

Confiscation of Asset Proceedings from Corruptor Money Laundering for the Use of Legal Action in Returning Loss of State Property

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Abstract. The criminal act of corruption in the form of money laundering can cause state losses. Asset confiscation is a form of legal action to return the state budget that has been used. This exploration expects to make an equitable and prosperous society in view of Pancasila and the 1945 Constitution. The strategy utilized is a standardizing juridical methodology, in particular a technique for tackling research issues with information got from writing, such as books, papers, constitutions, books, and scientific work, referred to as secondary data. The results of the research explain that government agency or institution reports regarding the use of the State budget must be audited by the BPK every year. If indicators of budget corruption are detected through money laundering to avoid inspection, legal action will be taken against the corruptors in accordance with the Law of the Republic of Indonesia Number 30 of 2002 concerning the Debasement Destruction Commission. Aside from that, seizure of resources coming about because of legitimate demonstrations of debasement must first go through a legal process until there is a legal/injunction decision. This will have a deterrent effect and impoverish corruptors.

Keywords: legal action, confiscation of assets, corruption

1 Introduction

Pancasila has a fundamental moral message that pervades every place. Make the existence of Pancasila a view life nation and make Pancasila a state ideology towards all forms follow criminal including existing corruption like that acute, constitute attitude and steps mandatory concrete done by all element nation. Every government initiative must be based on the Almighty God, who has a strong sense of justice and civility in the soul of humanity and can strengthen upholding tall strong moral principles and deliberation at a time to push progress useful socially for all over nation and society within it. Apart from Pancasila as the source from all source law, and various regulation legal, in implementation, the government still has individual officials who do not carry out the Pancasila mandate and the law through non-compliance to state regulations viz with do actions violate the law like following criminal corruption. perpetrator person Corruptors also violate regulation existing legislation in Article 1 of Law No. 39 of 1999 relating to Human Rights Man is something good in the root of people are tied to personality and existence of man as creatures of God Almighty and are His required grace honored, held high and protected by the state, law, government, and everyone for honor as well as protection honor and dignity human. In general, corruption is caused by three main causes. First, corruption

is caused Because of greed. Second, corruption is caused by a lack of source Power so that happen corruption Because of situation circumstances, and third action corruption Because of opportunity. Act criminal corruption as an extraordinary crime, has given rise to various types of serious, systematic, and massive impacts on development strategies nationally, including the occurrence displacement of national wealth No legitimate to hand corrupt. As an effect deterrent, Then, in the Constitution of the Republic of Indonesia No. 31 of 1999 as appropriate with the Constitution of the Republic of Indonesia No. 20 of 2001 concerning Act criminal corruption, quite a strong declaration about a matter has been made. As the last step in apparatus law enforcement, procedures prosecuting corrupt officials must load formulation application additional penalty as a defense to law violation, for instance carrying out the procedure of "making corrupt officials impoverished" with adequate security to make sure he followed the Criminal Code's Article 1 Paragraph 1 and not the Human Rights Act as it was being put into effect. corruption is eliminated during this only makes use of the Republic of Indonesia's Constitution, No. 31 of 1999, which, despite being updated with the Constitution of the Republic of Indonesia No. 20 of 2001 regarding the Act criminal corruption and the Constitution of the Republic of Indonesia No. 8 of 2010 regarding the Act criminal money laundering, has not yet had a significant deterrent effect on offenders and is not yet capable of producing the best tool for prevention. A sort of terrorism that harms society is corruption.

Transparency International Society identified nine reasons for corruption in Indonesia, namely as follows: 1) the Absence will political government; 2) Not neat system administration general and financial government ; 3) the dominant role military in field politics; 4) Politicization bureaucracy; 5) Not independent Supervisory Institution; 6) Lack of function supervision representative society; 7). not enough supervision from mass media; 8) opportunity party private get opportunity doing business. [1] The target of taking action against corruption cases by A part Enforcer Law in Semester I of 2021 reached 1109 corruption cases, findings general stated: 209 cases; 482 suspects; internal state losses case Bribery has reach Rp 96 Billion; p Illegal levies of IDR 2.5 billion. [2] The most frequent method used becomes an opportunity for corrupt do the action caused because: by the perpetrator corruption is activity or project fictitious, another frequent mode used is embezzlement, misuse of budget, and markup. These four modes are often used in cases of corruption in the procurement of goods and services and management. Various parties violate this by using government budgets for personal or group interests through corruption, for example: Village Apparatus Communities. State civil servants, the private sector, and village heads are the parties most often involved in corruption cases. The results of the investigation mapping show that corruption cases involving state civil servants and the private sector occurred during the procurement process for goods and services. Meanwhile, the village head is the party most often arrested for embezzling the village budget.

