

## THE OPTIMALIZATION OF INTERNATIONAL COOPERATION IN ASSET FORFEITURE UNDER INDONESIA ANTI-CORRUPTION LAW DRAFT

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### Abstract

*Corruption has been a serious matter for the Indonesian government, endangering economic stability, eroding public trust, and undermining societal well-being. Recognized as a complex and transnational crime, corruption demands strong legal and institutional action. This paper examines the potential for improving international collaboration within Indonesia's Draft Asset Forfeiture Law as a means of addressing economic crimes. Although Indonesia ratified the United Nations Convention Against Corruption (UNCAC) through Law No. 7 of 2006, the enforcement of asset recovery measures and cross-border cooperation remains inadequate. Key shortcomings in the draft law include a lack of comprehensive guidelines for international collaboration and insufficient mechanisms for seizing assets prior to legal judgments. By utilizing global frameworks such as UNCAC and the ASEAN Mutual Legal Assistance Treaty (AMLAT), these gaps can be addressed. This study recommends revising the draft law to establish clearer international procedures, streamline asset recovery efforts, and bolster Indonesia's capacity to combat corruption and financial crime effectively.*

**Keywords:** international cooperation, corruption, UNCAC

### A. Background

In Indonesia, efforts to eradicate corruption are not easy. There are still obstacles to corruption prevention, even though various methods have been applied.<sup>1</sup> According to a report by transparency international, Indonesia scored 34 on the Corruption Perceptions Index in 2023, ranking 99th out of 180 countries.<sup>2</sup> This data indicates that corruption remains a serious challenge in Indonesia, with significant and widespread impacts on various aspects of life. Economic crimes, including corruption, have significantly harmed Indonesia's economy. The term "corruption" is derived from the Latin word *corruptio* or *corruptus*, which has been translated into various languages, such as "corruption" in English and *corruptie* in Dutch. The term also encompasses acts of bribery and unethical conduct. In its literal sense, corruption refers to a range of unethical behaviors. As outlined by Andi Hamzah, it includes acts of dishonesty, depravity, moral degradation, deviation from ethical norms, and actions that undermine integrity, including defamatory or slanderous expressions.<sup>3</sup>

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1 Farida Sekti Pahlevi, "Strategi Ideal Pemberantasan Korupsi Di Indonesia," *Jurnal Antikorupsi INTEGRITAS* 4, no. 1 (2022): 8.

2 Transparency International, "Corruption Perceptions Index 2024," 2024, <https://www.transparency.org/en/cpi/2024/index/idn>.

3 Adami Chazami, *Hukum Pidana Korupsi Di Indonesia* (Jakarta, 2016).

Corruption, in general, refers to actions that violate legal norms, whether written or unwritten, resulting in the disruption of established systems. This includes legal, political, administrative, managerial, social, and cultural structures. Additionally, corruption leads to the deprivation of people's rightful entitlements.<sup>4</sup> The characteristics of corruption crimes in Indonesia classify them as extraordinary crimes, transnational organized crimes, primary and principal remedies (*primum/premium remedium*), and serious offenses. Addressing such extraordinary crimes necessitates extraordinary measures and enforcement, as criminal act of corruption not only causes financial and economic losses to the state but also violates the social and economic rights of society at large. Criminal act of corruption reflects a problem that transcends national boundaries, aligning with the provisions of the United Nations Convention on Transnational Organized Crime (UNTOC). It is further categorized as a serious crime under Article 5 of the Rome Statute of the International Criminal Court and Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), ratified through Law No. 12 of 2005, as well as the United Nations Convention Against Corruption (UNCAC), ratified through Law No. 7 of 2006.

Corruption is a global issue that threatens economic and social stability. Its practices result not only in financial losses but also in the erosion of social structures and public trust in government institutions. Transparency International's 2023 Corruption Perceptions Index (CPI) revealed that many countries continue to fall short in combating corruption in the public sector. The global average CPI score remains stagnant at 43, with over two-thirds of surveyed countries scoring below 50. This reflects the pervasive nature of corruption as a global challenge. Indonesia is among the countries experiencing a decline in CPI performance. Since the index's inception in 1995, Indonesia's corruption status has been closely monitored. The 2023 CPI assigned Indonesia a score of 34 out of 100, placing it 115th out of 180 surveyed countries. This score remains unchanged from 2022, highlighting the persistent challenges in corruption eradication and a gradual decline due to inadequate support from key stakeholders.

This situation underscores the critical need to address economic crimes, including criminal act of corruption, through robust and proactive measures. The stagnation of Indonesia's 2023 CPI score illustrates that efforts to combat corruption have been sluggish and have even regressed due to the lack of tangible support from policymakers and stakeholders.<sup>5</sup> The slow progress in combating corruption is also attributed to the cross-border nature of corruption crimes, allowing perpetrators to transfer illicit gains to foreign jurisdictions. This transnational dimension complicates legal enforcement, as each country retains sovereignty over its national laws, with differing jurisdictions and legal procedures. Consequently, a purely national legal approach is insufficient to effectively address and resolve criminal act of corruption-related challenges.

