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THE URGENCY OF ASSET FORFEITURE LEGISLATION: OPTIMIZING THE PREVENTION OF CORRUPTION CRIMES

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Abstract
To create a nation that is free and clean from corruption, the government has made various efforts, including by establishing the Corruption Eradication Commission (KPK). Thus, other instruments also need to be reviewed on the effectiveness of corruption eradication in Indonesia. The existence of this study aims to urge the ratification of the Asset Forfeiture Bill which can be an optimal tool in preventing corruption crimes. This research uses normative legal research methods, which are research that focuses on the study of written legal norms, such as laws, draft laws, regulations, and other legal documents. The analysis was carried out qualitatively to interpret, understand, and evaluate legal norms related to asset confiscation in the eradication of corruption in Indonesia. The results of the study show that there are consequences that have great potential to minimize the crime of corruption. Among them is a deterrent effect which will affect the psychological state for perpetrators of corruption crimes and narrow the space for misuse of the state budget which has the potential to have an impact on the loss of personal assets of the perpetrators.
Keywords: Urgency, Asset Forfeiture Bill, Corruption

Abstrak
Untuk mewujudkan bangsa yang bebas dan bersih dari korupsi, pemerintah telah menempuh berbagai upaya, di antaranya dengan membentuk Komisi Pemberantasan Korupsi (KPK). Hal demikian, Instrumen lain juga perlu ditinjau kembali terhadap efektivitas pemberantasan korupsi di Indonesia. Adanya penelitian ini bertujuan untuk mendesak pengesahan (RUU) Rancangan Undang-Undang Perampasan Aset yang dapat menjadi alat yang optimal dalam mencegah terjadinya tindak pidana korupsi. Penelitian ini menggunakan metode penelitian hukum normatif, yaitu penelitian yang berfokus pada kajian terhadap norma-norma hukum yang tertulis, seperti undang-undang, rancangan undang-undang, peraturan, serta dokumen hukum lainnya. Analisis dilakukan secara kualitatif untuk menafsirkan, memahami, dan mengevaluasi norma-norma hukum terkait perampasan aset dalam pemberantasan tindak pidana korupsi di Indonesia. Hasil penelitian menunjukkan adanya konsekuensi yang memiliki potensi besar untuk meminimalisir kejahatan tindak pidana korupsi. Diantaranya adalah efek jera yang mana akan mempengaruhi keadaan psikologis bagi pelaku kejahatan korupsi dan mempersempit ruang penyalahgunaan anggaran negara yang berpotensi akan berimbas kehilangan aset pribadi pelakunya.
Kata kunci: *Urgensi, RUU Perampasan Aset, Korupsi*

INTRODUCTION

Corruption is a structural problem that continues to eat away at the joints of the nation's life, both at the national and global levels. In Indonesia, although efforts to crack down on corruption perpetrators have been carried out intensively, the trend of state losses due to corruption crimes is still relatively high. In 2025, it includes the 2024 Corruption Perception Index (GPA) report which shows an increase in score to 37 and a ranking to 99 out of 180 countries (April et al., n.d.). The level of corruption in Indonesia has not reached its lowest level, this situation can be seen from the stagnation of Indonesia's Corruption Perception Index in 2024. This situation shows the slow response to the increasing corruption which is decreasing due to the lack of seriousness from the authorities. Attitudes that tend to override efforts to eradicate corruption are increasingly real. This was the initial trigger for the conflict between the Corruption Eradication Commission (KPK), the changes that occurred at the Constitutional Court (MK), and the government's delay in handling various practices that triggered tensions. (Adam, 2025)

This inequality reflects that the existing legal system is not effective enough in recovering the proceeds of crime, especially since it still relies on conventional criminal proof, which is time-consuming and faces various obstacles, such as perpetrators fleeing, dying, or taking advantage of legal loopholes. Based on the concept of national law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, this can show the willingness of the Indonesian people to obey the law, but it is not the same as acts of corruption in Indonesia which are generally in line with the law. The urgency of understanding the Asset Forfeiture Bill is crucial when dealing with complex corruption crimes.(Taufano & Yusuf, 2024)

