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Public Prosecutors' Authority in Asset Seizure: Institutional Challenges to Asset Recovery in Indonesian Corruption Cases

***Satria Zakaria[a], Mohamad Rusdiyanto U. Puluhulawa[a], Karlin Z. Mamu[a], Norsalwati Mohd Razalli[b]**
[a] Universitas Negeri Gorontalo, Indonesia
[b] Politeknik Sultan Idris Shah, Sungai Lang, 45100 Sungai Ayer Tawar, Selangor, Malaysia
*Corespondensi author: satriazakaria35@gmail.com

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Abstract

Although Indonesia has strengthened the regulation of corruption crimes, empirical studies on the implementation of the authority of investigating prosecutors in asset confiscation, especially at the regional high prosecutor's office, are still limited. This study aims to analyze the authority of the investigating prosecutor in confiscating assets resulting from corruption at the Gorontalo High Prosecutor's Office and identify factors that hinder its implementation. This study uses a qualitative empirical legal research method with a socio-legal approach. Primary data was obtained through in-depth interviews with prosecutors in the field of special crimes, secondary data was obtained from literature reviews, books, journals and other supporting documents relevant to this research. The results of the study found that although the investigating prosecutor has strong attribution authority to seize corrupt assets, this authority has not been able to produce optimal asset recovery: the 2021–2024 period shows a gap of almost 70% between the total state losses (more than Rp110 billion) and the compensation money that has been successfully recovered (around Rp34 billion). Furthermore, this study found that the biggest obstacle does not come from legal norms, but from weak institutional coordination between the prosecutor's office and related agencies such as banking. These findings confirm that the problem of asset recovery in Indonesia is structural, not just normative. This study recommends strengthening asset forfeiture regulations, improving cross-agency coordination mechanisms, and increasing the technical capacity of investigators.

Keywords*: Asset Recovery; Prosecutorial Authority; Corruption; Asset Seizure; Law Enforcement.*

Abstrak

Meskipun Indonesia telah memperkuat regulasi tindak pidana korupsi, kajian empiris mengenai implementasi kewenangan jaksa penyidik dalam penyitaan aset khususnya di tingkat kejaksaan tinggi daerah masih terbatas. Penelitian ini bertujuan menganalisis kewenangan jaksa penyidik dalam melakukan penyitaan aset hasil korupsi di Kejaksaan Tinggi Gorontalo serta mengidentifikasi faktor-faktor penghambat pelaksanaannya. Penelitian ini menggunakan metode penelitian hukum empiris kualitatif dengan pendekatan sosio-legal. Data primer diperoleh melalui wawancara mendalam bersama jaksa pada bidang tindak pidana khusus, data sekunder diperoleh dari kajian pustaka, buku, jurnal dan dokumen pendukung lainnya yang relevan dengan penelitian ini. Hasil penelitian menemukan bahwa meskipun jaksa penyidik memiliki kewenangan atribusi yang kuat untuk menyita aset korupsi, kewenangan tersebut belum mampu menghasilkan pemulihan aset yang optimal: periode 2021–2024 menunjukkan kesenjangan hampir 70% antara total kerugian negara (lebih dari Rp110 miliar) dan uang pengganti yang berhasil dipulihkan (sekitar Rp34 miliar). Lebih jauh, penelitian ini menemukan bahwa hambatan terbesar bukan berasal dari norma hukum, melainkan dari lemahnya koordinasi kelembagaan antara kejaksaan

dan instansi terkait seperti perbankan. Temuan ini menegaskan bahwa persoalan pemulihan aset di Indonesia bersifat struktural, bukan sekadar normatif. Penelitian ini merekomendasikan penguatan regulasi perampasan aset, perbaikan mekanisme koordinasi lintas lembaga, dan peningkatan kapasitas teknis penyidik.
Kata Kunci: Pemulihan Aset; Kejaksaan; Korupsi; Penyitaan Aset; Penegakan Hukum.

