

## THE FORFEITURE OF CORRUPTION ASSETS AND THE LEGAL POSITION OF INNOCENT THIRD PARTIES: NORMATIVE CHALLENGES AND POLICY GAPS

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**Abstract:** The asset forfeiture of corruption proceeds is essential for recovering state losses and preventing criminals from benefiting economically from their crimes. However, this policy raises legal challenges when assets are in the hands of third parties acting in good faith. This study aims to explore the economic rights of such third parties and examine the legal protection of their rights during the seizure of assets derived from corruption. This study employs a normative juridical approach, utilizing statutory, conceptual, and case analyses. The findings reveal an imbalance between asset forfeiture policies and the principle of justice for third parties who acquire assets legally. Although regulations govern objections from good-faith third parties, practical implementation still faces difficulties in terms of proof and legal interpretation. Thus, this study suggests the need for more detailed regulatory reforms to ensure the fair protection of the economic rights of good-faith third parties while facilitating the recovery of state assets.

**Keywords:** Asset forfeiture, corruption offenses, economic rights, good faith third parties, legal protection

**Abstrak:** Perampasan aset hasil tindak pidana korupsi sangat penting untuk memulihkan kerugian negara dan mencegah pelaku menikmati keuntungan ekonomi dari kejahatannya. Namun, kebijakan ini menimbulkan tantangan hukum ketika aset yang disita berada di tangan pihak ketiga yang beritikad baik. Penelitian ini bertujuan untuk menggali hak ekonomi pihak ketiga tersebut dan menganalisis perlindungan hukum terhadap hak-hak mereka dalam proses perampasan aset yang berasal dari tindak pidana korupsi. Penelitian ini menggunakan pendekatan yuridis normatif dengan pendekatan perundang-undangan, konsep, dan kasus. Temuan penelitian menunjukkan adanya ketidakseimbangan antara kebijakan perampasan aset dan prinsip keadilan bagi pihak ketiga yang memperoleh aset secara sah. Meskipun terdapat regulasi mengenai mekanisme keberatan bagi pihak ketiga yang beritikad baik, dalam praktiknya masih terdapat kendala dalam hal pembuktian dan interpretasi hukum. Oleh karena itu, penelitian ini menyarankan perlunya pembaruan regulasi yang lebih spesifik untuk memastikan perlindungan hukum yang adil bagi pihak ketiga yang beritikad baik tanpa menghambat proses pemulihan aset negara.

**Kata kunci:** Hak ekonomi, Perlindungan hukum, Pihak ketiga yang beritikad baik, perampasan aset, Tindak pidana korupsi

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## INTRODUCTION

Humans, driven by economic rationality, are naturally inclined to maximize their personal gain and minimize their loss, particularly when faced with limited resources. In the context of corruption, this rational economic behavior becomes problematic. Perpetrators of corruption, seeking to preserve the illicit profits derived from their criminal activities, often attempt to conceal their assets, frequently through third parties acting in good faith. These third parties may acquire assets through legitimate transactions, unaware of their criminal origins. This rational economic behavior leads to a legal dilemma: the state's interest in recovering assets from corruption directly clashes with the economic rights of third parties who have legally acquired these assets. The core issue arises from the difficulty in proving the origin of the assets and determining whether they are proceeds of crime, particularly when third parties claim they acted in good faith. This results in a legal conflict between the state's goal of recovering illicit assets and protecting third parties' legitimate economic rights.<sup>1</sup>

The concept of economics not only drives crime but also motivates individuals to conceal the proceeds of crime to maintain their economic benefits by committing subsequent crimes (follow-up crimes). Corruption, as an extraordinary crime, not only causes significant financial losses to the state but also disrupts the economic and social order of the society. The lifeblood of corruption can be severed by eliminating the perpetrator's profits, making them realize that committing crimes does not yield lasting benefits.<sup>2</sup> Theoretically, punishing perpetrators of economic crime with imprisonment alone will not eradicate the root of their criminal activity. The criminal justice system addresses this through asset confiscation or the execution of property, wealth, seized goods, replacement money, and other assets derived from criminal acts to eliminate the economic benefits of corruption. Beyond eliminating the economic advantages of the perpetrator, this approach also helps restore lost state assets and recover national losses.<sup>3</sup> However, asset confiscation often victimizes third parties who have legally and in good faith acquired those assets, creating a complex legal dilemma between the state's interest in asset recovery and the protection of third-party economic rights.

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<sup>1</sup> Muhammad Reza Baihaki, "Assessment of Elements of Abuse of Authority (Detournement De Pouvoir) Based on the Decision of the Constitutional Court," *Jurnal Konstitusi* 20, no. 1 (March 25, 2023): 100-122, <https://doi.org/10.31078/jk2016>.

<sup>2</sup> Shilin Yuan, Haiyang Chen, and Wei Zhang, "Impact of Corruption on Chinese Investment in African Countries," *Chinese Management Studies* 16, no. 4 (August 1, 2022): 904-23, <https://doi.org/10.1108/CMS-12-2020-0576>.

<sup>3</sup> Laurence R. Helfer, Cecily Rose, and Rachel Brewster, "Flexible Institution Building in the International Anti-Corruption Regime: Proposing a Transnational Asset Recovery Mechanism," *American Journal of International Law* 117, no. 4 (October 2023): 559-600, <https://doi.org/10.1017/ajil.2023.32>.

One of the main legal challenges in this process is determining the boundary between "good faith" and "bad faith" in asset forfeiture practices. Third parties who legally acquire assets without knowledge of their criminal origin are often considered to act in "good faith." However, how do we establish a standard of proof for determining this? Is it sufficient to show valid transaction evidence, or is a more in-depth investigation required to establish whether the third party was truly unaware of the illegal origin of the goods? This issue becomes even more complex when errors occur in the state's claim over assets that are legitimately owned by third parties, often due to misinterpretation of evidence or incomplete assessments of evidence. As a result, legal uncertainty arises, and third parties acting in good faith are at risk of being harmed.

Law Number 31 of 1999 on the Eradication of Corruption Crimes, subsequently amended by Law Number 20 of 2001 on the Eradication of Corruption Crimes (hereinafter referred to as UU PTPK), regulates the asset confiscation mechanism in two ways: confiscation preceded by seizure and confiscation without prior seizure. Legally, during the investigation process, investigators are authorized to seize assets belonging to the suspect and those that have been transferred to third parties, regardless of how they were acquired, whether in good faith or bad faith. Furthermore, seizure is not contingent on whether the person in possession of the asset is an accomplice in the criminal case. Seizures are carried out solely based on an asset's connection to the crime, as stipulated in Article 39 of Law Number 8 of 1981 on the Criminal Procedure Code (hereinafter referred to as KUHAP).

