



Volume 5	Issue 3	March (2026)	DOI: 10.47540/ijqr.v5i3.2747	Page: 333 – 343
----------	---------	--------------	------------------------------	-----------------

Asset Confiscation as a Criminal Policy against Proceeds of Corruption Crimes

I Putu Edi Rusmana¹, I Gusti Agung Kiddy Krsna Zulkarnain¹, I Gede Druvananda Abhiseka¹, Kadek Indra Dewan Tara¹

¹Faculty of Law, Universitas Pendidikan Nasional, Indonesia

Corresponding Author: I Putu Edi Rusmana; Email: edirusmana@undiknas.ac.id

ARTICLE INFO

Keywords: Asset Confiscation, Asset Recovery, Corruption, Criminal Policy.

Received : 11 January 2026

Revised : 27 March 2026

Accepted : 29 March 2026

ABSTRACT

This research aims to analyze the concept of asset confiscation in corruption offenses and to examine its position within the criminal punishment system under Indonesian criminal law. Corruption is widely recognized as a crime that generates significant harm to state finances, governmental stability, and public trust in state institutions. In the development of modern criminal law, anti-corruption efforts are no longer solely oriented toward punishing offenders but also toward eliminating the economic benefits obtained from criminal activities through asset confiscation mechanisms. This study employs normative legal research using statutory and conceptual approaches. The legal materials consist of primary legal sources in the form of legislation related to corruption eradication and criminal procedure law, as well as secondary legal materials including academic literature, journal articles, and scholarly opinions relevant to asset confiscation and criminal policy. The findings reveal that asset confiscation in corruption cases should not merely be viewed as an additional punishment within the criminal sanction system, but also as a strategic instrument of criminal policy aimed at eliminating illicit economic gains while facilitating the recovery of state financial losses. Strengthening the mechanism of asset confiscation is therefore essential to enhance the effectiveness of anti-corruption policies and to ensure that corruption does not generate economic benefits for offenders.

INTRODUCTION

Corruption constitutes a form of criminal offense characterized by complex and multidimensional features, both in terms of the harm it causes and the patterns through which it is perpetrated. Corruption not only results in financial losses to the state but also generates far-reaching implications for the stability of governmental systems, the legitimacy of public institutions, and the sustainability of economic and social development (Gu et al., 2024). Within the framework of a modern state founded upon the principle of the rule of law (*rechtstaat*), corrupt practices fundamentally represent an abuse of power that undermines the foundations of good governance while simultaneously eroding public trust in the legal system and state institutions (Nur et al., 2025). Accordingly, corruption is widely regarded as a crime possessing a highly destructive

impact upon the social, economic, and political order of a state.

In the development of modern criminal law, corruption offenses are no longer perceived merely as violations of law committed by individuals, but also as forms of crime that are closely intertwined with structures of power, economic systems, and institutional relations within governmental administration (Menéndez, 2025). Such characteristics position corruption as an extraordinary crime, thereby rendering its eradication incapable of being effectively addressed solely through conventional criminal law approaches (Danis & Hasibuan, 2024). The suppression of corruption consequently requires a comprehensive criminal law policy that is not merely oriented toward the punishment of offenders but also toward the elimination of the economic

benefits derived from such criminal conduct (Trinchera, 2020).

This paradigm is consistent with the development of modern criminal law policy, which increasingly emphasizes the importance of approaches oriented toward the deprivation of economic benefits derived from criminal activities (proceeds of crime) (Moiseienko, 2024). In the context of economic crimes such as corruption, punishment that merely focuses on the imposition of custodial sanctions upon offenders frequently fails to produce an adequate deterrent effect. This is attributable to the fact that perpetrators of economic crimes are generally motivated by the prospect of obtaining substantial financial gain, such that imprisonment alone does not necessarily eliminate the economic incentives that constitute the primary driving force behind the commission of such offenses (Danil & Kurniawan, 2017). Accordingly, within the framework of modern criminal law policy, the eradication of corruption cannot be separated from systematic efforts to trace, freeze, seize, and confiscate assets derived from criminal conduct (Esoimeme, 2020).

The concept of asset confiscation within the context of anti-corruption enforcement constitutes part of a broader mechanism commonly referred to as asset recovery (Helfer et al., 2023). Conceptually, asset recovery represents a series of legal processes intended to ensure that the proceeds of crime cannot be enjoyed either by the offender or by other parties who benefit from the criminal conduct. This mechanism encompasses several stages, including asset tracing, asset freezing, seizure, and confiscation through a final and legally binding court judgment (Khumaeroh & Bagaskoro, 2025). Through such mechanisms, the state seeks not only to punish offenders but also to eliminate the economic benefits derived from criminal acts while simultaneously restoring the losses caused by such conduct (Boskovic et al., 2024).

