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Asset Forfeiture in Money Laundering Crimes in the Perspective of Justice in Indonesia

Putu Deneil Pradipta Intaran [1*], Diah Ratna Sari Hariyanto [2]
[1-2] Faculty of Law, Udayana University, Indonesia

* Corresponding Author: **Putu Deneil Pradipta Intaran**

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Abstract
Money laundering is a crime that harms the interests of the community, results in economic instability of a country and is more dangerous than corruption because tracking the flow of money from money laundering will be more difficult. Reflecting on this, asset forfeiture is important because the approach method used is known as "follow the money". This study reviews asset forfeiture in money laundering from a justice perspective. This study is a normative or doctrinal research, also referred to as dogmatic research with a conceptual and legislative approach. Studies show that asset forfeiture in money laundering has actually been regulated in Indonesia in the form of criminal forfeiture based on the Criminal Code and Criminal Code, civil forfeiture and administrative forfeiture based on the PPTPPU Law, but in its regulation and implementation there are still legal loopholes that can be used by criminals to hide the proceeds of their crimes, so that they have not provided a sense of justice, harming the state and society as victims of laundering crimes money. Based on the perspective of justice rooted in the principle of fundamental justice, it is stated that crime should not benefit the perpetrator. This underlies the need to expand the scope of asset forfeiture regulations, especially related to civil/in brake forfeiture by reformulating the provisions in the PPTPPU Law. In addition, the expansion of the scope can also be done through laws and regulations that specifically regulate the confiscation of assets with the direction of the scope of regulation that is not only limited to assets in the accounts of financial service provider users, but to all assets related to crime. Strengthening the protection of third parties in good faith also needs to be regulated to increase the sense of justice for the community and the state.

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Introduction

One of the challenges faced by law enforcement in Indonesia today is related to the increasing problem of money laundering (Sudirdja, 2019) [33]. Money laundering is a method used by criminals to disguise the origin of poorly earned profits with the intention of enjoying their money "cleaned" without interference from rivals or law enforcement agencies (Zali & Maulidi, 2018) [41]. Data shows that money laundering throughout 2022 reached Rp 183.88 trillion (PPATK) (Rahayu, 2023) [29]. Furthermore, the Coordinating Minister for Political, Legal and Human Rights Affairs Mahfud MD emphasized that money laundering is more dangerous than corruption. This is because the proceeds of money laundering will be more difficult to track because the money can go to other people or revolve in certain businesses or companies (C. A. Putri, 2023) [26].

The money laundering process always has a connection with financial service providers. Money laundering is a crime that is detrimental to the interests of the community, and can result in economic instability of a country and economically does not benefit the country (Purwoto Purwoto, 2020) [24]. The act of confiscating assets in handling money laundering is very important because its law enforcement perspective uses an approach known as "follow the money" to find money circulation

related to crime or violation of the law. This paradigm considers assets and money as the lifeblood of evil. In addition, they are considered a weak point in the crime chain (Legal Directorate of the Center for Financial Transaction Reporting and Analysis, 2021). Confiscating the instruments and proceeds of criminal acts of criminals not only moves their wealth, but also as an effort to achieve a common goal of justice and well-being for all people (Divine & Alia, 2019) [14]. Asset forfeiture has been studied by many researchers, including Yaris Adhial Fajrin and Ach Faisol Triwijaya who study the opportunity of asset forfeiture in corruption crimes as a principal crime. Indonesia's positive criminal law, especially regarding corruption crimes, has recognized the criminal sanction of confiscation of property, namely Law Number 31 of 1999, Article 18, Paragraph 1, letter a. However, these sanctions are still placed as an additional type of crime, which is real and must be imposed according to the type of crime. The placement of asset forfeiture is an additional punishment in Indonesian corruption cases when viewed from the perspective of social justice has not been able to restore the balance of society lost due to corruption crimes (Fajrin & Triwijaya, 2019) [10]. Furthermore, Wulandari, et.all. found that the confiscation of non-criminal assets has become the top priority of legal requirements in Indonesia. This is because the concept of non-criminal-based asset confiscation can produce shortcuts to recover state wealth that has been taken as a result of criminal acts related to the state economy. The mechanism does not violate human rights because it aims to recover or recover state losses. In this case, because the state has become a victim of the perpetrator's evil deeds, through the element of national interest, this becomes a barrier between the right to property as stipulated in the constitution (Wulandari, Suprayitno, Kurniawan, & Özkan Borsa, 2023) [40]. Then Rahmi Dwi Sutanti, Pujiyono, and Nur Rochaeti saw an opportunity that the Law on the Prevention and Eradication of Money Laundering Crimes was a tool to eradicate green economic crimes (financial crimes related to the environment) in Indonesia. However, there are still challenges that prevent maximum action from being taken, especially related to the confiscation of the perpetrators' assets. Indonesia has a significant opportunity to regulate non-criminal-based asset forfeiture in more detail and more clearly to combat green economy crimes. Because the current rule is only limited if the defendant dies before being found guilty and there is enough evidence to convict him (Sutanti, Pujiyono, & Rochaeti, 2023) [35]. This study is a continuation of previous research that has not reviewed the asset forfeiture of money laundering crimes from a justice perspective.