The concretization of asset seizure is not an easy task, as economic principles drive suspects to make every effort to conceal assets derived from corruption. However, investigators cannot seize assets without evidence linking them to the crime. This issue is further complicated by the time constraints imposed on investigators, creating a widening gap in law enforcement. Consequently, investigators' focus has shifted, prioritizing the fulfillment of sufficient evidence to swiftly hand over cases to the Public Prosecutor, with the expectation that state losses can be recovered through the imposition of additional penalties. However, the limited number of criminal assets successfully seized reduces the potential economic value recovered through confiscation. This challenge becomes even greater if, during the trial, it cannot be proven that the seized assets were derived from criminal activities.

Although asset forfeiture is regulated under current law, there is a lack of effective protection for third parties acting in good faith. This legal gap increases the risk of violating individual economic rights, particularly when assets owned by third parties not involved in the crime are impacted by asset forfeiture. Existing regulations often focus more on recovering state assets without adequately considering third-party rights protection. Consequently, third parties acting in good faith are frequently

harmed due to a lack of fair legal processes involving clear evidence of the legal status of their assets. Therefore, stronger legal protections for third parties acting in good faith are needed to create a fair balance between the state's interest in asset recovery and the protection of individual economic rights.

The issue of state loss recovery occurs not only in the method of asset confiscation preceded by seizure but also in asset confiscation without prior seizure. Article 18, Paragraph (1), Letter (b) of the Corruption Eradication Law (UU PTPK) concerning the additional penalty of paying replacement money, requires the convicted individual to pay an amount equivalent to the value of the corruption proceeds. This cannot be achieved if the facts in the corruption crime show that the material truth of the corruption does not benefit or enrich the convicted individual but instead benefits or enriches another person who is not a suspect in the case because:

Based on the principle of evidence, material truth sometimes loses to the formal truth. When a convicted individual does not possess sufficient assets to pay the replacement money, the defendant often argues that the proceeds of corruption are in the possession of a third party, and no material evidence exists to show any transaction trail of asset ownership. Consequently, state loss recovery through value-based asset confiscation cannot be achieved. Furthermore, convicted individuals hide their corrupt proceeds to maintain the economic value of their crimes, viewing imprisonment as merely a calculated risk. Court proceedings often fail to uncover material evidence proving the existence of the defendant's corruptly acquired assets, and asset-tracing investigations frequently fail to identify any real wealth or find that the perpetrator's assets are insufficient to cover the required compensation. Consequently, state loss recovery through asset confiscation remains unfulfilled in many cases. This study aims to analyze the legal protection for third parties acting in good faith in asset confiscation cases derived from corruption crimes.

This research is classified as normative legal research, which is supported by theories and concepts in the field of law and confronted with legal facts. This study highlights the disparity between theoretical legal studies (*das sollen*) and the application of positive legal norms (*das sein*).<sup>4</sup> According to Soejono Soekanto and Sri Mamudji, normative legal research is a type of legal study that examines library materials, including legal principles, legal systematics, the level of vertical and horizontal synchronization, legal comparisons, and legal history.<sup>5</sup> This study employs statutory, conceptual, and case approaches. The author applies descriptive-analytical

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<sup>4</sup> Irwansyah Irwansyah, "Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel," *Yogyakarta: Mirra Buana Media* 8 (2020).

<sup>5</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2021).

techniques to legal materials to provide a comprehensive and in-depth analysis of the regulation of asset confiscation derived from corruption crimes, particularly when ownership has been transferred to third parties acting in good faith, in the interest of state loss recovery.<sup>6</sup>

## DISCUSSION

### 1.1 Economic Rights Over Assets Owned by Third Parties Acting in Good Faith

Assets refer to all objects controlled by individuals, companies, or the government that possess economic value, whether movable or immovable, tangible (such as land, buildings, and vehicles), intangible (such as intellectual property rights, stocks, and deposits), or absolute and relative property rights. According to Kamus Besar Bahasa Indonesia (KBBI), assets are defined as something that has exchange value, capital, wealth, or corporate property.<sup>7</sup> According to West's Encyclopedia of American Law, assets are defined as real or personal property, whether tangible or intangible, that has financial value and can be used to pay the owner's debts.<sup>8</sup> According to Black Law Dictionary, the definition of an asset is

1. An item that is owned and has value.
2. The entries of property owned include cash, inventory, equipment, real estate, accounts receivable, and goodwill.
3. All the properties of a person (especially the a bankrupt or deceased person) available to pay debts.<sup>9</sup>

Article 17 of the Universal Declaration of Human Rights (UDHR) stipulates that "everyone has the right to own property alone as well as in association with others." "No one shall be arbitrarily deprived of his property."<sup>10</sup> Personal property includes the residence of oneself and family, and economically productive property including property associated with commerce and industry. Everyone has the right to use and enjoy their property, but the law can override this for the sake of public

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<sup>6</sup> Achmad Zuhdi and Ari Ade Kamula, "Legitimasi Hukum Asing Sebagai Pertimbangan Putusan Oleh Mahkamah Konstitusi: Perbandingan Antara Indonesia Dan Afrika Selatan," *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 7, no. 2 (June 20, 2024): 272-96, <https://doi.org/10.33474/yur.v7i2.21634>.

<sup>7</sup> Kamus Besar Bahasa Indonesia, Definisi Aset, <https://kbbi.kemdikbud.go.id/entri/aset> diakses 26 Agustus 2024

<sup>8</sup> Lawrence Meir Friedman and Grant M. Hayden, *American Law: An Introduction* (New York: Oxford University Press, 2017).

<sup>9</sup> Bryan A. Garner, *Black's Law Dictionary* (St. Paul Minn: West Group, 1999).