This bill is designed to overcome the limitations of existing legal mechanisms. The huge potential for corruption assets that have not been successfully returned to the state further underscores the need for new regulations that are more adaptive and responsive. In many cases, assets resulting from corruption are often hidden abroad or transferred to third parties. This requires the Indonesian legal system to have instruments that are proactive, cross-border, and able to trace and seize assets effectively. Without adequate legal instruments, the country will continue to suffer significant financial losses and lose momentum in the corruption eradication agenda. (Ramadhani, 2024). Polemics regarding the eradication of corruption have always attracted attention in legal research and public opinion. Corruption has permeated the lives of the people and the state, thus encouraging the decline of civilization and nation building. The law focuses on the mechanism for confiscating and forfeiture assets suspected of being criminally proven, although the main perpetrator can no longer be punished for certain legal reasons, such as death or escape. Thus, the state still has a strong legal basis to recover the state's financial losses. (IMRAN, 2023).

Based on this background, this study aims to examine the urgency of the ratification of the Asset Forfeiture Bill in optimizing the return of assets from the proceeds of corruption in Indonesia. This step, in the author's view, is effective in creating a deterrent effect and preventing perpetrators from enjoying the proceeds of their crimes, as well as seeing the potential of this bill in strengthening a more adaptive and accountable asset recovery system as part of national legal reform.

METHOD

This research uses normative legal methodology, which is research that focuses on written legal norms such as laws, draft laws, regulations, and other legal documents. As explained by Soerjono Soekanto and Sri Mamudji, who advocate the use of primary and secondary legal sources as the primary source, normative legal research is also known as literature research. In this study, the author does not collect primary data through observation or interviews, but focuses on analyzing existing legal documents and literature.(Benuf & Azhar, 2020). The analysis was carried out qualitatively to interpret, understand, and evaluate legal norms related to asset confiscation in the eradication of corruption in Indonesia. The two types of approaches used are conceptual and normative approaches. The regulatory approach is carried out by reviewing several laws related to corruption and asset forfeiture. (Wiraguna, 2024). Meanwhile, the conceptual approach is used to examine legal principles and principles, such as the general principles of good governance. This research is evaluative, which aims to evaluate the effectiveness of existing legal arrangements and provide an analysis of the need for optimizing legal principles in the practice of eradicating corruption through asset confiscation mechanisms.(Mulyadi, 2024)

RESULTS AND DISCUSSION

Indonesia is a country that upholds the principles of law, where the legislature plays a significant role in the government structure. The legislature has a very important role in terms of making all laws and regulations. The political system in Indonesia is always influenced by the active role of the legislature. This is based on the fact that the political system is formed through legislation that is constantly changing, reflecting the dynamics in line with the times and civil society in Indonesia (Jannah et al., 2024). Through the function of the Legislative Body, which has the capacity to formulate and draft laws and regulations, and is carefully approved by the Executive Body (the President), the passing of the Asset Forfeiture Bill should be a top priority to maintain the economic stability of the Indonesian state (Irianto, 2022).

Almost ten years ago, the government began to implement the Draft Law (RUU) on Confiscation of Assets from Crimes. In 2012, the government drafted an Academic Paper as the basis for the Bill through the National Law Development Agency (BPHN). However, the development of this bill is still ongoing in the House of Representatives. The Bill on Confiscation of Assets from Crime was listed among 189 bills in the National Legislation Program for 2015-2019, but it never made it to the annual priority list. In other words, during the five-year tenure of the House of Representatives, this bill was not made a focus for immediate realization (Adam, 2025).

The problem of corruption is a moral issue, so it can be considered as a disease related to morality. There are at least 5 (five) types of theories that describe the issue of corrupt behavior. The five theories include:

a. The theory of corruption proposed by Robert Klitgaard, which is often known as the *CDMA Theory*. In this view, corruption occurs due to the existence of power and monopoly that is not accompanied by responsibility.
b. The theory of corruption originated by Jack Bologne, also known as the *GONE Theory*. In this theory, there are several factors that trigger corruption, namely greed, opportunity, need, and disclosure. In this case, greed is considered as a potential possessed by every individual who acts as a perpetrator of corruption.
c. The theory proposed by Donald R Cressey, known as the *Fraud Triangle Theory*. This theory states that there are three elements that affect fraud, namely opportunity, motivation, and rationalization. According to Cressey, these three elements have a balanced level of influence on each other.
d. *Willingness, and, Opportunity to Corrupt* Theory. In this theory, corruption arises when there are opportunities (such as weaknesses in the monitoring system) and intentions, which are triggered by needs and greed.
e. *Cost-Benefit Model* Theory. In this theory, corruption is considered to occur if the benefits obtained from corrupt actions are greater than the costs or risks (the net benefit value of corruption is greater than zero). (Setiawan & Jesaja, 2022)

