*Research Article*

# Reconstructing The Role of Confiscation and Seizure in Realizing The Right to Restitution for Victims of Criminal Acts

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## ABSTRACT

The National Criminal Code (KUHP) and Law No.20 of 2025 concerning the Criminal Procedure Code (KUHAP) have strengthened the recognition of victims' rights, particularly with regard to restitution as an additional punishment. In practice, however, restitution has not been implemented optimally, resulting in many victims failing to obtain adequate compensation. The aims of this study are: 1) to identify and analyse the role of conventional seizure as evidence, and 2) to analyse and formulate the role of modern seizure as an instrument for restoring victims' rights. Employing a doctrinal approach, this research produces descriptive legal analysis and prescriptive recommendations by formulating an expanded concept of seizure. The findings indicate that both the KUHP and the KUHAP regulate restitution as a victim's right to material and immaterial compensation and recognise seizure as a legal instrument. However, there is no explicit regulation linking seizure directly to the fulfilment of restitution. Consequently, restitution remains difficult to enforce when perpetrators lack assets or refuse to comply. The study concludes that the concept of seizure must be expanded to include the broader seizure of perpetrators' assets and the possibility of state-funded compensation to ensure that victims' restitution rights are realised effectively, fairly and enforceably.

**Keywords: Seizure; Restitution; Criminal Procedure Law**

## A. INTRODUCTION

Seizure is the first stage of confiscation (Soesilo & Karyadi, 1988). The purpose of the seizure procedure is to facilitate the investigation, inquiry and evidence process in criminal proceedings. However, seizure should not be confined to assisting investigations and the evidential phase; it should also be a first step to the healing and reparation process for individuals and communities (Kristianto, Suteki, & Geofrey, 2025). Johan Boucht contends that the justification of seizure is to restore the previous state of affairs by restitution to victims. Restitution is meant to restore the perpetrator and victim of a criminal offence to the position they held before the commission of the act (restitutio in integrum) (Ardiansyah et al., 2025); (Boucht, 2017). The study will look at the use of the perpetrator's assets (property) as a source in carrying out reparation to the victim. Indonesia? Has seizure in Indonesia moved beyond only supporting the evidential process to include the recovery of victims of criminal offences? Seizurement is viewed as an additional penalty in the field of Indonesian criminal law under Law No. 1 of 2023 on Criminal Code and Law No. 1 of 2023 on National Criminal Code. In the procedural context, on the other hand, the confiscation is considered

as supporting evidence during the investigative process, by reference to Law No. 20 of 2025 respecting the Criminal Procedure Code. However, confiscation is merely supporting evidence, but this type of confiscation can actually be converted into an alternate form of reparation for victims.

Seizurement in the context of asset recovery as in corruption, narcotics, money laundering offences and other criminal acts is a justificatory process compatible with the fundamental moral principle that no one should derive benefit either directly or indirectly from an unlawful act (ex turpi causa non oritur actio). The state shall confiscate the property of a criminal offender. This seizure development as an initial step towards the confiscation of instruments and proceeds of crime is targeted at punishment, preventive and restorative measures as part of a broader plan to address tainted assets (Suteki et al., 2025). Seizure is used not only to clarify the commission of a criminal offence, but also to remedy the harm caused by it. In this context, seizure can fulfil three main functions: as a means of punishment, as a deterrent and as a means of restoring the victim's interests. In its role as a form of punishment, seizure is used to deter the perpetrator from using the confiscated goods again after the verdict (in practice, this results in confiscation). In the context of seizure as a deterrent, it is used as a 'security measure' to prevent the perpetrator from using, destroying or moving the goods, as they may be important evidence in legal proceedings. Finally, seizure plays a role in restoring the rights or interests of the victim by ensuring they can obtain restitution of goods or property that was confiscated. Traditionally, seizure has only been used as a means of evidence, but the new criminal law paradigm, which focuses on the 'realisation of restorative justice', has made it clear that the perspective on seizure must change to 'an instrument for restoring the rights of victims' through restitution. This research will further examine the role of seizure and confiscation in restoring victims' rights through restitution.

The Financial Action Task Force (FATF) states that the freezing of criminal assets plays a crucial role in supporting evidentiary processes, facilitating victim recovery, and ensuring that assets are not lost prior to confiscation by the state. Therefore, seizure and asset freezing constitute the initial steps toward confiscation. Seizure of instrumentalities of crime (*Instrumentum sceleris*) The seizure of instrumentalities or proceeds of crime (*fructum sceleris*) often faces obstacles due to the tendency of offenders to conceal their assets or transfer them to third parties after being designated as suspects, or even before undergoing the criminal justice process. This calls for changes or plans for taking assets. As a result, two models of seizure have emerged: non-conviction based seizure and confiscation without imposition of a criminal penalty (Milone, 2017) and the enlargement of the idea of seizure

through prolonged confiscation (Wijayanti et al., 2025). These two forms of seizure are used to seize assets, whether owned by the offender or by third parties, including assets defined as instrumenta of crime (instrumentum sceleris), objects of the criminal offence (objectum sceleris) or proceeds of the offence (fructum sceleris).

The previous attention of the criminal law specialists has been mostly on Non-Conviction Based (NCB) confiscation, which originated following the United Nations Convention Against Corruption (UNCAC) in 2003. NCB implements the in rem concept in addressing criminal cases where it is difficult to prove that the assets derive from a criminal offence (Sulistianingsih et al., 2025). Under NCB, it is not necessary to prove a criminal conviction or that the assets are directly linked to a specific offence or that the perpetrator has been convicted, whereas extended Confiscation refers to the extension of seizure beyond the traditional scope which is generally restricted to instrumentum sceleris, objectum sceleris and fructum sceleris. Extended Confiscation is distinguished by the application of the presumption of innocence, in personam and the application to assets which are deemed disproportionate or unwarranted in the custody of the criminal, before, during and after trial processes. This idea started to take shape in Europe in 2014, when Directive 2014/42/EU was adopted (Hryniewicz-Lach, 2024); (Shatailyuk, 2024); (Saputra et al., 2024).

Shifting the function of seizure is crucial when considering data on the treatment of victims of criminal offences. Indonesia's Central Bureau of Statistics (BPS) released the 2024 Anti-Corruption Behaviour Index (IPAK), which recorded a score of 3.85 on a scale from 0 (highly permissive) to 5 (strongly anti-corruption) (BPS, 2024). Meanwhile, Transparency International reported that Indonesia's Corruption Perception Index (CPI) in 2023 stood at 34 out of 100, ranking 115th out of 180 countries surveyed (Transparency International, 2025). The surveys conducted by the Central Bureau of Statistics and Transparency International reflect a society that continues to tolerate a culture of corruption of both within the bureaucracy and in broader public life, (Argiya, 2013); (Syamsudin, 2012), for examples include so-called "thank-you money", "grease payments", and other similar terms commonly used in society (Nasution, Suteki, & Lumbanraja, 2025). Such practices should be addressed through effective law enforcement (Kamalludin et al., 2025). Moreover, victims of corruption-related offences must also be restored through restitution, facilitated by the seizure of assets belonging to the perpetrators.