<sup>10</sup> A Patra M Zen and LL M SH, *Perlindungan Pihak Ketiga Yang Beritikad Baik* (Yayasan Pustaka Obor Indonesia, 2021).



interest. The imposition of burdensome interest and all forms of exploitation of humans by humans are prohibited by the law.<sup>11</sup>

Article 29 paragraph (1) of Law Number 39 of 1999 concerning Human Rights states that "everyone has the right to protection of themselves, their family, their honor, their dignity and their property." The formulation regarding property rights is also mentioned in Article 28G, Paragraph (1): *"Every person has the right to the protection of themselves, their family, honor, dignity, and property under their possession, as well as the right to security and protection from threats or fear of doing or not doing something that constitutes a human right.. The limitation of human rights related to the fulfillment of rights is regulated in Article 28J, Paragraph (2), which states: "In exercising their rights and freedoms, every person shall be subject to the limitations established by law solely for the purpose of ensuring the recognition and respect for the rights and freedoms of others, as well as to meet the just demands based on moral considerations, religious values, security, and public order in a democratic society."*

Assets have several characteristics, including ownership rights, the ability to generate profits, and past transaction results. The value of an asset is equivalent to its monetary value, which is why assets can provide benefits in economic activities. Ownership rights (eigendom) are part of property rights (zakelijk recht). Property rights are divided into two categories: property rights that provide enjoyment.<sup>12</sup>

Assets as economic rights refer to a concept that encompasses money, property, or other forms of wealth owned by an individual or entity, which holds economic value and provides benefits. Asset owners acquire their assets through legal transactions (such as purchases or grants), which grants them legal recognition of ownership. This legal recognition allows owners to utilize their assets for specific purposes, including buying, selling, leasing, or enhancing the asset's value to fulfill their livelihood needs.<sup>13</sup>

Economic rights over asset ownership are regulated in Articles 2 and 3 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which was ratified by Indonesia through Law Number 11 of 2005 on the Ratification of the International Covenant on Economic, Social, and Cultural Rights. Article 2, Paragraph 3 states: *"Developing countries, with due regard to human rights and their national economy,*

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<sup>11</sup> Philipus M. Hadjon, *Perlindungan hukum bagi rakyat di Indonesia: sebuah studi tentang prinsip-prinsipnya, penanganannya oleh pengadilan dalam lingkungan peradilan umum dan pembentukan peradilan administrasi negara* (Surabaya: Bina Ilmu, 1987).

<sup>12</sup> Kathleen Lynch, Manolis Kalaitzake, and Mags Crean, "Care and Affective Relations: Social Justice and Sociology," *The Sociological Review* 69, no. 1 (January 1, 2021): 53–71, <https://doi.org/10.1177/0038026120952744>.

<sup>13</sup> Carmine Guerriero, "Property Rights, Transaction Costs, and the Limits of the Market," *Economics of Governance* 24, no. 2 (June 1, 2023): 143–76, <https://doi.org/10.1007/s10101-023-00290-9>.

may determine to what extent they will guarantee the economic rights recognized in this Covenant to non-nationals." Article 3 states: "The States Parties to this Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights set forth in this Covenant."

Asset management must be carried out optimally to ensure that the economic value of an asset provides maximum benefits to the government and civil service. Proper record-keeping, maintenance, and utilization of assets are essential to track ownership status, recorded value, and benefits derived from the asset, as well as to maximize its potential while minimizing costs.<sup>14</sup>

The owner of an asset has the right to use, control, or transfer their assets as regulated by laws and regulations without interference, including arbitrary seizure or confiscation. A third party acting in good faith refers to an individual or entity that acquires an asset without knowledge of its criminal origin.<sup>15</sup> In cases where asset confiscation is enforced on third parties acting in good faith as part of corruption-related asset recovery, their economic rights are threatened, harming their reputation and resulting in financial losses. Therefore, the economic rights of third parties must be recognized if they can prove that the assets were acquired legitimately.<sup>16</sup>

The writings of economists Ronald Coase and Guido Calabresi on economic analysis in civil and business law marked the introduction of economic thought into the legal field. Gary S. Becker, in his essay titled "*Crime and Punishment: An Economic Approach*," analyzed the allocation of resources (money and personnel) used to prevent and punish criminal acts.

*"This essay uses economic analysis to develop optimal public and private policies to combat illegal behavior. The public's decision variables are its expenditures on police, courts, etc., which help determine the probability (p) that an offense is discovered and the offender apprehended and convicted, the size of punishment for those convicted (f), and the form of punishment: imprisonment, probation, fine, etc. The optimal values of these variables can be chosen subject to, among other things, the constraints imposed by the three behavioral relations. One shows the damages caused by a given number of*

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<sup>14</sup> Cheryl Doss, Caitlin Kieran, and Talip Kilic, "Measuring Ownership, Control, and Use of Assets," *Feminist Economics* 26, no. 3 (July 2, 2020): 144-68, <https://doi.org/10.1080/13545701.2019.1681591>.

<sup>15</sup> Geoffrey M. Hodgson, "Much of the 'Economics of Property Rights' Devalues Property and Legal Rights," *Journal of Institutional Economics* 11, no. 4 (December 2015): 683-709, <https://doi.org/10.1017/S1744137414000630>.

<sup>16</sup> Tommaso Trinchera, "Confiscation And Asset Recovery: Better Tools To Fight Bribery And Corruption Crime," *Criminal Law Forum* 31, no. 1 (March 2020): 49-79, <https://doi.org/10.1007/s10609-020-09382-1>.

*illegal actions, called offenses (O), another the costs of achieving a given p and the third the effect of changes in p and f on O.”<sup>17</sup>*

Although the economic rights of third parties acting in good faith are recognized in various international legal instruments, there is legal tension regarding when those rights can be overridden by the state's interests, particularly in the context of asset forfeiture derived from corruption crimes. To assess when the state may override third-party rights, a legal test is needed to measure how far the state's interest in recovering national losses can justify the limitation of individual economic rights. One approach that can be used is the principle of proportionality, where the limitation of third-party rights must be proportional to the goal to be achieved, namely, the recovery of state assets without unduly harming the third party. This principle aligns with the right to a fair trial, which requires transparency and clarity in legal processes involving third parties. Therefore, while the state has the right to recover losses through asset forfeiture, this must be done while respecting individual rights and ensuring that fair procedures are followed to avoid the violation of social justice principles. All actions and/or legal considerations undertaken by investigators, public prosecutors, and judges must be based on the human rights (economic rights) of the victim or third parties acting in good faith during the processes of seizure, prosecution, and adjudication of corruption cases.

In the context of asset forfeiture, the standard of proof is a crucial aspect to consider. One of the key questions is who should prove that the assets are the proceeds of corruption? In principle, the burden of proof lies with the accuser, in this case, the state or law enforcement authorities, who must establish a direct link between the seized assets and the corruption offense. However, in practice, is a presumption (such as a strong suspicion) enough to shift the burden of proof from the state to third parties acting in good faith? Is it sufficient to show the possibility that the assets are linked to the offense, or is more concrete and convincing evidence required?

Additionally, procedural protection for third parties acting in good faith should be clear and measured. In this regard, the objection mechanism is important as a means of legal protection. Third parties who feel harmed by the seizure should be granted the right to object and prove their lack of involvement in the criminal act. This process should be carried out in a transparent and fair manner, with clear standards of proof, to prevent the abuse of power in the forfeiture of assets that lawfully belong to third parties.