Andrea Fockhem's words, quoted by “Rasyidi, 2020” state that the term “corruption” comes from the Latin ‘corruptio’ or “corruptus”. The term “corruptio” itself has its roots in the ancient Latin “corrumpere”. From this Latin, the terms “corruption, corrupt” in English, ‘corruption’ in French, and “corruptie/korruptie” in Dutch emerged. Literally, corruption means ugliness, irregularity, dishonesty, bribery, immorality, and deviation from purity (Prakasa, 2022).

In general, corruption can be understood as the actions of government officials who abuse their power for personal gain or other parties that ultimately harm the state. According to Herdarman Supanji, the categories of corruption can be divided into five types, namely:

a. Criminal acts that harm the state;
b. Crime of bribery and gratification;
c. Crime of embezzlement in an official position;
d. Crime of extortion in a position of office;
e. Offenses of contracting, provision of goods, and partnership.

Thus, the terms corruption, corrupt, evil, and destructive, as well as the notion of corruption itself relate to unethical traits and circumstances, with bad behavior and context, which relate to positions in government institutions or apparatus, the abuse of power related to positions resulting from bribes, as well as economic and political aspects, including the placement of certain relatives or groups in government positions related to official power. In Indonesia and in various other parts of the world, corruption is considered an extraordinary crime and must be dealt with seriously (Ayomi & Paramma, 2021).

In a broad sense, corruption is the result of three factors: First, corruption due to greed. Second, corruption by necessity. Third, corruption by opportunity. The definition of asset forfeiture theoretically refers to the act of forcibly taking assets or property by the state that is suspected of having a close relationship with a criminal offense. Asset forfeiture is a legal effort to eliminate or revoke ownership rights to assets suspected of being the proceeds or means of a criminal offense, which is carried out based on a court decision or certain legal mechanisms. Until now, efforts to seize assets resulting from corruption in Indonesia still face many challenges because there is no specific law that thoroughly regulates this process (Faturohman et al., 2024).

Asset forfeiture can usually only be carried out after the perpetrator has been found guilty through a criminal court decision with permanent legal force in the current legal system. This shortens the process, and often the perpetrator has already moved or hidden assets before the verdict is handed down. President Prabowo Subianto has publicly expressed strong support for accelerating the discussion and passage of this bill, emphasizing the urgency of returning state assets that have been seized by perpetrators of corruption (Dizarahadi, 2023). On the other hand, the Corruption Eradication Commission (KPK) welcomed the government's move and urged the DPR to follow up immediately. KPK considers that the ratification of the Asset Forfeiture Bill will be an important milestone in strengthening the mechanism for recovering state losses due to corruption crimes (Najib, 2023).

The Asset Forfeiture Bill is one of the legal instruments that is considered crucial in strengthening the corruption eradication agenda in Indonesia. So far, many assets resulting from criminal acts cannot be seized because they are hindered by conventional evidentiary rules that focus on punishing the perpetrators. In fact, corrupt practices often involve mechanisms to disguise assets through third parties and financial institutions (Faisol et al., 2025). Therefore, the existence of this bill is considered urgent to close the legal loopholes that have been utilized by perpetrators of state financial crimes. In addition, the existence of the Asset Forfeiture Bill also functions as a preventive measure that can narrow the space for fraud perpetrators. With the threat of asset forfeiture, the potential profits from financial crimes will be smaller, thereby reducing the interest of individuals and groups to commit corruption (Kaban & Kholiq, 2025).

