

RESEARCH ARTICLE

ASSET RECOVERY: CHALLENGES AND STRATEGIES IN INVESTIGATING CORRUPTION IN INDONESIA

Tedi Nopriadi, Muhammad Akib, Eddy Rifai and HS. Tisnanta Faculty of Law. Lampung University, Bandar Lampung. Indonesia.

Manuscript Info

Abstract

Manuscript History Received: 30 September 2022 Final Accepted: 31 October 2022 Published: November 2022

*Keywords:-*Asset Recovery, Challenges, Strategies, Investigating Corruption This article examines investigations into corruption cases where economic motives are very strong. The challenge for investigators to recover state losses faces various obstacles. On the other hand, wealth resulting from corruption often becomes a means of resistance. In addition, the assets of corruptors are often hidden, so that law enforcement requires separate efforts. The research method used is a normative method with a statutory approach. Meanwhile, the interpretation of regulations is carried out by means of systematic interpretation. Investigation of criminal acts of corruption is a difficult and complex stage full of challenges that requires investigators to compete with the perpetrators of crimes. Investigators face many obstacles, especially related to laws and regulations, limited facilities and infrastructure which cause difficulties in confiscating the assets of perpetrators of corruption. On the other hand, judges' decisions related to compensation money and fines are often not paid. These obstacles cause the recovery of state losses and the fines that must be paid to be not optimal. Therefore, efforts are needed to strengthen the authority of police investigators and prosecutors to create a balance in the investigation of criminal acts of corruption. Investigation of criminal acts of corruption requires a strong legal framework.

Copy Right, IJAR, 2022,. All rights reserved.

Introduction:-

Corruption is an act with economic motives that is committed against the law based on power. These actions caused losses to the state that must be returned to the state. An important step in recovering state losses is the confiscation of assets at the investigation stage. The confiscation action will be related to the judge's action to determine the decision to confiscate the perpetrator's assets. The provisions of the criminal procedural law already regulate the possibility of confiscating and seizing the proceeds and instruments of a crime. (Imron & Yulianti, 2019)However, based on these provisions, confiscation can only be carried out after the perpetrator of the crime has been legally and convincingly proven to have committed a criminal act of corruption in court.

Efforts to recover state assets stolen through corruption tend not to be easy to do. Corruptors always try to hide the proceeds of corruption since the corruption was committed. On the other hand, the time span for resolving corruption cases to a legally enforceable decision still requires quite a long time (2 to 3 years on average). Thus, corruptors have time to eliminate traces of the assets they have acquired. (Simanjuntak& Benuf, 2020)For perpetrators of crimes with economic motives, wealth is the blood that feeds criminal acts. The assets they control

can be a tool to fight against the process of uncovering crimes. The resistance that was carried out included influencing the investigation process and even escaping. Therefore, confiscation and confiscation of assets is the most effective way to kill corruption. (Latifah, 2015)The act of confiscation by investigators is an important step to create a balance and close the ability of perpetrators to fight back in the process of disclosing corruption.

Efforts to recover state losses require strong criminal law policy support at the national level and international legal policy support related to the handling of criminal acts of corruption. Developments in international law show that confiscation and confiscation of proceeds and instruments of criminal acts is an important part of efforts to reduce the level of corruption. (*Denying Dafe Haven to the Corrupt and the Proceeds of Corruption*, 2006)Reality shows that confiscation policies in corruption cases are often not optimal. Investigators often do not confiscate the assets of the perpetrators of corruption or the confiscation of the assets of the perpetrators is disproportionate/insufficient with the amount of state losses that have been calculated and decided by the judge. On the other hand, there is dualism in imposing a penalty on payment of replacement money as an additional crime which can be substituted for imprisonment.