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<sup>4</sup> Sari Mandiana, *Melawan Hukum Khusus/Facet Dalam Rumusan Tindak Pidana Korupsi*, vol. 1 (Jakarta: PRENADA, 2024).

<sup>5</sup> Transparency International Indonesia, "Indeks Persepsi Korupsi 2023: Pemberantasan Korupsi Kembali Ke Titik Nol," n.d.

With this international cooperation, the public can see that the country consistently prioritizes corruption prevention and eradication, especially when corrupt individuals flee abroad with domestic assets. Legal enforcement efforts, extradition processes, and the legal exchange of information between countries are essential. The shift from a traditional approach that relies solely on internal education to a more modern concept that emphasizes the importance of collaboration with other parties has become the core principle of this international cooperation.<sup>6</sup>

The importance of optimizing international cooperation has been widely recognized as a crucial solution for combating corruption. International collaboration serves as a tool for sharing information, resources, and strategies to identify, recover, and restore assets derived from criminal activities. The UNCAC provides a comprehensive framework for the implementation of asset identification, recovery, and restitution. However, differences in legal systems, cultural contexts, and policies among countries often hinder the effectiveness of international cooperation. As a result, many corruption cases remain unresolved, and assets that should be repatriated to the originating countries remain inaccessible.

In Indonesia, the Draft Asset Forfeiture Law, which is expected to play a proactive role in addressing these challenges, still exhibits weaknesses in terms of international cooperation. This is evident in Article 63 of the draft, which lacks clear provisions for mechanisms and procedures governing international collaboration. The article merely acknowledges the importance of cooperation without detailing strategic steps or comprehensive guidelines for establishing partnerships with other nations. These shortcomings limit the law's ability to effectively address the complexities of transnational corruption and asset recovery.

## B. Identified Problems

What are the implications of the ratification of the 2003 UNCAC through Law No. 7 of 2006, particularly in relation to the enactment of the Asset Forfeiture law draft? To what extent can international cooperation mechanisms be effectively implemented in the absence of the Asset Forfeiture law draft, as mandated by the ratification of the 2003 UNCAC under Indonesia's Law No. 7 of 2006?

## C. Research Methods

The Draft Law on Asset Forfeiture in Combating Corruption in Indonesia. This scientific paper employs a descriptive-analytical research method using a normative juridical approach. The study aims to provide a comprehensive descriptive analysis of legal issues and phenomena, focusing on optimizing international cooperation within the framework of the Draft Law on Asset Forfeiture as a mechanism for addressing economic crimes. The approaches employed in this research include the statute approach, conceptual approach, and case approach, which are utilized collectively to analyze issues based on legislation,

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<sup>6</sup> Windawati Pinem Kuswanto, Salamun, Rahman Tanjung, Suhendi Syam, Hasnidar, Lodewyk Nahuway, Andi Meganingratna, Irwan Kurniawan Soetijono, Annisa Ilmi Faried, Yusliana, Iskandar Kato, *Pendidikan Budaya Anti Korupsi (PBAK)* (Yayasan Kita Menulis, 2022).

legal doctrines, and conceptual perspectives in criminal law, as well as cases related to asset forfeiture in Indonesia. The data utilized in this research is secondary data, collected through library research techniques, including books, journals, and various types of studies that support this paper on international cooperation, the Draft Law on Asset Forfeiture, and economic crimes.

Indonesia's policy in ratifying the UNCAC was the result of deliberations involving various stakeholders, both within and outside the government. This ratification demonstrates Indonesia's commitment to combating corruption by adopting UNCAC as a binding legal framework for international cooperation through legally enforceable agreements. The UN Convention, successfully signed on December 11, 2003, was officially adopted by the UN General Assembly through Resolution No. 57/169.

UNCAC's primary objective is to combat corruption by introducing key concepts such as asset recovery and technical cooperation among nations. It also establishes norms such as efficiency, transparency, and accountability, which provide significant opportunities for civil society to participate actively.<sup>7</sup> Indonesia ratified the UNCAC through Law No. 7 of 2006 as part of its efforts to strengthen national policies in combating corruption, with the primary aim of supporting the recovery of assets embezzled by perpetrators of economic crimes.

One key factor driving Indonesia's ratification of UNCAC is the recovery of state assets misappropriated by perpetrators of economic crimes, including corruption. UNCAC enables Indonesia to leverage international cooperation mechanisms to trace and recover these assets. There are three main strategies employed in this effort: first, prosecuting perpetrators through civil mechanisms in the countries where the assets are stored; second, forcibly confiscating physical assets located abroad; and third, optimizing international cooperation with countries where the assets are held.