This not only has an impact on the recovery of state losses but also increases public confidence in the legal system. Therefore, the Asset Forfeiture Bill also provides a more comprehensive legal basis in optimizing the utilization of assets seized and confiscated by the state for the public interest (Melisa & Putra, 2025). Transparent, accountable, and equitable management will ensure that the results of corruption eradication do not stop at punishing the perpetrators, but also provide real benefits to the wider community. With the spirit of supporting Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission, the Asset Forfeiture Bill is an important foothold for building clean, integrity, and people-oriented governance of state assets (Puspitasari et al., 2025).

This bill can be seen as a useful tool in detecting corruption cases in Indonesia. This is because the Asset Forfeiture Bill offers a legal basis that allows the state to identify assets obtained from acts of corruption, without hindering the settlement process. The idea is grounded in several global anti-corruption principles that encourage asset forfeiture as a way to reduce unsustainable elements of the economy.

This includes measures that enable the return of assets in an effective manner and give people the opportunity to demonstrate the legitimate origin of the assets they hold. Thus, the importance of passing the Asset Forfeiture Bill is to provide a solid legal basis for the state to forfeit assets obtained from criminal acts. This is crucial to accelerate the recovery of losses suffered by the state due to corruption and other crimes (Dizarahadi, 2023). The Bill on Asset Forfeiture has the potential to reduce the level of corruption and can prevent Abuse of Power behavior. Abuse of Power is an action taken by public officials or authorities with a specific purpose, either for personal gain or for a group or company. If these actions harm the financial or economic condition of a country, then they can be categorized as corruption. This, in support of the asset forfeiture process within a country, requires solid political support from parliamentarians, government, and judicial institutions (Pantoli, 2024).

Asset forfeiture derived from corruption is a preventive measure to protect or avoid wealth suspected of being the proceeds of corruption from changing location or ownership. Expropriating assets as a criminal sanction is considered capable of reducing the level of corruption, because in the theory of crime, assets function as the source of life of a criminal act. Therefore, to reduce or even eradicate corruption, the first step needed is to eliminate its source, namely, assets (Hafid, 2021).

Asset forfeiture also provides a moral message to the public that the state is serious about protecting public finances. When the public sees that assets resulting from corruption are truly returned to the benefit of the people, trust in the government and legal apparatus will increase. Transparency in the process of seizing and reusing state assets can also strengthen legal legitimacy while emphasizing that fraud eradication efforts are not just rhetoric, but real actions oriented towards the common interest.

Fraud perpetrators not only lose their freedom through imprisonment, but also cannot enjoy the results of their crimes. The threat of asset forfeiture will reduce the incentive for individuals and groups to commit *fraud* because the risks faced are far greater than the potential benefits obtained. Thus, this regulation not only takes action against crimes that have already occurred, but also serves to prevent future misuse of state finances." (Trismanto, 2024). In addition to strengthening fiscal stability, the implementation of the Asset Forfeiture Bill will also encourage the creation of a more disciplined state financial management system. With the threat of asset forfeiture, public officials and private parties involved in budget management will be more careful in making decisions (Trismanto, 2024).

This indirectly minimizes the space for misuse of public funds, because every action that violates the law has the potential to lead to the loss of personal and group assets. The Asset Forfeiture Bill is a legal instrument designed to strengthen efforts to eradicate corruption and state financial crimes (Nugraha, 2021). So far, many corruption cases have ended with criminal punishment for the perpetrators, but the assets resulting from the crime have not fully returned to the state. This causes state losses to continue and creates a justice gap in the eyes of the community. With this Asset Forfeiture Bill, the state has a strong legal basis to seize and return assets even if the perpetrator dies, flees, or is difficult to prove criminally.(Syakila & Saleh, 2024)

From a prevention perspective, the Asset Forfeiture Bill is believed to be able to create a stronger deterrent effect. The deterrent effect through asset forfeiture will also have a significant psychological impact on perpetrators and potential offenders. If so far, prison sentences are considered negotiable through various channels, then the permanent loss of assets will create greater fear. Assets that have long been disguised or transferred to family or third parties remain subject to seizure, so there is no guarantee that the perpetrator will be able to enjoy the proceeds of crime in the future. This condition will make corruption a high-risk activity without tangible benefits (Hafid, 2021).