The investigation stage is the most decisive stage in efforts to recover state losses. This stage is a tough stage filled with challenges and resistance, especially related to efforts to confiscate and seize the proceeds of corruption. Efforts to recover state losses face quite formidable challenges, namely, among others, obstacles in investigations, inadequate facilities and infrastructure owned by investigators and the problem of dual criminality.(Jaya, 2005) In this regard, the government's efforts are needed to strengthen the authority of investigators of criminal acts of corruption so that they can develop strategies in optimizing the recovery of state losses

Research Methods:-

In-depth study of investigators' challenges to recover state losses face various obstacles for that it is necessary to improve the situation. This research is a normative and empirical legal research (combined) then in terms of normative legal research it is carried out using statutory approaches, historical approaches and comparative approaches.(Marzuki, 2007)

Discussion:-

Challenges of Investigation of Corruption Crimes in Confiscation of Assets Proceeds of Corruption Crimes

Investigative authority in corruption cases in Indonesia is handled by three institutions, namely the Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK). The authority of the Corruption Eradication Commission in dealing with a criminal act of corruption apart from carrying out investigations, investigations and prosecutions, the Corruption Eradication Committee is obliged to carry out investigations into evidence of corruption crimes, while the police and prosecutors do not. The process of confiscation which is not a simple action, implementation cannot be carried out easily, therefore, in carrying out the confiscation carried out by authorized institutions must comply with the Corruption Crime Act and the Criminal Procedure Code. Obstacles to existing facilities and infrastructure are the main cause of delays in the implementation of confiscations that will be carried out, one of which is Asset Tracing,https://elhkpn.kpk.go.id.

The existence of Dual Criminality should be the basis for investigators to carry out confiscations so that the judge can give a decision to return state losses by seizing assets that have been confiscated at the investigation stage. Weakness in recovering state losses due to criminal acts of corruption at this time arise because from the beginning of the investigation and investigation there was no asset tracing and confiscation. The reason is, if you are waiting for a court verdict, it is possible to transfer, hide and sell assets. Efforts to optimize returns for state financial losses or state economic losses through the obligation of investigators to carry out asset tracing and asset freezing during the investigation stage are implementations of eradicating corruption in extraordinary ways.

The philosophical, theoretical and normative aspects as described above at least form the basis of formal legality and ethics for Investigators to exercise their authority to track assets and confiscate assets with the ultimate goal of recovering state financial losses as much as possible (asset forfeiture). Assets that have been blocked and/or confiscated since the investigation stage can be maintained in value (avoiding a decrease in asset value) by being in the control of law enforcement officials, besides that blocking and confiscating assets criminologically provides a deterrent effect and shock therapy (deterrent effect) for perpetrators.

Investigations carried out forfinding perpetrators and evidence is conceptually inadequate, needs to be strengthened and emphasized by adding asset tracing obligations aimed at recovering state losses. This aspect includes the requirements, procedures, management and accountability of asset tracing at the investigation stage. The construction of the asset tracing policy at the investigation stage begins with the status of the investigation in the criminal justice process (searching for and gathering evidence to shed light on a crime and finding the culprit). This means that the asset tracing activity must be related to the assets belonging to the Corruption perpetrators/suspects, in this case the assets obtained after the Corruption Crime tempus delicti. Asset tracing activities as a tracking process consist of identification, assessment and management of the suspect's assets which are manifested by confiscation based on the permission of the Head of the District Court.

Asset tracing is carried out for a minimum state loss of IDR 500,000,000 (five hundred million rupiah). This is based on considerations of budget efficiency so that the costs required to carry out asset tracing do not exceed the amount of state losses being pursued. Tracing assets with a minimum value of IDR 500,000,000 (five hundred million rupiahs), this is also relevant to the principle of a quick, simple and low-cost trial. Asset tracing is carried out from the investigation and investigation stage with the aim of identifying, proof of ownership, storage locations for assets related to the offenses committed. Law enforcement against criminal acts of corruption is carried out by instruments authorized by law to exercise their respective powers and powers, and must be carried out in a systematic effort in order to achieve its goals. This systematic effort is carried out by using all the elements involved in it as a unit and are interrelated and mutually influence one another.