There are two types of confiscation that are commonly carried out, namely civil and criminal. The confiscation of civil assets (in rem) only requires that there is a possible cause of the property being tainted by a crime, without criminally punishing the owner. Regarding criminal expropriation (in personam), the government confiscates property as part of a criminal verdict (Estrada, Bagatella, Ferrel, & Mariño, 2021) [7]. In the common law system, especially in the United States, there are three ways to seize assets, namely criminal forfeiture, administrative forfeiture, and civil forfeiture (Sutanti *et al*, 2023) [35]. In Indonesia itself, the confiscation of assets in money laundering has been regulated through Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. However, Indonesia's current legal system focuses on offenders, who are punished with imprisonment, confinement, and additional fines instead of the confiscation of assets resulting from the crime. Thus, this system does not provide a deterrent effect on criminals because they can still enjoy the assets they obtain from their crimes (Faizal, 2021) [8]. From the perspective of justice, one of the main functions of law is to protect the public interest and realize justice (Putra, 2014) [25]. Legal justice is the harmony of rights and obligations stipulated by law (K. D. A. Putri & Arifin, 2018) [27]. The basic concept of justice states that crime should not give benefits to the perpetrators (crime should not pay), or a person should not take advantage of the illegal activities they carry out (Saputra, 2017) [31].

This research was conducted based on the argument that asset forfeiture for money laundering crimes has been regulated in Indonesia, but in its implementation it has not depicted justice for the state and society, as victims of money laundering perpetrators, where the act causes losses that hinder national progress and reduce people's welfare (Siburian & Wijaya, 2022) [32]. This is because the existing arrangements still do not touch on several problems, namely if the criminal disappears, escapes, the criminal becomes mentally ill, and the heir does not exist or the heir is not found, then the state will suffer significant financial losses. In addition, if the assets are not placed in criminal confiscation (Bureni, 2016) [4]. Based on the above statement, the purpose of this study is to analyze how the asset confiscation of money laundering crimes should be seen from the perspective of justice so that it can better protect the public interest and not provide benefits to criminals.

Method

This research is a normative or doctrinal research or also known as dogmatic research with a conceptual and regulatory approach (Marzuki, 2005) [19]. Legal materials are classified into two; First, primary legal materials in the form of various regulations or international laws and conventions related to the topic of study. Second, secondary legal materials in the form of expert views or doctrines obtained from literature or legal articles from legal journals or proceedings or books and research results related to the problems raised (Fajar & Achmad, 2007) [9]. In normative research, data is collected by conducting a search or literature study of primary and secondary legal materials which are then selected, classified, and analyzed prescriptively with the aim of supporting the findings in the research. After that, the argument is used to make recommendations or assessments that can be used to assess the legal value of the issue being studied (Fajar & Achmad, 2007) [9].

