

ANALYSIS OF THE DISTRICT ATTORNEY'S EFFORTS IN CONDUCTING ASSET RECOVERY IN CORRUPTION CASES

**(Study at the Bandar Lampung District Attorney's
Office)**

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Abstract

Corruption is an extraordinary crime that harms state finances and hinders national development. Asset recovery is a crucial aspect in eradicating corruption to restore state losses. This study analyzes the efforts of the Bandar Lampung District Attorney's Office in conducting asset recovery for corruption cases using a thesis-antithesis-synthesis dialectical approach. The research methods used are normative legal research with a statutory approach, a case approach, and a theoretical approach. The results of the study show that normatively, the District Attorney's Office has strong authority in asset recovery based on Article 30A of the Prosecutor's Law and the Law on the Eradication of Corruption. However, in practice, there are various problems that hinder the effectiveness of asset recovery, including the complexity of asset tracing, the transfer of assets to third parties, limited human resources, coordination

between institutions that is not optimal, and technical obstacles in the execution of replacement money. The synthesis of this dialectic resulted in recommendations for strengthening institutional capacity through special training for prosecutors, improving coordination with PPATK and KPK, optimizing asset tracking technology, improving regulations, and implementing mechanisms to prevent asset transfer from the investigation stage.

Keywords: *Asset recovery, Corruption Crimes, District Attorney's Office, Money Substitute*

A. BACKGROUND

Corruption in Indonesia has become a systemic problem that is rooted and harms the state's finances to a very large extent. Corruption not only causes material losses, but also damages the order of national and state life, hinders national development, and lowers public trust in state institutions. In the context of corruption eradication, asset recovery is one of the most crucial aspects to restore state losses caused by corruption crimes. Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia as amended by Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (hereinafter abbreviated as the Prosecutor's Law) provides a strong legal basis for the Prosecutor's Office in carrying out its functions and authorities. The Prosecutor's Office is a state institution that exercises state power in the field of prosecution and other authorities based on the law. Article 30 Paragraph (1) Letters a and b of the Prosecutor's Law affirms the authority and responsibility of the prosecutor's office in the field of criminal law, namely carrying out the prosecution process and executing the decisions of judges and courts that have permanent legal force (*inkracht*).¹

Furthermore, the strategic role of the prosecutor's office in asset recovery is listed in Article 30A of the Prosecutor's Law which states that the Prosecutor's Office is also authorized in asset

¹ Arief, Barda Nawawi. 2019. "Criminal Law Policy in Crime Prevention Efforts". *Journal of Criminal Law and Legal Politics*. Vol. 8 No. 2. 1-10

recovery efforts. If we discuss more deeply about asset recovery based on the Law on Amendments to the Prosecutor's Office of the Republic of Indonesia, Article 30A is divided into two paragraphs. Article 30A Paragraph (1) states that the Prosecutor's Office is authorized to rescue, secure, and return state assets, including assets that are illegally controlled by other parties. Furthermore, Article 30A Paragraph (2) emphasizes that the authority as referred to in Paragraph (1) is exercised through tracing, confiscation, and return of assets to the state. Based on these two paragraphs, it can be understood that asset recovery is an important authority of the Prosecutor's Office in handling cases, including corruption crimes. The recovery and takeover of assets in corruption cases refers to the Law on the Eradication of Corruption Crimes. Based on Article 18 Paragraph (1) b, corruption perpetrators not only receive the main punishment, but can also be required to pay compensation for state losses. These additional sanctions include the revocation of certain rights or confiscation of property as an effort to recover state losses. If within one month after the verdict has the force of law and the convict has not paid the replacement money, the prosecutor is authorized to confiscate and auction the convict's property to cover the state's losses. If the convict's property is insufficient, the convict can be sentenced to an additional prison sentence, but it must not exceed the principal penalty.²

This confiscation mechanism is an important instrument in efforts to prevent perpetrators from enjoying the proceeds of their crimes and at the same time as a means of recovering state losses. The effectiveness of the Prosecutor's Office in carrying out this asset recovery function is certainly an interesting question to be studied more deeply. Various factors, ranging from the complexity of the case, the applicable legal mechanisms, to technical challenges in the field, can affect the performance of the Prosecutor's Office in achieving the target of recovering state assets. On the one hand, the existing normative framework has provided an adequate legal basis for the Prosecutor's Office to carry out asset recovery. However, on