According to classical criminological theory, the main cause of crime is poverty treasure or poverty morals, poor education, and poor environmental quality. In other words, the fact that crime always occurs in lower-class society or poor society, is now an irrelevant expression, because prosperity and luxury encourage groups of people to commit crime. [3] Corruption has damaged society, with state assets and wealth that should be used for the welfare of the people but are misused for personal needs. Corruption will damage a country's national economic sector and can also damage justice and democracy and even affect the global economic system. Almost every country in the world cannot avoid the crime of corruption, which has an impact on government systems, as well as social and cultural systems. Corruption disrupts the country's economy and causes some people to live in hardship. The state experienced significant losses, which should have been used to finance people's welfare programs. Furthermore, the assets

resulting from criminal acts of corruption are currently suspected to still be owned by the perpetrators of corruption or other people who help them. This condition should have been followed up by the government to withdraw or confiscate it. Therefore, the government began to take back these assets from unscrupulous parties or third parties.[4]

in accordance with international laws and agreements including the 2003 UNCAC and 2003 UN Anti-Corruption Convention. Regulation Number 20 of 2001 concerning Revisions to Regulation Number 31 of 1999 Concerning the Destruction of Defilement Violations, alongside Regulation Number 31 of 1999 Concerning the Annihilation of Debasement Wrongdoings, are still in force in Indonesia. A few aspects of the Corruption Eradication Law are still unknown, though. Eddy OS Hiariej claims that the Corruption Eradication Law has a number of issues, including the lack of synchronization and harmonization of legislation regarding the term "state finances," the uncertainty surrounding how the authorities determine state financial losses, and the question of whether losses are compensable. The state needs to be charged with corruption right away. In addition, the recovery of public financial losses that have not been explicitly regulated is not considered a problem of corruption under the Corruption Eradication Law. Overcoming corrupt practices strongly depends on law enforcement officials' professionalism, commitment, and understanding of the laws of the game.[5] The Defilement Destruction Regulation has rules in regards to the compensation of state misfortunes with substitution cash, especially in Article 18. This is likewise represented by High Court Guideline No. 5 of 2014 on Extra Criminal Remuneration Cash for Debasement Wrongdoings.[6] Compensation for debasement related violations is determined in view of the all out worth of the property got because of the offense, not just the complete misfortune to the state. Notwithstanding, it is likewise expressed that the lawbreaker will confront extra detainment assuming his resources are inadequate and his property is seized assuming that he can't make remuneration. To construct a fair and effective society in view of Pancasila and the 1945 Constitution is the objective of this exploration.

2 Problem

What policies will be made regarding asset confiscation due to corruption cases in the future?

3 Method and Approach

3.1 Method

When writing about this statute, the author adopts a normative juridical strategy, namely a technique for resolving research issues using secondary sources. Secondary data is information that has been gained from literature, such as books, articles, constitutions, textbooks, and scientific publications.[7] Analytical descriptive research is another technique used in this legal writing. Research of this type, known as analytical descriptive, tries to characterize, clarify, and report the state of an object or event as well as draw broad generalizations about the research subject itself.[8] The topic or theme that is chosen is Indonesia's approach to creating criminal laws governing the seizure of property derived from the revenues of non-corruption. Finally, all of the information

gathered from the literature study is processed and analyzed using qualitative analysis. This conclusion has been written up and presented as legal writing.