Results and Discussion

An asset is something that has an exchange rate such as capital and wealth (Great Dictionary of Indonesian VI Online, 2023). Assets are property of all kinds, real and personal, tangible and intangible, including intellectual property that belongs to everyone including corporations and the estate of the deceased. All of a person's wealth, partnership, corporation, or property that is applicable or payable (Black *et al*, 1990) [3]. Indonesian criminal procedure law uses the word "object" as the equivalent of an asset. This is stated in Article 39 concerning confiscation. In this provision, it is explained that confiscation is a series of actions taken by investigators to take over and/or store tangible or intangible objects for the purposes of

investigation, investigation, prosecution, and justice. Wealth is all movable or immovable objects, both tangible and intangible, that are obtained either directly or indirectly. Wealth according to article 159 of the Renewal Code is a tangible or intangible movable or intangible object that has economic value.

Forfeiture may be confused with the term's confiscation and forfeiture, referring to the definition of "confiscation" which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority (United Nations Office on Drugs and Crime, 2004) [38]. Asset forfeiture can be carried out both criminally and civilly. The property owned by the perpetrator is taken over through criminal channels through stages including: a. asset examination to determine the ownership and location of assets related to the delik; b. freezing or forfeiture of assets, which means not transferring, converting, disposing, or transferring property, or temporarily assuming responsibility for safekeeping, caring for, and supervising property based on a court decision or other competent authority; c. forfeiture of assets, which is decided by a court or other competent authority as a permanent revocation of assets; d. the final stage, namely the asset is returned and given to the state or victim (Nugraha, 2020) [21].

Getting as much wealth as possible is the main goal of the perpetrators of criminal acts. For criminals, wealth is their source of life like the blood that supports criminal acts, so the most effective way to eradicate and prevent economic crimes is to kill the lives of people who commit economic crimes by depriving them of the proceeds and instruments of criminal acts, because wealth is the blood that supports criminals (National Legal Development Agency, 2022). The fight against money laundering is designed not only to punish a few people who happen to be caught with money after committing a crime, but to punish the larger infrastructure that allows domestic and global criminal networks to profit from and finance crimes (Zali & Maulidi, 2018) [41]. Asset confiscation is a fundamental concept of eradicating crimes that harm the country's economy and finances, one of which is the crime of money laundering by reducing the assets of the perpetrators who are suspected of being obtained from the crime (Fauzia & Hamdani, 2021) [11].

Confiscation is different from confiscation. Confiscation is an attempt by the state to force the state to take over the property of individuals directly related to the crime. Meanwhile, expropriation is the takeover of property rights of a person who has obtained a court decision inkracht van gewijsde (Rahayuningsih, 2013) [30]. The confiscation of the proceeds of crime depends on the principle that crime should not pay or a person should not take advantage of the illegal activities he or she has carried out (Hafid, 2021) [12]. Criminal forfeiture (criminal expropriation or expropriation against a person) and civil expropriation (civil expropriation, confiscation of non-conviction-based assets or brake confiscation) are 2 types of expropriation used in the world in order to return and handle the proceeds of crime. Both have the same reason. The person who commits the offense should not get pleasure from the results of their offense. The proceeds of crime must be removed and allocated to pay victims, both state and individual. In addition, criminal acts must be stopped by stopping the profits of economic crime and criminal behavior. Eliminating this is done to prevent the use of these assets for further criminal purposes (Legal Directorate of the Center for Financial Transaction Reporting and Analysis, 2021).

Criminal expropriation is a punishment for the perpetrator of a crime that is decided inkracht by the court. As stated in the court decision executed by the prosecutor, the panel of judges asked the convict to pay compensation or seize the convict's assets in lieu (Susetyo & Supanto, 2023) [34]. Criminal expropriation is an individual-oriented act. The action is carried out based on the decision of the panel of judges who adjudicate criminal cases because it is part of criminal sanctions. In this case, the prosecutor assured that the assets to be confiscated were products or tools of criminal acts. The public prosecutor must submit an application for asset forfeiture together with the prosecution file (Latifah, 2015) [18].