From the perspective of criminal law doctrine, asset confiscation occupies an important position within the sentencing system because it is directly connected to the fundamental principle that crime should not provide benefits to its perpetrators (crime does not pay) (Boskovic et al., 2024). This principle constitutes one of the foundational doctrines within crime control policy, particularly in the context of economic crimes (Spáčil, 2024). By

confiscating assets derived from criminal activities, the state not only imposes sanctions upon offenders but also eliminates the economic benefits obtained through such unlawful conduct. Accordingly, asset confiscation functions as an instrument capable of strengthening the effectiveness of punishment while simultaneously creating a deterrent effect against criminal offenders (Hryniewicz-Lach, 2024).

Within the context of international law, the importance of asset confiscation mechanisms in combating corruption has been widely recognized through various international legal instruments (Ochnio, 2024). One of the most significant instruments is the United Nations Convention against Corruption (UNCAC), which places asset recovery as one of the fundamental principles in the global effort to eradicate corruption (Borlini & Rose, 2024). Indonesia has ratified the convention through Law Number 7 of 2006, thereby imposing upon the state an obligation to develop effective legal mechanisms for tracing, freezing, seizing, and confiscating assets derived from corruption offenses. The convention further affirms that States Parties are obligated to establish effective legal frameworks for tracing, seizing, and confiscating assets obtained from corruption offenses, as well as returning such assets to the states that have suffered losses (Wardani et al., 2025). International recognition of the importance of asset recovery demonstrates that the eradication of corruption is not solely concerned with the punitive dimension of criminal law, but also with systematic efforts to restore state losses caused by criminal conduct.

Within the Indonesian criminal law system, the concept of asset confiscation in corruption cases has been regulated through various legal instruments (Mendrofa, 2024), particularly Article 18 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, which authorizes judges to impose additional penalties in the form of confiscation of movable and immovable property obtained through criminal conduct, as well as the obligation to pay substitute compensation equivalent to the state losses incurred (Hufon & Fikri, 2024). In addition, Indonesian criminal procedure law also recognizes the mechanism of seizure as a legal measure undertaken by law enforcement authorities to take control of objects allegedly connected to a criminal offense for

evidentiary purposes within criminal proceedings (Hafidz et al., 2024). Through these mechanisms, the Indonesian criminal law system has fundamentally provided legal instruments enabling the state to confiscate assets derived from corruption offenses (Graviddita & Wijayanto, 2025).

Nevertheless, conceptually, various issues remain concerning the position and effectiveness of asset confiscation within the Indonesian criminal law system (Rahman & Husnul, 2024). One of the issues that frequently attracts attention in criminal law scholarship relates to the status of asset confiscation within the sentencing system, particularly whether asset confiscation merely constitutes a form of additional punishment or whether it should instead be understood as an instrument of criminal law policy possessing broader functions in the suppression of economic crime (Salsabila & Waluyo, 2025). Furthermore, law enforcement practices frequently encounter numerous obstacles in the implementation of asset confiscation, particularly with respect to tracing criminal assets that have been transferred to third parties or concealed through complex financial mechanisms (Goldbarsht, 2024).

The development of technology and global financial systems has also generated new challenges to the effectiveness of asset confiscation mechanisms in corruption cases (Körtl & Chbib, 2024). In many instances, proceeds of crime are no longer stored in conventional forms but are instead transferred into various modern financial instruments, including cross-border investments and digital assets that are difficult to trace (Saputra & Kusumah, 2025). This condition demonstrates that asset confiscation mechanisms are not solely associated with normative aspects of criminal law but are also closely related to institutional capacity and inter-agency coordination among law enforcement authorities in tracing and confiscating assets derived from criminal offenses (Latifansyah et al., 2024).

Based on the foregoing background, an examination of the concept of asset confiscation in corruption offenses becomes essential, particularly from the perspective of Indonesian criminal law. Such a study is necessary to develop a deeper understanding of the conceptual foundations, normative construction, and legal position of asset

confiscation within the sentencing system applicable to corruption offenses. Accordingly, research concerning the concept of asset confiscation in corruption crimes possesses not only academic relevance for the development of criminal law doctrine but also practical significance in supporting the effectiveness of anti-corruption policies in Indonesia. Through a more comprehensive understanding of the concept and position of asset confiscation, it is expected that the criminal law system may function more effectively in ensuring that corruption offenses do not provide benefits to their perpetrators while simultaneously enabling the recovery of state losses resulting from such criminal conduct.

METHODS

This study constitutes normative legal research with a qualitative legal analysis aimed at examining the concept of asset confiscation in corruption offenses and analyzing its position within the sentencing system under Indonesian criminal law. Normative legal research is understood as a form of research focusing on the analysis of legal norms, doctrines, legal principles, and conceptual constructions developed within statutory regulations and legal scholarship. The approaches employed in this study consist of the statutory approach and the conceptual approach. The statutory approach is utilized to examine various positive legal provisions governing mechanisms of asset confiscation, seizure, forfeiture of evidence, and the payment of substitute compensation in corruption cases, while simultaneously assessing the adequacy of the national legal framework in supporting asset recovery mechanisms. Meanwhile, the conceptual approach is employed to analyze legal doctrines, legal principles, and scholarly opinions concerning the position of asset confiscation within the sentencing system and criminal law policy in the suppression of economic crime.