² Djanggih, Hardianto and Hipan Salahudin. 2020. "The Effectiveness of the Implementation of Substitute Money as an Additional Criminal Sanction in Corruption Crimes". *Journal of Law and Justice*. Vol. 9 No. 2. 1-10

the other hand, practice in the field shows that there are various obstacles and obstacles that cause the recovery of state assets from the results of corruption crimes is not optimal. Based on the above background description, the author is interested in conducting research in the form of a journal article with the title "Analysis of the District Attorney's Efforts in Conducting Asset recovery Against Corruption Cases (Study at the Bandar Lampung District Attorney's Office)". This research is expected to contribute to thinking in an effort to increase the effectiveness of recovering state assets from corruption crimes.³

Based on the background that has been described, this study uses a Hegel dialectical approach consisting of thesis, antithesis, and synthesis to analyze the problem of asset recovery in the Bandar Lampung District Attorney's Office. The formulation of the problem in this study is: What is the normative basis and authority of the Bandar Lampung District Attorney's Office in conducting asset recovery for corruption cases?, what are the problems faced by the Bandar Lampung District Attorney's Office in conducting asset recovery for corruption cases?. and what are the solutions to optimize asset recovery for corruption crimes at the Bandar Lampung District Attorney's Office?

B. RESEARCH METHODS

This research uses a normative legal research method, which is research conducted by examining literature materials or secondary data. Normative legal research is also referred to as literature research that examines the study of documents, which uses various secondary data such as laws and regulations, court decisions, legal theories, and the opinions of leading legal scholars.⁴ In this study, three approaches are used, namely: Statute approach, which is an approach that uses legislation and regulations as the main material of research. The Case Approach is an approach by examining cases related to asset recovery of corruption crimes that have been

³ son, Dheny Wahyudhi Surya. 2021. "Asset Recovery Problems in the Eradication of Corruption in Indonesia". *Anti-Corruption Journal*. Vol. 12 No. 1. 7-9

⁴ Marzuki, Peter Mahmud. 2019. *Legal Research*. Jakarta: Kencana Prenada Media Group. 4-9

handled by the Bandar Lampung District Attorney's Office and have become court decisions with permanent legal force. This approach is carried out by conducting an examination of the ratio decidendi or reasoning used by the judge in deciding the case. Theoretical approach, which is an approach that moves from the views and doctrines that develop in law. This approach is used to understand the concepts of asset recovery, state asset recovery, and corruption eradication from a theoretical perspective.⁵

C. RESULTS AND DISCUSSION

1. The Normative Basis and Authority of the Bandar Lampung District Prosecutor's Office in Asset recovery for Corruption Crimes

The normative foundation of asset recovery in Indonesia is built on the principle of recovering state losses as an integral part of the eradication of corruption. Philosophically, asset recovery is the embodiment of restorative justice that not only punishes the perpetrator but also restores the situation that has been harmed. This paradigm is in line with the concept of the United Nations Convention Against Corruption (UNCAC) which has been ratified by Indonesia through Law Number 7 of 2006, which places asset recovery as a fundamental principle in the eradication of corruption. The Prosecutor's authority in asset recovery comes from several laws and regulations.⁶ First, Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia gives explicit authority to the Prosecutor's Office to recover assets. Article 30A Paragraph (1) of the Prosecutor's Law emphasizes that the Prosecutor's Office is authorized to rescue, secure, and return state assets, including assets that are illegally controlled by other parties. This authority is carried out through the mechanism of tracing,

⁵ Soekanto, Soerjono and Sri Mamudji. 2018. Normative Law Research: A Brief Review. Jakarta: Raja Grafindo Persada. 1

⁶ Aldamia, Refi Meidiantama Cholfia. "Return of Assets of Perpetrators of Corruption in International Law and Its Implementation in Indonesian National Law." *Muhammadiyah Law Review* 6.1 (2022): 54-69.

confiscation, and returning assets to the state as stipulated in Article 30A Paragraph (2).⁷

Second, Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes (Corruption Law) provides a comprehensive legal instrument in asset recovery. Article 18 Paragraph (1) b of the Corruption Law regulates additional crimes in the form of payment of compensation money which is as much as equal to property obtained from corruption. This replacement money mechanism is the main instrument in recovering state financial losses. Further provisions in Article 18 Paragraph (2) and (3) of the Anti-Corruption Law regulate the mechanism for the execution of replacement money. If the convict does not pay the compensation within 1 (one) month after the court decision that has obtained permanent legal force, then his property can be confiscated by the prosecutor and auctioned to cover the compensation. In the event that the convict does not have sufficient property to pay the compensation, he shall be sentenced to imprisonment for a period of imprisonment whose duration does not exceed the maximum threat of the principal penalty and the duration of the sentence has been determined in the court decision.⁸

