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Implementation of Asset Confiscation Mechanism for State Finance Recovery in Corruption Criminal Acts at the North Sumatra High Prosecutor's Office

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Abstrak

Tindak pidana korupsi tidak hanya menimbulkan pertanggungjawaban pidana, tetapi juga menuntut pemulihan kerugian keuangan negara melalui penelusuran, pembekuan, penyitaan, perampasan, pembayaran uang pengganti, eksekusi, dan pengembalian aset. Penelitian ini menganalisis pelaksanaan mekanisme tersebut pada Kejaksaan Tinggi Sumatera Utara serta hambatan normatif, pembuktian, kelembagaan, pengelolaan aset, dan kerja sama lintas yurisdiksi. Penelitian menggunakan pendekatan yuridis normatif dan yuridis empiris melalui kajian peraturan perundang-undangan, literatur, dokumen institusional yang tersedia, serta wawancara dengan pejabat pada fungsi pemulihan aset Kejaksaan Tinggi Sumatera Utara pada Agustus 2026. Hasil penelitian menunjukkan bahwa pemulihan aset harus dibedakan menurut dasar hukumnya: perampasan aset yang terkait dengan tindak pidana, penyitaan sebagai tindakan prosedural, dan eksekusi harta terpidana untuk memenuhi pidana tambahan berupa pembayaran uang pengganti. Pelaksanaannya menghadapi kendala berupa penyamaran dan pengalihan aset melalui pihak ketiga, kesulitan pembuktian hubungan aset dengan tindak pidana, keterbatasan kapasitas penelusuran aset, depresiasi nilai barang, serta kebutuhan koordinasi antarlembaga dan lintas yurisdiksi. Penelitian ini menegaskan bahwa efektivitas pemulihan aset tidak cukup diukur dari jumlah perkara, tetapi dari kemampuan institusi mengidentifikasi, mengamankan, membuktikan, mengeksekusi, dan mengembalikan nilai aset kepada negara sesuai dasar hukum yang tepat.

Kata Kunci: Tindak Pidana Korupsi; Perampasan Aset; Asset Recovery; Uang Pengganti; Kejaksaan Tinggi Sumatera Utara.

Abstract

Corruption entails not only criminal liability but also the recovery of state financial losses through asset tracing, freezing, seizure, confiscation, substitute-money enforcement, execution, and asset return. This study examines how these mechanisms are implemented at the North Sumatra High Prosecutor's Office and identifies normative, evidentiary, institutional, asset-management, and cross-jurisdictional constraints. It combines normative and empirical legal approaches through legislation, scholarly literature, available institutional materials, and interviews conducted in August 2026 with an official responsible for the relevant asset-recovery function. The findings show that asset recovery must be differentiated according to its legal basis: confiscation of assets connected to the offence, seizure as a procedural *measure, and execution against a convicted person's property to satisfy the additional penalty of substitute-money payment. Implementation is constrained by concealment and transfer through third parties, evidentiary difficulties in linking property to the offence, limited asset-tracing capacity, depreciation of seized property, and the need for domestic and cross-border coordination. The article's specific contribution is to demonstrate that institutional effectiveness cannot be inferred from case volume alone, but must be assessed through the institution's legally grounded capacity to identify, secure, prove, execute, and return asset value to the state.*

Keywords: *Corruption; Asset Confiscation; Asset Recovery; Substitute Money; North Sumatra High Prosecutor's Office.*

INTRODUCTION

Corruption is a form of crime that has a serious impact on the life of the state, as it not only causes financial loss to the state but also hinders national development, disrupts economic stability, and erodes public trust in the administration of government.[1] State funds that should have been used to finance development and meet the needs of the public were instead diverted for personal or group interests through the abuse of authority.[2] This situation makes the eradication of corruption a key agenda in law enforcement in Indonesia.

Fundamentally, combating corruption cannot rely solely on imposing criminal sanctions on the perpetrators. While imprisonment constitutes a form of criminal accountability, it does not automatically eliminate the economic benefits the perpetrator has gained from the criminal act.[3] If assets derived from corruption remain in the possession of the perpetrator or other related parties, the objective of eradicating corruption has not been fully achieved. Therefore, the recovery of state financial losses through asset tracing, seizure, and forfeiture constitutes a crucial component of the system for combating corruption.