3.2 Approach

Study juridical normative This is done through method descriptive. Additionally, research uses approach cases and legislation.[7] The examination was done by checking records out. Utilizing essential, optional, and tertiary lawful materials, this juridical-regulating research centers around the arrival of state resources. These records incorporate the Criminal Regulation, Regulation Number 8 of 1981 concerning the Criminal System Code, and Regulation Number 31 of 1999 concerning the Destruction of Debasement Violations. In addition, the empirical legal research carried out in this research was carried out by conducting interviews and discussions with various parties who the researchers believe have in-depth expertise and knowledge in the field of law, especially about how countries deal with corruption and how the UN Convention Against Corruption-2003 is implemented. Next, the data is processed and analyzed, and conclusions are made regarding corruption and asset confiscation as a result.

4 Discussion

One of the shortcomings of the criminal instrument for the seizure of resources is that the returns of a lawbreaker act must be seized in the event that the culprit of the wrongdoing has given over a choice that has long-lasting legitimate power (Eintracht). All in all, on the off chance that the court choice doesn't have super durable lawful power, then seizure of resources or other remuneration can't be executed. Hence, approaches will be made with respect to the seizure of resources coming about because of defilement cases in Indonesia later on.

4.1 Corruption

Robert Klitgard claims that it is an act of corruption when someone violates the implementation rules governing personal behavior or obtains personal benefits of status or money (individually, in a small group, or within one's own group). Robert defines corruption from the standpoint of state government. Because corruption breeds rot, and dishonesty, and harms society's sense of justice, it imperils the survival of the nation and state. According to this point of view, the state's ability to provide high-quality services to the population has been hampered by budget irregularities brought on by corruption. A greater degree of capacity decrease has been brought on by the redirection of public monies into private accounts. This is because the state has endeavored to offer public services like education, society, environmental protection, research, and development ever since the subject of asset recovery first surfaced as a legal matter under discussion.

At the micro level, corruption has increased uncertainty about whether the government is serving society well. To fight corruption, this law brings hope to the Indonesian people. Even today, eradicating criminal acts of corruption still faces many challenges. Even efforts To combat corruption are Still Not yet finished, because often the application Constitution is done by judges, prosecutors, and advisors law is Not aligned with following criminal existing corruption fulfil every element. Corruption is

also frequently linked with administration without Work The same between enforcer law. It's hard to return lost state economy and finance. Therefore, no There is not a single perpetrator who wants corruption to return the state money after carrying out punishment imprisoned. The person who committed it corruption will willing to return state money if the case is criminal they discontinued.[9] A strategy like This lead to an issue: on one side, those own objective For increment the return loss of state cash, however then again, it lead to issue in implementation regulation criminal Since articles in the Constitution Annihilation Act Criminal Debasement showed up so that bring about various translations about authorization regulation lawbreaker. In the lawful cycle, particularly components that can be impeding to the nation's funds or economy. " Could" shows that the debasement offense has satisfied the components of a crook act after it has been committed. Despite the fact that the culprit then, at that point, returns the state's monetary misfortunes, the infringement is as yet viewed as complete. As per Article 4 of Regulation Number 31 of 1999 concerning the Destruction of Debasement Wrongdoings, returning misfortunes to state funds or the state economy doesn't wipe out the discipline of the culprit in a crook act, and as made sense of, on the off chance that the components of the article being referred to have been satisfied, the culprit is obliged to recuperation of state monetary misfortunes. One of the fundamental goals in battling criminal demonstrations of debasement is the arrival of state resources that have been taken by culprits utilizing cash or ruined materials from state resources. It is vital to recollect that the outcome of destroying not entirely settled by how much resources that have been seized from culprits of debasement and the quantity of individuals who have been indicted. Aside from that, the degree of progress of the state as far as the guideline of returning resources through worldwide participation which permits collaboration, UNCAC does seizure of abundance without discipline in the feeling of a criminal understanding for a situation where the culprit can't be arraigned on the grounds that he kicked the bucket. took off or took off, was missing, or both.