Second, at the execution stage, the Executing Prosecutor implements a court decision that has permanent legal force regarding the payment of replacement money. If the convict does not pay the compensation within the specified period, the Executing Prosecutor will confiscate and auction the convict's property. The confiscation process is carried out in coordination with related agencies such as the State Wealth and Auction Service Office (KPKNL) to conduct an auction of confiscated assets. Third, the Bandar Lampung District Attorney's Office also conducts asset tracing through coordination with related institutions such as the

Transaction Reporting and Analysis Center (PPATK), banks, the National Land Agency (BPN), and other agencies. This asset tracking is important to identify all assets owned by the suspect or

⁷ By Marlon Timothy. 2022. "The Authority of the Prosecutor's Office in the Recovery of State Assets". *Journal of Law and Justice Studies*. Vol. 5 No. 3. 3-6

⁸ Kristian and Yopi Gunawan. 2021. *Corruption Crimes: A Study of Harmonization between National Law and The United Nations Convention Against Corruption (UNCAC)*. Bandung: Refika Aditama. 3-7

defendant, including assets that may have been transferred to third parties or hidden. Based on data from the Bandar Lampung District Attorney's Office for the 2020-2024 period, there are several cases of corruption that have been successfully recovered by asset recovery. The most commonly used mechanism is the payment of substitute money either voluntarily by the convict or through the confiscation and auction of assets. This success shows that the existing normative foundation has provided adequate legal instruments for the Prosecutor's Office in recovering state assets.⁹

2. Problems of Asset recovery for Corruption Crimes at the Bandar Lampung District Attorney's Office

Although normatively the Prosecutor's Office has strong authority in conducting asset recovery, in practice there are various problems that hinder the effectiveness of recovering state assets from the proceeds of corruption. This problem can be categorized into several aspects, namely aspects of legal substance, legal structure, and legal culture. From the aspect of legal substance, the first problem is the complexity of the mechanism for proving state financial losses. In the case of corruption, the calculation of state losses is often a debate between the results of the BPK, BPKD, or experts presented by the defendant. This difference in the methodology of calculating losses can affect the amount of compensation awarded by the judge. In addition, there is a missynchronization between the concept of state losses from the perspective of criminal law and the perspective of state financial law. The second problem is the difficulty in tracing and identifying assets. Perpetrators of corruption crimes often transfer assets to third parties, both family and other parties, or hide assets in various modes such as using other people's names (nominees), establishing shell companies, or moving assets abroad. This makes it difficult for the Prosecutor's Office to trace and identify all assets that are the result of corruption crimes.

⁹ Suci, Aurora Tifani, and Yana Indawati. "Asset Confiscation with a Value-Based Approach to the Assets of Corruption Perpetrators." *Journal of Law Lex Generalis* 6.7 (2025). 1-12

The third problem is related to the legal protection of third parties in good faith. In some cases, assets resulting from corruption have been transferred to third parties claiming to be buyers in good faith. Civil law provisions on the protection of buyers in good faith often clash with asset confiscation efforts in the context of asset recovery. This creates juridical constraints in the execution of confiscation and auction of assets. From the aspect of legal structure, the main problem is the limitation of human resources who have special competencies in asset recovery. The asset tracing process requires specialized expertise in financial forensics, investigative audits, and financial transaction analysis. Not all prosecutors have this competence, so the effectiveness of asset tracing is less than optimal. At the Bandar Lampung District Attorney's Office, the number of prosecutors who have participated in special asset recovery training is still limited.¹⁰

The second problem is coordination between institutions that is not optimal. Asset recovery requires close coordination with various institutions such as PPATK, banks, BPN, the Directorate General of Taxes, the Directorate General of Immigration, and other institutions. In practice, this coordination is often hampered by various factors such as differences in institutional interests, limited regulations on information sharing, and complex bureaucratic procedures. This causes the asset tracing process to be slow and less effective.

The third problem is the limitation of supporting facilities and infrastructure. Modern asset tracking requires the support of sophisticated information technology to track and trace financial transactions, including access to an integrated database that contains asset information in various sectors.¹¹ The Bandar Lampung District Attorney's Office still faces limitations in terms of access to integrated information systems and asset recovery supporting

¹⁰ Permana, Deni. "The Role Of Information Technology In Effective And Efficient Regional Asset Management." *Journal Of Public Policy And Governance Services* 2.1 (2025): 19-26.