The legal materials employed in this study consist of primary, secondary, and tertiary legal materials. The primary legal materials include statutory regulations relating to corruption offenses, criminal procedure law, mechanisms of seizure and asset confiscation, as well as international instruments such as the United Nations Convention against Corruption. Secondary legal materials comprise textbooks, scholarly journal articles,

research findings, and expert opinions relating to criminal law and asset recovery, whereas tertiary legal materials consist of legal dictionaries, encyclopedias, and other supporting references. The collection of legal materials was conducted through library research by identifying and examining various legal sources relevant to the subject matter of the study. Subsequently, all legal materials were analyzed qualitatively through legal interpretation, doctrinal analysis, and deductive legal reasoning in order to obtain a comprehensive understanding of the concept and position of asset confiscation within the Indonesian criminal law system. Through this qualitative legal analysis, the study seeks to formulate a coherent understanding of asset confiscation as both an element of the criminal sanction system and a strategic instrument of criminal policy aimed at eliminating the economic benefits derived from corruption offenses.

RESULTS AND DISCUSSION

The Concept of Asset Confiscation in Corruption Offenses from the Perspective of Indonesian Criminal Law

The development of modern criminal law demonstrates a significant paradigmatic shift in approaches to crime control, particularly with respect to crimes possessing economic dimensions such as corruption offenses (Venturi, 2025). Whereas in the classical phase of criminal law development the suppression of crime primarily emphasized the imposition of custodial punishment as a form of retribution against offenders, within the evolution of contemporary criminal law such an approach is no longer regarded as adequate to address the complexity of modern crime (Olasolo et al., 2025). This is especially evident in the context of economic crimes, which are fundamentally driven by motives of obtaining unlawful financial gain. In such circumstances, the effectiveness of punishment is determined not merely by the severity of the sanctions imposed upon offenders, but also by the ability of the legal system to eliminate the economic benefits derived from criminal conduct (Saragih et al., 2024).

Within this framework, the concept of asset confiscation emerges as one of the essential instruments of modern criminal law policy. Fundamentally, asset confiscation constitutes a legal mechanism that enables the state to take

control of assets derived from criminal conduct or utilized as instruments in the commission of criminal offenses (Hryniewicz-Lach, 2024). Accordingly, asset confiscation functions not merely as a form of sanction against offenders, but also as a legal instrument aimed at eliminating the economic benefits obtained from criminal activities. This approach is consistent with the fundamental principle in crime control policy that crime should not provide benefits to its perpetrators (crime should not pay) (Pavlidis, 2026).

Within criminal law doctrine, asset confiscation is closely connected to the concept of proceeds of crime. This concept refers to every form of economic benefit obtained either directly or indirectly from a criminal offense (Pavlidis, 2026). In the context of corruption crimes, such criminal proceeds may take the form of money, goods, property assets, or various other forms of wealth acquired through abuse of authority or irregularities in the management of state finances. Accordingly, asset confiscation in corruption cases fundamentally constitutes a legal mechanism intended to sever the relationship between offenders and the economic benefits derived from their criminal conduct (Pali & Mustafaj, 2025).

From the perspective of criminal policy, asset confiscation possesses a highly strategic role in efforts to combat economic crime. Barda Nawawi Arief argues that criminal law policy in addressing crime must not only be directed toward the prosecution and punishment of offenders but also toward the elimination of the instruments and proceeds obtained from criminal conduct (Arief, 2018). Accordingly, an effective criminal law policy must be capable of ensuring that offenders do not derive benefits from their unlawful acts (Nahor, 2025). Within this context, asset confiscation constitutes one of the instruments that performs an important function in supporting the effectiveness of crime control policies, particularly with respect to economically motivated crimes (Nahor, 2025).

The concept of asset confiscation is also closely related to the development of the theory of the economic analysis of crime. Gary Becker, through his theory of the economics of crime, argues that individuals commit criminal offenses based upon a rational calculation between the benefits to be gained and the potential risks of punishment (Fadilah & Prasetyo, 2025). From this

perspective, crime is regarded as a rational choice undertaken when the benefits derived from criminal conduct outweigh the risks faced by the offender. Consequently, crime control cannot be achieved solely through the intensification of criminal sanctions, but must also involve mechanisms capable of eliminating the economic benefits generated by criminal acts. In other words, as long as offenders are still able to enjoy the proceeds obtained from their crimes, the effectiveness of punishment in creating a deterrent effect will remain limited (Huda et al., 2025).

Consistent with this perspective, deterrence theory in criminal law likewise emphasizes that the purpose of punishment is not solely related to retribution against offenders, but also to the prevention of future criminal conduct. Jeremy Bentham, through his theory of utilitarianism, asserted that effective punishment is punishment capable of reducing the benefits derived from conduct prohibited by law (Rahmawati et al., 2024). In the context of corruption offenses, asset confiscation mechanisms may therefore be understood as a form of punishment aimed at eliminating the economic benefits that constitute the primary motivation behind the commission of such crimes (Korejo et al., 2023). Accordingly, asset confiscation plays an important role in creating a deterrent effect not only against the offenders concerned but also against society at large (Marlina, 2025).