4.2 International cooperation and its influence in Indonesia

Krasner argues that international regimes consist of principles, standards, rules, and decision-making procedures that are intended to regulate how actors behave in relation to certain problems that occur in international relations. Therefore, a regime is defined as all actor behavior in international relations that contains principles, norms, and rules. This kind of behavior can lead to cooperation, and institutions can help the regime operate. Dissatisfaction with dominant ideas about international law, authority, and organization led to regime interests.[3] The United Nations General Assembly decided to adopt the UN Convention Against Corruption by resolution Number 58/4 on 31 October 2003. Between December 9 and December 11, 2003, Merida, Mexico, hosted a signing event for this convention. More than 15 nations have ratified this Convention, which was signed by 116 nations. The Criminal Regulation Show on Debasement and the Common Regulation Show on Defilement are two arrangements that the Chamber of Europe Association's essential individuals have confirmed. The corruption penalties were enacted on November 1, 2003, and 21 European Union nations have accepted them. On September 18 and 19, 2002, in Addis Ababa, Ethiopia, African nations also signed the African Union Agreement on the Prevention and Eradication of Corruption. As a foundation for eliminating corruption in Indonesia, Indonesia was one of the nations that joined the Convention in 2002. March 2006. As a follow-up to the United Agreement

Nation Criminal A against corruption, the regulation is applied to make the Constitution Republic of Indonesia Number 7 of 2006.

Since the section of Regulation Number 31 of 1999 About the Destruction of Debasement Violations, which calls for joint effort or the production of a global Commission, there have been various drives to forestall and destroy defilement in Indonesia. Some of these initiatives include [10] :

- 1) Law Number 30 of 2002, which was passed before this Law and concerns the Corruption Eradication Commission, does not control the CEC. The Indonesian government is also a signatory to the UNCAC or United Nations Convention Against Corruption. As a follow-up to the UNCAC accord, they signed the convention on December 18, 2003, and on April 18, 2006, they enacted Law Number 7 of 2006, with the intention of making Indonesia a nation free from corruption (UNCCA Conference, 2003). Regarding the central organization charged with coordinating global efforts to recover assets obtained through unlawful acts of corruption;
- 2) The 2003 Anti-Corruption Convention legislation lacks sufficient clauses addressing the restitution of assets derived from corrupt crimes. Since assets are defined as goods or property originating from confiscated proceeds are property of the State and can be used fully for the interests of the nation and the interests of society, dealing with the arrival of state resources coming about because of criminal demonstrations of defilement as well as putting Against Debasement Show 1, into impact are thusly important.

After the Indonesian government ratifies the 2003 TOR, a review and revision of Regulation Number 31 of 1999, which has been revised by Regulation Number 20 of 2001, will be very important.

A significant paradigm shift in eradication strategies is a hallmark of the 2003 TOR corruption within the framework of international cooperation. Participants in the preparatory committee session (Prep-Corn) acknowledged this paradigm shift, namely:

- 1) that the problem of corruption in the era of globalization is no longer a national problem but an international problem so its eradication requires international cooperation rather than just one country.
- 2) that the problem of corruption has many aspects, such as law, human rights, sustainable development, poverty, security, etc.; that prosecution and punishment (repressive) are not the only strategies to combat corruption; 3. that prevention and recovery of assets resulting from corruption are also needed as a major breakthrough.[11]

4.2.1 Law Enforcement Confiscation of State Assets Caused by Corruption Crimes

Experts concur that corruption has evolved from being a state issue to one that affects the entire world. Crime does pay, thus in order to completely eradicate corruption, efforts must also be focused on preventing corruption from emerging as a new business activity. Therefore, a clear process and policy must be established to create criminal law addressing the confiscation of assets resulting from criminal acts of corruption in order to maximize the return of assets. The Asset Confiscation Bill, which was published in 2008, was one of the government's measures toward this change. The Asset Confiscation Bill divides the asset confiscation mechanism into two categories, criminal confiscation and in rem confiscation, to give a more thorough and

understandable explanation. The measure also thoroughly controls all activities required for asset forfeiture, including asset searches, asset blocking, asset confiscation, and asset forfeiture. However, the Asset Confiscation Bill's flaw is similar to Law No. 31 of 1999 concerning TIPIKOR in that it controls the crime of asset forfeiture as a separate offense from the primary offense.

In order to uphold social justice and prosecute offenders, law enforcement must compensate states for losses brought on by corruption, which is regarded as an economic crime. Mahmud (2018) claims that there are moral justifications for the state to act to recover assets obtained through corruption. It is based on the idea that the government has a duty to ensure social justice for all of its people. Legal Support for Asset Confiscation Without Penalties According to a publication the World Bank released in 2009.