INTRODUCTION

As a sovereign country of law, Indonesia constitutionally makes law enforcement the main foundation in realizing justice and social welfare. Unfortunately, the course of government is disrupted by massive systemic challenges, namely corruption. This *white-collar crime* is no longer seen as *an ordinary crime*, but has been categorized as *an extraordinary crime*. This is because of its widespread adverse impacts, ranging from weakening economic stability, damaging state finances, to collapsing people's moral trust in government officials. Therefore, the handling can no longer simply rely on prison sentences for the perpetrators, but must use a comprehensive approach that combines repressive measures with optimal recovery of state financial losses (*repressive-restorative*).[1]

In an effort to overcome corruption, confiscation and confiscation of assets belonging to perpetrators have a very crucial role as an instrument for asset *recovery*. This juridical mandate is expressly regulated in Article 18 Paragraph (1) letter b of Law Number 31 of 1999 *jo.* Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. The regulation requires the perpetrator to pay compensation with a value that is as much as possible equivalent to the corrupted assets. If within one month after the court decision has permanent legal force (*inkracht*) the convict does not pay off the obligation, the prosecutor has the legal authority to confiscate and auction his property in order to restore the state's financial stability.[2]

Various international studies show that *asset seizure* is the main instrument in increasing the effectiveness of *asset recovery* in corruption crimes. Olujobi, (2021) emphasized that the success of asset recovery is not only determined by the adequacy of regulations, but also by coordination between law enforcement agencies, financial institutions, and judicial authorities.[3] Uriel (2021) explained that the biggest challenge in *asset recovery* lies in the ability *to track assets*, exchange information across institutions, and international cooperation mechanisms.[4] Mamak et al. (2022) added that the effectiveness of asset confiscation is greatly influenced by the institutional capacity and speed of the investigation process, not solely by the legal authority possessed by law enforcement officials.[5] Meanwhile, Trinchera's research (2020) shows that the implementation of *the non-conviction based asset forfeiture* mechanism is able to

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[1] Amalia Syauket and Dwi Seno, *Textbook of Corruption Crimes*, First Edition (PT. Literasi Nusantara Abadi Group, 2024).

[2] Bambang Waluyo, *Eradication of Corruption: Strategy and Optimization*, First Edition (Jakarta: Sinar Grafika, 2016).

[3] Olusola Joshua Olujobi, "Recouping Proceeds of Corruption: Is There Any Need to Reverse Extant Trends by Enacting Civil Forfeiture Legal Regime in Nigeria," *Journal of Money Laundering Control* 24, no. 4 (2021): 806–833, https://doi.org/10.1108/JMLC-09-2020-0107

[4] Daniel González Uriel, "Money Laundering, Political Corruption and Asset Recovery in the Spanish Criminal Code," *International Annals of Criminology* 59, no. 1 (2021): 38–54, https://doi.org/10.1017/cri.2021.5

[5] K. Mamak et al., "Should Gains from Criminal Knowledge Be Forfeited?," *Crime, Law and Social Change* 77, no. 4 (2022): 437–458, https://doi.org/10.1007/s10611-021-09994-7

increase the success of asset recovery in various countries compared to a system that only relies on criminal convictions.[6]

Although these studies have discussed asset confiscation and *asset recovery*, most of them still focus on normative aspects and comparisons of legal systems between countries. Empirical studies evaluating the effectiveness of the authority of investigating prosecutors in the implementation of asset confiscation based on law enforcement practices in Indonesia are still relatively limited. In addition, there have not been many studies that examine the factors that affect the effectiveness of asset confiscation using the perspective of Soerjono Soekanto's Law Enforcement Theory.

The empirical urgency of this study is based on the existence of a significant discrepancy or gap between the total state losses and the nominal amount of replacement money that has been successfully recovered in handling corruption cases. Based on data from the Special Crimes Division of the Gorontalo High Prosecutor's Office for the period 2021 to 2024, the accumulated value of state financial losses reached more than Rp. 110 billion, while the replacement money instruments that were successfully collected only ranged from a nominal amount of Rp. 34 billion. This wide gap represents the existence of various technical and juridical obstacles in the field, both in the asset tracing process, execution mechanisms, and the fulfillment of obligations to judicial decisions that demand the optimization of forced actions in the form of confiscation from the investigation stage to mitigate the risk of asset transfer by suspects.[7]

Departing from this gap, this study offers a different perspective compared to previous research by empirically analyzing the effectiveness of the authority of investigating prosecutors through Soerjono Soekanto's Law Enforcement Theory. This study not only identifies the legal basis for asset confiscation authority, but also reveals that the effectiveness of *asset recovery is* more influenced by institutional coordination, the capacity of law enforcement officials, and asset tracking mechanisms than the adequacy of legal substance alone. Thus, this research makes a theoretical contribution to the development of empirical legal studies regarding the confiscation of assets for corruption crimes.