In addition to being supported by the development of criminal law doctrine and theories concerning the economics of crime, the concept of asset confiscation has also obtained strong legitimacy within the development of international law. In various international legal instruments relating to the eradication of corruption and transnational crime, asset recovery is positioned as one of the principal pillars of crime control strategies (Helfer et al., 2023). One of the international instruments exerting significant influence upon the development of this concept is the United Nations Convention against Corruption. The convention designates asset recovery as a fundamental principle in the eradication of corruption and further affirms that States Parties are obligated to establish effective legal mechanisms for tracing, freezing, seizing, and confiscating assets derived from corruption offenses (Rose, 2024).

Accordingly, the international legal framework established through UNCAC provides a normative foundation for states to strengthen their national legal systems in relation to the recovery of concealed proceeds of corruption, including through international cooperation in asset tracing and repatriation processes (Pranata et al., 2025).

Within the framework of the United Nations Convention against Corruption, asset recovery is understood as a comprehensive legal process encompassing various stages, ranging from asset tracing, freezing, and seizure to asset confiscation through judicial decisions (Wardani et al., 2025). This mechanism is intended to ensure that the proceeds of crime may be returned to the state or to parties who have suffered losses. Accordingly, asset recovery functions not merely as an instrument of criminal law enforcement but also as a mechanism for restoring losses caused by criminal conduct (Cao & Cao, 2025).

Within the context of Indonesian criminal law, the concept of asset confiscation in corruption cases is closely related to the mechanisms of seizure and forfeiture of evidence within criminal proceedings (Nugroho et al., 2026). Seizure constitutes a legal measure undertaken by law enforcement authorities to take control of objects suspected of being connected to a criminal offense for evidentiary purposes in criminal adjudication. Such seizure is fundamentally temporary in nature and is intended to ensure that evidence related to the criminal offense remains under state control throughout the judicial process. Asset confiscation, on the other hand, constitutes a legal consequence imposed through a final and legally binding court judgment. Unlike seizure, which is temporary in character, asset confiscation represents a final legal measure because it results in the transfer of ownership rights over property from the offender to the state. Accordingly, asset confiscation occupies a conceptually distinct position from seizure within criminal procedural law (Hryniewicz-Lach, 2024).

In the practice of anti-corruption enforcement in Indonesia, asset confiscation mechanisms are generally implemented through additional penalties in the form of confiscation of property obtained from criminal conduct, as well as the obligation to pay substitute compensation equivalent to the state losses caused by such acts (Sari & Santiago, 2025). These mechanisms demonstrate that the Indonesian

criminal law system has fundamentally recognized the importance of asset confiscation as an instrument in combating corruption. Nevertheless, conceptually, asset confiscation should not merely be understood as part of a technical mechanism within criminal procedural law, but also as part of criminal law policy aimed at eliminating the economic benefits derived from criminal offenses (Tripalo, 2025).

Accordingly, the concept of asset confiscation in corruption offenses fundamentally reflects the evolution of paradigms within modern criminal law, which are no longer solely oriented toward the punishment of offenders but also toward efforts to eliminate the economic benefits derived from criminal conduct and to restore the losses caused by such acts. From this perspective, asset confiscation functions not merely as an instrument of punishment, but also as an important mechanism within crime control policy aimed at ensuring that criminal conduct does not provide benefits to its perpetrators.

The Position of Asset Confiscation within the Sentencing System for Corruption Offenses in Indonesia

Within the framework of modern criminal law, punishment is no longer narrowly understood as an instrument of retribution against criminal offenders but rather as part of criminal policy possessing broader objectives in maintaining social order and protecting the legal interests of society (Wibowo et al., 2024). From this perspective, punishment is directed not merely toward the infliction of suffering upon offenders, but also toward the prevention of crime, the protection of society, and the restoration of losses arising from criminal conduct. This paradigm demonstrates that the sentencing system within modern criminal law possesses dimensions that are considerably more complex than the retributive approach developed within classical criminal law theory.

In the context of corruption offenses, the complexity of the objectives of punishment becomes even more apparent because such crimes are fundamentally associated with the abuse of power for the purpose of obtaining unlawful economic benefits. Corruption not only causes losses to state finances but also undermines the integrity of governmental systems and weakens public trust in state institutions (Maulidah et al.,

2025). Accordingly, punishment imposed upon corruption offenders cannot be directed solely toward the imposition of custodial sanctions, but must also encompass legal mechanisms capable of eliminating the economic benefits derived from such criminal conduct (Sinaga & Nasution, 2024).

Within the Indonesian criminal law system, mechanisms of asset confiscation in corruption cases are generally positioned as part of additional punishment as recognized within the sentencing system under Article 64 of Law Number 1 of 2023 concerning the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana*). The provision distinguishes between principal punishments and additional punishments. From a doctrinal perspective, additional punishment constitutes a criminal sanction imposed by judges in addition to principal punishment, functioning to complement the effectiveness of sentencing against criminal offenders (Agusthin & Maskur, 2025). Within classical criminal law doctrine, additional punishment has often been understood as a supplementary sanction intended to reinforce the punitive impact imposed upon offenders. However, in the development of modern criminal law, additional punishment frequently possesses broader functions, particularly in the context of crimes associated with economic gain (Miceli, 2023).

