has not been established as a criminal offense in the Indonesian legal system to date. In 2012, UNCAC reviewers in Indonesia also stated that Indonesia urgently needs legislation relating to illicit enrichment to strengthen the fight against corruption. This will be in line if arrangements for asset recovery are made and the Asset Forfeiture Bill is passed soon.

Combating illicit enrichment is one of the priorities in Indonesia's corruption eradication efforts. One of the effective strategies in eradicating illicit

enrichment is through asset recovery mechanisms. This mechanism allows the government to take over and return assets obtained illegally by corruptors.

Nonetheless, there are still several issues with Indonesia's asset recovery method execution. The lack of cooperation between law enforcement and other organizations participating in the asset recovery process is one of the primary flaws. This may result in a sluggish and inefficient asset return procedure. Therefore, in order to bolster efforts to end illegal enrichment, Indonesia must enhance its asset recovery process.

In recent years, the Indonesian government has made several efforts to improve the effectiveness of asset recovery mechanisms. One example is the establishment of the National Asset Recovery Agency of the Attorney General's Office of the Republic of Indonesia, which functions in the asset recovery process. However, other efforts still need to be made to strengthen the asset recovery mechanism in Indonesia.

The pursuit of assets originating from criminal actions, not the criminals themselves, is the primary objective of the Asset Forfeiture Bill. This marks a major shift in the criminal law paradigm. Moving from traditional notions that emphasize deterrent impact through punishment (retributive) to contemporary notions that emphasize rehabilitation. One significant concern that comes up is whether the Asset Forfeiture Bill's implementation will alter or even replace the traditional law enforcement approach to apprehending criminals, or if it would mix the two approaches in the criminal justice system. This study found that legal loopholes in Indonesia allow criminals, especially corrupt actors, to avoid returning assets they have acquired from their offenses. Currently, the justice system concentrates on the punishment of criminal offenders rather than the recovery of assets obtained by criminal acts. As a result, the process of asset recovery is often protracted and sometimes not even completed at all. This is in contrast to countries such as the United States and South Korea, which use a no-evidence asset recovery method, whereby asset seizures can be made even if no criminal conviction has been made. The aim is to recover assets more quickly. And this mechanism has not been fully used in Indonesia. Therefore, the Asset Forfeiture Bill must be passed immediately.

The Asset Forfeiture Bill in Indonesia plays a significant part in the asset recovery mechanism and is in line with the provisions of UNCAC, especially in the context of combating illicit enrichment. This bill provides a legal basis for the government to seize illegally obtained assets, including those obtained through corrupt practices and other crimes. With this bill, Indonesia can optimize the process of recovering assets lost due to acts of corruption, thereby strengthening efforts to eradicate illicit enrichment. In addition, the Asset Forfeiture Bill also creates a clear and specific framework for regulating asset forfeiture and recovery, which is urgently needed to increase transparency and accountability in the management of state assets. Thus, the passage of this bill is a crucial step in strengthening Indonesia's commitment to UNCAC and increasing effectiveness in fighting corruption and improving the integrity of the legal system in the country.

The Asset Forfeiture Bill is considered an innovation in the process of law enforcement against the acquisition of the proceeds of crime. This can at least be seen from 3 (three) paradigm shifts in criminal law enforcement. First, the party charged in a criminal offense is not only the legal subject as the perpetrator of the crime but also the assets obtained from the crime. Second, the judicial mechanism used against criminal offenses is a civil justice mechanism. Third, the criminal sanctions imposed on court decisions are not the same as those imposed on other criminals.

Indeed, the criminal provisions in UNCAC do not explicitly mention criminal and administrative sanctions, so they cannot be used as a legal basis for investigation, prosecution and examination in court. This is due to the technical nature of the application of criminal law. Therefore, to read international treaties, including UNCAC, integration and textual interpretation should be used (Fitzmaurice), because a treaty does not depend solely on the text, but must also consider its object and purpose. Improving and strengthening the prevention and prosecution of corruption is the main objective of UNCAC. Thus, Indonesia can fulfill its international commitments by strengthening law enforcement and justice efforts to fight corruption.