Evidence regarding the urgency of restitution for various types of criminal acts to the entitled parties, including victims, can be reviewed in the 2025 report attached by the Witness and Victim Protection Agency (LPSK). Previously, as context, LPSK was an institution established by the state to assist parties harmed by a particular

criminal act in obtaining their right to restitution, the legal basis for this implementation has been regulated in Law No. 31 of 2014 as an amendment to Law No. 13 of 2006 concerning Witness and Victim Protection. The following is the LPSK report regarding the details of restitution payments by perpetrators based on the type of crime throughout 2024:

**Table 1. Restitution Payments by Perpetrators Based on The Type of Criminal Act**

| Types of Criminal Act | Calculation of Losses by LPSK (in Rupiah) | Payment of Losses by the Perpetrator |
|---|---|---|
| Money laundering | Rp427.332.938.315 | Rp27.882.688.026 |
| Child Sexual Violence | Rp14.069.794.003 | Rp 0 |
| Human Trafficking | Rp7.488.725.925 | Rp968.055.000 |
| Severe Abuse | Rp 3.414.061.931 | Rp 4.324.853 |
| Adult Sexual Violence | Rp 3.406.931.474 | Rp 62.646.360 |
| Other Crime Acts | Rp18.092.243.475 | Rp 0 |

**Source: Lembaga Perlindungan Saksi dan Korban & Indonesia Judicial Research Society. (2025)**

Reviewing the data from the LPSK mentioned above, it can be seen that in various crimes, the level of payment or restitution for losses by perpetrators of criminal acts is very low. In the table, in the crime of money laundering, the total loss from several cases reached approximately 470 billion rupiah, while the money that could be paid by the perpetrators was only 27.8 billion rupiah or around 6.5%. Then, in the crime of serious assault, only 0.1% of the total loss was paid, then in sexual violence against adults, the amount of restitution paid was only 1.84%. Finally, in the crime of sexual violence against children, the amount of restitution realized was not paid at all, the same as other crimes. Still referring to the same source, the LPSK report also stated that the number of restitution reached 7,450 people (Lembaga Perlindungan Saksi dan Korban & Indonesia Judicial Research Society, 2025).

From the explanation above, it is evident that the need for recovery (restitution) is substantial, as it aims to restore individuals and communities (victims) affected by criminal offences to their original condition prior to the commission of the offence (*restitutio in integrum*). However, asset confiscation in Indonesia still adheres to the traditional model, which is limited to the seizure of three categories of objects that are connected to the criminal offence, namely:

a) *Instrumentum sceleris* refers to the seizure of items used as instruments of a crime. These items are commonly known as tools or means used to commit a criminal act. Examples include a knife used in a murder or a weapon assembled for the purpose of killing (Stessens, 2008);
b) *Objectum sceleris* refers to the seizure of objects that are the direct target or object of a crime, such as a vehicle that was stolen in the case of theft (Hryniewicz-Lach, 2023); and
c) *Fructum sceleris* refers to the proceeds of a criminal offence, including any profit or benefit obtained either directly or indirectly from the commission of the offence (Milone, 2017).

Given the background outlined and the urgency of existing restitution, addressing this issue requires an "expanded role" of seizure and/or seizure of the perpetrator's assets to realize existing restitution. Therefore, the next step will be to examine the regulations governing seizure according to the latest regulations (specifically the Criminal Code and the Criminal Procedure Code). Following this review, an expanded concept of seizure as an alternative means of fulfilling victims' rights through restitution will be formulated. State of the art or previous research is needed to review the novelty of current research. The first previous study, entitled "Compensation and restitution for victims of crime in Indonesia: Regulatory flaws, judicial response, and proposed solution" by Mahrus Ali et al., this study primarily examines the philosophical perspective on restitution in criminal law. In practice, restitution is always difficult to realize because the judge's view is always focused on the offender-oriented and not on the victim-oriented criminal law, therefore a paradigm shift is needed to prioritize the victim over the perpetrator (Ali et al., 2022). The difference between this previous study and the current study is that the previous study examined the general philosophical basis of restitution, while this latest study focuses more on practical or technical studies regarding the emphasis on restitution in the application of punishment with an orientation to restore victims through the implementation of confiscation and/or expanded confiscation. The second previous study entitled "Reformulation of Law Decision Bias on Restitution Payments in Sexual Violence Crimes (Comparison of Indonesia and The Netherlands" by Panusunan et al., in this previous study it is explained that in the context of Law No. 12 of 2022 concerning Sexual Violence Crimes, judges are required to determine restitution, especially in crimes with a threat of more than or equal to four years. However, in practice, the implementation of restitution is only carried out optionally and tends to be difficult to grant, this creates a legal asynchronous, unlike the Netherlands which requires restitution in sexual violence crimes, therefore there is a need for harmonization between das sollen from the existing legal basis and das sein in Indonesia (Panusunan et al., 2025). The difference between this study and the

current study is that the previous study discussed more about restitution in Sexual Violence Crimes, while this study examines the paradigm or legal orientation of the implementation of confiscation and/or seizure to realize restitution by prioritizing the interests of victims in practice by examining several bases Juridical.

The third previous study, entitled "Legal Reform for Victims in the Criminal Justice System of Indonesia and the Russian Juridical Review," by Cahya Wulandari et al., examines how the practice of restitution is very difficult to implement and submit, especially in the application process. Unlike Russia, which has centralized legislation regarding restitution applications, Indonesia's restitution regulations are complicated by bureaucratic red tape, which tends to hinder access to substantive justice (Wulandari, Masyhar, & Hassan, 2024). The difference between this previous study and the current study is that the former focused more on the juridical diversity and bureaucratic complexity involved in achieving justice. This latest study focuses more on the orientation and perspective of confiscation as restitution for the benefit of victims. This latest study will focus more on the juridical and conceptual analysis of confiscation as an alternative to achieving restitution.