The prosecutor's authority has a double strategic role as an investigator and public prosecutor in corruption cases as stipulated in Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. In carrying out the investigative function, the investigating prosecutor is authorized to carry out coercive actions in the form of confiscation of objects or assets that are strongly suspected to be closely related to criminal acts. The application of this authority has undergone a structural renewal in line with the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code (New Criminal Procedure Code) which replaces Law Number 8 of 1981 (Old Criminal Procedure). The New Criminal Code formulates a more rigid confiscation mechanism by setting strict deadlines for court approval, rules for the return of confiscated objects, and the expansion of confiscated objects to keep pace with modern modus operandi, which directly affects the operational effectiveness of prosecutors at the regional jurisdiction level.[8]

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[6] Tommaso Trinchera, "Confiscation and Asset Recovery: Better Tools to Fight Bribery and Corruption Crime," *Criminal Law Forum* 31, no. 4 (2020): 509–534, https://doi.org/10.1007/s10609-020-09382-1

[7] *Data on the Special Crimes Division of the Gorontalo High Prosecutor's Office,* Case Period and Recovery of Replacement Money in 2021-2024.

[8] *Law Number 20 of 2025 concerning the Criminal Procedure Code,* Article -118-122.

Based on the above explanation, the formulation of the problem in this study is directed narratively to test the effectiveness of the investigating prosecutor at the Gorontalo High Prosecutor's Office when confiscating corruption assets according to the latest positive law, as well as unraveling various operational obstacles. This effectiveness evaluation is dissected using Soerjono Soekanto's law enforcement theory, which states that laws in society are influenced by five pillars: legal factors, law enforcement, facilities/facilities, society, and culture. In the Gorontalo High Prosecutor's Office's locus, the identification of obstacles focuses on bureaucratic obstacles to court permits, technical limitations in tracking complex fund flows, the absence of comprehensive regulations related to *non-conviction based asset forfeiture*, resistance from those who control assets, and weak synergy with financial institutions such as the Financial Services Authority (OJK) and banks.[9]

This research mainly aims to critically examine the legality and actual application of the authority of the investigating prosecutor at the Gorontalo High Prosecutor's Office in confiscating corruption assets, as well as formulate practical strategies to overcome obstacles in recovering state financial losses. Theoretically, this study is expected to enrich the scientific treasures of criminal law, especially criminal procedural law related to state asset recovery instruments. Meanwhile, practically, the results of this research are intended as strategic evaluation material for the Gorontalo High Prosecutor's Office in improving the professionalism, integrity, and effectiveness of investigators. In addition, this research also serves to educate the public about the urgency of securing assets resulting from corruption in order to realize distributive justice and clean and accountable governance.

Based on the above explanation, this study is directed to test the effectiveness of the authority of the investigating prosecutor at the Gorontalo High Prosecutor's Office in confiscating corruption assets according to the latest positive law, as well as identifying the factors that hinder its implementation based on the perspective of Soerjono Soekanto's law enforcement theory. Theoretically, this research is expected to enrich the treasures of criminal procedural law related to state asset recovery instruments, while practically the results of this research can be strategic evaluation material for the Gorontalo High Prosecutor's Office in increasing the effectiveness of confiscating corruption assets.

RESEARCH METHODS

This study uses *qualitative empirical legal research* methods with a socio-legal *approach*. This approach is used to analyze how the authority of the investigating prosecutor in confiscating assets resulting from corruption crimes is implemented in practice, as well as identifying factors that affect the effectiveness of its implementation. The analysis is not only based on the provisions of laws and regulations, but also on empirical facts obtained through direct interaction with the research subject and real conditions in the field. This approach is applied to conduct a search and discovery of specific facts on the ground regarding the prosecutor's authority to confiscate assets belonging to suspects in handling corruption cases that are accommodated through the law enforcement function in the jurisdiction of the Gorontalo High Prosecutor's Office.[10]

The Gorontalo High Prosecutor's Office was chosen as the locus of research because its authority in handling corruption cases, especially related to the confiscation

[9] Soerjono Soekanto, *Factors Influencing Law Enforcement*, Fifth Edition (Jakarta: PT RajaGrafindo Persada, 2004).