The urgency of asset recovery is underscored by the substantial financial losses to the state resulting from corruption. According to monitoring by Indonesia Corruption Watch, there were 791 corruption cases in 2023, with state financial losses amounting to IDR 28.4 trillion.[4] The magnitude of such losses demonstrates that the crime of corruption involves not only a violation of criminal law but is also inextricably linked to the loss of state resources that should have been utilized for the public interest. Consequently, the success of anti-corruption efforts cannot be measured solely by the number of cases successfully prosecuted and offenders

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[1] Janpatar Simamora dan Risma Elfrida Esther Manik, *"Legal Politics in Combating Corruption During Indonesia's Era of Regional Autonomy,"* Journal of Indonesian Legal Studies, Vol. 10, No. 1 (2025), hlm. 135–164.

[2] Romli Atmasasmita, Sekitar Masalah Korupsi Aspek Nasional dan Aspek Internasional, Bandung: Mandar Maju, 2004, hlm. 28.

[3] Andrew David Marbungaran Sibarani, Janpatar Simamora, dan Januari Sihotang, "*Tinjauan Teoritis Pengembalian Kerugian Negara Akibat Tindak Pidana Korupsi,"* Jurnal Ilmu Hukum, Humaniora dan Politik, Vol. 4, No. 6 (2024), hlm. 2297–2305.

[4] Indonesia Corruption Watch, *"Laporan Tren Penindakan Kasus Korupsi Tahun 2023.".* Diakses pada 1 Juni 2026 Pukul 13:56 WIB

convicted, but also by the state's ability to recover assets and recoup the losses resulting from these criminal acts.[5]

From a normative standpoint, the Indonesian legal system provides a legal basis for the recovery of assets derived from corruption. Law Number 31 of 1999, as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, governs the eradication of corruption and measures to recover state financial losses.[6] Furthermore, Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering provides a legal instrument enabling the tracing of assets suspected to be derived from criminal acts, including assets that have been transferred, disguised, or placed through specific financial transactions.[7] The existence of these various legal instruments demonstrates that asset recovery has become part of criminal law policy in the eradication of corruption.

For analytical precision, this article uses "asset recovery" as the umbrella concept covering identification, tracing, securing, management, execution, and the return of value connected with corruption. "Freezing" denotes a temporary restriction on disposition; "seizure" denotes procedural control over property for evidentiary or enforcement purposes; and "confiscation" or "forfeiture" denotes permanent deprivation pursuant to a lawful judicial basis. These concepts must also be distinguished from the additional penalty of substitute-money payment under Article 18 of the Anti-Corruption Law. Confiscation targets property legally connected to the offence, while substitute money is a monetary obligation imposed on the convicted person and may be enforced against other property when the statutory requirements are met. They are related components of asset recovery, but they are not juridically interchangeable.

The Attorney General's Office of the Republic of Indonesia holds a strategic position in the execution of such asset recovery. Pursuant to Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the institution possesses the authority to conduct prosecutions and execute court judgments that have attained permanent legal force.[8] In practice, the Prosecutor's Office has long played a key role as the state's legal counsel, including making significant contributions to efforts to eradicate corruption.[9] In corruption cases, this authority is closely linked to efforts to recover state financial losses, including the enforcement of judgments regarding the payment of restitution and the forfeiture of items or assets associated with the criminal offense.

[5] Aliyth Prakarsa dan Rena Yulia, *"Model Pengembalian Aset (Asset Recovery) sebagai Alternatif Memulihkan Kerugian Negara dalam Perkara Tindak Pidana Korupsi,"* Jurnal Hukum PRIORIS, Vol. 6, No. 1, 2017, hlm. 31–45.

[6] Indonesia, Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi sebagaimana telah diubah dengan Undang-Undang Nomor 20 Tahun 2001, Pasal 18 ayat (1) huruf a dan huruf b

[7] Indonesia, Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang, Pasal 3, Pasal 4, Pasal 72, dan Pasal 74.

[8] Indonesia, Undang-Undang Nomor 11 Tahun 2021 tentang Perubahan atas Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia.

[9] Janpatar Simamora dan Bintang ME Naibaho, *"Penguatan Landasan Konstitusional Kejaksaan dalam Sistem Ketatanegaraan Republik Indonesia,"* Jurnal Konstitusi, Vol. 22, No. 2 (Juni 2025), hlm. 335-336.