Then, the fourth previous study entitled "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia", by Angkasa et al., this study focuses on the implementation of restitution in the crime of human trafficking, in this previous study it is emphasized that although it has been stated that restitution is recognized as valid and legally binding, in its implementation the perpetrators tend to choose imprisonment rather than fulfilling the requirements for restitution, and this has an impact on victims who cannot obtain compensation or restitution to which they are entitled. Therefore, this previous study provides input for strengthening the function of the role of prosecutors and judges in fighting for the rights of restitution of victims (Angkasa et al., 2023). The difference between the previous study and the current study is that the previous study focused on emphasizing the rights of restitution of victims in the crime of human trafficking, while in this study the focus is more on emphasizing the fulfillment of the rights of restitution of victims through confiscation and/or seizure in comprehensive forms of criminal acts. The most recent previous study, entitled "Legal Protection for Children as Victims of Sexual Violence in Fulfilling Restitution Rights," by Niken Subekti Budi Utami and Imam Prabowo, primarily focused on the realization of restitution rights for victims of child sexual violence. The study's findings indicate a gap between the realization of restitution justice and existing legal structural issues. Prosecutors and judges still consider victims' restitution rights non-fundamental, resulting in the scarcity of restitution for victims of child sexual violence (Utami & Prabowo, 2020). The difference between this previous study and

the current study is that the former focuses more on the role of law enforcement officials, who do not fully understand the fulfillment of restitution rights for victims of child sexual violence. The current study focuses more on expanding the concept of confiscation to help realize the right to restitution for victims of various crimes.

## B. RESEARCH METHODS

Legal research must have practical benefits and should not be merely descriptive by discussing legislation. The ideas presented in scholarly articles must have an impact on society (Citrawan & Utomo, 2025). According to Volokh, as cited by Wibisana, a scholarly article must meet at least five fundamental criteria. First, it must contain a clear claim; second, it must present something novel; third, it should not be something that is obvious or already well-known; fourth, it must be useful; and fifth, it must be perceived by readers as fulfilling the second through fourth criteria (Wibisana, 2019)

The method to be used is the doctrinal research method, which focuses the researcher on doctrines, syntheses of rules, principles, norms, interpretative guidelines, and values (Wibisana et al., 2023). This research begins with identifying and categorising the legal sources to be studied, followed by systematic interpretation and analysis of those sources. Common approaches used in doctrinal research include the analytical, philosophical, and comparative approaches (Bhat, 2019).

This study will use the doctrinal approach. This approach will not only create descriptive legal analysis, but also create prescriptive results by creating and proposing guidelines and rules that must be followed in legal practice and legal dogmatics, while being critical (Gijssels & van Hoecke, 2000).Legal research is a systematic study of legal norms, legal issues or concerns or a mix of all these factors (Yagqin, 2008); (Alldridge, 2003).

This paper discusses the extended role of seizure from the simple collection of evidence to be utilised in the court. The discussion is focused on three conceptions of seizure, namely instrumentum sceleris, objectum sceleris, and fructum or productum sceleris as regulated in Law No. 20 of 2025 respecting the Criminal Procedure Code. Then it will compare these provisions with the Draft Criminal Procedure Code which is the implementation of Law Number 1 of 2023 concerning the Criminal Procedure Code to find out the enlarged functions of seizure.

This study also uses a conceptual approach to discuss the confiscation system in the Criminal Code which currently relies on an in personam approach that focuses on the perpetrator of the crime rather than an in rem approach that focuses on the confiscated assets.

## C. RESULTS AND DISCUSSION

### 1. Role of Conventional Seizure (as evidence)

Every person is presumed innocent until proven guilty by a court decision with permanent

legal force (presumption of innocence) (Purwanto et al., 2025). The determination of a person's guilt depends on the evidence presented by the Public Prosecutor (Mulyadi, 2015). The Public Prosecutor brings evidence to court to convince the judge that the defendant committed the crime. The evidence submitted by the prosecutor illuminates the course of the criminal trial, often summarised by the legal maxim *in criminalibus probationes debent esse luce clariores* that has a meaning that the evidence must be "brighter than light" (Shealy Jr, 2013). The purpose of seizing an object is to convince the judge, with two pieces of evidence, that a criminal act has occurred. This illustrates that the Criminal Procedure Code adheres to the theory of negative proof (negatief wettelijke bewijstheorie) (Hiariej, 2012).

The adoption of the negative proof system results in a high standard of proof in criminal law. (Yusuf, 2013). The burden of proof in a criminal case lies with the prosecutor (onus probandi); the prosecutor is responsible for drafting the charges and proving the case, a principle known as *actori incumbit onus probandi*. Therefore, the prosecutor must ensure that the seized items are connected to the criminal case, in law doctrine it is said that "the object must be able to 'speak' " about the criminal event that occurred. Consequently, the prosecutor is required to convince the judge through the seized evidence presented as proof (Satria, 2018). A question arises: why does Indonesia distinguish between seizure and confiscation? The answer lies in the legal function of each measure. Objects confiscated by the state are those that have been proven to be connected to a criminal offence (Sulistyawan & Ilham, 2026). In contrast, objects seized for evidentiary purposes are not necessarily linked to the crime or constitute its object; such items, after the judicial process, may be returned to their rightful owner if no legal connection to the offence is established.

The things which were seized and employed by the Public Prosecutor in criminal proceedings are objects which were given over by the investigating officers to the Prosecutor in the pre-prosecution stage (Soesilo & Karyadi, 1988). The authority to carry out seizures is given to the Police and Civil Servant Investigators (PPNS) in the Criminal Procedure Code (Pangaribuan, 2025). Outside the Criminal Procedure Code, however, seizure authority is not concentrated within a single law enforcement organization. Indonesian legislation does not provide for the designation of investigators but instead recognises several types of investigators, among others: a) the Police (Anshar & Setiyono, 2020); b) Prosecutors (Saripi, 2016); c) Corruption Eradication Commission (KPK) (Nugroho, 2013); d) Indonesian National Armed Forces (TNI) (Simanjuntak, 2014); dan d) Civil Servant Investigators (PPNS) (Hairi, 2021).

The Criminal Procedure Code empowers the investigators to take ownership and/or detain confiscated objects under their supervision. These may include moveable or immovable,

tangible or intangible artefacts for the purposes of investigation, prosecution and the evidentiary process at court. This process is called seizure (penyitaan) (Prodjohamidjojo, 1982). The objects that may be seized by investigators include (Anjali & Megawati, 2024) :

a. Objects or claims belonging to the suspect or defendant which are suspected, in whole or in part, to have been obtained from the commission of a criminal offence;
b. Objects that have been directly used to commit a criminal offence or to prepare for the commission of a criminal offence;
c. Objects used to obstruct the investigation of a criminal offence;
d. Objects specifically made or intended to be used to commit a criminal offence;
e. Other objects that have a direct connection to the committed criminal offence.