UNCAC also provides provisions on asset recovery, requiring state parties to assist in preventing and detecting the transfer of proceeds of crime. This framework guides Indonesia in addressing challenges related to overseas asset recovery, which is often hindered by limitations in international cooperation. Meanwhile, domestic regulations, such as the Draft Law on Asset Forfeiture, focus more on domestic procedures and are less accommodating of the challenges posed by international cooperation, representing a significant weakness in addressing overseas asset recovery.

#### **D. Research Findings and Discussions**

##### **Ratification of UNCAC 2003 in Law No. 7 of 2006**

The United Nations Convention Against Corruption (UNCAC) is the first and only comprehensive global treaty dedicated to combating corruption. Adopted by the UN General Assembly in 2003, it officially entered into force on December 14, 2005. The creation of UNCAC was the result of nearly three decades of international and domestic efforts to address corruption, culminating in a significant

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<sup>7</sup> Ridwan Arifin, "Analisis Hukum Internasional Dalam Perampasan Aset di Negara Kawasan Asia Tenggara Berdasarkan UNCAC dan AMLAT" 3 (March 2016): 5.

push by global organizations to incorporate anti-corruption measures into their development agendas. Negotiations for the convention took place between 2002 and 2003 in Vienna, with an unprecedented level of international participation. At its adoption, 140 countries signed the treaty, demonstrating widespread support for its provisions, which cover corruption prevention, criminalization, international cooperation, asset recovery, and technical assistance. Today, nearly every UN member state has ratified UNCAC, solidifying its status as a truly global anti-corruption framework.<sup>8</sup>

The convention consists of 71 articles that outline both substantive anti-corruption measures and the mechanisms for its enforcement. Key provisions include guidelines for public sector integrity, transparency measures, and criminal penalties for corruption-related offenses. While UNCAC does not mandate uniform adoption of all its provisions, certain articles explicitly require countries to implement specific measures, such as criminalizing bribery, embezzlement, money laundering, and obstruction of justice. Compliance is monitored through a review mechanism led by the UN Office on Drugs and Crime (UNODC), which involves self-assessment by participating countries and a peer-review process. While this system allows nations to evaluate their adherence to UNCAC standards in a collaborative manner, it has faced criticism for its limited involvement of civil society and the lack of enforceable penalties for non-compliance.<sup>9</sup>

According to the preamble of the UNCAC<sup>10</sup>, it is a vital international instrument in the global effort to combat corruption. Established in 2003, UNCAC aims to create universally applicable legal standards to address various forms of corruption worldwide, both in the public and private sectors. Corruption is recognized as a significant threat to political stability, economic development, and the rule of law, with developing countries experiencing its most destructive impacts.

Through UNCAC, the international community commits to strengthening governance that is transparent and accountable while facilitating the return of assets obtained through corrupt practices to their countries of origin. This convention marks a turning point in collective efforts to mitigate corruption, providing a robust framework for member states to prevent, detect, and prosecute corrupt acts, ultimately working towards a fairer and more prosperous world.

UNCAC Specifically regulates the regulation regarding Asset Forfeiture, where in Clause 54 (1) C of the UNCAC 2003, states that, “confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases”. The legal foundation for Indonesia’s commitment to combating corruption and transnational organized crime is established through two key laws: Law No. 7 of 2007, which ratifies the United Nations Convention Against Corruption (UNCAC) of 2003, and Law No. 5 of 2009, which ratifies the United Nations Convention

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<sup>8</sup> Anna Wong, Katrina Perehudoff, and Jillian Clare Kohler, “Legislating for Good Governance in the Pharmaceutical Sector through UN Convention Against Corruption (UNCAC) Compliance,” *Global Public Health* 19, no. 1 (December 31, 2024), <https://doi.org/10.1080/17441692.2024.2350649>.

<sup>9</sup> Wong, Perehudoff, and Kohler.

<sup>10</sup> United Nations Office on Drugs and Crime, *United Nations Convention Against Corruption* (Austria, 2004).

Against Transnational Organized Crime (UNTOC). The latter was enacted on January 12, 2009. These ratifications signify Indonesia's adherence to international legal frameworks in addressing corruption and organized crime. According to Law No. 24 of 2000 on International Agreements, an international agreement is any legally binding arrangement governed by international law. Such agreements take various forms, including treaties, conventions, agreements, memorandums of understanding, protocols, and declarations. By ratifying UNCAC and UNTOC, Indonesia commits to aligning its legal system with international anti-corruption and anti-crime standards, reinforcing cooperation in law enforcement, asset recovery, and judicial assistance.<sup>11</sup>