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<sup>17</sup> Gary Stanley Becker and William M Landes, “Essays in the Economics of Crime and Punishment,” 1974.



## 1.2 Analysis of Legal Protection for the Economic Rights of Third Parties Acting in Good Faith in the Confiscation of Assets Derived from Corruption Crimes

The analysis of third-party rights in the context of asset forfeiture requires a more critical legal framework, especially when considering the limitations on third-party rights under human rights law. As established in the Universal Declaration of Human Rights (UDHR) and other international conventions, every individual has the right to own and control property without discrimination. However, this right is not absolute and can be limited by the state, particularly in the context of public interest or state-loss recovery.

The application of legal standards, such as proportionality and fair trial (fair trial), is crucial in determining the extent to which the state can limit third-party economic rights. The principle of proportionality requires that any limitation on a third party's rights must be commensurate with the goal to be achieved, that is, the recovery of state assets without causing excessive harm to third parties who legally acquired the assets. In this case, the state must demonstrate that limiting third-party rights in the asset forfeiture process is truly necessary to achieve a legitimate public objective and that it cannot be achieved by less restrictive means.

Furthermore, the right to a fair trial mandates that third parties harmed by asset seizure or forfeiture have effective access to raise objections and defend their rights. The legal process involving third parties must be transparent and based on clear evidence, with equal opportunities for third parties to prove that they legally acquired the assets, without abuse of power by the state.<sup>18</sup> One example of applying the principles of proportionality and a fair trial can be seen in international regulations and domestic policies that govern the procedures for verifying the origin of seized assets. If third parties can prove that they acquired the assets legally, then the limitation on their rights through asset forfeiture should be halted, and they should receive appropriate compensation for any harm suffered.

Corruption violates the rights of society, particularly the poor. This leads to wasteful resource allocation, hinders foreign investment, impedes economic growth, lowers living standards, increases government spending, makes the tax system inefficient, encourages capital outflows, and exacerbates budget deficits. Moreover, corruption weakens the rule of law and democracy, endangers the principles of good governance and effective public administration, disrupts markets, threatens human rights, and undermines institutions that are essential for stability, security, and

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<sup>18</sup> Arya Anggara, "Limitation of Public Service Special Assignment Charges Bond in the Form of a BUMN Persero (State-Owned Enterprises)," *Peradaban Hukum Nusantara* 1, no. 1 (November 2, 2024): 98, <https://doi.org/10.62193/ebsdrm65>.

sustainable development.<sup>19</sup> This is in accordance with the agreement in the Final Declaration of Global Forum II, which emphasizes the importance of combating corruption to uphold the rule of law, good governance, economic stability, and sustainable development.

*"We are all deeply concerned about the spread of corruption, which is a virus capable of crippling government, discrediting public institutions and private corporations, and having a devastating impact on the human rights of populations, thus undermining society and development, and affecting the poor in particular. We are determined to prevent and combat all forms corruption"* <sup>20</sup>

International actions that initially consisted of declarative and general statements have evolved into legally binding agreements through various conventions, including the Inter-American Convention against Corruption, the OECD Anti-Bribery Convention, and the African Union Convention on Preventing and Combating Corruption. Subsequently, the United Nations Convention Against Corruption (UNCAC) was introduced to fill the gaps left by previous international legal instruments, covering areas such as prevention measures, criminalization and law enforcement, international cooperation, technical assistance, information exchange, and asset recovery. The UNCAC is essential for a comprehensive approach to effectively prevent and combat corruption. Countries that have ratified the UNCAC are obligated to implement anti-corruption measures, including prevention, detection, sanctions, and international cooperation among state parties in the fight against corruption.

Indonesia's criminal law has taken various measures to prevent offenders from enjoying the proceeds of their crimes and confiscate assets suspected to be linked to corruption crimes. However, the asset confiscation mechanism under the Criminal Procedure Code (KUHP) requires a lengthy process, which allows criminals more time to conceal their illicitly acquired wealth. A significant portion of corruption proceeds is placed within financial systems in both the banking and non-banking sectors. Moreover, movable and immovable assets derived from corruption are often mixed with legally acquired personal assets to obscure their origin, making it difficult for law enforcement authorities to distinguish illicit assets from legitimate ones.

Article 10 of Law Number 1 of 1946 on Criminal Law Regulations (Old KUHP) states that, in addition to principal punishments, which include the death penalty, imprisonment, detention, and fines, there are also additional punishments, namely,

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<sup>19</sup> Muhammad Yusuf, "Merampas Aset Koruptor: Solusi Pemberantasan Korupsi Di Indonesia," *Kompas*, 2013.

<sup>20</sup> Vinay Kumar Bhargava and Emil P Bolongaita, *Challenging Corruption in Asia: Case Studies and a Framework for Action* (World Bank Publications, 2004).

the revocation of certain rights, the confiscation of specific items, and the public announcement of court decisions. Meanwhile, Articles 64 to 67 of Law Number 1 of 2023 on the Criminal Code (KUHP 2023) stipulate that punishments consist of principal and additional penalties. Principal punishments include imprisonment, detention, supervision, fines, and community service, whereas additional punishments include the revocation of certain rights, confiscation of specific items and/or claims, public announcement of court decisions, payment of compensation, revocation of specific licenses, and the fulfillment of customary obligations. Additionally, there are special penalties for specific criminal offenses, as determined by law. Asset confiscation for criminal acts, or asset forfeiture, is defined as a coercive measure taken by the state to seize control and/or ownership of criminal assets based on a court ruling that has obtained permanent legal force, without being contingent on the conviction of the perpetrator."

Investigators have the authority to take coercive measures against any assets, including those belonging to third parties, for the purpose of gathering evidence in court proceedings. In carrying out investigations, inquiries, and prosecutions, the Corruption Eradication Commission (KPK), pursuant to Article 12, Paragraph (2), Letter (c) of Law Number 30 of 2002 in conjunction with Law Number 19 of 2019 on the Corruption Eradication Commission, has the authority to order banks or other financial institutions to freeze accounts suspected of containing proceeds from corruption, whether they belong to the suspect, defendant, or other related parties. Article 47, Paragraph (1) of the Corruption Eradication Commission (KPK) Law states: "*Based on strong suspicion supported by sufficient preliminary evidence, investigators may conduct seizures without the permission of the Chief of the District Court in relation to their investigative duties.*".