Civil forfeiture, also known as non-conviction based forfeiture, excludes punishment against individuals or people as subjects because it aims to change the paradigm of "follow the suspect" to "follow the asset" (Siburian & Wijaya, 2022) [32], therefore property can be taken over even though the criminal trial against the perpetrator is still ongoing (Tantimin, 2023) [36]. Basically, assets are the object of a lawsuit, not an individual. This action is different from criminal justice and only determines that the criminal act has contaminated assets (Hafid, 2021) [12]. The purpose of criminal and civil expropriation is the same, namely to take away the proceeds of criminal acts. However, it differs in the process used. In this mechanism, the state plays the role of the plaintiff and the assets play the role of the plaintiff and the parties involved in the expropriation process act as the intervening parties (claimants) (Saputra, 2017) [31].

Three different models of asset forfeiture today based on their development, namely in personam forfeiture is the forfeiture of assets related to the criminalization of a convict, also known as criminal forfeiture. In rem forfeiture is the confiscation of assets carried out without criminality, also called civil asset forfeiture. The last is the confiscation of administrative assets, which is the confiscation of assets carried out by an institution without court intervention (Kanin, Ablisar, Mulyadi, & Leviza, 2019) [16]. Administrative expropriation is an asset forfeiture procedure that allows the state to acquire assets without involving judicial institutions (Tantimin, 2023) [36].

Review of asset forfeiture of money laundering in Indonesian positive law

Money laundering is regulated in Law Number 8 of 2010 (Law on the Prevention and Eradication of Money Laundering Crimes/PPTPPU Law) which then revoked some of its provisions with the Indonesian Renewal Criminal Code (Government of the Republic of Indonesia, 2023). Criminal acts such as corruption, abuse of narcotics and psychotropics, illegal trade, bribery, embezzlement are the core crimes that start money laundering (Pakpahan, Pakpahan, & Firdaus, 2019) [22]. The crime of money laundering includes elements of place, transfer, transfer, expenditure, payment, grant, custody, alteration, exchange for currency, securities, or other goods that are the result of a criminal act or considered a criminal act. It also includes the crime of money laundering, which is an act with the intention of concealing, or disguising the origin of wealth so that it appears as legitimate property (PPTPPU Law). These provisions can be a public picture of money laundering activities, namely crimes including adding money to the financial system, diverting assets derived from criminal acts, or using goods or money derived from criminal

acts illegally. All of these crimes are committed with the aim of gaining profits and can harm or harm national or even international interests (Purwoto Purwoto, 2020) [24].

Through Law No. 7 of 2006, Indonesia has ratified the United Nations Convention against Corruption and ratified the United Nations Convention against Transnational Organized Crime with Law No. 5 of 2009. One of the important components of the international legal instrument is the regulation related to the tracing, confiscation, and confiscation of proceeds and instruments of crime, including cooperation in the context of the return of proceeds and instruments of criminal acts between countries. The ratification of these international instruments has the consequence of the Indonesian government's form of self-binding and gives rise to rights and obligations, so it is necessary to amend the current law to be in accordance with the rules set out in the international instrument.

Asset forfeiture arrangements in Indonesia consist of criminal forfeiture, civil forfeiture, and administrative forfeiture. (Legal Directorate of the Center for Financial Transaction Reporting and Analysis, 2021). Criminal forfeiture is an act carried out through criminal justice so that the confiscation of assets is carried out at the same time as proving whether the defendant really committed a criminal act. Confiscation can only be carried out after the court determines the defendant guilty through a verdict that has been inkracht (Kurniawan, 2013) [17]. In the Indonesian criminal law system, this is one of the additional types of crimes (Criminal Code and Renewal Criminal Code). Based on these provisions, confiscation is carried out on goods or money based on court decisions or judges' determinations. This confiscation can only be carried out against the property of the perpetrator who is found guilty, obtained from a criminal act or deliberately used to commit a criminal act. If the goods or money taken are handed back to the convict, the confiscation can be subsidized into a prison sentence, which must last for a minimum of one day and a maximum of six months (Latifah, 2015) [18].

The updated Criminal Code states that additional crimes include the confiscation of certain goods and/or bills. If the imposition of the principal penalty alone is not enough to achieve the purpose of the penalty, additional penalties may be imposed. The imposition is for every criminal act in Indonesian criminal law that aims to harm convicts who have been proven to have committed criminal acts through binding court decisions, so that they cannot enjoy the proceeds of crime (Bureni, 2016) [4]. The confiscation of certain goods can only be carried out by a decision of the panel of judges that has been inkracht van gewijsde in the provisions of Indonesian criminal law. In practice, the mechanism in the Criminal Procedure Code takes a long time. The time required in a case to the verdict of the inkracht van gewijsde court can be months, even years. The old tempo made it easier for criminals to hide the wealth they obtained and use in crime. Therefore, the initial purpose of asset confiscation, which means confiscating goods produced by crime, fails because the perpetrator then attempts to escape the asset (Latifah, 2015) [18].