In practice, the asset forfeiture mechanism does not always operate simply. Perpetrators of corruption may employ various tactics to conceal, transfer, or disguise assets derived from their crimes, whether by using the names of third parties or through complex financial transactions.[10] The situation becomes increasingly difficult when assets have been moved to various regions or even outside Indonesian jurisdiction. Furthermore, law enforcement agencies face obstacles such as a shortage of personnel with specialized skills in asset tracing and financial analysis, limited supporting resources, and the need for coordination with other institutions during the processes of asset identification, seizure, and forfeiture.[11]

The North Sumatra High Prosecutor's Office, as a regional law enforcement institution, plays a crucial role in combating corruption and recovering state financial losses within the jurisdiction of North Sumatra.[12] The exercise of this authority relates not only to the prosecution of perpetrators but also encompasses efforts to ensure that assets derived from criminal acts can be traced and recovered for the state in accordance with applicable laws.[13] The effectiveness of exercising this authority is crucial, as the success of asset recovery serves as one of the indicators for measuring the optimization of efforts to eradicate corruption.

Issues arise when there is a gap between the legal provisions that normatively establish the basis for asset forfeiture and the actual implementation in practice.[14] From a normative standpoint, the state possesses legal instruments to trace, seize, and confiscate assets linked to corruption. However, in practice, this process can encounter various obstacles that prevent the recovery of state financial losses from proceeding optimally.[15] The gap between the normative and implementation aspects constitutes a critical issue requiring examination to determine the extent to which asset forfeiture mechanisms have been executed and the factors influencing their effectiveness.

The study of asset forfeiture in corruption cases has become increasingly relevant, as anti-corruption approaches focused solely on punishing offenders have not fully succeeded in addressing the issue of recovering state losses.[16] The asset recovery approach treats the restitution of the proceeds of crime as an integral part of combating corruption. By confiscating assets derived from criminal activity, the

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[10] Ella Doris Sitepu, Janpatar Simamora, dan Ojak Nainggolan, *"Analisis Proses Pengembalian Kerugian Negara Akibat Tindak Pidana Korupsi (Studi Kasus di Kejaksaan Negeri Medan),"* Jurnal Ilmu Hukum, Humaniora dan Politik 6, no. 3 (2026): 2050–2062.

[11] Ibid., hlm. 2060

[12] Heri Prayetno Napitupulu, Janpatar Simamora, dan Jusnizar Sinaga, *"Peranan Kejaksaan Dalam Melaksanakan Pencegahan Tindak Pidana Korupsi di Sumatera Utara (Studi di Kejaksaan Tinggi Sumatera Utara),"* Jurnal Ilmu Hukum, Humaniora dan Politik, Vol. 6, No. 3, 2026, hlm. 1878–1886.

[13] Ella Doris Sitepu, Janpatar Simamora, dan Ojak Nainggolan, *"Analisis Proses Pengembalian Kerugian Negara Akibat Tindak Pidana Korupsi (Studi Kasus di Kejaksaan Negeri Medan),"* Jurnal Ilmu Hukum, Humaniora dan Politik, Vol. 6, No. 3, 2026, hlm. 2057–2058.

[14] Anak Agung Gede Janaindra dan I Gusti Agung Ayu Dike Widhiyastuti, *"Peran Kejaksaan dalam Upaya Asset Recovery Akibat Tindak Pidana Korupsi (Studi Kasus di Kejaksaan Tinggi Bali),"* Kertha Wicara: Journal Ilmu Hukum, Vol. 9, No. 8, 2020, hlm. 1–13.

[15] Ade Mahmud, *"Problematika Asset Recovery dalam Pengembalian Kerugian Negara Akibat Tindak Pidana Korupsi,"* Jurnal Yudisial, Vol. 11, No. 3, 2018, hlm. 329–350.

[16] Ibid, hlm. 360.

state not only imposes legal consequences on the perpetrators but also seeks to eliminate the economic gains from the crime and restore resources that should rightfully be used for the public interest.[17]

Previous studies have examined asset recovery at other prosecutor's offices, including the Medan District Prosecutor's Office and the Bali High Prosecutor's Office, but they do not explain in sufficient detail how a provincial high prosecutor's office integrates criminal confiscation, substitute-money execution, civil recovery avenues, inter-agency tracing, and asset management within one regional enforcement structure. This study therefore focuses on the North Sumatra High Prosecutor's Office as an institutional node coordinating these functions across the province. The study addresses two questions: (1) how are asset confiscation and related state-loss recovery mechanisms implemented at the North Sumatra High Prosecutor's Office under existing positive law; and (2) what normative, evidentiary, institutional, asset-management, and cross-jurisdictional obstacles affect that implementation, and which responses are available under current law or require future reform?