The regulation of corruption as a transnational crime is comprehensively outlined in Law No. 5 of 2009, which enforces the provisions of UNTOC. This law recognizes corruption as a structured crime that often involves cross-border activities, requiring international collaboration for its prevention and prosecution. In assessing corruption-related offenses, the legal concept of *daad-dader strafrecht* is significant. This principle considers both the objective aspects of an act (*daad*) and the subjective aspects of the perpetrator (*dader*), forming a balanced approach to criminal liability. As a model of interest balance, *daad-dader strafrecht* ensures that both the nature of the offense and the intent of the offender are evaluated in legal proceedings. By incorporating this principle, anti-corruption laws can more effectively distinguish between different levels of culpability, thereby enhancing the enforcement of justice and accountability in corruption cases.<sup>12</sup>

And then, s Indonesia's anti-corruption efforts aligned with the UNCAC? From March 14 to 16, 2011, a team of UNCAC Review Experts from the United Nations, consisting of two experts from the United Kingdom and two from Uzbekistan, visited Indonesia.<sup>13</sup> These experts conducted a review of UNCAC implementation at the Corruption Eradication Commission (KPK). Previously, the same team had visited Indonesia and engaged with various law enforcement institutions, including the National Police, the Attorney General's Office, the Supreme Court, the Financial Transaction Reports and Analysis Center, the Ministry of Law and Human Rights, the Ministry of Foreign Affairs, and civil society organizations. The review found that while the KPK has implemented many UNCAC provisions, some key aspects remain unadopted, such as the drafting of legislation on the confiscation of assets derived from criminal activities. Identifying assets obtained through corruption is particularly challenging, especially when they have been transferred abroad. Therefore, specific regulations are needed to govern

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<sup>11</sup> Mulyono Dwi Purwanto and Tuti Widyaningrum, "Pentingnya Pengaturan Delik Perdagangan Pengaruh (Trading In Influence) Pada Undang-Undang Tindak Pidana Korupsi Di Indonesia," *Jurnal Kajian Ilmiah* 23, no. 2 (April 30, 2024): 125–34, <https://doi.org/10.31599/j9adz546>.

<sup>12</sup> Marcus Priyo Gunarto, "Asas Keseimbangan Dalam Konsep Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 24, no. 1 (July 27, 2012): 83, <https://doi.org/10.22146/jmh.16143>.

<sup>13</sup> Fathan Qorib, "Rapor Biru Implementasi UNCAC Indonesia," *Hukum Online*, 2011, <https://www.hukumonline.com/berita/a/rapor-biru-implementasi-uncac-indonesia-lt4daeb43d3eee3/#!>

asset confiscation, including provisions for recovering assets that have been moved overseas.<sup>14</sup>

### **The Draft Law on Asset Forfeiture in Combating Corruption in Indonesia**

Until now, law enforcement efforts in Indonesia to combat corruption and recover state losses caused by perpetrators have not yet achieved the expected effectiveness. One of the main challenges is the ability of perpetrators to flee or transfer their unlawfully owned assets to foreign countries. Additionally, some perpetrators may hide abroad, making the extradition process and domestic law enforcement more difficult.<sup>15</sup>

The Draft Law on Asset Forfeiture in Indonesia has become a contentious legal issue in recent years. While it offers significant potential to combat serious crimes, particularly corruption and money laundering, its proposed mechanisms remain ineffective in practice. This has resulted in various challenges, including delays, regulatory shortcomings, and political resistance. Legal experts recognize the importance of this draft law, yet its implementation has fallen short of making a significant impact on corruption eradication efforts.<sup>16</sup>

The implementation of asset confiscation in Indonesia's anti-corruption efforts is a strategic step aimed at strengthening law enforcement and recovering state losses caused by corruption. In this context, asset confiscation serves as a tool to eliminate incentives for corrupt actors, preventing them from enjoying the proceeds of their crimes. With clear regulations on asset confiscation, the legal process is expected to become more efficient and effective, particularly in addressing the challenges often encountered in uncovering and proving corruption cases.<sup>17</sup>

The draft law governs the forfeiture of assets derived from criminal activities, granting the state the authority to seize assets acquired by offenders. Although it is theoretically essential, especially given the structural issues of corruption and money laundering in Indonesia, its implementation is hindered by prolonged legal processes. A major obstacle lies in the lengthy timeframe required before the state can confiscate assets obtained through criminal acts, providing defendants ample opportunity to transfer their assets during the proceedings. Furthermore, while existing laws, such as the Narcotics Law and the Law on the Prevention and Eradication of Money Laundering Crimes, already contain provisions for asset forfeiture, their enforcement remains suboptimal. Many offenders, particularly in

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<sup>14</sup> Lisa Ira, "Analisis Kebijakan Politik Hukum Dalam Penegakan Tindak Pidana Korupsi Melalui Pengesahan Rancangan Undang-Undang Perampasan Aset," *Jurnal Res Justitia: Jurnal Ilmu Hukum* 4, no. 2 (2024): 3.