In addition to the categories above, objects seized in civil cases or bankruptcy proceedings may also be seized for the purposes of investigation and prosecution, as well as objects still in use in criminal cases, provided that the five conditions mentioned above are met (Soesilo & Karyadi, 1988). The formulation of Article 39 paragraphs (1) and (2) of the Criminal Procedure Code (KUHAP) above shows that KUHAP adopts the *in personam* concept (Fellmeth & Horwitz, 2021) The criminal object and the person have a relationship (ownership rights); however, the formulation of Article 39 paragraph (1) does not yet regulate the *in rem* concept concerning tainted property, such as seizure in Customs and Excise cases (Husein, 2019); (Gallant & King, 2013).

The *in personam* concept requires that all items subject to seizure must be connected to the criminal act committed (Murray, 2015), Why must the seized items be connected to the criminal act committed by the offender? Because the seized goods carry ownership rights (*eigendom*). Seizure is a form of coercive measure (*dwangmiddelen*) that has the potential to violate human rights (HAM) if adequate protection is not provided for the ownership rights inherent to the individual subject to the seizure. As guaranteed in Article 28H paragraph (4) of the 1945 Constitution of the Republic of Indonesia (Mandiri, 2019). seizure must therefore obtain permission from the Chief Judge of the District Court (Sumampouw, 2018). except in cases of caught-in-the-act (*terhadap tangan*) or urgent and highly necessary situations (Bakhri, 2009).

In civil law, objects can be possessed either by the owner or by another party (a third party). The right to possess, or the right to hold authoritative control (*bezit*), is regulated in Article 529 of the Civil Code, which states:

> "Authoritative control (*kedudukan berkuasa*) is defined as the status of a person who possesses an object, either directly or through another party, and who exercises control over or enjoys the object as if they were its owner" (Mulyadi & Wijaya, 2005).

Even if a person has an object, they might not be its owner (eigendom), but they still may

utilise it if it is leased, rented or entrusted to them (Maugeri, 2024). In civil law this sort of possession is called detentor or the holder of the recht van detentie (the right to possess an object on behalf of another). In the ancient Criminal Code, article 39, a translation of the Wetboek van Strafrecht (WvS) stipulates that objects of a convicted person gained through crime or intentionally used to commit a crime may be confiscated (Anggito & Sodikin, 2025). Therefore, objects not owned by the convicted person should be returned to the third-party owner who legally possesses them. This represents a weakness in the old Criminal Code, which was addressed in the National Criminal Code under Article 91 letter d This provision allows for the possibility of confiscating objects belonging to third parties for the benefit of the state. However, the mechanism for confiscating seized objects owned by third parties has not yet been clearly regulated in the Criminal Procedure Code as an implementation of Article 91 letter d of the National Criminal Code.

Objects seized that belong to third parties, rather than the perpetrators of the criminal offence, must have this ownership connection proven by the Public Prosecutor (JPU) due to the inherent ownership rights. Under civil law, ownership (*eigendom*) is the right to fully enjoy the benefits of an object and to freely exercise control over it with full sovereignty, provided that it does not violate any laws or general regulations imposed by an authorised authority, and does not infringe upon the rights of others. This right is subject, however, to the possibility of revocation for the public interest based on statutory provisions and with compensation for losses (Salam, 2018). Ownership rights attached to objects belonging to others may be seized by the state for evidentiary purposes, provided that a connection to the criminal offence can be demonstrated (Supardi, 2018). If a connection between the object and the criminal offence is not proven, the object must be returned to the rightful owner.

**2. Role of Modern Seizure (as restitution) for Instrument of Restoring Victim's Right**

Restitution is compensation to victims of a crime. Restitution is consistent with the notion of full restoration (restitutio in integrum) (Mcbride, 1979). Restitution attempts to put the crime victim back in the position he was in before the crime occurred. This principle highlights that the manner of recovery for the victim should be as complete as feasible and to address all issues emerging from the repercussions of the crime. The provisions contained in Article 51 letter c of the National Criminal Code provide a process to resolve conflicts due to criminal acts, restore balance and create a sense of security and peace in society which in turn reflects a process of restitution and restorative that is expected to happen in future development of criminal law (Barnett, 1977); (Akbar, 2022).

Through restitution, victims may have their freedom, legal rights, social status, family life, citizenship, residence, employment, and property (assets) restored. In practice, this concept of

restitution has been developed in many countries and is granted to crime victims in recognition of the harm they have suffered. Under the concept of restitution, victims and their families are entitled to fair and appropriate compensation from the offender or any third party held responsible (Marasabessy, 2015).

The pursuit of criminal proceeds has led to the development of asset seizure beyond merely collecting items to be used as evidence in court. Seized assets serve to clarify the criminal act that was committed. The seizure of items related to a criminal offence must also bring benefits for victim recovery (Hariansah & Qhistina, 2026). For instance, in criminal cases that cause state financial loss such as When public welfare development funds are misused by criminals, confiscating assets related to the crime, including the perpetrators' own assets, can benefit the community. This is because the seized assets can be reused to improve public welfare. (Nelson, 2019); (Roisah, 2025).

The nature of criminal law has shifted from a repressive approach to a restitutive one (Sheleff, 1975), The costs incurred by the state to provide restitution are sourced from the state budget (Frehsee, 1999). Restitution provided by the state to victims of criminal acts includes the following: a) Victims of terrorism are entitled to restitution funded by the state (Article 35A of Law Number 5 of 2018); b) Victims of sexual violence are entitled to state-funded restitution if the perpetrator's seized assets are insufficient to cover the restitution costs (Article 35 of Law Number 12 of 2022 on Sexual Violence Crimes); c) In cases where the perpetrator is unable to pay restitution, the state shall provide compensation to the victim (Article 4 paragraph (1) point 11 of Law Number 31 of 2014 on the Protection of Witnesses and Victims).

In the case where the perpetrator of a crime is unable to satisfy the right to restitution of the victim, the responsibility for restitution is transferred from the perpetrator to the state, which involves freezing assets or confiscating all assets suspected to be the proceeds of crime, even if those assets are not directly related to the criminal act itself. This policy is similar to the imposition of criminal fines, if you do not pay the fine, they take your assets to pay the fine. Criminal fines are one of the forms of punishment contained in the Criminal Code of Indonesia, which aims to burden the offender financially so that the offender is forced to pay a set amount of money or surrender property. The hope is that the offender would suffer a personal loss so that the order of society and social harmony can be restored (Aisah, 2015); (Ayiliani & Farida, 2024).

The fines in the National Criminal Code are regulated in Article 79, subdivided into eight categories as follows:

a. Category I: IDR 1,000,000 (one million rupiah);
b. Category II: IDR 10,000,000 (ten million rupiah);
c. Category III: IDR 50,000,000 (fifty million rupiah);

d. Category IV: IDR 200,000,000 (two hundred million rupiah);
e. Category V: IDR 500,000,000 (five hundred million rupiah);
f. Category VI: IDR 2,000,000,000 (two billion rupiah);
g. Category VII: IDR 5,000,000,000 (five billion rupiah) ;
h. Category VIII: IDR 50,000,000,000 (fifty billion rupiah).