According to Andi Hamzah, additional punishment plays an important role within the sentencing system because it may be utilized to eliminate the instruments or proceeds derived from criminal conduct (Rambey, 2023). In the context of corruption offenses, additional punishment in the form of asset confiscation functions to ensure that offenders are unable to enjoy the benefits obtained from their unlawful acts (Shafa & Hidayat, 2022). Accordingly, asset confiscation possesses not only a repressive function as a form of sanction against offenders but also a preventive function in preventing the occurrence of similar crimes in the future.

The position of asset confiscation within the sentencing system is also closely related to the concept of recovery of state losses, which constitutes one of the principal objectives in combating corruption. Unlike many other criminal offenses that primarily cause harm to specific individuals, corruption offenses generally result in losses to state finances or the national economy

(Soesatyo, 2025). Accordingly, the punishment of corruption offenders is intended not only to impose sanctions upon perpetrators but also to ensure that the state losses caused by such conduct may be restored to the greatest extent possible (Wangga et al., 2024).

From the perspective of criminal law policy, asset confiscation constitutes an instrument possessing a strategic function in linking the objectives of punishment with efforts to recover state losses. Barda Nawawi Arief emphasizes that criminal law policy in combating crime must be directed not only toward the prosecution and punishment of offenders, but also toward the elimination of benefits derived from criminal conduct (Ramadhan & Ariyanti, 2023). Accordingly, an effective crime control policy must be capable of ensuring that offenders do not obtain economic advantages from their unlawful acts. Within this context, asset confiscation may be regarded as an instrument integrating the punitive function of criminal law to restore losses caused by criminal offenses (Hutajulu & Hufon, 2025). Furthermore, the position of asset confiscation within the sentencing system may also be analyzed through the perspective of deterrence theory in criminal law. Under this theory, the effectiveness of punishment is measured by its ability to reduce incentives for individuals to commit criminal offenses. In the context of corruption crimes, the primary incentive motivating individuals to engage in criminal conduct is the economic benefit derived from such acts. Consequently, punishment consisting solely of imprisonment without being accompanied by asset confiscation mechanisms risks failing to produce an adequate deterrent effect, since offenders may still be able to enjoy the proceeds obtained from their crimes.

From this perspective, asset confiscation may be regarded as a sentencing instrument possessing an important function in creating a deterrent effect against criminal offenders. By confiscating assets derived from criminal conduct, the state effectively eliminates the economic benefits that constitute the primary motivation behind the commission of corruption offenses. Accordingly, asset confiscation functions not only as a sanction against offenders but also as a mechanism capable of strengthening the effectiveness of punishment in preventing the occurrence of crime (Maulidah et al., 2025).

Nevertheless, from a doctrinal standpoint, debate continues to exist regarding the position of asset confiscation within the sentencing system. Some criminal law scholars regard asset confiscation as part of additional punishment possessing a repressive character. Under this view, asset confiscation is understood as a form of punishment imposed upon offenders as a consequence of their unlawful conduct. However, another perspective considers asset confiscation to be a special instrument within policies aimed at combating economic crime, possessing functions that are broader than additional punishment in its traditional sense (Fitriyanti & Suwandono, 2025). This latter view positions asset confiscation not merely as a form of punishment against offenders, but also as a legal mechanism intended to restore conditions disrupted by criminal conduct (Iskandar et al., 2026). Within this context, asset confiscation possesses a restorative character because it seeks to restore losses caused by criminal acts to the state or to injured parties. Therefore, asset confiscation may be understood as a legal instrument situated at the intersection between the sentencing system and mechanisms for the recovery of state losses.

The doctrinal debate demonstrates that asset confiscation possesses a unique character within the criminal law system. Unlike custodial punishment, which is primarily oriented toward the infliction of suffering upon offenders, asset confiscation is more fundamentally directed toward eliminating the economic benefits derived from criminal conduct (Lengkong, 2023). Accordingly, the principal function of asset confiscation is not merely to punish offenders, but also to ensure that the proceeds of crime cannot be enjoyed either by the perpetrators themselves or by other parties who derive benefits from such criminal acts.

Within the context of anti-corruption efforts in Indonesia, the position of asset confiscation as part of the sentencing system carries considerable significance because corruption is fundamentally a crime driven by economic motives. Without effective asset confiscation mechanisms, anti-corruption enforcement risks losing its deterrent capacity, as offenders may still be able to enjoy the benefits derived from their criminal conduct. Accordingly, strengthening asset confiscation mechanisms constitutes one of the essential aspects

in enhancing the effectiveness of anti-corruption policies in Indonesia.

Accordingly, it may be understood that asset confiscation in corruption offenses occupies a highly important position within the sentencing system under Indonesian criminal law. Asset confiscation functions not only as an additional punishment complementing principal sanctions, but also as an instrument of criminal law policy aimed at eliminating the economic benefits derived from criminal conduct while simultaneously restoring state losses caused by acts of corruption. Such a position demonstrates that asset confiscation possesses a strategic role in ensuring that corruption offenses do not provide benefits to their perpetrators, while also strengthening the effectiveness of crime control policies within the Indonesian criminal law system.