Such efforts must be realized in a system tasked with enforcing criminal law, namely the Criminal Justice System, which is essentially a system of powers enforcing criminal law. The Indonesian Criminal Justice System is implemented in four sub-systems, namely:

- 1) The powers of "investigation" by investigative institutions (the Police, Investigators and Prosecutors' Offices and the Corruption Eradication Commission which were formed later in the reform era);
- 2) The power of prosecution by the public prosecutor's office (Kejaksaan);
- 3) The power to adjudicate and pass judgment by the judiciary;
- 4) The power to carry out decisions/criminals by the implementing/executing agency/apparatus.(Ariet, 2001)

Prior to the formation of the Corruption Eradication Committee for handling corruption cases, the institutions authorized to exercise investigative powers were the Indonesian National Police and the Indonesian Attorney General's Office. The authority of the Indonesian National Police in carrying out its investigative powers for corruption cases was based on the Criminal Procedure Code (KUHAP) Article 6 Paragraph (1) letter a, and the Attorney General's authority in carrying out its powers to investigate corruption based on Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, Law Number 31 of 1999 concerning Eradication of Corruption jo. Law Number 20 of 2001. While in terms of carrying out prosecution powers,

The Attorney General's Office also has the authority to carry out the determination of judges and court decisions that have obtained permanent legal force. Given that the specifics of corruption are different from other crimes, namely by taking into account the factors of the perpetrators who are mostly intellectuals with a complicated modus operandi, so that the factor of state losses that must be proven by investigators requires adequate technical and non-technical skills, making the handling of the investigation process corruption is always applied carefully, precisely and prudently for optimal results. The precautionary principle of the Investigative Institute which is based on the fundamental pillars of criminal law above in handling corruption cases.

Asset tracing as a mandatory policy in TPK investigations

RedaManthovani explained that efforts to optimize returns for state financial losses or state economic losses through the obligation of investigators to carry out asset tracing and asset freezing during the investigation stage are implementations of eradicating corruption in extraordinary ways. The obligation of investigators to carry out actions to track assets and to force confiscation of assets that are known or suspected to be part or all of the proceeds of corruption or obtained from corruption or related to criminal acts of corruption committed by suspects, of course remains within the legal framework of Article 39 of the Criminal Procedure Code and Article 28 of the Corruption Law. The philosophical, theoretical and normative aspects as described above at least form the basis of formal legality and ethics for Investigators to exercise their authority to track assets and confiscate assets with the ultimate goal of recovering state financial losses as much as possible (asset forfeiture). The framework for recovering state financial/economic losses through the imposition of additional criminal sanctions in the form of confiscation of assets and payment of replacement money, of course, is easier and more measurable and provides legal certainty in carrying out its execution by the Executing Prosecutor if since the investigation stage, the Investigator has traced assets and has carried out blocking of fund assets or confiscation of assets.(Sosiawan, 2019)

According to RedaManthovani, the obligation of asset tracing and asset confiscation for investigators of criminal acts of corruption should not be limited to offenses suspected of criminal acts of corruption related to state losses (Article 2 and Article 3 of the Corruption Law), but includes the legal scope of criminal acts of corruption which are limitedly stated in Article 17 of the Corruption Law. Nextfor limiting the value of assets that are confiscated and or blocked, it should refer to the minimum criminal system for fines for Corruption Crimes (minimum straftrechtstelsel) which is at least IDR 50,000,000.-. and or IDR 200,000,000.-.(Musatajab& Tajuddin, 2018)The legal argument that underlies it is that fines are the main crime (Article 30 of the Criminal Code) and the nature of fines in corruption offenses is a cumulative criminal sanction, so that juridically there is a state right as Non-Tax State Income (PNBP) even though it can be substituted for imprisonment , however, it is appropriate for the Executing Prosecutor to prioritize the state's rights in the form of PNBP from criminal fines, by executing assets that have been confiscated and or blocked with a minimum value equal to a fine.(Rozi, 2017)

Moreover, in the interests of recovering state losses, corruption criminal investigators imperatively have an obligation to track assets, block assets, confiscate assets with an asset value that is at least equal to the value of the state financial loss/state economy that occurs, even if the value of the blocked asset is and confiscated exceeds the value of the loss, logically in economic analysis it is still reasonable, because the legal process up to execution takes quite a long time, then there is a cost of opportunity or a tendency for asset values to decline, inflation and other factors that affect the decline in asset values at the time of event, at the time of confiscation and at the time of execution.Confiscation of assets resulting from crime in the legal system in Indonesia basically has a foundation in its implementation. It's just that there needs to be an update to the existing mechanisms, both criminal and civil mechanisms, so that effective asset confiscation efforts can be realized in the legal system in Indonesia.