<sup>15</sup> Deby Telly Antow Try Putra D. N. Kuku, Robert N. Warong, "Perampasan Aset Tanpa Menjalani Pemidanaan Bagi Pelaku Yang Melarikan Diri Atau Meninggal Dunia Dalam Perkara Tindak Pidana Korupsi," *Lex Crimen* IX, no. 4 (2020).

<sup>16</sup> Somawijaya, dan Nella Sumika Putri Widiya Yusmar, "Urgensi Pengesahan Rancangan Undang-Undang Perampasan Aset Sebagai Upaya Pemberantasan Tindak Pidana Pencucian Uang Dengan Predicate Crime Tindak Pidana Narkotika " 9 (2021): 220–23.

<sup>17</sup> Dina Desvita Pramesti Putri, "Penerapan Perampasan Aset Sebagai Pidana Tambahan Dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum SAMUDRA KEADILAN* 19, no. 2 (2024): 5.

money laundering and narcotics cases, are merely subjected to imprisonment or fines without the confiscation of assets derived from their crimes. This weakens the deterrent effect of the penalties imposed.

The background behind the drafting of the asset confiscation law can be seen in the consideration that the current system and mechanisms for asset confiscation in criminal cases have not yet effectively supported fair law enforcement or contributed to public welfare, as mandated by the 1945 Constitution of the Republic of Indonesia. According to a survey conducted by the Indonesian Corruption Eradication Commission, the public perceives that corruption persists due to the leniency of sanctions imposed on corrupt individuals and the weakness of law enforcement against corruption.<sup>18</sup>

The asset confiscation bill defines asset confiscation as a legal measure taken by the state to seize assets linked to criminal activities based on a court ruling, without requiring the conviction of the offender, as stated in Article 1, Paragraph 3. However, confiscating assets obtained through corruption becomes particularly challenging when these assets are transferred abroad. Tracking, seizing, and reclaiming such assets, whether during trial proceedings or after a legally binding verdict, poses significant difficulties.<sup>19</sup>

Certain articles within the Draft Law on Asset Forfeiture, such as Article 10, complicate implementation by stipulating that asset forfeiture can only be executed after a court ruling with permanent legal force (*inkracht*). This requirement poses significant challenges, as the lengthy legal process allows offenders to relocate their assets during the proceedings. Article 15 further creates loopholes by enabling offenders to exploit weaknesses in international legal agreements, complicating the recovery of assets from countries lacking strong legal cooperation with Indonesia.

Reforming this draft law necessitates addressing these legal gaps and strengthening international cooperation for the recovery of cross-border criminal assets. Additionally, strong political resistance poses a significant challenge to the draft law's implementation, as some members of the House of Representatives feel threatened, considering the potential for the law to implicate them or their associates. Despite years of discussion, this situation underscores a conflict of interest among legislators who should prioritize the draft law's passage for the sake of national interests.<sup>20</sup> The urgency of passing the asset confiscation law is based on several key factors:<sup>21</sup>

1. Indonesia's criminal law system has not yet recognized the seizure and confiscation of proceeds and instruments of crime as a crucial part of efforts to reduce crime rates in the country.

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<sup>18</sup> Nani Mulyati & Aria Zurnetti, "Asset Recovery as a Fundamental Principal Law Enforcement of Corruption by Corporations," *Andalas International Journal of Socio-Humanities* 4, no. 1 (2022): 51–60.

<sup>19</sup> Nani Mulyati Jenny Susmita Susilo, Elwi Danil, "Pemiskinan Koruptor Sebagai Alternatif Pidana Tambahan Dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia Dikaitkan Dengan Rancangan Undang-Undang Perampasan Aset," *Unes Law Review* 6, no. 1 (2023): 10.

<sup>20</sup> M. Ainun Najib, "Polemik Pengesahan RUU Perampasan Aset Di Indonesia" 3 (2023): 160–62.

<sup>21</sup> Muhammad Ghulam Reza, "Kebijakan Hukum Pidana Perampasan Aset 'Non-Conviction Based AssetForfeiture' Dalam Tindak Pidana Pencucian Uang," *Jurnal Kewarganegaraan* 8, no. 1 (2024): 8.



2. The recovery of criminal assets located abroad remains difficult to implement due to the absence of uniform legal provisions, as Indonesia has yet to enact the asset confiscation bill in accordance with UNCAC requirements.
3. Existing legislation is not yet comprehensive or detailed in regulating asset confiscation related to criminal offenses and still has significant shortcomings compared to the Non-Conviction-Based (NCB) Asset Forfeiture concept recommended by the UN and other international institutions.