Furthermore, Article 81 of the Indonesian National Criminal Code stipulates that criminal fines must be paid; if the fines are not paid, the convict's wealth or income may be seized and auctioned by the public prosecutor to satisfy the unpaid fine. Therefore, the availability of assets that can be auctioned by the prosecutor becomes crucial (Lukito, 2019). In countries such as the Netherlands, Germany, and Romania, it is permissible to seize assets beyond the *instrumentum sceleris*, *objectum sceleris*, or *fructum sceleris*, those practice known as extended confiscation. The European Parliament has issued Directive 2014/42/EU, which allows EU member states to adopt extended confiscation mechanisms in response to the evolving nature of criminal offences (Simonato, 2015). Extended confiscation enables the fulfilment of the restitution process to victims of criminal acts (Hendry & King, 2015).

Extended Confiscation can be carried out at the initial investigation stage, during the judicial process, and after a criminal court decision has been rendered (Natalis, 2026). This mechanism is already implemented in Article 81 of the National Criminal Code, where assets owned by the convicted person, even if unrelated to the criminal offence being tried, may be confiscated post-judgment to cover imposed fines. Furthermore, the Attorney General Regulation Number PER-002/A/JA/05/2017 on the Auction and Direct Sale of Confiscated Goods, State-Seized Items, or Execution Seizure Goods also applies the principle of Extended Confiscation (Mosal, Wahongan, & Muaja, 2023).

Article 18 of Law Number 31 of 1999 on the Eradication of Criminal Acts of Corruption (Anti-Corruption Law) governs the recovery of compensation through the confiscation of movable tangible or intangible property, or immovable property that was used as an instrument (instrumentum sceleris) or obtained as proceeds (fructum sceleris) from the criminal act of corruption, including any substitute assets (Ayu et al., 2026). If the compensation is not paid, the public prosecutor shall confiscate the convict's property and proceed with its auction to cover the compensation (Janusiene, 2022). This compensation is intended to restore the victims, namely the state, the public, or individuals harmed by the act of corruption. The process of pursuing compensation under the Anti-Corruption Law is clear evidence that corruption crimes also emphasise the principle of restitution (Simonato, 2016); (Mahfud, Siregar, & Malik, 2026).

The growth of restitution in the Law Number 20 Year 2025 concerning the Criminal Procedure Law is shown in Article 178 paragraph (2) which states the victim of a criminal conduct shall be entitled to restitution. Restitution may be made in the form of:

a. Compensation for lost assets or income;
b. Compensation for suffering directly caused by the illegal conduct; and/or
c. Reimbursement of the costs of medical and/or psychiatric treatment.

Investigators may seize the assets of a criminal offender as a guarantee for reparation, subject to the consent of the head of the district court (as provided in Article 179 paragraph (4) of Law No. 20 of 2025), in order to effectively implement Article 178 of the Criminal Procedure Code. The use of asset seizure against the perpetrator's wealth is an extension of the concept of seizure and is often called Extended Confiscation.

Article 123 paragraph (1) of Law No. 20 of 2025 concerning Criminal Procedure Law sets clear limitations on the categories of objects that may be subject to seizure. These include:

a. Objects or bills of a suspect or defendant which are suspected of being obtained in whole or in part from a crime or as a result of a crime;
b. Objects that have been used to commit a crime or to prepare for it;
c. Objects used to obstruct the investigation of a crime;
d. Objects specifically made or intended to commit crimes;
e. Objects created from a criminal act; and/or
f. Objects suspected of being the result of a crime but the owner is unknown.

The weakness of the Criminal Procedure Law lies in its failure to address objects that are the target of a criminal offence (*objectum sceleris*) (Boucht, 2019) within the categories of seizable property. In fact, such objects are being the subject or target of a criminal act should be returned to their rightful owner as part of the restitution process. This gap marks a departure from Article 39 letter (e) of the current KUHAP, which recognises other items directly related to the criminal offence. The inclusion of all three key categories of seizable objects that are consist of *instrumentum sceleris*, *fructum sceleris*, and *objectum sceleris* in the Criminal Procedure Law is vital to ensure legal certainty and allow seized assets to be auctioned or otherwise used for the purpose of victim restitution.

If it's elaborated more deeply on the legal basis that exists in Indonesia, then in the context of confiscation there is actually a "regulatory deadlock" regarding the fulfillment of the right to restitution through seizure. As previously mentioned, Article 179 paragraph (4) states that investigators can seizure the assets of perpetrators of criminal acts as collateral for restitution with the permission of the head of the district court. Although this article has existed in providing a "breath of fresh air" for entitled parties,

both third parties and victims, however, in the Criminal Procedure Code and other derivative regulations including Government Regulation No. 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims and its amendments do not continue the regulations regarding the expansion of confiscation as stated in the Criminal Code, so that in its implementation it becomes less clear and has implications for victims who do not receive their right to restitution. Indonesia should be able to look to the Netherlands, Germany, and Romania as previously mentioned regarding the expansion of confiscating to include confiscate assets other than those related to the criminal acts committed by the perpetrator. Furthermore, in practice in Indonesia, it is certain that the process of expanding this seizure will be converted into the concept of confiscating the assets or wealth of the perpetrator.

## D. CONCLUSION

The implementation of criminal procedural law in Indonesia concerning seizure as a form of coercive measure was evolved. Seizure is no longer limited solely to *in personam* objects, namely property connected directly to the offender's criminal act, but also extends to assets owned by the perpetrator that are not directly linked to the crime. In such cases, the public prosecutor must consider the availability of the offender's assets in executing compensation to the victim. If, during the investigation or inquiry, no assets of economic value have been seized for restitution purposes, the prosecutor must ensure that sufficient assets of the offender are made available for confiscation. Therefore, from the outset of the seizure process, there should be asset freezing of property belonging to the perpetrator, even if such assets are not classified as *instrumentum sceleris*, *objectum sceleris*, or *fructum sceleris*, as outlined in Article 66 of the National Criminal Code.