The importance of the existence of the Law on Confiscation of Assets in Indonesia can be seen from 3 factors, namely the Ratification of the UNCAC, developments in the types of criminal acts, and the inadequate mechanism for confiscating assets. Indonesia's position as a ratifying country to UNCAC, so that the Indonesian government must adjust the existing statutory provisions with the provisions in the convention because this is a consequence of the ratification. Apart from that, another aspect that reflects Indonesia's need for the formation of an Asset Confiscation Law is the development of types of criminal acts with economic motives. Advances in technology make it easy for perpetrators to carry out criminal acts and hide the results of these crimes with easier methods. This must then be overcome by having legal provisions in accordance with current and future conditions so that efforts to confiscate assets can achieve maximum results. The final factor in the urgency of establishing an asset confiscation law is an inadequate mechanism. It is hoped that an adequate mechanism for confiscating assets will use the mechanism contained in the UNCAC so that asset confiscation in Indonesia will run effectively.

Criminal law instruments in an effort to recover state losses are effective and efficient efforts. Refunds for state losses can also be made through civil law instruments through the process of civil lawsuits. However, this process requires a lot of time, effort and money. Because of this, criminal law instruments through confiscation and confiscation are effective and efficient steps. Confiscation can be carried out based on the value of losses and fines. In the case of confiscation of assets suspected of being the proceeds of corruption, investigators are required to confiscate assets proportionally or on a value basis. In other words, the confiscated assets do not exceed the amount of state losses. This aims to respect the human rights of suspects/defendants and interested third parties.

A value-based asset confiscation system is more prospective for asset recovery through asset confiscation from the time of investigation (pre-trial seizure or restraint of substitute assets), is easier to prove, and can reach the value of benefits or gains including from increases in value due to asset appreciation, and is consistent with evidence acts of corruption that lead to the value of state financial losses or the value of the proceeds of corruption. Following are the steps for tracing assets at the investigation stage to recover state losses.

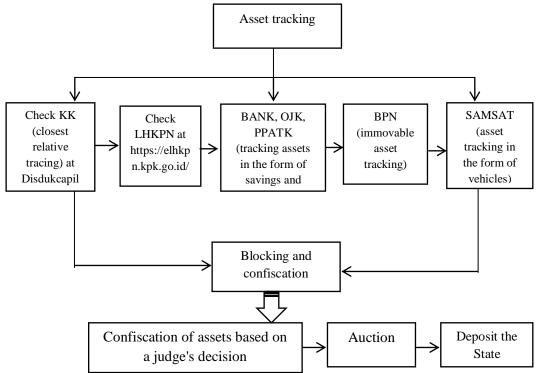


Chart 8:- A simple asset tracing mechanism at the investigation stage

Source: Processed by the author based on the results of the analysis (2022).

For criminal offense assets located abroad, a request for blocking or confiscation of criminal offense assets is submitted to the competent authority in that country. If the request for blocking or confiscation is rejected, the Investigator may block or confiscate other assets in Indonesia as a replacement whose value is equivalent to the value of the assets of the crime to be blocked or confiscated. After the assets that have been blocked and confiscated abroad are carried out, the investigator will hand over the management of the assets of the criminal act that have been blocked and confiscated along with their supporting documents to the Asset Management Agency to be managed in order to maintain the value of the assets. If a court examination requires data on the existence of assets that have been blocked or confiscated, at the request of the Public Prosecutor or Judge.

After the assets are blocked and or confiscated, the State Investigators and Attorneys immediately prepare a request for confiscation of assets addressed to the District Court where the assets are located, or the competent authority in the case of assets located abroad. The asset confiscation application file consists of the type of assets being applied for forfeiture, the evidence on which the asset confiscation application is based. Concerns about what will happen when blocking and confiscation are carried out, it turns out that there are still doubts by investigators and state attorneys' prosecutors that these assets are criminal assets. Then the potential for violation of personal rights will occur. To avoid this, the mechanisms created are very tight and fast, and must open up space for interested parties to obtain information about blocked and confiscated assets. The longer assets are blocked and confiscated, on the one hand, it greatly affects a person's personal rights and the right to enjoy these assets which are human rights. So that the procedural mechanism in asset confiscation is a fast mechanism. Unlike the civil mechanism in general.