CONCLUSION

Based on the results of the normative study and doctrinal analysis conducted, it may be understood that the concept of asset confiscation in corruption offenses constitutes an important instrument within the development of modern criminal law aimed at eliminating the economic benefits derived from criminal conduct. From the perspective of criminal law doctrine, asset confiscation is understood not merely as a legal mechanism for taking control of assets unlawfully acquired by criminal offenders, but also as part of criminal law policy directed toward ensuring that crime does not provide benefits to its perpetrators. This concept is consistent with the evolving paradigm in the suppression of economic crime, which emphasizes the importance of eliminating the proceeds of crime as part of an effective crime eradication strategy. Accordingly, asset confiscation in corruption cases possesses not only a repressive dimension as a form of sanction against offenders, but also a preventive dimension because it functions to eliminate the economic incentives that constitute the primary motivation behind the commission of corruption offenses.

Within the Indonesian criminal law system, asset confiscation is generally positioned as part of additional punishment complementing principal sanctions such as imprisonment and fines. This position demonstrates that asset confiscation performs a complementary function within the

sentencing system, namely to ensure that criminal offenders are unable to enjoy the benefits derived from their unlawful conduct. Nevertheless, conceptually, asset confiscation should not merely be understood as a form of additional punishment in its traditional sense, but also as an instrument of criminal law policy possessing broader functions in combating economic crime. Within this context, asset confiscation operates as a legal mechanism linking the punitive function of criminal law with the objective of recovering state losses caused by corruption offenses.

Accordingly, the position of asset confiscation in corruption offenses carries highly strategic significance within the Indonesian criminal law system. This mechanism functions not only to strengthen the effectiveness of punishment against offenders but also as an important instrument in ensuring that the proceeds of crime cannot be enjoyed by perpetrators and may instead be restored to the state. Therefore, strengthening asset confiscation mechanisms constitutes one of the essential aspects in enhancing the effectiveness of anti-corruption policies in Indonesia.

REFERENCES

- Agusthin, I. D., & Maskur, M. A. (2025). Changes in Minimum Criminal Sanctions for Corruption Offenses in the National Criminal Code Based on the Perspective of the Purpose of Punishment. *Law Research Review Quarterly*, 11(4), 1144–1176.
- Arief, B. N. (2018). *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru*. Kencana.
- Borlini, L., & Rose, C. (2024). The normative development of laws on asset preservation and confiscation: An examination of emerging best practices. *International Journal of Constitutional Law*, 22(2), 514–537.
- Boskovic, M. M., Stevanović, A., & Stevanovic, A. (2024). Chasing Justice: Asset Recovery in Legal Theory and Practice and Serbia's Path to EU Compliance. *Journal of Eastern European Criminal Law*, 11(2), 34–47.
- Cao, M., V. & Cao, T. N. A. (2025). Asset Recovery via Non-Conviction based Forfeiture: Rationale for Regulation and Recommendations for Implementation in