Thus, this study aims to analyze the implementation of asset forfeiture mechanisms in corruption cases handled by the North Sumatra High Prosecutor's Office and to examine the obstacles encountered during this process aspects that highlight differences from previous studies. The findings are expected to make an academic contribution to the development of criminal law, particularly regarding the eradication of corruption and asset recovery, as well as a practical contribution to strengthening policies and the implementation of asset recovery derived from corruption in Indonesia.

RESEARCH METHOD

This study combines normative-juridical and empirical-juridical approaches. The normative component examines the Anti-Corruption Law, the Anti-Money Laundering Law, the Attorney General's Office Law, relevant procedural rules, and legal scholarship to distinguish tracing, freezing, seizure, confiscation, substitute-money enforcement, civil recovery, and execution. The empirical component examines implementation at the North Sumatra High Prosecutor's Office. The principal interview evidence used in this manuscript derives from interviews conducted on 12 and 14 August 2026 with Khairur Rahman Nasution, S.H., M.H., identified in the research materials as the official responsible for the relevant asset-recovery function. Interview-based propositions are distinguished from legal propositions and, where the research materials permit, are cross-checked against legislation, institutional publications, and identified documentary or news sources. Because the dataset relies substantially on one named institutional informant, the study does not claim statistical representativeness. Effectiveness is assessed qualitatively through five criteria: the ability to identify assets, secure them before dissipation, establish the required legal connection, preserve and execute their value, and return proceeds to the state. Quantitative figures are used only where their source and reporting scope are sufficiently clear.

[17] I Made Dwi Yoga Pratama dan I Made Dedy Priyanto, *"Pengaturan Hukum Pidana Perampasan Aset Hasil Tindak Pidana Korupsi di Indonesia,"* Kertha Semaya: Journal Ilmu Hukum, Vol. 13, No. 5, 2025, hlm. 1–12.

This study employs a legal research method that integrates normative-juridical and empirical-juridical approaches.[18] The normative-juridical approach is employed by examining legal principles, the systematization of legislation, the synchronization of legal norms, and doctrines within criminal law and criminal procedural law regarding asset forfeiture. This normative research uses legislation as the analytical starting point to construct an ideal asset forfeiture mechanism as envisioned by positive law. The empirical-juridical approach is used to examine the actual implementation of these norms at the North Sumatra High Prosecutor's Office. This empirical research gathers factual data regarding the exercise of authority, procedural effectiveness, the volume of assets successfully forfeited, and the concrete obstacles faced by prosecutors. Combining these two approaches enables the researcher to assess the gap between *das sollen* (what ought to be) and *das sein* (what actually is) in a more comprehensive and in-depth manner.

RESULTS AND DISCUSSION

Implementation of Asset Confiscation and Related State-Financial-Recovery Mechanisms at the North Sumatra High Prosecutor's Office

Based on interviews with Khairur Rahman Nasution, S.H., M.H., the official identified in the research materials as responsible for the asset-recovery function at the North Sumatra High Prosecutor's Office, asset recovery in corruption cases operates as a sequence extending from early tracing to final execution. The operational sequence described in the interview comprises asset identification and tracing, securing measures such as freezing or seizure where legally available, prosecution and judicial determination, asset management, and execution after the relevant decision becomes enforceable. The juridical basis, however, depends on the character of the asset and the remedy pursued; the stages should therefore not be treated as one undifferentiated form of confiscation.

The principal doctrinal distinction arises from Article 18 of Law Number 31 of 1999 as amended by Law Number 20 of 2001. Article 18 authorizes additional penalties including confiscation of specified property connected with corruption and payment of substitute money. These instruments perform different functions. Confiscation is directed at property used for or obtained from the offence, including property into which proceeds may be legally traced. Substitute money, by contrast, is a monetary obligation corresponding to benefits obtained from corruption; if unpaid after a final and binding judgment, the convicted person's property may be seized and auctioned in accordance with the statutory enforcement mechanism. Articles 32, 33, 34, and 38C provide civil-recovery avenues only in the circumstances specifically identified by the Anti-Corruption Law. Civil recovery is therefore not a general substitute whenever criminal proceedings become difficult.[19]

The first operational stage is asset identification. Prosecutors compile information on the suspect or defendant and on the person's asset profile, including available data concerning bank accounts, financial transactions, land, vehicles, corporate interests, and other registrable property. The inquiry is not limited to assets formally registered in the subject's own name. Where there is a lawful basis,

[18] Janpatar Simamora, *Metode Penelitian Hukum*, Medan: CV. Mitra, 2022, hlm. 35.