Civil asset forfeiture is carried out not against cases that are tried in criminal courts. Subjects do not need to be proven to have committed a criminal act so that if the money they get is suspected of coming from a criminal act, the state can confiscate their assets by suing for their assets or a lawsuit in rem (Legal Directorate of the Center for Financial Transaction Reporting and Analysis, 2021). Fletcher N. Baldwin, Jr. stated that, because civil forfeiture utilizes the reverse burden of proof and has the ability to commit forfeiture immediately after a suspected relationship between the criminal act and the asset, the civil forfeiture model is very important to be applied in Indonesia (Sutanti *et al*, 2023) [35]. In addition, in civil confiscation, it is aimed at goods or money, not criminals or criminals, so that state assets can still be taken even if the perpetrator dies or has not been examined or decided by the panel of judges in the criminal case. It seems that this approach was later used, and is now known by other terms, "asset forfeiture without criminalization" or "asset forfeiture without criminalization" (Husein, 2019) [13].

Civil expropriation has been regulated in the PPTPPU Law, namely in Article 67 of the PPTPPU Law and is further regulated through Perma of the Republic of Indonesia Number 1 of 2013 regarding the technical handling of it. Assets that can be confiscated according to these provisions are only assets that are in the account of service users at financial service providers. It is impossible to seize other assets, including movable and immovable goods. This causes difficulties in handling TPPU cases because the assets owned by suspected TPPU perpetrators with DPO status can be transferred or used for movable or immovable property so that they are not included in the blocked account, including its contents (Legal Directorate of the Center for Financial Transaction Reporting and Analysis, 2021).

In addition to these provisions, there has been no clear regulation that can be used as a tool to seize goods or money from the perpetrators of criminal crimes of origin or money laundering. The limited scope of the regulation becomes a loophole that makes it possible to avoid a robbery that is strongly suspected to be the result of a crime that it owns or controls. If the legal logic is based on the provisions of the TPPU Law, the new court will determine the forfeiture without penalty as a follow-up reaction to the temporary suspension of PPATK transactions that were handed over to investigators, then the investigators did not find the perpetrator, but the assets were found. This means that according to Article 67 of the PPTPPU Law, the act of temporary suspension of transactions is mandatory which then has the impact of its derivative regulations stipulating that the minutes of the temporary suspension of transactions must be included in the case file in cases that use these legal instruments.

Administrative expropriation is an act that allows the state to take over assets without involving judicial institutions (Husein, 2019) [13]. Administrative expropriation is regulated in Articles 34-36 of the PPTPPU Law. In accordance with these provisions, the Directorate General of Customs and Excise must make a report of every cash entering or exiting the Indonesian customs area in the form of rupiah, foreign currency, and other forms, such as cheques, traveler's cheques, promissory notes, or bilyet giro, without notification from customs. Due to the limitations of the transaction value, the cash carrier may attempt to avoid customs inspection. The TPPU Law has not yet discussed what technicalities must be done to prevent cross-border cash carrying reports (Legal Directorate of the Center for Financial Transaction Reporting and Analysis, 2021).

Criminal, civil, and administrative seizure of assets for money laundering has actually been regulated in Indonesia's positive law. However, in the regulation and implementation, there are still legal cracks that can be used by criminals. This

results in the goal of punishment which is not limited to the perpetrator in a repressive manner through the maximum criminal threat, but also to prevent criminal acts through tracing and returning assets resulting from criminal acts (Denniagi, 2021) [5] has not been achieved. With the goal of criminalizing money laundering has not been achieved, legal justice for the state and society as victims of money laundering crimes has not been realized.