Returning Non-Conviction Base (NCB) Assets is not the same under common law and civil law systems. Both of these legal systems pursue assets and property without first making a criminal judgment but nevertheless want evidence of wrongdoing.

In the civil law system, a higher standard of proof is needed before a decision to return NCB assets can be made. Proof of the restoration of NCB assets emphasizes a balance between the possibilities or quantity of evidence accessible in the common law system. Criminal courts also apply criminal law, whereas common law courts apply civil law. In contrast to common law, the discretion employed in criminal prosecution is constrained. It is not as inflexible as previously indicated, though; countries with civil law are modifying it, claims the same source. In fact, the conditions of a country's legal system can be changed to the write-off of NCB assets.

Asset confiscation is a component of additional crimes under Indonesian law. This entails the seizure of assets derived from certain criminal activities, which can only be carried out if: 1) Items used by suspects or defendants in the commission of crimes; 2) Items used directly in the commission or preparation of crimes; 3) Items used to thwart criminal investigations; 4) Items created or provided with the intent to commit a crime; 5) Additional items closely connected to illegal activity

Additionally, the kinds of things that can be seized by investigators are restricted by Article 39 K U HAP. This means that objects unrelated to the criminal incident cannot be seized by investigators. Investigators have the authority to seize objects and tools that are logically suspected of having been used in a crime when a suspect is apprehended. Regulation Number 31 of 1999 as modified by Regulation Number 20 of 2001 controlling the Criminal Method Code, High Court Roundabout Letter Number 1 of 2013 with respect to Techniques for Repayment of Utilizations for Taking care of Resources in Criminal Offenses and High Court Guideline Number 1 of 2013 in regards to Systems for Repayment of Solicitations for Taking care of Resources in Illegal tax avoidance or Criminal Offenses Other.[10] Therefore, if the assets in question satisfy the requirements of a violation, early asset confiscation may be carried out; this increases public confidence in the government's ability to provide public services and exercise good governance.

The Academic Paper of the Draft Law Concerning Confiscation of Criminal Assets, written by Dr. Ramelan, SH, and MH, contains a discussion of the

process for asset confiscation. It goes into detail about the NCB criminal asset confiscation mechanism and includes the following information: 1) Asset tracing as part of the process for seizing assets obtained through illegal activity. When seizing criminal property (in brake), investigators or public prosecutors have the right to conduct searches. When looking for something; 2) Blocking is possible after; 3) Confiscation is possible after blocking. The authorized institution must immediately implement blocking after receiving the order. The order of the investigator or public prosecutor as described in paragraph (1) must be made in writing and contain the following information: (a) the investigator's or public prosecutor's name and position; (b) the kind, form, or other description of the assets to be blocked; (c) the reason for blocking; and (d) the location of the assets. 4) Blocking must be carried out right away after delivery.

4.3 Authority of Prosecutors in Executing Corruption Asset Confiscation

The execution of confiscating assets resulting from corruption usually experiences obstacles due to several factors, these obstacles become a burden for Corruption Eradication Commission staff and law enforcers in ongoing processing, considering that the evidence will be presented as evidence at trial and as material for calculating the amount of lost state financial losses. and decisions to be made. Emerson Yuntho, Coordinator of ICW's Legal and Judicial Division, said that there are several obstacles: 1) PPATK can only make efforts to recover assets resulting from criminal acts if the court has determined that the perpetrator has legally committed a criminal act; 2) If the defendant runs away, is seriously ill, his whereabouts are unknown or has even been dismissed from all charges, then efforts to recover assets will be difficult. So far, efforts to confiscate assets for countries affected by corruption have faced many challenges due to the legal system (common law, civil law), political system, and the reluctance of developed countries to help even though they have ratified the UN Convention against Corruption. Apart from that, the availability of services from lawyers, accountants, and certain professional agents has also burdened officers when the asset confiscation is to be executed.[12]

4.3.1 Authority of the Prosecutor in the Use of Criminal Law Instruments

The utilization of criminal regulation to take resources acquired through defilement. Examiners utilize criminal instruments to hold onto the resources of wrongdoers who have gotten extra crook sentences as monetary pay for misfortunes to the state's funds. Regulation Number 20 of 2001, with Revisions to Regulation Number 31 of 1999 on the Annihilation of Debasement, portrays the gamble of detainment, punishments, and pay for the individuals who carry out criminal demonstrations of defilement. As illustrated in Article 18 Passage (1) of the Law, theft of assets or other consequences of criminal corruption are also possible, in addition to the third type of punishment already mentioned. The prosecutor general must establish the defendant's innocence in order to acquire assets obtained through criminal track requests for corruption; the property seized must also be property that was acquired through deed corruption.