[19] Khairur Rahman Nasution, S.H., M.H., Kasi UHLBEE Kejaksaan Tinggi Sumatera Utara, wawancara dengan penulis, Kejati Sumut, 12 Agustus 2026.

investigators may map relationships with family members, corporations, or other third parties to determine whether nominal ownership conceals actual control or the movement of proceeds.[20]

In practice, the first stage is asset identification. At this stage, prosecutors gather preliminary data and profiles regarding the legal subject whether a suspect or defendant as well as their wealth profile. The data examined includes State Official Wealth Reports (LHKPN), bank accounts, financial transaction reports, land titles, and tax returns. In addition to examining assets registered in the suspect's name, the process involves mapping relationships with family members, relatives, corporations, and third parties suspected of acting as nominees to conceal asset ownership.[21]

The legal connection between property and the offence must be analysed by category. First, direct proceeds are assets obtained from the corrupt act itself. Second, instrumentalities are property used to commit or facilitate the offence where the governing law permits confiscation. Third, transformed or laundered property consists of proceeds that have been converted, transferred, layered, or otherwise disguised; tracing may therefore require transaction analysis and, where the statutory elements are satisfied, anti-money-laundering provisions. Fourth, legitimate property that is not itself proceeds or an instrumentality may become relevant at the execution stage to satisfy an enforceable substitute-money obligation. These categories require different legal propositions and evidentiary showings. Formal ownership alone is not decisive, but neither may property be confiscated merely because it belongs to a person associated with the accused.

In addition to examining administrative and financial data, field intelligence operations are conducted to physically verify the existence and condition of assets. This step is crucial because administrative records do not necessarily reflect the actual state of the assets discovered. Once the assets are located, the causal link is traced and verified (asset mapping). At this stage, investigators must demonstrate that the seized assets are connected to the corruption offense or are eligible to satisfy the obligation to pay restitution to the state. Analysis is performed to determine whether the assets constitute direct proceeds of the crime or are legitimate assets allocated as security for the recovery of state losses. If there are indications that corruption proceeds have been disguised or laundered, investigators may invoke the provisions of the Anti-Money Laundering Law to trace assets that have undergone a change in form.[22]

After a judgment becomes final and binding, execution must follow the terms of the judgment and the applicable statutory basis. Cash or auction proceeds may be remitted to the state in accordance with the governing rules, while movable or immovable property may require valuation and auction procedures. Civil recovery through State Attorney Prosecutors is available only under the conditions established by the Anti-Corruption Law, including the specific circumstances addressed in Articles 32, 33, 34, and 38C. The identity of the defendant, the nature of the property, and the proof required depend on the provision invoked.

[20] Indonesia, Undang-Undang No. 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi, Pasal 32–34, sebagaimana diubah dengan Undang-Undang No. 20 Tahun 2001, Pasal 38C.

[21] ibid

[22] ibid

Accordingly, the civil route is complementary and condition-specific; it is not an automatic alternative whenever a criminal case encounters an obstacle.

Once the judicial process concludes and the verdict becomes final and binding (inkracht), an auction is conducted, and the proceeds are remitted to the state. If the asset consists of cash, the funds can be deposited directly into the state treasury as Non-Tax State Revenue (PNBP). Conversely, movable and immovable assets are handed over to the asset recovery and evidence management unit for valuation (appraisal) by the KPKNL, followed by an auction. The auction proceeds are remitted to the state to help recoup state financial losses. In practice, the North Sumatra High Prosecutor's Office (Kejati Sumut) pursues not only criminal avenues but also opens the possibility of civil litigation through State Attorney Prosecutors. Civil proceedings are utilized in situations such as when a suspect or defendant passes away or absconds, is acquitted despite clear evidence of state financial loss, or when assets are held by third parties. Thus, the civil route serves as a mechanism to continue pursuing the recovery of state losses when criminal proceedings encounter obstacles.[23]

The research materials contain several institutional and secondary-source figures concerning corruption-case handling and recovered value during 2024. Because those figures differ in scope—some referring only to the High Prosecutor's Office and others to the wider North Sumatra prosecutorial jurisdiction—they should not be aggregated into a single performance total. This article therefore uses such figures only as contextual evidence and does not treat them as a verified denominator for measuring recovery effectiveness.[24]

The same caution applies to the 2025 figures contained in the research materials. Reported totals for preliminary investigations, full investigations, prosecutions, and suspects appear to reflect different reporting units or cut-off dates. Rather than selecting one total without an identified harmonized dataset, the article confines its inference to the existence of substantial enforcement activity. A quantitative recovery ratio would require data linking adjudicated state loss, identified assets, assets secured, and value actually executed within the same reporting period.