Regardless of the need to regulate asset tracing obligations at the investigation stage in laws, Attorney General Regulations and Chief of Police Regulations, asset tracing actions still require support for the availability of information or information material in advance. -the assets of a particular private person or entity that is the target or target.(Dkk, 2011) Material information or information in criminal cases in Indonesia has no value as evidence or evidence, but rather as material to facilitate the act of gathering evidence and finding assets in the context of tracking assets, for example information from members of the public, the land office or urban village regarding the existence of land assets belonging to a suspect somewhere, can make it easier for investigators to find evidence, such as obtaining witnesses because the community member concerned is a party to the sale and purchase of land

with the suspect, or obtaining documents related to ownership and carrying out confiscations. The obstacle to the process of investigating corruption crimes so far has been the legality of asset tracing itself. The existing legal instruments make asset tracing optional, which can be done or not done. Therefore, regulations/criminal law policies are needed to strengthen investigations into criminal acts of corruption. Weaknesses in recovering state losses due to criminal acts of corruption at this time arise because from the beginning of the investigation and investigation there was no asset tracing and confiscation. The reason is, if you are waiting for a court verdict, it is possible to transfer, hide and sell assets.

Direction of legal policy in strengthening the authority to investigate TPK

The KPK's greater authority in investigations includes the authority to carry out wiretapping which is not possessed by other investigative agencies and the authority as a supervisory agency for all acts of corruption that are being investigated by both the police and prosecutors and even the authority to take over corruption cases that are being handled by the police or Prosecutors, who incidentally are law enforcement agencies that have existed for a long time, will of course experience unavoidable frictions.Based on the description above, it is understood that the dualism or disharmony of investigators' authority in carrying out asset tracing can be seen from the institutions that deal with criminal acts of corruption, namely:

- 1) The police or the Attorney General's Office as investigators, are forwarded to the Attorney General's Office as the public prosecutor who delegates to the court to be examined and decided (PN-PT- and MA)
- 2) The Corruption Eradication Committee has the functions of investigation, investigation and prosecution and forwards to the trial of corruption crimes (a special court) to be examined and decided (corruption courts at the first level, appellate and cassation levels consisting of ordinary judges and ad hoc judges).

This situation of dualism, when examined from the point of view of the integrated criminal justice system, is lacking or not in line with expectations. The criminal justice system is a judicial network that uses criminal law as its means of operation, both material criminal law, formal criminal law and criminal law enforcement. This reality, on the one hand, makes it easy to deal with corruption because it provides many alternative institutions to handle it. On the other hand, from a systemic approach, namely an integrated criminal justice system, it will lead to problems of overlapping authorities, fragmentary handling. As a subsystem in the criminal justice system for corruption, the Attorney General's Office and other law enforcement agencies must form an integrated framework within the system. Although integration essentially contains interdependence, interaction and interconnection, it must not contain duplication (overlapping) in the functions and authorities that exist in each sub-system.(Jaya, 2005)

Pluralism of law enforcement agencies, with linear authority (same in the sense that there are no subordinates), often gives rise to sectoral egoism, disharmony, rivalry, fragmentary thinking in other matters, which becomes an obstacle for law enforcers themselves, so it is necessary to examine the implications that may arise both positive and negative aspects, along with efforts to overcome them. Identification and assessment moves from these basic problems, there is a need for alternative thoughts, so that solutions to restore and create harmonization of institutional functions, so that it is necessary to think and find ideal concepts that must be built to create models of institutional relations patterns and law enforcement structures that are integrated, effective, efficient, and efficient, especially in carrying out asset tracing. Policies are needed to overcome obstacles to the legality of investigations, especially in asset tracing. After it is known about the institution authorized in law enforcement in cases of criminal acts of corruption based on the criminal justice system, then the things that are needed for each sub-system in the justice system in dealing with cases of systemic corruption and extraordinary crime must have the same perception in the form of harmonization.