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## REFERENCES

### JOURNALS

Akbar, M. F. (2022). Pembaharuan keadilan restoratif dalam sistem peradilan pidana Indonesia. *Masalah-masalah Hukum, 51*(2), 199-208. https://doi.org/10.14710/mmh.51.2.2022.199-208

Ali, M., Muliyono, A., Sanjaya, W., & Wibowo, A. (2022). Compensation and restitution for victims of crime in indonesia: Regulatory flaws, judicial response, and proposed solution. *Cogent Social Sciences, 8*(1). https://doi.org/10.1080/23311886.2022.2069910

Angkasa, A., Hendriana, R., Wamafma, F., Juanda, O., & Nunna, B. P. (2023). Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia. *Journal of Indonesian Legal Studies, 8*(1), 93-128. https://doi.org/10.15294/jils.v8i1.67866

Anggito, T. D., & Sodikin, S. (2025). Analisis Putusan Mahkamah Agung Tentang Perampasan Barang Hasil Tindak Pidana. *Journal of Contemporary Law Studies, 2*(2), 209–220. https://doi.org/10.47134/lawstudies.v2i2.3563

Anjali, D. M., & Megawati, W. (2024). Akibat Hukum Penggeledahan dan Penyitaan Barang Bukti Yang Tidak Sah dalam Pra Peradilan (Studi Kasus Putusan Nomor 1/PID. PRA/2020/PN TLK). *UNES Law Review,6*(3),8005-8015. https://doi.org/10.31933/unesrev.v6i3.1703

Ardiansyah, I., Widyawati, A., Utari, I. S., & Fadhil, M. (2025). Taking Restitution Seriously? Victim-Oriented Gaps in the Criminal Justice System. *Indonesian Journal of Criminal Law Studies, 10*(1), 4-10. https://doi.org/10.15294/ijcls.v10i1.19636

Argiya, V. S. P. M. (2013). Mengupas tuntas budaya korupsi yang mengakar serta pembasmian mafia koruptor menuju indonesia bersih. *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan, 2*(2).https://doi.org/10.20961/recidive.v2i2.32330

Barnett, R. E. (1977). Restitution: A New Paradigm for Criminal Justice Restitution: A New Paradigm for Criminal Justice. *Ethics*, *87*(4),279–301. https://www.journals.uchicago.edu/doi/10.1086/292043

Aisah, A. (2015). Eksistensi Pidana Denda Menurut Sistem KUHP. *Lex Crimen*, *4*(1), 215–224. https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/7017

Anshar, R. U., & Setiyono, J. (2020). Tugas dan Fungsi Polisi Sebagai Penegak Hukum dalam Perspektif Pancasila. *Jurnal Pembangunan Hukum Indonesia*, *2*(3), 359–372. https://doi.org/10.14710/jphi.v2i3.359-372

Ayiliani, F. M., & Farida, E. (2024). Urgensi Pembentukan Lembaga Pengawas Data Pribadi sebagai Upaya Pelindungan Hukum terhadap Transfer Data Pribadi Lintas Negara. *Jurnal Pembangunan Hukum Indonesia, 6*(3), 431-455. https://doi.org/10.14710/jphi.v6i3.431-455

Ayu, S. M., Shaluhiyah, Z., Widjanarko, B., & Purwanti, A. (2026). Rasch Analysis of the General Life Skills Scale for Dating Violence Prevention in Indonesian Adolescents. *Media Publikasi Promosi Kesehatan Indonesia, 9*(2), 262-273. https://doi.org/10.56338/mppki.v9i2.8555

Boucht, J. (2019). Asset confiscation in Europe – past, present, and future challenges. *Journal of Financial Crime*, *26*(2), 526–548. https://doi.org/10.1108/JFC-04-2018-0043

Citrawan, H., & Utomo, N. A. (2025). Conscientious Avoidance: How Knowledge in the Prosecutorial System Shapes Indonesia's Transition?. *Sriwijaya Law Review,9*(2),399-415. https://doi.org/10.28946/slrev.v9i2.969

Frehsee, D. (1999). Restitution and Offender-Victim Arrangement in German Criminal Law: Development and Theoretical Implications. *Buffalo Criminal Law Review*, *3*(1),235–259. https://doi.org/10.1525/nclr.1999.3.1.235

Gallant, M. M., & King, C. (2013). The Seizure of Illicit Assets: Patterns of Civil Forfeiture in Canada and Ireland. *Common Law World Review*,*42*(1),91–109. https://doi.org/10.1350/clwr.2013.42.1.0248

Hariansah, S., & Qhistina, L. (2026). Toward Algorithmic Due Process: Constitutional Challenges and Human Rights Risks in Indonesia's Digital State. *Jurnal Pembangunan Hukum Indonesia, 8*(1), 25-45. https://doi.org/10.14710/jphi.v8i1.25-25

Hendry, J., & King, C. (2015). How far is too far? Theorising non-conviction-based asset forfeiture. *International Journal of Law in Context*,*11*(4),398–411. https://doi.org/10.1017/S1744552315000269

Hairi, P. J. (2021). Putusan Mahkamah Konstitusi Terkait Kewenangan PPNS dalam Penyidikan TPPU dan Implikasinya Terhadap Penegakan Hukum. *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan, 12*(2), 161-180.https://doi.org/10.22212/jnh.v12i2.2358

Hryniewicz-Lach, E. (2023). Expanding confiscation and its dimensions in EU criminal law. *European Journal of Crime, Criminal Law and Criminal Justice, 31*(3-4), 245-247. https://doi.org/10.1163/15718174-bja10046

Hryniewicz-Lach, E. (2024). Improving asset confiscation: in the quest for effective and just solutions. *ERA Forum*, *25*(2), 231–247. https://doi.org/10.1007/s12027-024-00806-8

Janusiene, A. (2022). Judicial authority through the experiences of crisis. *Jindal Global Law Review,13*(1),69-86. https://doi.org/10.1007/s41020-022-00169-6

Kamalludin, I., Purwanti, A., Sularto, R. B., Berezniak, V., & Liudvik, V. (2025). Designing a Digital Trust Fund for the Justice for Sexual Violence Victims Based on Islamic Criminal Law. *Jurnal Hukum Islam,23*(2),459-500. https://doi.org/10.28918/jhi.v23i2.04

Kristianto, A. M., Suteki, & Geofrey, M. J. C. (2025). Analyzing Bankruptcy Cancellation Through The Principle Of Justice: A Case Study Of Intidana Cooperative. *Indonesia*

*Private Law Review, 6*(1), 43-56. https://doi.org/10.25041/iplr.v6i1.4196

Lukito, A. S. (2019). Revealing the unexplained wealth in Indonesian corporation. *Journal of Financial Crime*, *27*(1), 29–42. https://doi.org/10.1108/JFC-11-2018-0116

Mandiri, I. T. (2019). Perlindungan Hak Milik atas Tanah dari Eksistensi Investor Asing. *Lex Privatum,7*(2).99–110. https://ejournal.unsrat.ac.id/v2/index.php/lexprivatum/article/view/25895

Marasabessy, F. (2015). Restitusi bagi korban tindak pidana: Sebuah tawaran mekanisme baru. *Jurnal Hukum & Pembangunan, 45*(1),53-75. https://scholarhub.ui.ac.id/jhp/vol45/iss1/3