Accordingly, this study does not equate institutional activity with effectiveness. Within the limits of the available evidence, effectiveness is assessed through the recovery chain: whether relevant assets can be identified; whether dissipation can be prevented through lawful securing measures; whether the required legal nexus or substitute-money enforcement basis can be proved; whether seized property can be preserved without disproportionate depreciation; and whether value can ultimately be executed and returned to the state.[25]

The data indicates significant activity regarding corruption case handling in North Sumatra. However, interview findings suggest that the success of asset recovery cannot be measured solely by the number of cases processed. While there has been a proportional year-on-year increase, the total value of recovered assets

[23] ibid

[24] Aris Rinaldi Nasution, "Kejati Sumut Sita Rp150 Miliar dari Hasil Korupsi Penjualan Aset PTPN I," ANTARA News Sumatera Utara, 22 Oktober 2025, diakses 30 Agustus 2026, pukul 16.56 WIB.

[25] ibid

remains disproportionate to the total state financial losses incurred. This situation underscores the importance for the North Sumatra High Prosecutor's Office to continue strengthening its asset recovery functions. Optimization efforts include establishing and reinforcing the Asset Recovery Assistant (APA) role, seizing assets as early as the investigation stage, combining corruption charges with money laundering charges, fostering inter-agency synergy, optimizing civil lawsuits, and implementing early auctions for seized assets that are perishable, costly to maintain, or subject to rapid depreciation.[26]

Based on the research findings, it can be stated that the asset forfeiture mechanism at the North Sumatra High Prosecutor's Office has implemented the "follow the money" principle meaning it targets not only the perpetrators but also traces the proceeds of the crime. However, its effectiveness remains contingent upon the ability to locate, prove the status of, secure, manage, and return these assets to the state.

Obstacles in the Implementation of Asset Forfeiture and Efforts to Address Them at the North Sumatra High Prosecutor's Office.

Claims by good-faith third parties require separate legal treatment rather than being characterized merely as an operational obstacle. Article 19 of the Anti-Corruption Law protects third-party rights in property that is not lawfully attributable to the convicted person's corruption proceeds or enforcement obligation. PERMA Number 2 of 2022 provides a procedural framework for third-party objections in relation to confiscated property. The claimant must establish a legally cognizable interest and support the assertion of lawful, good-faith acquisition with relevant evidence. The prosecution, in turn, must explain the legal nexus relied upon for confiscation or execution. Where a third-party objection is accepted, the property cannot simply be treated as recoverable state assets and the relevant right must be restored in accordance with the court's determination.[27]

Claims by good-faith third parties. Assets derived from corruption are not always held in the name of the perpetrator. In some instances, assets have been purchased or are held by third parties who claim to have acquired them lawfully. Based on interviews, if a third party can prove that they acquired the asset lawfully and in good faith, the court cannot order the forfeiture of the property or asset belonging to that party. This relates to the legal protection afforded to third parties, as stipulated in Article 19 of the Corruption Eradication Law and Supreme Court Regulation (PERMA) Number 2 of 2022.

There are difficulties in proving the flow of funds and the causal link between the assets and the criminal offense. The prosecution must be able to demonstrate that the seized assets indeed originated from the proceeds of corruption or bear a sufficient legal connection to the offense. If this connection cannot be proven in court, the assets may be returned to the owner or the party in possession of them.

[26] Kejaksaan Tinggi Sumatera Utara, *"Untuk Pertama Kalinya di Indonesia, Kantor Wilayah Direktorat Jenderal Kekayaan Negara Sumatera Utara dan Kejaksaan Tinggi Sumatera Utara Melaksanakan Perjanjian Kerja Sama Terkait Penilaian Barang,"* 20 Mei 2026, diakses 30 Agustus 2026.

[27] Khairur Rahman Nasution, S.H., M.H., Kasi UHLBEE Kejaksaan Tinggi Sumatera Utara, wawancara dengan penulis, Kejati Sumut, 14 Agustus 2026.

Concealment and diversion of assets through third parties (nominees). Perpetrators may split, transfer, or place assets in the names of family members, relatives, corporations, or third parties. The use of nominees means that formal ownership does not always align with actual control or the true source of funds.