CONCLUSIONS AND RECOMMENDATIONS

A comparison of asset recovery arrangements in combating illicit enrichment between Indonesia, the United States and South Korea shows significant differences in the effectiveness and legal mechanisms applied. In Indonesia, the asset recovery process still depends on court decisions and lacks a comprehensive legal framework, although there have been initial steps through the Corruption Eradication Law and asset recovery guidelines. In contrast, the United States has a Civil Asset Forfeiture Reform Act that allows the seizure of assets without waiting for a criminal conviction, as well as support from the Kleptocracy Initiative at the Department of Justice to accelerate the recovery process. South Korea also implemented the Proceeds of Crime Act which allows for efficient asset forfeiture without having to wait for a court judgment. Both demonstrate stronger legal frameworks and faster procedures in dealing with illicit enrichment compared to Indonesia, which requires strengthening the legal system and passing an Asset Forfeiture Bill to improve the effectiveness of the fight against corruption.

The asset recovery mechanism in Indonesia can be optimized to strengthen efforts in combating illicit enrichment by improving coordination between law enforcement agencies and related institutions, as well as strengthening the existing legal framework. Although the National Asset Recovery Agency has been established, the existence of an Asset Forfeiture Bill in line with the provisions of UNCAC will optimize the implementation of asset recovery. The passing of the Asset Forfeiture Bill is crucial to provide a clear legal basis for the government to seize illegally obtained assets, thereby accelerating the recovery process. In addition, the adoption of best practices from countries such as the United States and South Korea, which have nonconviction-based confiscation mechanisms, can be a model for Indonesia to increase the

effectiveness of asset recovery. With these steps, Indonesia can strengthen its commitment to fighting corruption and improve the integrity of the legal system in the country.

It is recommended that the Indonesian government immediately pass the Asset Forfeiture Bill to strengthen the asset recovery mechanism in the eradication of illicit enrichment. Mechanism in the eradication of illicit enrichment. The enactment of this law will provide a clear and effective legal basis for seizing illegally obtained assets, as well as ensuring that Indonesia fulfils its commitments to combat illicit enrichment. Assets obtained illegally, as well as ensuring that Indonesia fulfils its commitments as a state party to the UNCAC.

As a state party to UNCAC. In addition, it is important to improve coordination between law enforcement agencies and related institutions in order to accelerate the process of asset. Asset recovery and reduce bureaucracy that hinders efficiency. Implementation of best practices from other countries, such as the United States and South Korea, should also be considered to improve the effectiveness of the legal system. South Korea, should also be considered to improve the effectiveness of the legal system in Indonesia. Legal system in Indonesia. With these measures, Indonesia is expected to strengthen efforts to eradicate corruption and improve the integrity of the legal system, so as to be able to recover state assets lost due to acts of corruption and corruption. Able to restore state assets lost due to acts of corruption and provide a deterrent effect for perpetrators. Provide a deterrent effect for criminals.

ADVANCED RESEARCH

The research on "Asset Recovery in Eradication of Illicit Enrichment: Indonesia with the United States and South Korea" highlights the critical role of asset recovery in combating corruption in Indonesia, revealing significant challenges compared to the more robust legal frameworks of the United States and South Korea. While the study employs a comparative analysis to identify potential improvements for Indonesia's asset recovery laws and practices, it faces limitations such as a narrow scope that overlooks other successful models, reliance on literature without empirical data, and insufficient consideration of enforcement mechanisms and stakeholder perspectives. To enhance future research, it is recommended to broaden the comparative scope to include more countries, conduct empirical studies involving key stakeholders, focus on enforcement practices, and analyze changes in corruption dynamics over time. These steps could provide a more comprehensive understanding of asset recovery challenges and inform effective policy recommendations for strengthening Indonesia's efforts against illicit enrichment.

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