Artikel 39(2) dan 46(2) of the Criminal System Code, serta Artikel 38B(2) of Regulation Number 20 of 2001 concerning the Destruction of Defilement Violations cover this thought, including the seizure of resources that came about because of criminal debasement acts in the event that the litigant can't show the

prohibition. In situations where property was seized by criminal arraignment, the appointed authority can choose to take the property totally or to a limited extent. On the off chance that the property was not gotten because of a crook demonstration of debasement, then, at that point, the property is considered to have been acquired because of a lawbreaker demonstration of defilement. For this situation, a preliminary should be led. The adjudicator might force extra disciplines notwithstanding the essential discipline on the off chance that there is an association between the capture of resources and the recuperation of state monetary misfortunes. Judges may likewise force extra crook sanctions in the event that there is an association between the capture of resources and the recuperation of state monetary misfortunes.

Therefore, assets can be confused through criminal channels by maximizing the involvement of prosecutors in the law enforcement procedure for criminal acts of corruption. It shows that the defendant is guilty and the assets were obtained through corrupt actions, and finally demanding it back from the corrupt party. Prison time is the result of the ongoing problem of incarceration for law violations versus repayment because individuals who commit unethical offenses would rather serve time in prison than provide restitution for assets and legal losses if the perpetrator is found guilty. Very often, this procedure is difficult to carry out due to the possibility that the asset has changed ownership if there is no evidence to support the claim for disbursement.

4.3.2 Attorney's Authority in Using Civil Law Instruments

The authority of the Prosecutor in the Use of Civil Law instruments includes:

- 1) The Prosecutor's Law's Articles 30 Paragraphs 2 and 35 regulate the Prosecutor's Office's civil sector authority. Alternative ways are required since employing criminal means to seize the assets of corrupt officials has a number of flaws. Articles 32, 33, and 34 of Regulation Number 31 of 1999 Concerning the Destruction of Debasement Violations and Article 38C of Regulation Number 20 of 2001 Concerning Alterations to Regulation Number 31 of 1999 Concerning the Annihilation of Criminal Demonstrations Defilement can be utilized to take resources coming about because of defilement through common regulation instruments;
- 3) Article 32 basically says that assuming a specialist finds and is of the assessment that there is deficient proof for at least one components of a lawbreaker demonstration of defilement, regardless of the way that the state has really endured misfortunes, the examiner should promptly present the case documents coming about because of the examination to the State Lawyer for common activity or give them to the organization that has been hurt so it can record a common claim. Second passage;
- 4) The specialist should quickly give the case documents coming about because of the examination to the State Lawyer or to the organization that experienced the misfortune to complete a common claim against the suspect's beneficiaries if the suspect passes away while the examination is continuous and the state experiences monetary misfortunes. This is because Article 33 essentially provides a legal

basis for the confiscation of assets obtained through criminal acts of corruption through civil lawsuits. The heirs will be the subject of civil proceedings if corruption causes property damage or financial losses for the state as a result of the suspect's activities;

- 5) According to Article 34, the public prosecutor must promptly send a copy of the trial transcript to the State Attorney or the party that was injured in order to file a civil litigation against the deceased defendant's heirs.;
- 6) In accordance with Law Number 20 of 2001, the state may bring a civil action against a convicted person or his heirs if it is reasonably believed that the convicted person's assets came from a corrupt crime that was not subject to confiscation for the state as specified in Article 38 B Paragraph 2 and the court's ruling has been given permanent legal effect.