Asset confiscation in criminal law is considered an additional penalty, assessed based on the extent to which the property is connected to the crime committed by the defendant. It applies to assets under the defendant's control, rather than those owned by third parties. The provisions regarding items that can be confiscated as a result of a crime are stipulated in Article 39, Paragraph (1) of the Criminal Code (KUHP), which states: "*The property belonging to the convicted person, obtained from a crime or deliberately used to commit a crime, may be confiscated.*" This overlaps with Article 18, Paragraph (1) of the Corruption Eradication Law (UU PTPK), which states: "*The confiscation of tangible or intangible movable property, or immovable property used for or obtained from corruption crimes, including the convict's company where the corruption crime was committed, as well as any assets that replace such property, may be carried out*" The value of confiscated assets, whether from the defendant or a third party, is compensated against the state's financial losses resulting from the corruption crime. If the confiscated assets, whether directly obtained from corruption or substituted assets,

are insufficient to cover the total state losses, an additional penalty in the form of payment of replacement money shall be imposed, as stipulated in Article 18, Paragraph (1), Letter (b), Paragraph (2), and Paragraph (3) of the Corruption Eradication Law (UU PTPK).

According to Article 18, Paragraph (1), Letter (b) of the Corruption Eradication Law (UU PTPK), assets derived from corruption that have been acquired by other parties cannot be assigned as restitution obligations to the defendant. State financial losses caused by corruption may not always be fully recovered through the confiscation of the defendant's assets, even if their value matches the proceeds obtained from the crime. To achieve comprehensive state financial recovery, it is necessary to confiscate assets that have been acquired and enjoyed by other parties, particularly when such assets are obtained through criminal activities or used as instruments to commit crimes.

In civil asset forfeiture, wealth and assets can be seized even while the trial against the perpetrator is ongoing.<sup>21</sup> The subject does not need to be proven guilty of a criminal offense for the state to confiscate assets suspected to be proceeds of crime.<sup>22</sup> Civil asset forfeiture utilizes the principle of the reversed burden of proof and allows asset confiscation once there is a suspected link between the criminal act and the assets.<sup>23</sup> In civil asset forfeiture, the focus is on the assets or money rather than the perpetrator or criminal. This means that state assets can still be recovered even if the perpetrator has passed away, has not yet been investigated, or has not been convicted by the court.<sup>24</sup>

Article 32, Paragraph (1) of the Corruption Eradication Law (UU PTPK) regulates asset confiscation via civil litigation. It states that: "*If investigators find and conclude that one or more elements of a corruption offense lack sufficient evidence, yet there is a clear state financial loss, the investigator shall immediately hand over the case file to the State*

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<sup>21</sup> Tantimin Tantimin, "Penyitaan Hasil Korupsi Melalui Non-Conviction Based Asset Forfeiture Sebagai Upaya Pengembalian Kerugian Negara," *Jurnal Pembangunan Hukum Indonesia* 5, no. 1 (January 31, 2023): 85–102, <https://doi.org/10.14710/jphi.v5i1.85-102>.

<sup>22</sup> Direktorat Hukum PPATK, *Kajian Hukum: Permasalahan Seputar Perampasan Aset Dalam Undang-Undang Nomor 8 tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang Dan Upaya Pengoptimalisasiannya* (Direktorat Hukum PPATK, 2021), [//all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow\\_detail%26id%3D22159](http://all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D22159).

<sup>23</sup> Rahmi Sutanti, Pujiyono Pujiyono, and Nur Rochaeti, "The Urgency of Implementing Non-Conviction-Based Asset Forfeiture in Combating Green Financial Crimes in Indonesia," in *Proceedings of the 1st International Workshop on Law, Economics and Governance, IWLEG 2022, 27 July 2022, Semarang, Indonesia* (Proceedings of the 1st International Workshop on Law, Economics and Governance, IWLEG 2022, 27 July 2022, Semarang, Indonesia, Semarang, Indonesia: EAI, 2023), <https://doi.org/10.4108/eai.27-7-2022.2326300>.

<sup>24</sup> Gumilang Fuadi, Windy Virdinia Putri, and Trisno Raharjo, "Tinjauan Perampasan Aset Dalam Tindak Pidana Pencucian Uang Dari Perspektif Keadilan," *Jurnal Penegakan Hukum Dan Keadilan* 5, no. 1 (March 30, 2024): 53–68, <https://doi.org/10.18196/jphk.v5i1.19163>.

*Attorney (Jaksa Pengacara Negara) to initiate a civil lawsuit or submit it to the aggrieved institution to file a lawsuit. "An acquittal in a corruption case does not eliminate the state's right to claim compensation for financial losses".*

If state financial losses are present and sufficient evidence is obtained during the investigation, the suspect's heirs may be subject to a civil lawsuit in accordance with Article 33 of the Corruption Eradication Law (UU PTPK). This provision states that *"If a suspect passes away during the investigation, yet there is clear evidence of state financial losses, the investigator shall immediately hand over the case file to the State Attorney (Jaksa Pengacara Negara) or the aggrieved institution to initiate a civil lawsuit against the heirs.* The Corruption Eradication Law (UU PTPK) stipulates that asset confiscation is not merely a criminal sanction, as it can still be enforced even if the defendant passes away before a court ruling is issued, provided that sufficient evidence proves that the individual committed a corruption crime. Death does not prevent the confiscation of assets derived from corrupt crimes.

Asset confiscation has been established as a sanction against perpetrators of corruption crimes as part of efforts to recover the proceeds of the crime. According to the 2003 United Nations Convention Against Corruption (UNCAC), asset confiscation of corruption offenders can be carried out through both criminal and civil proceedings. The criminal asset confiscation process consists of four stages, which include:<sup>25</sup>

- a) "Asset tracing with the aim of identifying evidence of ownership and the location of assets related to the offense committed."
- b) "Freezing or seizing assets in accordance with Chapter I, Article 2(f) of UNCAC 2003, which temporarily prohibits the transfer, conversion, disposition, or movement of wealth, or temporarily imposes obligations and responsibilities for managing, maintaining, and supervising the assets based on a court ruling or a decision from another competent authority."
- c) "'Confiscation of assets in accordance with Chapter I, Article 2(g) of UNCAC 2003, defined as the permanent revocation of wealth based on a court ruling or a decision from another competent authority."
- d) "Return and transfer of assets to the victim state."