### **International Cooperation in Corruption Eradication: Implications of Indonesia's Ratification of UNCAC**

Indonesia is a large country, as evidenced by its vast territory, population, and various other factors. Despite being a large country, Indonesia cannot operate every aspect of its state affairs through a self-sufficiency system and will always require the cooperation of other nations to enhance its own national operations. Given this, international cooperation becomes essential. International cooperation can be divided into three main types: bilateral (between two countries), regional (among countries in the same region), and multilateral (involving more than two countries). These types of cooperation are further categorized into various sectors such as politics, economics, social and cultural exchanges, defense and security, and more.

In this context, while there are many areas of international cooperation, the author will focus on discussing political and legal cooperation, which include:

1. Extraditions as regulated by the Indonesian bylaws No. 1 of 1979 on Extradition (Extradition Law), extradition is defined as "the surrender by one country to another country requesting the handover of a person who is suspected or convicted of committing a crime outside the territory of the country surrendering the person, but within the jurisdiction of the requesting country, which has the authority to prosecute and sentence the individual."<sup>22</sup>
2. The involvement of Interpol on international manhunt, as Interpol is an international police organization made up of police from various countries, whose primary task is to combat transnational crimes that are of international scale. It facilitates international cooperation in addressing issues like human trafficking, drug smuggling, and corruption.<sup>23</sup>
3. Ratification of the UNCAC where UNCAC is a multilateral convention aimed at preventing and combating corruption worldwide. Indonesia ratified UNCAC through Law No. 7 of 2006, which formalized the 2003 United Nations Convention Against Corruption (UN Convention). This convention serves as a critical tool for international cooperation in the fight against corruption, setting legal standards and promoting mechanisms for asset recovery, preventive measures, and criminalization of corrupt practices.<sup>24</sup>
4. Organization for Economic Co-operation and Development (OECD). The OECD is an international organization focused on economic cooperation,

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<sup>22</sup> Rengga Damayanti, *Sepintas Mengenal Hukum Ekstradisi (Bagian Pertama)*, 2023.

<sup>23</sup> Divisi Hubungan Internasional Kepolisian Negara Republik Indonesia, "Divisi Hubungan Internasional Kepolisian Negara Republik Indonesia 'Profil NCB Interpol,'" October 9, 2024.

<sup>24</sup> United Nations Office on Drugs and Crime, *United Nations Convention Against Corruption*.

- addressing the development of global standards, formulating policies to promote prosperity, and combating corruption.<sup>25</sup>
5. Financial Action Task Force (FATF). The FATF is an international forum aimed at establishing global standards for anti-money laundering and counter-terrorism financing regimes, as well as addressing other issues that threaten the integrity and stability of the international financial system. FATF issues specific guidelines for cryptocurrency oversight and promoting the implementation of AML and CFT standards among its member states. Through Recommendation 15, FATF mandates that virtual asset service providers, such as cryptocurrency trading platforms, implement Know Your Customer (KYC) and Customer Due Diligence (CDD) measures to ensure transaction traceability and prevent money laundering activities. FATF also monitors member states' compliance with these standards and may place non-compliant countries on the "high-risk jurisdictions" list, which could lead to international sanctions. Additionally, FATF encourages international collaboration by providing a platform for member states to exchange information on money laundering and cryptocurrency transactions, facilitating the tracking and freezing of crypto assets used in cross-jurisdictional financial crimes.<sup>26</sup>
  6. ASEAN Mutual Legal Assistance Treaty in Criminal Matters (AMLAT). AMLAT is a regional international treaty under ASEAN that generally obliges participating countries to share information and evidence in criminal proceedings. The treaty's primary focus is to support and facilitate mutual legal assistance in criminal matters and enhance its effectiveness.

International cooperation in combating crime, including corruption, is crucial given the far-reaching impacts of such offenses. Indonesia has actively participated in various international initiatives aimed at addressing corruption and other economic crimes. Corruption has become deeply entrenched in the fabric of Indonesian society, affecting nearly all aspects of life, from the economy to human rights. The repercussions of corruption extend beyond financial losses, disrupting environmental sustainability, undermining democratic institutions, and exacerbating social inequalities and poverty.

Over time, corruption-related offenses have diversified, ranging from bribery and extortion to embezzlement, abuse of authority, and conflicts of interest in procurement. Considering these unpredictable patterns, anti-corruption efforts cannot rely solely on conventional approaches but require more effective international collaboration and adaptive mechanisms. One significant case that illustrates the devastating impact of corruption in Indonesia is the Bank Indonesia

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<sup>25</sup> Bunga Rampai, *Mengkaji Akses Indonesia Menuju Organisation for Economic Co-Operation and Development (OECD) Dalam Perspektif Masyarakat Sipil*, 2024.

<sup>26</sup> Asmara Nova Susanto, "Peran Lembaga Yang Mendukung Penelusuran Alat Bukti Tindak Pidana Pencucian Uang Yang Menggunakan Cryptocurrency," *Media Hukum Indonesia (MHI)* 2, no. 4 (2024): 9.