Here are some points that include: Asset Recovery. Asset recovery does not rule out the possibility of a country or group of people regaining access to assets that have been lost or illegally obtained. This is a crucial step to ensure that the proceeds of the perpetrator's crime cannot be enjoyed. then, Deterrent Effect and Prevention: A country can create a significant deterrent effect on perpetrators and potential perpetrators by implementing crime-related measures. This helps to deter future criminal activity by demonstrating that the benefits of crime cannot be fully enjoyed.

Fairness aspect: that the Assets under discussion can be used for the public good, such as supporting social programs or strengthening the legal system. This provides benefits to the general public and aids the continued development of justice. A further point is that while asset forfeiture is a useful tool, it cannot be fully used to prevent crime. Criminal proceedings are also crucial to ensure that crimes are investigated and complied with according to the applicable law (Anggraini et al., 2024).

The main purpose of criminal prosecution is to provide information to victims, uphold the rule of law, and demonstrate that those who violate it face serious consequences. The only way for offenders to obtain legal certainty and justice is through criminal proceedings. In addition, Law Enforcement Officers have a strong desire to assess a person's crime through a transparent and fair process. This includes conducting investigations, prosecutions, and trials to ensure that every individual and every matter is thoroughly examined. Asset forfeiture should be viewed as a supporting element that strengthens the criminal process, rather than a defense. In the implementation of the Asset Forfeiture Bill, the government should emphasize that the mechanisms implemented do not prove the guilt of individuals, but only show that an asset is the proceeds of crime (Pamungkas, 2023).

The handling of assets belonging to corruptors by the KPK still faces many serious problems that hinder the successful confiscation of goods obtained from acts of corruption. One of the research results shows that the confiscation process carried out by the KPK requires a long time for investigation and determination of suspects, so there is often a possibility that valuable items have been moved or hidden before the confiscation is carried out. As in the case of BLBI (Bank Indonesia Liquidity Assistance), the losses suffered by the state are estimated to reach tens of trillions of rupiah (around Rp 4.58 trillion for one group of cases). Although the BLBI cases involved huge assets, efforts to recover them (especially those handled by institutions other than the KPK, such as the BLBI Task Force and the Attorney General's Office) were often hampered by the lengthy litigation process, as well as the complicated legal status of the assets that had changed hands many times, making the confiscation process very difficult and not optimal in an effort to recover the overall state losses.

At the time of the BLBI case, the law governing the return of assets obtained from corruption was minimal. There was no clear and effective way to confiscate, freeze, and bring back illegally acquired assets. As a result, many assets were successfully hidden by the perpetrators of corruption outside the supervision of Indonesian law (Maulana et al., n.d.). The main analysis in this study emphasizes that the current legal system, which requires the naming of suspects and legal proceedings before asset confiscation, is a significant shortcoming. This situation provides opportunities for corruption offenders to move, hide, or sell their assets, making it difficult for the government to effectively recover assets.

Therefore, the passage of an Asset Management Bill that authorizes the implementation of asset forfeiture "in rem" or based on the immediate source of the asset, without reliance on the decision of a criminal judge, is critical. This will address the weaknesses in the law that have been exploited by lawbreakers and provide a clearer and more effective legal basis for recovering state assets (Pantoli, 2024). The importance and significance of the Asset Forfeiture Bill is undeniable because the state can accelerate the process of prosecuting perpetrators of corruption by seizing illegal assets rather than the proceeds of corruption, which automatically has a preventive impact. This is in line with anti-corruption practices and ensures that the actions of the perpetrators do not have a negative impact. Without this bill, corruption eradication efforts are limited to imprisonment and are less effective in lowering the corruption threshold (Umam, 2025).

CONCLUSION

Based on what has been discussed above, the Asset Forfeiture Bill has the potential to be an important instrument in eradicating corruption and other forms of criminal acts. The provision of solid legal principles in the process of implementing the confiscation of wealth, which is also a derivative of criminal acts, has the potential to optimize the prevention of corruption crimes. This is important for the successful implementation of the bill in order to provide positive reinforcement that can be immediately distributed in the context of eradicating corruption. It also provides an opportunity to create justice among the general public and maximize the benefits of national wealth in a more operationally efficient way. Therefore, the Asset Forfeiture Bill is expected to be one of the most important strategic steps in the process of forming a transparent and integrity government in Indonesia.

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