The confiscation of assets belonging to corruption offenders can be carried out through direct recovery via judicial proceedings, based on the "negotiation plea

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<sup>25</sup> Yunus Husein, *Penjelasan Hukum Tentang Perampasan Aset Tanpa Pemidanaan Dalam Perkara Tindak Pidana Korupsi* (Pusat Studi Hukum dan Kebijakan Indonesia, 2019).



system" or "plea bargaining system," as well as through indirect recovery via asset seizure, based on a court ruling, as stipulated in Articles 53 to 57 of the UNCAC.<sup>26</sup>

According to the Draft Law on Asset Forfeiture, asset confiscation is carried out in cases where the suspect or defendant has passed away, fled, suffers from a permanent illness, or their whereabouts are unknown. "The defendant is acquitted of all legal charges." Asset confiscation is carried out on assets when "the criminal case cannot be prosecuted." The defendant has been found guilty by a court decision that has obtained permanent legal force, and it is later discovered that there are criminal assets that have not yet been declared confiscated.

The objects that can be confiscated are "assets derived from criminal activities or assets obtained directly or indirectly from criminal acts, including those that have been donated or converted into personal property, property of others, or corporate assets, whether in the form of capital, income, or other economic gains derived from such wealth."<sup>27</sup> "Assets that are known or reasonably suspected to have been used or are being used to commit a criminal offense. "Other assets legally owned by the perpetrator of the crime as a replacement for assets that have been declared confiscated by the state.", "Assets that are found items, known or reasonably suspected to originate from a criminal offense.", "Assets that are disproportionate to income or wealth sources that cannot be proven to have been lawfully acquired and are suspected to be linked to criminal assets." "Assets that are seized items obtained from the proceeds of a crime or used to commit a criminal offense"

Asset confiscation does not eliminate the authority to prosecute perpetrators. If the perpetrator is criminally prosecuted, the confiscated assets cannot be seized. The request for asset confiscation is deferred until a final and binding court decision is made. If the decision includes the declaration that the assets are to be confiscated by the state, the request for asset confiscation is then terminated. The asset confiscation process involves several stages, including asset tracing, freezing, and seizure, followed by documentation and filing the asset confiscation request, as well as summoning and examination in court.<sup>28</sup> Investigators (from the National Police (POLRI), prosecutors, KPK, BNN, and PPNS) conduct asset tracing in cooperation with the Indonesian Financial Transaction Reports and Analysis Center (PPATK).

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<sup>26</sup> Wahyudi Hafiludin Sadeli, "Implikasi Perampasan Aset Terhadap Pihak Ketiga Yang Terkait Dalam Tindak Pidana Korupsi," *Program Pasca Sarjana Magister Hukum Fakultas Hukum Universitas Indonesia*, 2010.

<sup>27</sup> Lalu Arasistawa, "Philosophical and Historical Foundations of the Establishment of Blasphemy Articles in the Criminal Code (KUHP)," *Peradaban Hukum Nusantara* 1, no. 2 (2024): 66, <https://doi.org/10.62193/h2vsk889>.

<sup>28</sup> Aldi Yudistira, "The Urgency of Reformulating the Material Legality Principle in the Criminal Code Based on Godly Justice," *Peradaban Hukum Nusantara* 1, no. 2 (2024): 18, <https://doi.org/10.62193/fd0rqm06>.

Individuals or government agencies holding relevant documents are required to submit them to the investigators and are prohibited from disclosing the request or provision of these documents to other parties. The investigator prepares a report on document submission, which is signed by the investigator, the person submitting the documents, and two witnesses.

As a result of seizure, freezing, or blocking of assets for the purpose of evidence in court, or confiscation based on a court decision regarding assets not belonging to the defendant, third parties acting in good faith are unable to use their assets. This occurs even though no action by the third party has been held criminally accountable for the corruption offense committed by the defendant. There are two types of third-party assets: assets that cannot be used during the investigation and trial process, and assets that can no longer be used because they were confiscated based on a court decision. The assets that can be confiscated from the convicted person through a court ruling are the convicted person's property, not that of a third party acting in good faith.

Assets acquired by third parties acting in good faith are properties of economic value obtained through legitimate transactions. This concept is supported by the principle of property rights protection, as outlined in the Universal Declaration of Human Rights (UDHR) and civil laws. In the context of asset confiscation related to corruption crimes, this protection is often overlooked because of the assumption that assets under the control of third parties still stem from criminal activities. However, individuals should not lose their property rights arbitrarily, without a fair legal process. Anyone whose property rights are infringed by the blocking or seizure of legitimate assets that are not proceeds of corruption has the right to file a written objection to the investigator's superior within 14 working days from the date of the blockage and/or seizure. The objection may also include a request for compensation, which cannot exceed the value of the corrupt assets that were blocked or seized based on the valuation of criminal assets.

In the context of asset forfeiture, examples from Indonesia highlight the complexities and challenges faced by third parties acting in good faith to defend their economic rights. One frequently discussed case is the Nazaruddin case, involving the former Treasurer of the Democratic Party, who was implicated in a corruption scandal. In this case, a third party claiming ownership of the seized assets raised an objection, arguing that they had acquired the assets through legitimate means.<sup>29</sup> However, in legal practice, it is difficult to prove convincingly that the assets are not

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<sup>29</sup> Benardy Ferdiansyah, "KPK Sita Aset Nazaruddin Di Jakarta Selatan - ANTARA News," accessed April 28, 2025, <https://www.antaranews.com/berita/597508/kpk-sita-aset-nazaruddin-di-jakarta-selatan>.

linked to corruption. This raises concerns about the imbalance of the burden of proof, which should fall on the state or investigators to demonstrate a clear connection between seized assets and criminal acts.

Another example is a case handled by the Corruption Eradication Commission (KPK) involving the forfeiture of corporate assets. In this case, the third party owning shares in the seized company successfully proved that the funds used to purchase the shares were legitimate and had no direct connection to the corrupt activities of the main perpetrator.<sup>30</sup> This shows that in the process of asset forfeiture, third parties who acquire assets legitimately should be given the opportunity to prove the origin of their assets so that they are not harmed by an unfair legal process.

These cases underline the need for a clear and transparent proof process in asset forfeiture, with fair legal standards that can protect the economic rights of third parties acting in good faith. The principle of proportionality and fair trial rights must be applied when evaluating third-party rights to ensure that asset forfeiture does not result in undue harm to those not involved in the crime. The lack of clear regulations in the objection mechanism and protection for third parties also highlights the need for regulatory reform to ensure justice and avoid legal uncertainties.

The mechanism for submitting objections is explained in Supreme Court Regulation Number 2 of 2022 on the Procedure for Resolving Objections from Third Parties Acting in Good Faith against the confiscation of assets not belonging to the defendant in corruption cases. The applicant (legitimate owner, custodian, guardian, or curator in bankruptcy cases) may file a request before or after the asset execution. Submissions made after execution must be filed no later than two months after the official copy of the decision is notified to the public prosecutor, defendant, and/or posted on the court notice board and/or published electronically. An objection can be submitted only once by the same party.