¹¹ Haryadi, Tobi. "The Effectiveness of Implementing Additional Criminal Punishment in the Form of Compensatory Money in a Normative Legal Perspective: Between Theory and Practice of Law Enforcement." *Discipline: Journal of the Academic Community of the Youth Pledge School of Law* 29.4 (2023): 174-187.

technology. From the aspect of legal culture, the problem faced is the low legal awareness of the convict to pay the substitute money. Many convicts try to avoid the obligation to pay compensation in various ways, such as claiming to have no assets, transferring assets to family or third parties, or even choosing to serve a substitute prison sentence rather than paying compensation. This shows that the criminal sanction of substitute imprisonment is not effective enough as a deterrent effect to encourage convicts to pay compensation. Another problem is that there are still legal loopholes that are used to avoid asset recovery. For example, the transfer of assets is carried out long before the corruption case is revealed, so it is legally difficult to prove that the transfer was carried out in order to avoid confiscation. In addition, the provisions on reverse proof in the Law on the Eradication of Corruption are still limited and in practice difficult to implement.

Technical obstacles in the implementation of execution are also a significant problem. The process of confiscating assets often faces obstacles such as rejection from the convict or his or her family, difficulty in physical access to the confiscated assets, or ownership disputes with third parties. The asset auction process also does not always run smoothly, because sometimes the confiscated assets have a low selling value or are difficult to market, so the auction results are insufficient to cover the state's losses. Another problem is the time aspect in handling asset recovery. The legal process from investigation to execution of the verdict often takes a long time. During this time frame, assets have the potential to be transferred, hidden, or their value depreciates. Delays in confiscating assets at an early stage of an investigation may result in loss of asset footprint or reduced value of recoverable assets.¹²

¹² Rahmat, Diding. "Formulation of criminal fines and compensation policies in enforcing corruption crimes in Indonesia." *IUS Journal of Law and Justice Studies* 8.1 (2020): 79-88.

3. Optimizing Asset recovery for Corruption Crimes at the Bandar Lampung District Attorney's Office

Based on the analysis of the normative foundation (thesis) and the problems faced (antithesis), strategic steps are needed to optimize asset recovery for corruption crimes at the Bandar Lampung District Attorney's Office. The solutions offered are comprehensive and touch on aspects of legal substance, legal structure, and legal culture. First, from the aspect of legal substance, it is necessary to improve regulations related to asset recovery.¹³

These improvements include harmonizing provisions on the calculation of state losses between the perspectives of criminal law and state financial law, stricter regulations on reverse proof mechanisms, and more comprehensive regulations on the protection of third parties in good faith without sacrificing the interests of state asset recovery. It is also necessary to strengthen the criminal sanctions of substitute prison to be more effective as a deterrent effect. Second, it is necessary to establish a clear and comprehensive Standard Operating Procedure (SOP) regarding the asset recovery mechanism at the Prosecutor's Office. This SOP must include stages ranging from the identification and tracing of assets at the investigation stage, confiscation of assets, maintenance of confiscated assets, to execution through auctions or other mechanisms. A clear SOP will provide guidance for prosecutors in carrying out asset recovery tasks in a more structured and effective manner.¹⁴

Third, from the aspect of legal structure, it is necessary to strengthen the capacity of human resources through special training and education programs on asset recovery. This training should cover technical aspects such as financial forensics, investigative audits, financial transaction analysis, cross-border asset tracing, and modern techniques in asset recovery. The Bandar Lampung District

¹³ Dewi, Nabila Nastiti, and Herma Setiasih. "Land Dispute Resolution Through Mediation Based on the Regulation of the Minister of Atr/Bpn Number 21 of 2020: (Case Study at the Surabaya City Land Office)." *DEKRIT (Journal of Master of Law)* (2024): 67-86.

¹⁴ Arianto, Andhie Fajar. "The Role of Law Enforcement Agencies in the Asset Confiscation Process." *USM Law Review Journal* 7.3 (2024): 1601-1615.

Attorney's Office needs to send its prosecutors to participate in special training organized by the Prosecutor's Education and Training Center or competent international institutions in the field of asset recovery. Fourth, it is necessary to form a special unit or asset recovery task force team at the Bandar Lampung District Attorney's Office that has full competence and dedication in handling asset recovery. This team can consist of selected prosecutors who have participated in special asset recovery training, supported by experts in the fields of finance, accounting, and information technology. The formation of this special team will increase focus and professionalism in handling asset recovery.