Harmonization is the first step in handling corruption cases, because it starts from the investigation level to the implementation of the judge's decision. Because each sub-system in the criminal justice system must have the same views in order to achieve optimal asset tracing results. Efforts need to be made to harmonize laws and regulations so that the division of tasks and authorities from law enforcement officials can be carried out in a well-coordinated manner, especially in carrying out asset tracing. Harmonization is the first step in handling corruption cases, because it starts from the investigation level to the implementation of the judge's decision. Because each sub-system in the criminal justice system must have the same views in order to achieve optimal asset tracing results. Efforts need to be made to harmonize laws and regulations so that the division of tasks and authorities from law enforcement officials can be carried out in a well-coordinated to be made to harmonize laws and regulations so that the division of tasks and authorities from law enforcement officials can be carried out in a well-coordinated manner, especially in carrying out asset tracing. Harmonization is the first step in handling corruption cases, because it starts from the investigation level to the implement of tasks and authorities from law enforcement officials can be carried out in a well-coordinated manner, especially in carrying out asset tracing. Harmonization is the first step in handling corruption cases, because it starts from the investigation level to the implementation of the judge's decision. Because each sub-system in the criminal justice system must have the same views in order to achieve optimal asset tracing. Harmonization is the first step in handling corruption cases, because it starts from the investigation level to the implementation of the judge's decision. Because each sub-system in the criminal justice system must have the same views in order to achieve

optimal asset tracing results. Efforts need to be made to harmonize laws and regulations so that the division of tasks and authorities from law enforcement officials can be carried out in a well-coordinated manner, especially in carrying out asset tracing.

Strengthen the case administration process, especially related to the P-19 stage (prosecutor's instructions) to police investigators to carry out confiscations through the asset tracing process. In connection with confiscation, it is also necessary to establish cooperation with multi-parties such as the KPK, PPATK, OJK, BPK, BPKP, Inspectorate, public accountants and other related parties. In order to increase the capacity of investigators, harmonization efforts can also be carried out by making joint decisions between the Police, the Attorney General's Office and the KPK regarding asset tracing at the investigation stage and followed up with joint education and training (diklat) or Focus Group Discussion (FGD), as well as integration or togetherness in take a diplomatic approach to return assets resulting from corruption abroad. This harmonization is carried out through reform and reformulation of procedural policies for handling criminal acts of corruption, especially the Anti-Corruption Law, the Law on the Attorney General's Office, and the Attorney General's Regulations.

This harmonization greatly determines the success or failure of the sub-systems in the criminal justice system as explained by Ismail Saleh, that one of the elements of supervision is integration or togetherness in coordination, so the relationship between the Prosecutor's Office and the police is reflected in a MahKeJaPol group (Supreme Court-Judiciary-Attorney-Police) which is a forum for leaders of each institution that has links with law enforcement in Indonesia, to exchange information, discuss solving problems that require joint handling. and Attorney General Regulations. This harmonization greatly determines the success or failure of the sub-systems in the criminal justice system as explained by Ismail Saleh, that one of the elements of supervision is integration or togetherness in coordination, so the relationship between the Prosecutor's Office and the police is reflected in a MahKeJaPol group (Supreme Court-Judiciary-Attorney-Police) which is a forum for leaders of each institution that has links with law enforcement in Indonesia, to exchange information, discuss solving problems that require joint handling. and Attorney General Regulations, so the relationship between the Prosecutor's Office and the police is reflected in a MahKeJaPol group (Supreme Court-Judiciary-Attorney-Police) which is a forum for leaders of each institution that has links with law enforcement in Indonesia, to exchange information, discuss solving problems that require joint handling. and Attorney General Regulations.

This harmonization greatly determines the success or failure of the sub-systems in the criminal justice system as explained by Ismail Saleh, that one of the elements of supervision is integration or togetherness in coordination, so the relationship between the Prosecutor's Office and the police is reflected in a MahKeJaPol group (Supreme Court-Judiciary-Attorney-Police) which is a forum for leaders of each institution that has links with law enforcement in Indonesia, to exchange information, discuss solving problems that require joint handling.(Kaligis, 2006)Supervision in the handling of criminal acts of corruption, especially in asset tracing, is needed as a tiered control, for example evaluation every 3 or 6 months. Then specifically for asset tracing of the proceeds of corruption that are abroad, in order to accelerate the return of assets it is necessary to establish a coordinating institution under the Attorney General's structure as a dominuslitis whose task is to take care of matters relating to the return of assets suspected of belonging to perpetrators of corruption are abroad.