From a social justice perspective, asset confiscation has yet to effectively restore the balance of societal conditions affected by corrupt crimes. Although asset forfeiture serves as a legal measure to reclaim illicit gains, it does not fully address the wider social and economic disparities caused by the harmful effects of corruption on the community.<sup>31</sup> Indonesia's legal system still focuses primarily on criminal sanctions, such as imprisonment, detention, and fines for offenders. However, this legal system has not yet proven effective in deterring crime, as perpetrators can still enjoy the assets

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<sup>30</sup> Noni Ramadhani, "RUU Perampasan Aset Hasil Tindak Pidana Korupsi Oleh KPK: Perspektif Teori Kepentingan Sosial Rescoe Pound," *Indonesian Journal of Law and Justice* 2, no. 2 (December 3, 2024): 8, <https://doi.org/10.47134/ijlj.v2i2.3387>.

<sup>31</sup> Yaris Adhial Fajrin and Ach. Faisol Triwijaya, "Punishment Asset Forfeiture for Corruptor In Perspective of Indonesian Community Justice," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 13, no. 3 (October 4, 2019): 209, <https://doi.org/10.25041/fiatjustisia.v13no3.1702>.

derived from their criminal activities. The concept of justice dictates that a crime should not benefit the perpetrator or anyone else. Thus, the system needs to be more robust in ensuring that the ill-gotten gains are not retained and that the repercussions of criminal acts are felt by the offenders.

Indonesia's legal system still focuses primarily on criminal sanctions, such as imprisonment, detention, and fines for offenders. However, this legal system has not yet proven effective in deterring crime, as perpetrators can still enjoy the assets derived from their criminal activities. The concept of justice dictates that a crime should not benefit the perpetrator or anyone else. Thus, the system needs to be more robust in ensuring that the ill-gotten gains are not retained and that the repercussions of criminal acts are felt by the offenders. Article 194 adds: *"In the case of a conviction, acquittal, or discharge from all legal charges, the court shall decide that the seized evidence be returned to the party most entitled to receive it, whose name is mentioned in the ruling, unless the law stipulates that the evidence must be confiscated for the benefit of the state, destroyed, or damaged so that it can no longer be used."*

## CONCLUSION

Based on the findings of this study, it can be concluded that asset confiscation resulting from corruption crimes is an essential tool for state loss recovery. However, its implementation raises legal challenges, especially for third parties acting in good faith, because of the imbalance between the state's interest in asset recovery and the protection of the economic rights of third parties who have legally acquired assets. This imbalance largely stems from weaknesses in the objection mechanism and proof procedures, which hinder fair protection of third parties.

Current regulations governing the objection mechanism for asset confiscation are inadequate and often create uncertainty for third parties. Specifically, Perma No. 2 of 2022 should be revised to clarify procedural boundaries, such as providing clear guidelines on the burden of proof for third parties asserting their legal ownership of assets. Introducing fairer standards for the reverse burden of proof, where third parties do not have to prove the innocence of their acquired assets but simply show legitimate ownership, would improve fairness in asset forfeiture processes.

Moreover, the court should adopt a more equitable approach, ensuring that the principle of proportionality is considered when resolving disputes over asset confiscation. This will ensure that the rights of third parties are not unduly harmed and that any limitations on their rights are proportionate to the state's interest in recovering illicit assets.

Furthermore, enhanced coordination between law enforcement agencies, financial authorities, and other relevant institutions is necessary to ensure that asset confiscation does not harm innocent parties. With regulatory reforms and improved

implementation, it is hoped that the asset confiscation policy will function effectively, preserving both the public interest in asset recovery and human rights protection for all parties involved.

## **DISCLOSURE**

### **Conflicts of Interest**

The authors declare no conflicts of interest regarding the publication of this paper.

### **Disclaimer Statement**

This work is part of the thesis titled “ Prinsip Keadilan Dalam Perampasan Kekayaan Hasil Tindak Pidana Korupsi Pada Pihak Ketiga Yang Beritikad Baik” currently under examination at Brawijaya University for the degree of Master of Law, under the supervision of Yuliati and Bambang Sugiri.

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### **Authorship and Level of Contribution**

In this co-authored paper, Kholilah Delvi Syauqi Huda was primarily responsible for the conceptualization and design of the study, data analysis, and drafting the first version of the manuscript. Her main contributions were focused on developing the research methodology and conducting the literature review. Yuliati played a key role in the data collection process, contributed to the interpretation of the results, and provided critical revisions to enhance the clarity and coherence of the manuscript. Bambang Sugiri offered substantial guidance in analyzing and interpreting the data, contributed expert insights to the discussion section, and helped improve the manuscript's academic quality through thorough review and editing. All authors were actively involved in various stages of the research and shared collective responsibility for the final version of the paper.

### **Auhtors Bionote**

Kholilah Delvi Syauqi Huda is a postgraduate student in the Master of Law Program at the Faculty of Law, Brawijaya University, Indonesia. Her current research focuses on the legal protection of third parties in good faith in the context of asset confiscation resulting from corruption crimes. The research forms part of her master's thesis, which is currently under examination. She is under the supervision of Dr. Yuliati, S.H., M.Hum. and Bambang Sugiri, S.H., M.Hum., both of whom are senior lecturers in criminal and procedural law at the Faculty of Law, Brawijaya University.

## **BIBLIOGRAPHY**

Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2021.