Maugeri, A. M. (2024). Regulation (EU) 2018/1805: Mutual recognition of freezing and confiscation orders between efficiency and safeguards. "Proceedings in criminal matters" and non-conviction based confiscation. *New Journal of European Criminal Law*,*15*(2),164–208. https://doi.org/10.1177/20322844241239781

Mahfud, M. A., Siregar, D. M. A., & Malik, M. F. (2026). Nussbaum's Justice Theory Lens: the Digital Divide and Unfulfillment of the Right to Public Service in Traditional Society. *Media Iuris, 9*(1), 97-128. https://doi.org/10.20473/mi.v9i1.77214

McBride, J. (1979). Damages as a Remedy for Unlawful Administrative Action. *The Cambridge Law Journal, 38*(2), 323-345. https://www.jstor.org/stable/4506189

Milone, S. (2017). On the borders of criminal law. A tentative assessment of italian "non-conviction based extended confiscation." *New Journal of European Criminal Law*, *8*(2),150–170. https://doi.org/10.1177/2032284417711573

Natalis, A. (2026). Capitalism, Beauty Standards, and the Law: a feminist-foucauldian critique of body regulation. *Journal of Philosophical Investigations,20*(54),343-362. https://doi.org/10.22034/jpiut.2025.69150.4193

Saripi, M. R. (2016). Jaksa selaku penyidik Tindak pidana korupsi. *Jurnal Hukum Unsrat, 22*(7).https://ejournal.unsrat.ac.id/v3/index.php/jurnalhukumunsrat/article/view/13195

Mosal, E. D., Wahongan, A., & Muaja, H. S. (2023). Prosedur pelaksanaan lelang barang sitaan kejaksaan pasca putusan hakim yang mempunyai kekuatan hukum tetap. *Lex Privatum, 11*(1). https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/45759

Mulyadi, L. (2015). Asas Pembalikan Beban Pembuktian Terhadap Tindak Pidana Korupsi Dalam Sistem Hukum Pidana Indonesia dihubungkan dengan Konvensi Perserikatan Bangsa-bangsa anti Korupsi 2003. *Jurnal Hukum dan Peradilan, 4*(1), 101-132. https://doi.org/10.15294/ijcls.v10i2.32033

Nasution, A. V. A., Suteki, S., & Lumbanraja, A. D. (2025). Addressing Deepfake Pornography and the Right to be Forgotten in Indonesia: Legal Challenges in the Era of AI-Driven Sexual Abuse. *International Journal for the Semiotics of Law, 38*(7), 2489-2517. https://doi.org/10.1007/s11196-025-10265-0

Nugroho, H. (2013). Efektivitas Fungsi Koordinasi dan Supervisi dalam Penyidikan Tindak Pidana Korupsi oleh Komisi Pemberantasan Korupsi. *Jurnal Dinamika Hukum,13*(3),392-401. https://doi.org/10.20884/1.jdh.2013.13.3.245

Pangaribuan, A. (2025). Authority, Rights, and Reform: Legislative Struggles over Indonesia's Criminal Procedure Code (1979–1981). *Asian Journal of Comparative Law*, *20*(1), 1-20. https://doi.org/10.1017/asjcl.2025.10004

Panusunan, P., Widyawati, A., Sulistianingsih, D., & Nababan, R. K. (2025). Reformulation of Law Decision Bias on Restitution Payments in Sexual Violence Crimes (Comparison of Indonesia and The Netherlands). *Journal of Law and Legal Reform, 6*(3), 1275-1304. https://doi.org/10.15294/jllr.v6i3.22109

Purwanto, H., Cahyaningtyas, I., Arifin, R., & Maskur, M. A. (2025). Reconstructing the Legal Understanding of the Presumption of Innocence in Criminal Justice to Achieve Justice. *Indonesian Journal of Criminal Law Studies,10*(2),417-450. https://doi.org/10.15294/ijcls.v10i2.32033

Saputra, T., Masyhar, A., Widyawati, A., & Rahmiati, R. (2024). Application of Restitution for Criminal Acts Victims: Between Rules and Reality. *Indonesian Journal of Criminal Law Studies, 9*(2), 333-356.https://doi.org/10.15294/ijcls.v9i2.36635

Roisah, K., Rahayu, R., Al Asy'arie, M. A. H., Mitskaya, E., & Wahyudi, B. F. H. (2025). Empowering Cultural Communities in Protecting Traditional Expressions: Legal Challenges in The Digital Age. *Diponegoro Law Review,10*(2),134-156. https://doi.org/10.14710/dilrev.10.2.2025.134-156

Satria, H. (2018). Ke Arah Pergeseran Beban Pembuktian. *INTEGRITAS*, *3*(1), 87. https://doi.org/10.32697/integritas.v3i1.142

Shatailyuk, E. E. (2024). Confiscation and other procedures for deprivation of illegally acquired (criminal) proceeds under the laws of Russia and foreign jurisdictions. *Vestnik of Saint Petersburg University*, *4*(15),132–1152. https://doi.org/10.21638/spbul4.2024.414

Shealy Jr, M. W. (2013). A Reasonable Doubt About "Reasonable Doubt." *Oklahoma Law Review*,*2*(65),225–500. https://digitalcommons.law.ou.edu/olr/vol65/iss2/2

Sheleff, L. S. (1975). From Restitutive Law to Repressive Law: Durkheim's The Division of Labor in Society re-visited. *European Journal of Sociology*, *16*(1), 16–45.

https://doi.org/10.1017/S0003975600003015

Simanjuntak, M. (2014). TNI Angkatan Laut Sebagai Penegak Hukum dan Sekaligus Penyidik Tindak Pidana di Laut. *Jurnal Ilmiah Hukum Dirgantara*, *8*(2). https://doi.org/10.35968/jh.v8i2.256

Simonato, M. (2015). Directive 2014/42/EU and non-conviction based confiscation: a step forward on asset recovery?. *New Journal of European Criminal Law, 6*(2), 213-228. https://doi.org/10.1177/203228441500600205

Simonato, M. (2016). Extended Confiscation of Criminal Assets: Limits and Pitfalls of Minimum Harmonisation in the EU. *European Law Review*, *41*(5), 727–740. https://scispace.com/pdf/extended-confiscation-of-criminal-assets-limits-and-pitfalls-47a46wq2ow.pdf

Sulistianingsih, D., Adhi, Y. P., Lestari, D. P., & Yusoff, R. B. M. (2025). Dealing with A State of Emergency: A Comparative Study Between Indonesia and Malaysia in Government Use for Pharmaceutical Products. *International Law Discourse in Southeast Asia, 4*(2), 79-112. Article 29671. https://doi.org/10.15294/ildisea.v5i2.29671