Fifth, optimizing coordination and cooperation with various related institutions. It is necessary to establish a regular coordination forum between the Prosecutor's Office and PPATK, KPK, banks, BPN, the Directorate General of Taxes, and other institutions to discuss obstacles in asset recovery and find solutions. This cooperation can be realized in the form of a Memorandum of Understanding (MoU) that regulates the mechanism of information sharing, coordination of asset tracking, and data synchronization. Especially for cross-border asset tracing, it is necessary to increase cooperation with law enforcement agencies in other countries through the Mutual Legal Assistance (MLA) mechanism. Sixth, the use of information technology in asset recovery. The Prosecutor's Office needs to develop or have access to an integrated information system that can be used to conduct asset tracing quickly and accurately. This system must be able to access various databases such as banking data, land ownership data, motor vehicle data, stock ownership data, and other asset data. The use of big data analytics and artificial intelligence technology can help in identifying suspicious transaction patterns and tracing the flow of funds from corruption.¹⁵

Seventh, the implementation of a mechanism to prevent asset transfer from the investigation stage. Asset confiscation should be carried out as early as possible, even from the investigation stage, to

¹⁵ Nyoman Serikat Putra Jaya, Sukinta. "Juridical Review of the Pretrial Decision on the Determination of Budi Gunawan as a Suspect in a Corruption Case." *Diponegoro Law Journal* 5.2 (2016): 1-18.

prevent suspects from transferring or hiding their assets. This requires speed and accuracy in asset identification as well as good coordination between investigators and public prosecutors. The determination of the suspect's status as the subject of asset confiscation needs to be followed by quick steps in the form of blocking accounts, preventing the ownership of movable and immovable assets, and coordination with immigration to prevent suspects from fleeing abroad. Eighth, from the aspect of legal culture, it is necessary to conduct a public campaign on the importance of asset recovery in eradicating corruption. The public needs to understand that the recovery of state assets is not only the responsibility of the Prosecutor's Office but also a common interest because state losses due to corruption will ultimately have an impact on the reduction of the budget for development and public services. This campaign can be carried out through various media, including social media, seminars, and socialization to various elements of society.

Ninth, it is necessary to develop effective incentive and disincentive mechanisms. For convicts who are cooperative in asset recovery, incentives can be given in the form of a reduction in the prison term or recommendations for leniency. On the other hand, for convicts who are uncooperative or even transfer assets to avoid confiscation, it is necessary to be given heavier sanctions. This will encourage convicts to be more cooperative in the asset recovery process. Tenth, it is necessary to carry out regular monitoring and evaluation of the implementation of asset recovery. The Bandar Lampung District Attorney's Office needs to create a comprehensive reporting system on the achievement of asset recovery, including the number of cases handled, the value of assets successfully recovered, the obstacles faced, and the efforts that have been made. This data is important to evaluate the effectiveness of asset recovery policies and strategies that have been implemented as well as for future improvements. The implementation of the above solutions requires a strong commitment from all stakeholders, both internal and external. Policy support from the leadership of the Prosecutor's Office is needed, adequate budget allocation, and synergistic cooperation with various related institutions. With consistent and sustainable implementation, it is

hoped that the effectiveness of asset recovery at the Bandar Lampung District Attorney's Office can increase significantly, so that state losses due to corruption crimes can be optimally recovered.

D. CONCLUSION

Based on the analysis that has been carried out, the following conclusions can be drawn:

1. Normatively, the Bandar Lampung District Attorney's Office has a strong legal basis and adequate authority in conducting asset recovery in corruption cases. This authority is sourced from the Prosecutor's Law, the Law on the Eradication of Corruption, and the Criminal Procedure Code which regulates the mechanism for asset recovery through the payment of replacement money, confiscation, confiscation, and return of assets to the state. The implementation of this authority is carried out through the mechanism of asset tracing, additional criminal prosecution in the form of substitute money, and the execution of court decisions that have permanent legal force.
2. In practice, there are various problems that hinder the effectiveness of asset recovery at the Bandar Lampung District Attorney's Office. These problems include the complexity of the mechanism to prove state financial losses, difficulties in tracing and identifying assets due to transfers to third parties, limited competence of human resources in the field of asset recovery, coordination between institutions that is not optimal, limited supporting facilities and infrastructure, low legal awareness of convicts to pay compensation, legal loopholes that can still be exploited to avoid asset recovery, as well as technical obstacles in the execution of execution.
3. Asset recovery optimization requires a comprehensive approach that touches on aspects of legal substance, legal structure, and legal culture. Practical solutions include improving regulations, establishing clear SOPs, strengthening human resource capacity through special training, forming an asset recovery task force team, optimizing coordination with

related institutions, utilizing information technology, implementing asset transfer prevention mechanisms from the investigation stage, public campaigns on the importance of asset recovery, development of incentive and disincentive mechanisms, as well as periodic monitoring and evaluation. The implementation of these solutions requires a strong commitment from all stakeholders and adequate policy and budget support.

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