

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

The results and discussions contain the results of research findings and their discussion scientifically. Write down the scientific findings obtained from the results of research that has been carried out but must be supported by adequate data Indonesia is a country that upholds legal principles, where the legislative institution plays a significant role in the governance structure. The Legislative Institution has a very important role in the making of all laws and regulations. The political system in Indonesia has always been influenced by the active role of the legislative institutions. This is based on the fact that the political system is formed through laws and regulations that are constantly changing, reflecting dynamics that are in line with the development of the times and civil society in Indonesia. (Jannah et al., 2024)

Through the function of the Legislative Institution which has the capacity to formulate and design laws and regulations, as well as carefully approved by the Executive Institution (President), the ratification of the Asset Forfeiture Bill should be a top priority in order to maintain the stability of the Indonesian economy.(Irianto, 2022). Almost ten years ago, the government began implementing the Draft Law (RUU) on the Confiscation of Assets from Criminal Acts. In 2012, the government prepared an Academic Manuscript as the basis for the bill through the National Legal Development Agency (BPHN). However, the development of this bill is still ongoing in the House of Representatives. The Bill on the Confiscation of Criminal Assets was listed among the 189 bills in the National Legislation Program for 2015-2019, but the bill was never included in the annual

priority list. In other words, during the five-year term of the House of Representatives, this bill was not used as a focus to be realized immediately. (Adam, 2025)

In a broad sense, corruption is the result of three factors: First, corruption is due to greed. Second, corruption out of necessity. Third, corruption because of opportunity. The definition of asset forfeiture theoretically refers to the act of forcible confiscation of assets or property by a state that is suspected of having a close relationship with a criminal act. Asset forfeiture is a legal remedy to eliminate or revoke ownership rights over assets that are suspected to be the proceeds or means of criminal acts, which are carried out based on a court decision or certain legal mechanism. Until now, efforts to confiscate assets resulting from corruption crimes in Indonesia still face many challenges because there is no specific law that comprehensively regulates this process. (Faturrohman et al., 2024). Asset forfeiture can usually only be done after the perpetrator is found guilty through a criminal court decision that has 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 rendered. President Prabowo Subianto has publicly expressed strong support for the acceleration of the discussion and ratification of this bill, emphasizing the urgency of returning state assets that have been seized by corrupt actors. (Dizarahadi, 2023).

On the other hand, the Corruption Eradication Commission (KPK) positively welcomed this government move and urged the House of Representatives to immediately follow up. The 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 confiscated because they are hindered by conventional evidentiary rules that focus on criminalizing 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 seen as urgent to close the legal loophole that has been used by state financial criminals. In addition, the existence of the Asset Forfeiture Bill also serves as a preventive measure that can narrow the space for fraud perpetrators. With the threat of asset confiscation, the potential profit from financial crimes will be smaller, 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 trust in the legal system. Therefore, the Asset Forfeiture Bill also provides a more comprehensive legal basis in optimizing the use of assets confiscated and confiscated by the state for the public interest. (Melisa & Son, 2025). Transparent, accountable, and fair management will ensure that the results of corruption eradication do not stop at criminalizing perpetrators, but also provide real benefits to the wider community. In the spirit of supporting Law No. 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, this Asset Forfeiture Bill is an important foothold to build clean, integrity, and people-oriented state asset governance. (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. This idea is based on several global anti-corruption principles that encourage assets as a way to reduce unsustainable elements of the economy. This includes measures that allow the return of assets in an effective manner and give people the opportunity to demonstrate the legitimate origin of the assets they own. Thus, the importance of the ratification of the Asset Revocation Bill is held to provide a solid legal basis for the state in carrying out the revocation of assets obtained from criminal acts. This is very important 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 have an effect on reducing the level of corruption and can prevent abuse of power. Abuse of Power is an action carried out by public officials or authorities for a specific purpose, either for personal interests or for groups or companies. If the action has a negative impact on the financial or economic condition of a country, then it can be categorized as corruption. This in supporting the process of asset confiscation in a country requires solid political support from parliamentarians, the government, and the judiciary. (Pantoli, 2024). The confiscation of assets derived from corruption is a preventive effort to protect or avoid wealth suspected of being the result of corruption crimes so as not to change location or ownership. Taking over assets as a criminal sanction is considered to be able to reduce the level of corruption, because in criminal theory assets function as a source of life from a criminal act. Therefore, to reduce or even eradicate corruption, the first step that is necessary is to eliminate the source, which is assets. (Hafid, 2021)