Sulistyawan, A. Y., & Ilham, H. (2026). Violence in schools as a social construct: a legal-philosophical inquiry into the Indonesian educational context. *Clio. Revista de Historia, Ciencias Humanas y Pensamiento Critico.*,*2026*(11),1963-1995. https://doi.org/10.5281/zenodo.17491911

Sumampouw, R. S. (2018). Kajian Hukum Tentang Tindakan Penggeledahan Menurut UU Nomor 8 Tahun 1981 Tentang KUHAP. *Lex Crimen,7*(1),56-64. https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/19414

Supardi, S. (2018). Third Party's Asset Confiscation In Corruption Crime. *Yuridika*, *33*(3),468. https://doi.org/10.20473/ydk.v33i3.8427

Suteki, S., Jalil, A., Natalis, A., & Rembulan, D. (2025). Community Engagement in Eradicating Corruption: Evaluating the Effectiveness and Reward Models for Whistleblowers As a Regional Strategy. *Jurnal Pengabdian Hukum Indonesia, 8*(1), 23-92. https://doi.org/10.15294/jphi.v8i1.20440

Syamsudin, M. (2012). Korupsi dalam Perspektif Budaya Hukum. *Unisila*, *64*(30), 183–194. https://doi.org/10.20885/unisia.vol30.iss64.art7

Utami, N. S. B., & Prabowo, I. (2020). Legal Protection For Children As Victims Of Sexual Violence In Fulfillment Restitution Rights. *Yustisia, 9*(2), 262-286. https://doi.org/10.20961/yustisia.v9i2.35208

Wibisana, A. G. (2019). Menulis di Jurnal Hukum: Gagasan, Struktur, dan Gaya. *Jurnal Hukum & Pembangunan*, *49*(2), 471. https://doi.org/10.21143/jhp.vol49.no2.2014

Wijayanti, S. N., Saraswati, R., Wardhani, L. T. A. L., Iswandi, K., & Surana, T. (2025). Constitutional Judges: What Powers Does the House of Representatives Have? *Jurnal Media Hukum, 32*(1), 96-113. https://doi.org/10.18196/jmh.v32i1.23842

Wulandari, C., Masyhar, A., & Hassan, M. S. (2024). Legal Reform for Victims in Criminal Justice System of Indonesia and Russian Juridical Review. *Journal of Law and Legal Reform, 5*(2), 783-816. https://doi.org/10.15294/jllr.v5i3.7322

**BOOKS**

Alldridge, P. (2003). *Money laundering law: Forfeiture, Confiscation, Civil Recovery, Criminal Laundering and Taxation Of The Proceeds Of Crime*. Oxford; Portland, OR: Hart Publishing.

Bakhri, T. S. (2009). *Hukum Pembuktian Dalam Praktek Pidana*. Jakarta: Total Media.

Bhat, P. I. (2019). *Idea and Methods of Legal Research*. New Delhi: Oxford University Press.

Boucht, J. (2017). *The Limits of Asset Confiscation: on The Legitimacy of Extended Appropriation of Criminal Proceeds*. Oxford; Portland, OR: Hart Publishing

Fellmeth, A. X., & Horwitz, M. (2021). *Guide to Latin in international law (2nd ed.)*. New York: Oxford University Press.

Hiariej, E. O. S. (2012). *Teori & hukum pembuktian*. Jakarta: Erlangga.

Husein, Y. (2019). *Penjelasan Hukum Tentang Perampasan Aset Tanpa Pemidanaan Dalam Perkara Tindak Pidana Korupsi*. Jakarta.

Gijssels, J., & van Hoecke, M. (2000). *Apakah teori hukum itu?* Bandung: Laboratorium Hukum Fakultas Hukum Universitas Katolik Parahyangan.

Mulyadi, K., & Wijaya, G. (2005). *Kebendaan pada Umumnya: Seri Hukum kekayaan*. Jakarta: Prenada Media

Murray, K. (2015). Confiscation and forfeiture. In *Research Handbook on International Financial Crime*. Edward Elgar Publishing. https://doi.org/10.4337/9781783475797.00051

Nelson, F. M. (2019). *Plea Bargaining dan Deferred Prosecution Agreement dalam Tindak Pidana Korupsi*. Jakarta: Sinar Grafıka.

Prodjohamidjojo, M. (1982). *Komentar atas KUHAP: Kitab Undang-undang Hukum Acara Pidana*. Jakarta: Pradnya Paramita.

Salam, A. (2018). *Kebendaan Digital: Suatu Kajian Hukum Keperdataan*. Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia.

Soesilo, R., & Karyadi, M. (1988). *Kitab Undang-Undang Hukum Acara Pidana dengan Penjelasan dan Komentar*. Bandung: Politeia.

Stessens, G. (2008). *Money Laundering: A New International Law Enforcement Model (Cambridge Studies in International and Comparative Law)*. New York: Cambridge University Press. Retrieved from www.dauginet.com

Wibisana, A. G., Sardjono, A., Agustina, R., Toha, K., Mamuji, S., Lestari, R., Simatupang, D. P., Susetyo, H., Nurtjahyo, L. I., Barlinti, Y. S., Indrawati, Y., Nelson, F. M., Allagan, T. M. P., Afriansyah, A., Andrianto, W., Muhammad, A. N., & Andaru, D. D. A. (2023). *Buku panduan penulisan karya ilmiah (Edisi revisi)*. Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia.

Yagqin, A. (2008). *Legal Research and Writing Methods*. India: Lexis Nexis.

Yusuf, M. (2013). *Merampas aset koruptor: Solusi pemberantasan korupsi di Indonesia*. Jakarta: PT Kompas Media Nusantara.

## REGULATION AND JURISPRUDENCE

Law No. 1 of 2023 concerning the Criminal Code

Law No. 20 of 2025 concerning the Criminal Procedure Code

## ONLINE SOURCES

Transparency International. (2025). Corruption Perceptions Index. Retrieved from https://www.transparency.org/en/cpi/2025.

Badan Pusat Statistik (BPS). (2024). Indeks perilaku anti korupsi 2024. Retrieved from https://www.bps.go.id/id/publication/2024/12/06/66e636bc0a8fa4f90e0d6c6d/indeks-perilaku-anti-korupsi-2024.html

Lembaga Perlindungan Saksi dan Korban & Indonesia Judicial Research Society. (2025). Peluang Mewujudkan Tata Kelola Victim Trust Fund di LPSK untuk Pemulihan Korban Akibat Tindak Pidana. Retrieved from https://ijrs.or.id/wp-content/uploads/2025/02/2025.02.17-Kajian-Perwujudan-Tata-Kelola-VTF-di-LPSK_IJRS.pdf