The institution consists of interdepartmental or cross-agency elements including the Police, the Attorney General's Office, the Ministry of Foreign Affairs, Bank Indonesia, the Ministry of Law and Human Rights, and legal experts. This harmonization effort must grow from within each institution within the sub-criminal justice system with the intention and commitment to eradicate corruption. It should be remembered that harmonization can only achieve maximum results if each sub-system in the criminal justice system is consciously aware that they are institutions having their respective functions and not that one sub-system is higher than the other sub-systems. If this harmonization effort can be realized, then it can prevent perpetrators of corruption from diverting, hiding or obscuring assets resulting from corruption, because each sub-system in the criminal justice system has worked optimally and jointly started the investigation to the implementation of court decisions.

It should be remembered that harmonization can only achieve maximum results if each sub-system in the criminal justice system is consciously aware that they are institutions having their respective functions and not that one sub-system is higher than the other sub-systems. If this harmonization effort can be realized, then it can prevent perpetrators of corruption from diverting, hiding or obscuring assets resulting from corruption, because each sub-system in the criminal justice system has worked optimally and jointly started the investigation to the implementation of court decisions. It should be remembered that harmonization can only achieve maximum results if each sub-system in the criminal justice system is consciously aware that they are institutions having their respective functions and not that one sub-system is higher than the other sub-systems. If this harmonization effort

can be realized, then it can prevent perpetrators of corruption from diverting, hiding or obscuring assets resulting from corruption, because each sub-system in the criminal justice system has worked optimally and jointly started the investigation to the implementation of court decisions.

Conclusion:-

The urgency of tracing assets/asset tracing at the investigation stage is that there are obstacles such as obscuring or transferring assets resulting from corruption crimes to other parties, assets resulting from criminal acts of corruption are exhausted, assets resulting from criminal acts of corruption are in a position to be pledged to other parties and assets are taken abroad, preventing suspected corruptors from hiding assets resulting from corruption, knowing the amount of assets resulting from corruption that are in the possession of suspects, tracing assets is the basis for determining the amount of replacement money and as evidence, as well as the presence of gaps or imbalances between the value of state financial losses or state economic losses that occur with return value for state financial losses/state economy from the application of additional criminal sanctions. In order to optimize the recovery of state losses, Several efforts that must be made include: (1) strengthening the authority to investigate corruption, including strengthening the Law on the Prosecutor's Office for wiretapping, strengthening asset tracing obligations that are oriented towards optimizing the recovery of state losses. (2) asset tracing as a mandatory policy in the investigation of criminal acts of corruption, includes asset tracing of a minimum state loss of Rp. 500 million, confiscating assets in accordance with the amount of state losses (proportional/value-based), as well as empowering LHKPN and liquid assets. (3) harmonization in the investigation of criminal acts of corruption, especially in asset tracing, including prosecutors providing asset tracing instructions to National Police investigators through the P-21 stage, conducting joint education and training (training) or Focus Group Discussion (FGD), as well as multi-agency collaboration in the asset tracing process. (4) management of evidence and confiscated goods including the establishment of the Central Asset Recovery Agency at the Attorney General's Office level, Asset Recovery Assistant at the High Court level, Head of the Asset Recovery Subdivision at the State Attorney level, and optimizing the role of auditors at the Attorney General's Office and High Court in assessing assets and confiscated goods.