- Vietnam. *Law and Development Review*, 18(1), 97–122.
- Danil, E., & Kurniawan, I. (2017). Optimizing confiscation of assets in accelerating the eradication of corruption. *Hasanuddin Law Review*, 3(1), 67–76.
- Danis, A. A. & Hasibuan, S. A. (2024). Juridical Review of The Legal Responsibility of Perpetrators of Corruption Offences in Indonesia. *International Journal of Law and Society*, 1(3), 132–141.
- Esoimeme, E. E. (2020). Institutionalising the war against corruption: new approaches to assets tracing and recovery. *Journal of Financial Crime*, 27(1), 217–230.
- Fadilah, F. P., & Prasetyo, H. (2025). Model of Corporate Criminal Liability in Preventing Corporate Recidivism in Money Laundering Offenses. *Jurnal Usm Law Review*, 8(3), 2056–2074.
- Fitriyanti, L.D & Suwandono, A. (2025). Perampasan Aset Sebagai Sanksi Tambahan: Analisis Pengembalian Kerugian Negara Dalam Penanganan Tindak Pidana Korupsi Di Indonesia. *JAKSA-Jurnal Kajian Ilmu Hukum dan Politik*, 3(3), 13–27.
- Goldbarsht, D. (2024). Adapting confiscation and anti-money laundering laws to the digital economy: exploring the Australian interplay between proceeds and technology. *Journal of Money Laundering Control*, 27(3), 472–488.
- Graviddita, O. F., & Wijayanto, I. (2025). Non-Conviction Based Asset Forfeiture as an Instrument for Recovering State Losses in Corruption Crimes in Indonesia. *Law Research Review Quarterly*, 11(4).
- Gu, W., Yan, W., & Yu, S. (2024). Rule of law, corruption and transparency impacts on green growth of East Asian economies. *Humanities and Social Sciences Communications*, 11(1), 1–8.
- Hafidz, J., Fitri, D. A., Azam, M., Arifullah, A., & Wiranto, A. P. (2024). The Corruption Reduction with an Administrative Law Approach: Evidence from Australia. *Journal of Human Rights, Culture and Legal System*, 4(3), 822–841.
- Helfer, L. R., Rose, C., & Brewster, R. (2023). Flexible Institution Building in the International Anti-corruption Regime: Proposing a Transnational Asset Recovery Mechanism. *American Journal of International Law*, 117(4), 559–600.
- Hryniewicz-Lach, E. (2024). Improving asset confiscation: in the quest for effective and just solutions. *ERA Forum*, 25(2), 231–247.
- Huda, K. D., S., Yuliati, Y., & Sugiri, B. (2025). The Forfeiture of Corruption Assets and the Legal Position of Innocent Third Parties. *Invest Journal of Sharia & Economic Law*, 5(1), 164–183.
- Hufron, & Fikri, S. (2024). the Urgency of Regulating Forfeiture of Assets Gained From Corruption in Indonesia. *Legality: Jurnal Ilmiah Hukum*, 32(2), 292–310.
- Hutajulu, J. A., & Hufron, H. (2025). The Urgency of Enacting Legislation on Asset Forfeiture from Corruption Crimes. *SEED: Journal of Scientific Research*, 1(2), 63–68.
- Iskandar, I., Hidayat, T., Nugraha, H., & Putra, R. F. L. (2026). RUU Perampasan Aset bagi Pelaku Tindak Pidana Korupsi dalam Perspektif Tujuan Pemidanaan dan HAM: Analisis Normatif. Asas Wa Tandhim: *Jurnal Hukum, Pendidikan Dan Sosial Keagamaan*, 5(2), 599–622.
- Khumaeroh, I. N., & Bagaskoro, M. R. (2025). Asset Recovery as an Effort to Restore State Losses Resulting from Corruption Cases. *Journal of Law, Politic and Humanities*, 6(1), 650–657.
- Korejo, M. S., Rajamanickam, R., Muhamad, M. H., & Korejo, E. N. (2023). Plea bargain dilemma, financial crime and asset recovery. *Journal of Money Laundering Control*, 26(3), 628–639.
- Körtl, C., & Chbib, I. (2024). Illicit enrichment in Germany: An evaluation of the reformed asset recovery regime's ability to confiscate proceeds of crime. *International Review of Law and Economics*, 80.
- Latifansyah, M. A., Rifai, A., & Sadino, S. (2024). Legal Measures to Support the Process of Asset Recovery in the State-Owned Enterprises Banking Sector Post-Corruption Cases. *Al-Ishlah: Jurnal Ilmiah Hukum*, 27(2), 427–452.
- Lengkong, L. Y. (2023). Urgensi Penerapan Perampasan Aset Dalam Tindak Pidana Pencucian Uang. *Jurnal Hukum To-Ra :*

- Hukum Untuk Mengatur dan Melindungi Masyarakat*, 9(3), 351–364.
- Marlina, A. (2025). From Confiscation to Prevention: Asset Confiscation and the Impoverishment of Corruptors in Islamic Jurisprudence. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, 14(2), 352–375.
- Maulidah, K., Sari, R. K., Melissa, A., & Fitriyantica, A. (2025). The Urgency of Enacting the Asset Confiscation Bill for the Eradication of Corruption and Money Laundering in Indonesia. *Prophetic Law Review*, 7(1), 95–116.
- Mendrofa, M.A.S. (2024). Legal Study of Asset Confidentiality Without Punishment As An Alternative For Providing Justice For The State And Persons of Corruption. *International Journal of Law and Society*, 1(2), 44–55.
- Menéndez, M. S. O. (2025). Deconstructing Corruption: From (Un)Fixed Definitions to Evolving Perspectives. *Laws*, 14(6).
- Miceli, T. J. (2023). On Economic Theories of Criminal Punishment: Pricing, Prevention, or Proportionality? *American Law and Economics Review*, 25(1), 1–26.
- Moiseienko, A. (2024). Crime and Sanctions: Beyond Sanctions as a Foreign Policy Tool. *German Law Journal*, 25(1), 17–47.
- Nahor, T. B. (2025). The Asset Forfeiture Bill in the Perspective of Criminal Law Policy and the Rule of Law: Between Urgency and Legislative Obstacles. *Daengku: Journal of Humanities and Social Sciences Innovation*, 5(5), 616–621.
- Nugroho, H., Budiyo, B., Ramadhani, S., Rantau, P., & Barkhuizen, J. (2026). Asset Seizure as an Effort to Recover State Assets Resulting from Criminal Corruption. *Journal of Law and Legal Reform*, 7(1), 161–202.
- Nur, U., Mutiarin, D., Jovita, H. D., Palomares, P. P., & Isolana, J. B. (2025). Role of Good Governance Indicators in Controlling Corruption. *Journal of Governance and Public Policy*, 12(1), 83–99.
- Ochnio, A. H. (2024). Recent developments in EU anti-corruption strategy: the missing element of the return of corrupt assets to “victim countries.” *Journal of Money Laundering Control*, 27(7), 1–12.
- Olasolo, H., Palermo, P. G., & Blaise Maclean, R. J. (2025). Strategies to Fight Corruption as a Central Element of Governance. *International Criminal Law Review*, 25(4), 708–732.
- Pali, A., & Mustafaj, I. (2025). Tax Crimes and Money Laundering of Criminal Proceeds. *Interdisciplinary Journal of Research and Development*, 12(1), 148.
- Pavlidis, G. (2026). The Final Frontier of the “Crime Does Not Pay” Principle in EU Law: Managing Frozen and Confiscated Assets. *European Journal of Crime, Criminal Law and Criminal Justice*, 1(aop), 1–24.
- Pranata, F. A., M., Setiono, J., & Fadri, I. (2025). Asset Recovery Mechanisms in Transnational Corruption Cases: Legal Frameworks and International Cooperation Challenges. *Jurnal Greenation Sosial Dan Politik*, 3(3), 605–614.
- Rahman, A. M., & Husnul, M. (2024). Failure of Criminal Law in Recovering State Losses Due To Criminal Acts of Corruption. *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 9(1), 305–323.
- Rahmawati, M. A., Firdaus, F., & ... (2024). Dimensi Pemidanaan Dalam Perspektif Teori Utilitarianisme Hukum. *Das Sollen*, 2(2023), 1–19.
- Ramadhan, M. & Ariyanti, D.O. (2023). Tujuan Pemidanaan Dalam Kebijakan Pada Pembaharuan Hukum Pidana Indonesia. *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, 5(1), 1–6.
- Rambey, G. (2023). Peniadaan Pidana Dalam Perspektif Restoratif Justice. *Jurnal Kajian Hukum*, 4(1), 22–35.
- Rose, C. (2024). The Progressive Development of International Law on the Return of Stolen Assets: Mapping the Paths Forward. *European Journal of International Law*, 35(3), 701–726.
- Salsabila, S. M., & Waluyo, B. (2025). Optimizing the Enforcement of Asset Forfeiture as an Additional Penalty for Corruption Offenders to Recover State Losses: Optimalisasi Penerapan Pidana Tambahan Perampasan Aset terhadap Koruptor sebagai Upaya Pemulihan Kerugian Negara. *Rechtsidee*, 13(2), 10–21070.