Attempts to recoup state financial losses through civil tools are subject to material and formal civil legal punishment even though they are tied to criminal acts of corruption. Criminal proceedings require system-proof material, which may be more challenging than proof formal used in civil courts. Except for the Public Prosecutor, those accused of engaging in criminal corruption are not quite able to demonstrate that they do not treasure the things they did not get via corruption. The amount of necessary proof provided to the defendant is what the Reversal of the Burden of Proof principle refers to. Restoring the public's sense of justice as a result of the law's being broken by the offender as a result of criminal corruption is one of the lawsuit's civil return loss goals for this nation. If an action conflicts with the requirements imposed by law, there is one indication that it is against the law. Law is a legal term that denotes a broad binding issue that is in conflict with a regulation. Laws that fall under the public realm of law, such as criminal law, or the private realm of law, such as civil law, might be the source of a provision. Therefore, follow through with the crime. Expert inheritance culprit responsible answer on follow criminal that is not only in conflict with civil law.

4.3.3 Return of Corruption Assets /Goods

The definition of the term "return of assets" comes from the word "return", which means "to return assets" or make them "as before, as before" if the assets were previously controlled by the state, and because of the criminal act of corruption the assets were under the control of the perpetrator so that after the legal process with a legal decision the assets are still returned as before with an act of return. Using the term "return of assets" means that the control of assets by the criminal is not based on legal rights. Because it is the result of a criminal act, the asset must be returned to the party who has legal rights to it, namely the state. By carrying out asset recovery, the state takes back or repatriates assets owned by perpetrators of criminal acts of corruption who illegally obtained them. Thus, the author believes that the correct term to use is the return on assets. The 2003 Conference of States Parties to the Anti-Corruption Convention (KAK) was held in Amman by the United Nations with the main aim of ensuring that the law is incorporated into national law, particularly as far as reinforcing the public overall set of laws for the arrival of resources coming about because

of criminal demonstrations of debasement which are deposited or held abroad; This tendency causes budget deviations because the new country does not have the ability to provide social assistance, education, environmental protection, research and development using the asset return provisions stipulated in the 2003 TOR. Corruption has increased the uncertainty that high-quality services will not function well if a legal system of asset recovery is created at the national level at the micro level.

As per Article 46 of the Criminal Strategy Code, seized merchandise should be returned quickly to those generally qualified for them if: 1) the insightful assessment plainly no longer requires them; 2) the case isn't indicted in light of the fact that there is deficient proof or it turns out it's anything but a crook act. The case was counteracted or tossed in the public interest (by the Head legal officer) or shut in light of the fact that it was *bis in idem*, the suspect or litigant kicked the bucket, or the lawbreaker allegations had terminated. This applies with the exception of merchandise acquired from criminal demonstrations or used to perpetrate criminal demonstrations (Article 46 section (1) KUHAP). As per Article 46 passage (2) along with Article 194 of the Criminal Strategy Code, the court, to be specific the Board of Judges who hear the case, has the position to discover that seized products or proof should be "returned or gave over" back to the party generally qualified for them. This is an unprecedented activity, both during the examination and after a court choice that has long-lasting legitimate power. Thus, it is very clear that the handling of criminal cases, including corruption or TPPU, must be in accordance with provisions that respect everyone's rights which generally apply to "equality before the law" and "equality in action" by law enforcers.

5 Conclusion

Forfeiture of property without penalty Non-Convection Based (NCB), particularly based on Article 54 letter c in the United Nations Convention Against Corruption (UNAC) 2003, applies in situations where the suspect is not located, the defendant flees, the respondent or litigant ends up being crazy, there are no beneficiaries or beneficiaries are not accessible for common claims, and the resources are not expose to criminal seizure. In other situations where the assets are not subject to criminal confiscation, asset forfeiture also applies. The adoption of the idea of asset forfeiture without punishment in Law Number 31 of 1999 regarding Corruption Crimes offers the state legal protection and justice for asset recovery. what ought to belong to individuals who commit crimes of corruption, and what ought to go to others who have no right to these assets. the ability to employ both civil and criminal legal tools to recover state assets through prosecutors. They are able to file a civil lawsuit to protect assets. If the defendant hasn't been found guilty, the accuser has passed away, or the defendant has been given a free sentence. Therefore, even if the nation falls victim to a corrupt crime, the damage can still be rectified.

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