The confiscation of assets also gives a moral message to the public that the state is serious about protecting public finances. When the public sees that the assets resulting from corruption are really returned for the benefit of the people, trust in the government and law enforcement will increase. Transparency in the process of confiscation and reuse of state assets can also strengthen legal legitimacy while emphasizing that efforts to eradicate fraud are not just rhetoric, but real actions oriented to the common interest. Fraudsters not only lose their freedom through prison sentences, but also cannot enjoy the fruits of their crimes. The threat of asset confiscation will reduce the incentive for individuals and groups to commit fraud, because the risks faced are much greater than the potential profits obtained. Thus, this regulation not only cracks down on crimes that have 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 confiscation, public officials and private parties involved in budget management will be more careful in making decisions. (Trismanto, 2024). This indirectly reduces the space for misuse of public funds, because any unlawful action 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 in criminal penalties

for the perpetrators, but the assets of the proceeds of crime have not fully returned to the state. This causes state losses to continue and create a gap in justice in the eyes of the public. With this Asset Forfeiture Bill, the state has a strong legal basis to confiscate and return assets even if the perpetrator dies, escapes, or is difficult to prove criminally. (Syakila & Saleh, 2024)

From a preventive perspective, the Asset Forfeiture Bill is believed to be able to create a stronger deterrent effect. The deterrent effect through asset confiscation will also have a significant psychological impact on perpetrators and potential criminals. If prison sentences are considered negotiable through various channels, then the permanent loss of assets will create greater fear. Assets that have been disguised or transferred to family or third parties for a long time still have the potential to be confiscated, so there is no guarantee for perpetrators to be able to enjoy the results of their crimes in the future. This condition will make corruption a high-risk activity with no real benefits. (Hafid, 2021). Here are some of the points that include: Asset Recovery, Asset recovery does not rule out the possibility of a country or a group of people regaining access to assets that have been lost or illegally acquired. This is a crucial step to ensure that the proceeds of the perpetrator's crimes cannot be enjoyed. Then, Deterrence and Prevention Effects: A country can create a significant deterrent effect on perpetrators and potential perpetrators of crime by implementing measures related to criminal acts. This helps prevent future crimes by showing that the benefits of crime cannot be fully enjoyed.

Aspect of justice: 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 in the development of sustainable justice. The next point is that, while forfeiture assets are a useful tool, they cannot be fully used to prevent crime. Criminal proceedings are also very important to ensure that crimes are carried out and complied with in accordance with applicable laws. (Anggraini et al., 2024). The main purpose of criminal prosecution is to provide information to victims, uphold the rule of law, and show that those who violate it face serious consequences. The only way for perpetrators to get legal certainty and justice is through criminal proceedings. In addition, Law Enforcement has a strong desire to assess a person's crime through a transparent and fair process. This includes conducting investigations, prosecutions, and courts to ensure that each individual and every thing is thoroughly examined. The prosecution of assets should be seen as a supporting element that strengthens the criminal process, rather than as a defense. In the implementation of the Asset Forfeiture Bill, the government must emphasize that the mechanism applied does not prove individual error, but only shows that an asset is the result of a crime. (Pamungkas, 2023). The importance and significance of the Asset Forfeiture Bill cannot be denied because the state can speed up the process of prosecuting corrupt perpetrators by seizing illegal assets rather than the proceeds of corruption crimes, which automatically provides 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, efforts to eradicate corruption are limited to prison sentences 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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