- Anggara, Arya. "Limitation of Public Service Special Assignment Charges Bond in the Form of a BUMN Persero (State-Owned Enterprises)." *Peradaban Hukum Nusantara* 1, no. 1 (November 2, 2024): 96–114. <https://doi.org/10.62193/ebsdrm65>.
- Arasistawa, Lalu. "Philosophical and Historical Foundations of the Establishment of Blasphemy Articles in the Criminal Code (KUHP)." *Peradaban Hukum Nusantara* 1, no. 2 (2024): 66–83. <https://doi.org/10.62193/h2vsk889>.
- Baihaki, Muhammad Reza. "Assessment of Elements of Abuse of Authority (Detournement De Pouvoir) Based on the Decision of the Constitutional Court." *Jurnal Konstitusi* 20, no. 1 (March 25, 2023): 100–122. <https://doi.org/10.31078/jk2016>.
- Becker, Gary Stanley, and William M Landes. "Essays in the Economics of Crime and Punishment," 1974.
- Benardy Ferdiansyah. "KPK Sita Aset Nazaruddin Di Jakarta Selatan - ANTARA News." Accessed April 28, 2025. <https://www.antaranews.com/berita/597508/kpk-sita-aset-nazaruddin-di-jakarta-selatan>.
- Bhargava, Vinay Kumar, and Emil P Bolongaita. *Challenging Corruption in Asia: Case Studies and a Framework for Action*. World Bank Publications, 2004.
- Direktorat Hukum PPATK. *Kajian Hukum: Permasalahan Seputar Perampasan Aset Dalam Undang-Undang Nomor 8 tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang Dan Upaya Pengoptimalisasiannya*. Direktorat Hukum PPATK, 2021. [//all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow\\_detail%26id%3D22159](http://all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D22159).
- Doss, Cheryl, Caitlin Kieran, and Talip Kilic. "Measuring Ownership, Control, and Use of Assets." *Feminist Economics* 26, no. 3 (July 2, 2020): 144–68. <https://doi.org/10.1080/13545701.2019.1681591>.
- Fajrin, Yaris Adhial, and Ach. Faisol Triwijaya. "Punishment Asset Forfeiture for Corruptor In Perspective of Indonesian Community Justice." *FIAT JUSTISIA: Jurnal Ilmu Hukum* 13, no. 3 (October 4, 2019): 209. <https://doi.org/10.25041/fiatjustisia.v13no3.1702>.
- Friedman, Lawrence Meir, and Grant M. Hayden. *American Law: An Introduction*. New York: Oxford University Press, 2017.
- Fuadi, Gumilang, Windy Virdinia Putri, and Trisno Raharjo. "Tinjauan Perampasan Aset Dalam Tindak Pidana Pencucian Uang Dari Perspektif Keadilan." *Jurnal Penegakan Hukum Dan Keadilan* 5, no. 1 (March 30, 2024): 53–68. <https://doi.org/10.18196/jphk.v5i1.19163>.
- Garner, Bryan A. *Black's Law Dictionary*. St. Paul Minn: West Group, 1999.
- Guerriero, Carmine. "Property Rights, Transaction Costs, and the Limits of the Market." *Economics of Governance* 24, no. 2 (June 1, 2023): 143–76. <https://doi.org/10.1007/s10101-023-00290-9>.

- Hadjon, Philipus M. *Perlindungan hukum bagi rakyat di Indonesia: sebuah studi tentang prinsip-prinsipnya, penanganannya oleh pengadilan dalam lingkungan peradilan umum dan pembentukan peradilan administrasi negara*. Surabaya: Bina Ilmu, 1987.
- Helfer, Laurence R., Cecily Rose, and Rachel Brewster. "Flexible Institution Building in the International Anti-Corruption Regime: Proposing a Transnational Asset Recovery Mechanism." *American Journal of International Law* 117, no. 4 (October 2023): 559–600. <https://doi.org/10.1017/ajil.2023.32>.
- Hodgson, Geoffrey M. "Much of the 'Economics of Property Rights' Devalues Property and Legal Rights." *Journal of Institutional Economics* 11, no. 4 (December 2015): 683–709. <https://doi.org/10.1017/S1744137414000630>.
- Husein, Yunus. *Penjelasan Hukum Tentang Perampasan Aset Tanpa Pemidanaan Dalam Perkara Tindak Pidana Korupsi*. Pusat Studi Hukum dan Kebijakan Indonesia, 2019.
- Irwansyah, Irwansyah. "Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel." *Yogyakarta: Mirra Buana Media* 8 (2020).
- Lynch, Kathleen, Manolis Kalaitzake, and Mags Crean. "Care and Affective Relations: Social Justice and Sociology." *The Sociological Review* 69, no. 1 (January 1, 2021): 53–71. <https://doi.org/10.1177/0038026120952744>.
- Ramadhani, Noni. "RUU Perampasan Aset Hasil Tindak Pidana Korupsi Oleh KPK: Perspektif Teori Kepentingan Sosial Rescoe Pound." *Indonesian Journal of Law and Justice* 2, no. 2 (December 3, 2024): 8. <https://doi.org/10.47134/ijlj.v2i2.3387>.
- Sadeli, Wahyudi Hafiludin. "Implikasi Perampasan Aset Terhadap Pihak Ketiga Yang Terkait Dalam Tindak Pidana Korupsi." *Program Pasca Sarjana Magister Hukum Fakultas Hukum Universitas Indonesia*, 2010.
- Sutanti, Rahmi, Pujiyono Pujiyono, and Nur Rochaeti. "The Urgency of Implementing Non-Conviction-Based Asset Forfeiture in Combating Green Financial Crimes in Indonesia." In *Proceedings of the 1st International Workshop on Law, Economics and Governance, IWLEG 2022, 27 July 2022, Semarang, Indonesia*. Semarang, Indonesia: EAI, 2023. <https://doi.org/10.4108/eai.27-7-2022.2326300>.
- Tantimin, Tantimin. "Penyitaan Hasil Korupsi Melalui Non-Conviction Based Asset Forfeiture Sebagai Upaya Pengembalian Kerugian Negara." *Jurnal Pembangunan Hukum Indonesia* 5, no. 1 (January 31, 2023): 85–102. <https://doi.org/10.14710/jphi.v5i1.85-102>.
- Trinchera, Tommaso. "Confiscation And Asset Recovery: Better Tools To Fight Bribery And Corruption Crime." *Criminal Law Forum* 31, no. 1 (March 2020): 49–79. <https://doi.org/10.1007/s10609-020-09382-1>.
- Yuan, Shilin, Haiyang Chen, and Wei Zhang. "Impact of Corruption on Chinese Investment in African Countries." *Chinese Management Studies* 16, no. 4 (August 1, 2022): 904–23. <https://doi.org/10.1108/CMS-12-2020-0576>.

- Yudistira, Aldi. "The Urgency of Reformulating the Material Legality Principle in the Criminal Code Based on Godly Justice." *Peradaban Hukum Nusantara* 1, no. 2 (2024): 16–29. <https://doi.org/10.62193/fd0rqm06>.
- Yusuf, Muhammad. "Merampas Aset Koruptor: Solusi Pemberantasan Korupsi Di Indonesia." *Kompas*, 2013.
- Zen, A Patra M, and LL M SH. *Perlindungan Pihak Ketiga Yang Beritikad Baik*. Yayasan Pustaka Obor Indonesia, 2021.
- Zuhdi, Achmad, and Ari Ade Kamula. "Legitimasi Hukum Asing Sebagai Pertimbangan Putusan Oleh Mahkamah Konstitusi: Perbandingan Antara Indonesia Dan Afrika Selatan." *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 7, no. 2 (June 20, 2024): 272–96. <https://doi.org/10.33474/yur.v7i2.21634>.



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