Liquidity Assistance (BLBI) case.<sup>27</sup> This program, intended to rescue banks at risk of collapse during the 1990s economic crisis, suffered from misuse of authority by officials, leading to substantial financial losses for the state. Investigations faced numerous obstacles, including political interference and lack of coordination among law enforcement agencies. Delays in investigation and prosecution resulted in justice being postponed, allowing perpetrators to escape punishment easily.

Although Indonesia ratified the UNCAC through Law No. 7 of 2006, signaling its strong commitment to eradicating corruption, the outcomes remain unsatisfactory. Anti-corruption efforts continue to face challenges, as evidenced by Indonesia's low Corruption Perception Index (CPI) score, which stood at just 45.24 in 2017. This suggests that despite adopting UNCAC and other international agreements, the implementation of these commitments often falls short. Indonesia's accession to the Organisation for Economic Co-operation and Development (OECD) represents a pivotal step toward enhancing accountability and governance standards. As the only Southeast Asian nation seeking accession to the OECD, Indonesia has the opportunity to access global investments and improve governance practices. However, the accession process also presents significant challenges, given the existing deficiencies in state institutions regarding good governance practices.

Improving accountability will be a test for Indonesia, which must address considerable gaps in transparent and accountable governance. By joining the OECD, Indonesia is expected to gain better guidance on tackling corruption issues, as OECD member states generally achieve higher CPI scores, reflecting stronger adherence to anti-corruption and anti-bribery measures. Nonetheless, some OECD members also struggle with consistently implementing these guidelines, serving as a reminder for Indonesia to prioritize not only ratification but also effective implementation of adopted standards.

The accession process offers Indonesia a chance to improve governance through the adoption of international standards and closer collaboration in combating corruption.<sup>28</sup> A concrete example of efforts to raise these standards is the Mayor of Tanjungpinang's Decision No. 143 of 2018, which established an integrated task force to address corruption issues. An essential initiative was the involvement of regional apparatus organizations (OPDs) in implementing action plans and reporting via the Corruption Eradication Commission (CEC) MCP application. The MCP application, developed by the CEC, facilitates structured, transparent, and efficient monitoring of progress in corruption prevention programs through improved governance. This tool simplifies the evaluation and monitoring of achievements. With the active roles of task forces and working groups, guided by regional government directives, commitments to combating corruption become stronger and more focused. These measures are critical to meeting the standards

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<sup>27</sup> Rahmat Aiman, "Hukum Dan Korupsi: Tantangan Dan Solusi Dalam Pemberantasan Korupsi Di Indonesia," *Peradaban Journal Of Law and Society* 3, no. 1 (2024): 3.

<sup>28</sup> Nichita Heryananda Putri, "CEC Optimalkan MCP Untuk Tata Kelola Pemerintahan Yang Bersih ," September 11, 2024.

required for Indonesia's OECD acceptance and benefiting from broader international cooperation in corruption prevention.

Corruption in Indonesia remains a systemic issue, often involving individuals in positions of authority who misuse their powers to formulate or implement policies for personal gain. However, the challenges in a systematic corruption should be resolved in a serious way so that this potentials will not be a waste.<sup>29</sup> As a professional body, the Corruption Eradication Commission (CEC) must fulfill its responsibilities efficiently and in alignment with its legal mandate under Law No. 30 of 2002 on the Corruption Eradication Commission. The CEC's operations should be planned systematically and sustainably, as achieving comprehensive anti-corruption measures requires time and consistent efforts. To achieve this, the CEC needs to uphold professionalism in executing its duties, attaining organizational goals, and ensuring accountability. This professionalism is reflected in two critical roles: (1) managing anti-corruption initiatives and (2) acting as an active anti-corruption agent.

Reforms in the CEC should not only focus on internal improvements but also encompass collaborative efforts with other institutions to enhance its effectiveness. One such collaboration was with the Supreme Audit Board, which identified irregularities in the General Election Commission. This partnership successfully uncovered a corruption case involving the KPU. Additionally, the CEC can explore international cooperation with anti-corruption bodies, especially with neighboring countries. For instance, Singapore, with a Corruption Perception Index (CPI) score of 83 in 2023, demonstrates exemplary anti-corruption practices. Although Indonesia has previously collaborated with Singapore on extradition agreements through Law No. 5 of 2023, these agreements unfortunately exclude corruption cases. Therefore, Indonesia should seek alternative partnerships, such as with Singapore's Corrupt Practices Investigation Bureau (CPIB), a globally recognized anti-corruption agency established in 1952.

CPIB's longstanding success in maintaining Singapore's integrity, even investigating high-ranking officials, serves as a model for Indonesia. By emulating CPIB's practices and fostering international collaboration, Indonesia can enhance the CEC's effectiveness. Furthermore, building the CEC's reputation as a clean and trustworthy institution is crucial for gaining the trust of other organizations and strengthening Indonesia's position in its OECD accession bid. However, the fight against corruption also requires increased public awareness and active participation. Public participation is essential and can take various forms, as outlined in Law No. 20 of 2001 on the Eradication of Corruption Crimes. The right to seek, obtain, and provide information on suspected corruption crimes.