Review of justice as a perspective on asset forfeiture of money laundering crimes

The presence of law in society has 3 (three) conventional legal purposes, namely justice, utility, and legal certainty. The school of ethics that wants the law to create justice divides justice into two types, namely retributive justice (providing justice by looking at its portion), and cumulative justice (equal justice without looking at its portion). Then there is the school of utilitarianism, of which Jeremy Bhentam as one of the leaders of this school says the purpose of the law is to guarantee as much happiness as possible for as many people as possible. In addition, there is also a dogmatic-normative school that emphasizes certainty based on the law and considers the law to be autonomous that only comes from actions that cannot be interpreted outside the sound of the rules. Responding to these three schools, Gustav Radbruch wanted the three legal objectives to be prioritized. The first legal goal that must be achieved is justice, then the benefits and certainty of the law (Fajrin & Triwijaya, 2019) [10]. Legal justice is commensurate with general justice. Good relationships, commonality, and not putting yourself first are signs of justice. It is the basis of morality, truth, and justice in life, and therefore binds every individual, both members of society and rulers. The law, as a result, is the most effective tool to achieve a prosperous and just life (Tanya, Simanjuntak, & Hage, 2013) [37].

The essence of the theory of community justice is that the legal goal for justice is "good society". The role of law realizes actual justice which is known as substantive justice. All citizens should be given the same rights to the freedom system. Economic and social differences need to be regulated for the most vulnerable (those who cannot afford it) to be protected and jobs and positions open to everyone based on the principle of honest or decent play (Atmadja & Budiartha, 2018) [1]. One of the main functions of the law is to strive to realize justice and protect the interests of the community (Putra, 2014) [25]. In particular, related to the principle of justice, the most basic is actually the confiscation of property resulting from crime. Peter Alldridge supports this idea by stating that "crime does not pay", anyone should not profit from illegal acts. Alldridge then stated that based on this idea, asset recovery through the mechanism of asset forfeiture can be justified (Miladmahesi, 2020) [20].

In terms of justice, the most basic principle of justice in the confiscation of crime proceeds has not been implemented properly because there is still a possibility for criminals to profit from the process. This is evidenced by an analysis of the provisions in Indonesia's positive law as previously described. The state and society of course suffer from crimes including money laundering crimes. The need to expand the scope of confiscation of non-criminal assets in rem forfeiture or civil forfeiture, which has actually been regulated in the PPTPPU Law, but is still limited to those contained in user accounts in Financial Service Providers.

Expanding the scope of asset forfeiture can be done by reformulating asset forfeiture provisions either in the PPTPPU Law or separately regulated. It is necessary to regulate a new mechanism so that goods or money generated from crimes, as well as tools to commit crimes, can be taken without having to be related to the punishment of criminals or perpetrators. This method has been used in several countries through civil lawsuit procedures against the object. This system has proven to be effective in stopping economic crimes involving large finances. This expansion of reach is also intended as a consequence of the Indonesian government's form of self-binding that gives rise to rights and obligations, so it is necessary to amend the current law to be in accordance with the rules set out in the international instrument.

The expansion of the scope of the in-rem forfeiture from the current one that has been regulated in the PPTPPU Law, namely first related to confiscated assets other than those in the account of service users at financial service providers only, but also those related to crime, including:

1. property from crime or resulting indirectly or directly from crime, including grants or alterations to one's own property, another person, or business entity, whether in the form of income, capital, or other financial gains resulting from such property;
2. assets that have been known or expected to be used to commit crimes or criminal acts;
3. additional property owned by criminals or criminal offenders in lieu of goods or money that has been taken by the government; or
4. Property in the form of goods or money found that has been known or estimated to come from a crime.

The asset is at least Rp 100,000,000.00 related to criminal acts or crimes that threaten imprisonment for 4 (four) years or more. The value can be changed in accordance with Government Regulations (National Legal Development Agency, 2022). With the expansion of this regulation, other assets, such as other movable or immovable assets, including digital currencies, can be confiscated.