Bibliography:-

- 1. Ariet, Barda Nawawi, 'Problems of Law Enforcement and Crime Control Policies' (Bandung: Citra Aditya Bakti, 2001), p. 28
- 2. Bunga, Marten, Mustating Dg Maroa, Amelia Arief, and Hardianto Djanggih, 'The Urgency of Community Participation in Efforts to Prevent and Eradicate Corruption', Law Reform, 15.1 (2019) https://doi.org/10.14710/lr.v15i1.23356>
- 3. 'Denying Safe Haven to the Corrupt and the Proceeds of Corruption' (Manila: ADB, 2006), p. 6
- 4. et al, JP Brun, 'Asset Recovery Handbook a Guide for Practitioners, (Washington: The International Bank for Reconstruction and Development/The World Bank)', 2011, p. 5
- 5. Esoimeme, Ehi Eric, 'Institutionalizing the War against Corruption: New Approaches to Assets Tracing and Recovery', Journal of Financial Crime, 27.1 (2020) https://doi.org/10.1108/JFC-12-2018-0125>
- 6. Husodo, Adnan Topan, 'Critical Note on Efforts to Return Assets from Corruption Crimes in Confiscation of Assets from Criminal Acts', Journal of Indonesian Legislation, 2010, 584
- 7. Imron, Ali, and Sella Yulianti, Enforcement, Prevention and Eradication of Money Laundering Crimes on the National Risk Assessment, Surya Kencana Dua Journal: Dynamics of Legal and Justice Issues, 2019, vi
- 8. Jaya, Nyoman Men's Union, 'Dualism in the Mechanism of Investigation of Corruption Crimes Lecture Papers' (Faculty of Law UNDIP, 2005), p. 9
- 9. Kaligis, OC, 'Supervision of Prosecutors as Special Crime Investigators in Eradicating Alumni Corruption' (Bandung, 2006), p. 39
- 10. Latifah, Marfuatul, 'The Urgency of Establishing a Law on Confiscation of Criminal Proceeds in Indonesia', The Rule of Law: Building Law for Justice and Prosperity, 6.1 (2015)
- 11. Mahmud, Ade, Chepi Ali Firman Z, Husni Syawali, Rizki, and Weganisa, 'Substantive Justice in the Process of Asset Recovery as a Result of Corruption Crime', Jurnal Suara Hukum, 3.2 (2021)
- 12. Moeljatno, Criminal Law Principles (Yogyakarta: Liberty, 2000)
- Nugraha, Xavier, Ave Maria Frisa Katherina, Windy Agustin, and Alip Pamungkas, 'Non-Conviction Based Asset Forfeiture as a New Formulation of Stolen Asset Recovery Efforts for Indonesian Corruption Crimes', National Law Magazine, 49.1 (2019) https://doi.org/10.33331/mhn.v49i1.92>

- Pranoto, Agus, Abadi B Darmo, and Iman Hidayat, 'Juridical Study Regarding Confiscation of Corruption Assets in Efforts to Eradicate Corruption Crimes According to Indonesian Criminal Law', Legality: Journal of Law, 10.1 (2019) https://doi.org/10.33087/legality.v10i1.158
- 15. Sihite, M. Idris and Mustofa, M., 'Asset Recovery Policy Strategy of Corruption Proceeds Placed Abroad within the Perspective of the State as a Victim', Technium Social Sciences Journal, 19 (2021)
- 16. Simanjuntak, Supriardoyo, and Kornelius Benuf, 'The Relevance of Divine Values and Human Values in Eradicating Corruption', DIVERSI: Jurnal Hukum, 6.1 (2020) https://doi.org/10.32503/diversi.v6i1.890
- 17. Sittlington, Samuel, and Jackie Harvey, 'Prevention of Money Laundering and the Role of Asset Recovery', Crime, Law and Social Change, 70.4 (2018) https://doi.org/10.1007/s10611-018-9773-z >
- Sodikin, Muhammad, 'Authorities of Civil Servant Investigators in Investigating Corruption Cases', Al-Jinayah: Journal of Islamic Criminal Law, 2015, 61–82
- Sosiawan, Lagi Mangun, 'Handling Return of State Assets Proceeds of Corruption Crime and Application of the United Nations Anti-Corruption Convention in Indonesia', Journal of De Jure Legal Research, 20.4 (2020) https://doi.org/10.30641/dejure.2020.v20.587-604>
- 20. Sutrisno, Puluhulawa Fenty, and Lusiana Margaereth Tijow, 'Application of the Principles of Justice, Legal Certainty and Benefits in Judges' Decisions on Corruption Crimes', Gorontalo Law Review, 3.2 (2020)
- 21. Utrecht, U., Criminal Law I (Bandung: University Publishing, 1960).