Insufficient assets held by the convicted person. In some cases, assets have been depleted, transferred, or are no longer commensurate with the value of the state losses to be repaid. Consequently, even though a court ruling mandates the payment of restitution, the assets available for execution may not be sufficient to cover the full amount of the obligation.

A further obstacle concerns the limits of existing conviction-based and statute-specific recovery mechanisms. Current positive law already provides criminal confiscation, substitute-money enforcement, anti-money-laundering tools, and the civil avenues expressly recognized by the Anti-Corruption Law. These mechanisms should not be confused with a general non-conviction-based (in rem) confiscation regime. The broader NCB model discussed in policy debates would depend on future legislation and is therefore treated in this article as a reform proposal, not as an operative mechanism. Any future regime would require clear statutory predicates, judicial authorization, notice and hearing rights, protection of bona fide third parties, proportionality, and effective remedies against erroneous deprivation.

There is currently no specific legal framework comprehensively governing the mechanism for non-conviction-based (in rem) asset forfeiture. Interviews indicate that the prevailing system relies heavily on conviction-based forfeiture; consequently, asset forfeiture is generally contingent upon a final, legally binding criminal judgment. This situation presents a problem when a suspect or defendant passes away, absconds, or is acquitted or released from charges.

Asset depreciation during legal proceedings. Vehicles, machinery, vessels, heavy equipment, electronic goods, and other assets may suffer a decline in value if legal proceedings are prolonged. Furthermore, certain types of assets entail high storage and maintenance costs. According to interview findings, such conditions can diminish the economic value of assets that are ultimately returned to the state.

Regarding assets located outside the jurisdiction of North Sumatra or abroad: if the perpetrator transfers assets to another region, the North Sumatra High Prosecutor's Office must coordinate with other prosecutor's offices. If assets are located overseas, the North Sumatra High Prosecutor's Office cannot act independently but must proceed through the Attorney General's Office of the Republic of Indonesia, the Central Authority, and Mutual Legal Assistance (MLA) mechanisms. Additionally, international cooperation networks such as the Asset Recovery Inter-Agency Network Asia-Pacific (ARIN-AP) and international law enforcement networks like INTERPOL may be utilized.

Interview evidence indicates that inter-agency coordination is conducted with institutions relevant to financial intelligence, banking supervision, land registration, taxation, corporate records, and vehicle ownership. The available manuscript materials also refer to institutional cooperation arrangements. However, where the text does not identify a specific MoU or Cooperation Agreement by number, date, parties, and scope, this article treats the existence and operation of such coordination as interview evidence rather than independently verified documentary fact.

The interview materials further describe efforts toward digital data integration with relevant agencies. On the evidence available in this manuscript, the safer characterization is that such integration is being developed or strengthened rather than that a fully interoperable system is already operating. The practical status of each data connection requires verification against the responsible agency's formal documentation; the present finding therefore supports the need for faster and lawfully governed data access but does not prove that a complete integrated platform has already been implemented.[28]

The North Sumatra High Prosecutor's Office is also developing digital data integration with relevant agencies. This integration involves the Directorate General of General Legal Administration (AHU) to track companies or shareholdings, the Directorate General of Taxes to assess compliance and uncover hidden assets, and the use of population data to identify family ties or third parties acting as nominees.[29] To address the issue of asset depreciation, early valuation is conducted involving the KPKNL as soon as the goods are seized to determine their economic value. For assets that are perishable or entail high maintenance costs, the North Sumatra High Prosecutor's Office advocates for early sale or auction, with the proceeds held in an escrow account until the case reaches a final, legally binding verdict.

Interview findings also support the need to evaluate whether the existing legal framework adequately addresses modern forms of asset concealment. A general non-conviction-based confiscation regime remains a matter of proposed reform rather than existing positive law. Any future Asset Forfeiture Law should therefore be discussed prospectively and must preserve legality, judicial control, due process, proportionality, third-party protection, and an effective avenue of challenge.[30]

The same distinction applies to proposals concerning unexplained wealth or illicit enrichment. The interviewee's recommendation is treated here as a reform proposal, not as an assertion that Indonesia currently operates a general mechanism allowing confiscation merely because wealth appears disproportionate to lawful income. Any future mechanism would require a precise statutory definition, a legitimate evidentiary threshold, rules governing evidentiary burdens, judicial authorization, protection of property rights and bona fide third parties, proportionality, and access to an effective remedy.[31]