- Saputra, D. H., & Kusumah, F. (2025). Blockchain Forensics and the Evidentiary Challenges of Crypto-Based Corruption in Developing Countries. *IJCLS (Indonesian Journal of Criminal Law Studies)*, 10(2), 615–658.
- Saragih, Y.M., Fikri, R.A. & Syaharani, N. (2024). Effectiveness of Impoverishment Punishment Implementation in Handling Corruption Crimes. *International Journal of Law, Crime and Justice*, 1(4), 157–171.
- Sari, A., & Santiago, F. (2025). Legal Formulation of Substitute Money Charges in Corruption Cases in the Perspective of State Financial Recovery. *Jurnal Greenation Sosial Dan Politik*, 3(2), 251–259.
- Shafa, H. N. Y., & Hidayat, S. (2022). Asset Forfeiture Mechanism as an Additional Punishment in Order to Recover State Losses in Corruption Cases. *Lex Journal: Kajian Hukum Dan Keadilan*, 6(2), 472–486.
- Sinaga, R. & Nasution, H.A.R. (2024). Application Of Additional Criminal Sanctions In The Form Of Restitution In Corruption Offences In Indonesia. *International Journal of Law, Crime and Justice*, 1(3), 50–62.
- Soesatyo, B. (2025). The Urgency of Asset Confiscation Results of Corruption and Criminal Acts Money Laundering: Solutions to Eradicate Corruption and Reform of National Laws. *Jurnal Greenation Sosial Dan Politik*, 3(4), 1069–1079.
- Spáčil, J. (2024). Attribution of Cyber Operations: Technical, Legal and Political Perspectives. *International and Comparative Law Review*, 24(2), 150–168.
- Trinchera, T. (2020). Confiscation And Asset Recovery: Better Tools To Fight Bribery And Corruption Crime. *Criminal Law Forum*, 31(1), 49–79.
- Tripalo, S. (2025). Civil law vs. Criminal law: The legal crossroads of asset confiscation and property claims. *Crimen*, 16(3), 383–401.
- Venturi, F. (2025). Reconstructing Criminalisation. Regulatory Crimes and the Authoritarian Foundations of Modern Substantive Criminal Law. *Criminal Law and Philosophy*.
- Wangga, M. S. E., Ahmad, N., Puluhulawa, J., & Swarianata, V. (2024). Periscope of Ideas Selective Criteria for the Application of Restorative Justice in Corruption Crimes. *Journal of Indonesian Legal Studies*, 9(1), 1–30.
- Wardani, D. E. K., Anggraeni, M., & Rizal, A. (2025). Legal Strategies for Corruption Asset Recovery and Public Trust. *Arena Hukum*, 18(3), 340–372.
- Wibowo, M. H., Mursyid, A. M., & Widyawati, A. (2024). Progressionism Restorative Justice Policies in Achieving Rehabilitative Criminal Justice. *Indonesian Journal of Criminal Law Studies*, 9(1), 117–138.