The right to receive services for reporting suspected corruption crimes to law enforcement agencies, the right to offer suggestions and opinions responsibly to law enforcement agencies handling corruption cases, the right to receive responses to reports submitted to law enforcement within a maximum of 30 days, the right to

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<sup>29</sup> Muhammad Fikri Ramdhani Firda Nurjihan Salsabila, Lilis Suminar, Yola Agustina, Yuni Sri Rezeki, "Dampak Sistemik Korupsi Terhadap Perekonomian, Sistem Pendidikan, Dan Pembangunan Infrastruktur Di Indonesia: Sebuah Analisis Komprehensif," *Jurnal Multidisiplin Ilmu Akademik*, no. 6 (2024): 3.

legal protection when exercising the aforementioned rights or serving as witnesses, whistleblowers, or expert witnesses in investigations, prosecutions, or court proceedings. Through regulatory improvements, institutional performance enhancement, and active public participation, Indonesia aims to elevate its anti-corruption standards. Continued efforts in this direction could see Indonesia accepted as an OECD member by 2027. However, the scope of Indonesia's anti-corruption initiatives extends beyond OECD accession, encompassing participation in regional conventions such as the ASEAN Mutual Legal Assistance Treaty (AMLAT). Signed on November 29, 2004, and ratified under Law No. 15 of 2008, Indonesia's involvement in AMLAT demonstrates its commitment to international cooperation.

Indonesia's leadership in hosting the 6th AMLAT Conference in Bandung further underscores its dedication to fostering international collaboration. AMLAT serves as a critical instrument for addressing transnational crimes, including corruption.<sup>30</sup> By leveraging this treaty, Indonesia can request evidence related to criminal activities to facilitate asset recovery processes. Support from ASEAN member states ensures easier access to evidence and assets linked to corruption cases. This international cooperation is expected to streamline asset recovery and repatriation, making it a more effective measure in combating corruption. Therefore, maximizing international collaboration remains a cornerstone of Indonesia's anti-corruption strategy. These efforts not only bolster Indonesia's governance but also enhance its prospects for global integration and accountability.

## E. Conclusions

The ratification of the UNCAC 2003 through Law No. 7 of 2006 mandates Indonesia to adopt international standards in preventing and combating corruption, including mechanisms for recovering assets derived from corruption crimes. This ratification strengthens Indonesia's national legal framework by incorporating UNCAC principles such as international cooperation, cross-border asset confiscation, and the enhancement of law enforcement mechanisms. However, significant challenges remain in implementing these principles, particularly concerning the Draft Law on Asset Forfeiture.

The draft law currently only permits asset confiscation after a legally binding court decision (*inkracht*), creating loopholes that allow perpetrators to conceal assets during legal proceedings. This limitation not only disadvantages the state but also neglects the necessity of international collaboration, which is critical for addressing assets hidden abroad. Without a robust Asset Forfeiture Law, Indonesia must rely on mechanisms outlined in UNCAC, such as Mutual Legal Assistance (MLA) and extradition agreements, to coordinate with other countries in investigations, prosecutions, and the recovery of corruption-related assets concealed overseas.

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<sup>30</sup> Evi Deliana Muhammad Ikhyia Apriansyah, Maria Maya Lestari, "Efektivitas Asean Treaty On Mutual Legal Assistance (AMLAT) Dalam Menghadapi Kejahatan Transnasional Di Negara Indonesia," *Jurnal Pro Justitia (JPJ)* 5, no. 1 (2024): 1.

Additionally, Indonesia can leverage international forums like AMLAT (ASEAN Mutual Legal Assistance Treaty) and adopt interim asset freezing instruments through international legal assistance prior to final court rulings. However, legal and political challenges continue to obstruct progress. Political elites, fearing the implications of stringent asset recovery regulations, often hinder the deliberation and enactment of the Asset Forfeiture Law, delaying essential legal reforms in combating corruption. Despite the absence of an adequate Asset Forfeiture Law, Indonesia can still optimize the use of international cooperation instruments embedded in UNCAC, as ratified through Law No. 7 of 2006. These instruments offer pathways for effective cross-border coordination in investigating, prosecuting, and recovering corruption assets, ensuring that international standards are upheld in the absence of comprehensive domestic legislation. To strengthen these efforts, it is crucial for Indonesia to prioritize the enactment of the Asset Forfeiture Law, while concurrently leveraging international cooperation frameworks. By addressing these gaps, Indonesia can enhance its capacity to combat transnational corruption and achieve better alignment with UNCAC's global anti-corruption standards.

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