Furthermore, the resource person recommended strengthening mechanisms to address unexplained wealth or illicit enrichment. These mechanisms are intended to handle situations where the wealth of state officials increases disproportionately to their legitimate income, while upholding the principles of legal certainty and the protection of rights. The resource person also emphasized the importance of clarifying the status and authority of the Asset Recovery Agency (BPA). Strengthening the BPA is essential to ensure the existence of an agency with clear operational authority spanning asset tracing, freezing, management, and valuation,

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[28] Ibid

[29] Ibid

[30] Ridwan Arifin, Indah Sri Utari, dan Herry Subondo, *"Upaya Pengembalian Aset Korupsi yang Berada di Luar Negeri (Asset Recovery) dalam Penegakan Hukum Pemberantasan Korupsi di Indonesia,"* Indonesian Journal of Criminal Law Studies, Vol. 1, No. 1, 2016, hlm. 105–137.

[31] Khairur Rahman Nasution, op. cit.

through to execution and the remittance of auction proceeds to the state.[32] In terms of human resources, integrity and capacity building achieved through continuous training and certification are essential for investigating and prosecuting prosecutors, particularly in the areas of financial intelligence, the tracing of digital assets (such as crypto assets) and offshore transactions, and international money laundering law.[33]

Based on the overall interview results, efforts to address the challenges can be summarized into three aspects. First, the regulatory aspect, which entails the need for an Asset Forfeiture Law, NCB asset forfeiture mechanisms, regulations regarding illicit enrichment, and the harmonization of rules on early auctions. Second, the institutional aspect, involving the strengthening of Asset Recovery Agencies (BPA/APA), inter-agency data integration, human resource capacity building, and national as well as international cooperation. Third, the operational aspect, comprising the application of "follow the money" principles, parallel money laundering investigations, asset tracing from the onset of the investigation, early valuation and auctioning of assets, and the optimization of civil lawsuits filed by State Attorney Lawyers.

Based on this information, it is evident that the primary obstacle to asset recovery at the North Sumatra High Prosecutor's Office is not merely a lack of legal authority; rather, it stems from a gap between normative authority and the practical capacity to locate, prove, secure, manage, and execute the recovery of assets. Consequently, the success of asset recovery hinges heavily on strengthening regulations, institutional frameworks, human resources, technology, and inter-agency coordination, as well as fostering cross-jurisdictional cooperation.

First, in answer to the first research question, the North Sumatra High Prosecutor's Office implements asset recovery through a legally differentiated chain of identification and tracing, lawful securing measures, judicial confiscation where property is connected to the offence, enforcement of substitute-money obligations, asset management, and execution. The evidence also indicates coordination with other institutions for information and tracing. The principal doctrinal finding is that confiscation, seizure, freezing, substitute-money enforcement, civil recovery, and execution are connected components of asset recovery but must not be treated as legally identical mechanisms.

Second, in answer to the second research question, the principal obstacles fall into four categories: normative limits, including the absence of a general NCB confiscation regime; evidentiary difficulties, especially in tracing transformed assets and resolving third-party claims; institutional and operational capacity constraints, including specialized human resources, data access, and asset depreciation; and cross-jurisdictional coordination challenges. Existing law already provides several responses, including criminal confiscation, substitute-money execution, anti-money-laundering tools, specific civil-recovery avenues, and third-party objection procedures. Recommendations for a broader NCB regime or unexplained-wealth

[32] Khairur Rahman Nasution, op. cit.

[33] Ryan Keynes Bidjuni, Ramdhan Kasim, dan Dince Aisa Kodai, *"Penegakan Hukum Terhadap Tindak Pidana Pencucian Uang Melalui Cryptocurrency di Indonesia,"* Gorontalo Justice Research, Vol. 1, No. 1, 2025, hlm. 217.

mechanism belong to future legislative reform and should be accompanied by legality, judicial oversight, due process, proportionality, and third-party safeguards.

Secondly, the implementation of asset forfeiture still faces several obstacles that prevent the recovery of state funds from reaching its full potential. These challenges include the difficulty of establishing a link between assets and the criminal offense; the possession of assets by third parties; the use of nominees or other individuals' names; the transfer of assets to other jurisdictions or abroad; limitations in human resources and technology; and the depreciation of asset values during legal proceedings. Furthermore, the fact that asset forfeiture mechanisms remain heavily reliant on criminal proceedings creates obstacles in situations where the perpetrator dies, absconds, or the criminal case fails to yield a verdict that authorizes asset forfeiture.

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