The expansion of the scope in rem forfeiture needs to be carried out against the criteria of conditions to determine when assets can be confiscated, this is a consequence of the application of civil asset forfeiture aimed at assets that are not suspects or defendants. The criteria for the condition have been expanded to include if the perpetrator of the crime is chronically ill, dies, escapes, or disappears; the perpetrator of the crime is exempted from prosecution because he cannot be held criminally responsible by the court; his criminal case failed to be tried; Or if the main case has been decided inkracht by the panel of judges proven guilty, but then it is known that the property owned by the crime has not been declared confiscated. In addition to the assets that have been mentioned, it also includes assets that are not balanced with income or goods for money that cannot be accounted for where they were obtained and are suspected to be related to crime or criminality. Assets that can be confiscated also include confiscation generated or used to commit crimes (National Legal Development Agency, 2022).

Regarding confiscation resulting from crimes, third parties who own assets derived from the proceeds of criminal acts will be harmed if the assets are confiscated by investigators as evidence at trial for an uncertain time, even until the case process is completed. Third-party losses will be greater if the confiscated assets are confiscated to recover state losses

(Wibowo, 2019) [39]. Although the Vienna Convention and the Money Laundering Convention prohibit the confiscation of property belonging to a third party in good faith, this is especially true for third parties who are often harmed by the confiscation process carried out in the context of criminal investigations (N. S. Putri & Tajudin, 2014) [28]. Therefore, the TPPPU Law has actually stipulated that both in the investigation stage (for example, examination and temporary suspension of transactions) and after a valid judge's decision, parties in good faith can take legal action by applying for a letter of objection (Wibowo, 2019) [39].

The aforementioned arrangements need to be strengthened to protect bona fide third parties. Resistance, which is then called objection, is an effort by everyone who feels aggrieved by their rights to Blocking and/or Asset Seizure. The right to object that the blocked and/or confiscated assets belong to him legally or are not criminal assets. Objections can be accompanied by a request for compensation where the amount of compensation does not exceed the amount of Criminal Assets blocked or confiscated based on the assessment of criminal assets (National Legal Development Agency, 2022). The clarity of the criteria for the condition of assets that can be confiscated can clarify the current regulatory conditions in the PPTPPU Law.

Conclusion

Based on the analysis and review carried out, it can be seen that, first, asset forfeiture in money laundering has been regulated in Indonesia's positive law, namely in the form of criminal forfeiture based on the Criminal Code and Criminal Code, civil forfeiture and administrative forfeiture based on the PPTPPU Law, but in its regulation and implementation there are still loopholes in the law that can be used by criminals. This results in a criminal goal that is not limited to the perpetrator in a repressive manner through the maximum criminal threat, but also to prevent through the tracing and return of assets resulting from the crime has not been achieved. As a result, the state and people who are victims of money laundering crimes have not received a sense of justice.

Second, from the review of justice, in order to provide a sense of justice to the state and society, it is necessary to expand the reach of civil/in brake forfeiture by reformulating the provisions for asset forfeiture both in the PPTPPU Law and in the laws and regulations that specifically regulate asset forfeiture. This expansion of reach is also intended as a consequence of the Indonesian government's self-binding form to international instruments that give rise to rights and obligations, so it is necessary to reformulate the current law. The range of regulations in it is not only for assets in the user's account from financial services companies but for every asset related to a criminal act with certain qualifications so that for other movable or immovable goods related to criminal acts, asset forfeiture can be carried out.

Third, it is also necessary to expand the reach of the situation when an asset has met the conditions for asset forfeiture. In addition, in order to provide protection to third parties in good faith, it is necessary to strengthen the regulation regarding objections that can be accompanied by a request for compensation if the blocked and/or confiscated assets are legally owned or not as Criminal Assets. The amount of compensation does not exceed the amount of Criminal Assets that are blocked or confiscated based on the assessment of Criminal Assets, so that the most basic principle of justice in asset confiscation where criminal acts must not benefit the perpetrators can be achieved and can optimize the return of state losses that can provide a sense of justice to the state and society.

Fourth, this research is limited to the discussion of the review of asset forfeiture in the crime of money laundering from the perspective of justice. The difference with previous research can be seen in the study from the perspective mentioned above, so that there is newness in the contribution of science, especially related to asset confiscation in Indonesia. In the future, it is necessary to conduct a follow-up study on the technical implementation of civil/in rem forfeiture in the reform of Indonesian criminal law.

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