[10] Irwansyah, *Legal Research: Choice of Methods & Practices for Article Writing* (Mirra Buana Media, 2020).

of the defendant's assets, is very relevant to the substance of the problem being studied. The selection of this location allows researchers to obtain primary data authoritatively through interviews with the investigative team and the review of related case files. To support the analysis, this study integrates two types of data sources, namely primary data and secondary data. Primary data was collected directly in the field through observations, in-depth interviews, and questionnaires to obtain valid and actual information about the legality of the implementation of confiscation of corruption assets for the recovery of state losses. Meanwhile, secondary data is obtained through literature studies sourced from laws and regulations, textbooks, scientific journals, previous research, expert opinions, and other supporting official documents.[11] The population in this study includes all parties who have direct involvement in the implementation of the confiscation of assets resulting from corruption crimes at the Gorontalo High Prosecutor's Office. The determination of informants is carried out using the purposive sampling technique, which is the selection of informants based on the consideration that the person concerned has knowledge, experience, and direct involvement in the object of research. Based on these criteria, the main informant in this study is the Prosecutor in the Special Crimes Division of the Gorontalo High Prosecutor's Office who has the authority and experience in handling the confiscation of assets for corruption crimes.

Guided by empirical design, secondary data collection techniques are carried out to compile and organize literature through literature studies, while data collection from research subjects is carried out through direct field observation to review the dynamics and factual operational procedures at the Gorontalo High Prosecutor's Office. In addition, in-depth interview techniques are also used for informants who have credibility and relevant competence, such as prosecutors within the Gorontalo High Prosecutor's Office, to execute qualitative primary data on practices, procedural mechanisms, and obstacles that arise. The documentation method is also used as a verification instrument to prove the validity of interactions and strengthen the justification of facts in case investigations. All data obtained were analyzed qualitatively through several stages, namely data reduction**,** data presentation**,** coding based on research themes, drawing conclusions, and verification**.** The coding process is carried out to group data into themes related to the authority of the investigating prosecutor, the implementation of asset confiscation, and factors that affect the effectiveness of asset confiscation. Furthermore, the results of the analysis are interpreted by connecting the empirical facts found in the field with the applicable legal provisions so that a systematic conclusion is obtained.[12]

To ensure the validity of the data, this study uses source triangulation and method triangulation. Source triangulation was carried out by comparing the results of the interviews with data obtained through literature studies, official documents, and laws and regulations. Meanwhile, the triangulation method is carried out by comparing the results of observations, interviews, and documentation so that the data obtained has a high level of credibility. This research was carried out by paying attention to the ethical principles of research. Before the interview is conducted, the researcher explains the purpose of the research to the informant and obtains consent to participate in the research. All

[11] Undari Sulung and Mohamad Muspawi, "Understanding Research Data Sources: Primary, Secondary, and Tertiary," *Journal of Edu Research Indonesian Institute For Corporate Learning And Studies (IICLS)* 5, no. no.3 (2024): 112.

[12] Zainuddin Iba and Aditya Wardhana, *Research Methods* (CV.EUREKA MEDIA AKSARA, 2023).

information obtained is kept confidential and only used for academic purposes in accordance with the research purpose.

RESULTS AND DISCUSSION

The Authority of the Investigating Prosecutor in Confiscating Assets Resulting from Corruption Crimes at the Gorontalo High Prosecutor's Office

The implementation of the authority of the Gorontalo High Prosecutor's Office in handling corruption cases for the period 2021 to 2024 shows fluctuating dynamics of law enforcement and leaves a significant discrepancy between the quantity of state financial losses and the nominal recovery of assets through replacement money. Based on empirical data collected from the Special Crimes Division of the Gorontalo High Prosecutor's Office, the total accumulated state financial losses caused by the ten corruption cases handled reached more than Rp110 billion, while the substitute money instruments that were successfully executed and recovered only touched around Rp34 billion. This phenomenon of a wide financial gap indicates that the manifestation of the repressive function of the prosecutor's office through confiscation legal actions has not run optimally within the framework of state financial restoration. Quantitatively, the analysis of annual performance trends highlights a deep procedural gap, where in 2021 the largest state loss was recorded reaching IDR 70,058,086,880.00 with the realization of replacement money of IDR 19,696,446,686.63. This gap is not just a statistical record, but an indicator that the issue of asset recovery at the Gorontalo High Prosecutor's Office is implementive, not normative, a pattern that will be further described in the following paragraph. This volatile condition continued in the following years, which is comprehensively presented in the tabulation data visualization below.

Table 1. Data on the Number of Cases along with State Losses and Compensation in Corruption Cases in the Special Crimes Division of the Gorontalo High Prosecutor's Office

No	Year	Number of Cases	State Losses	Money Substitutes
1	2021	3	IDR 70.058.086.880,00	IDR 19.696.446.686,63
2	2022	2	IDR 6.835.054.821,00	IDR 5.426.978.282,00
3	2023	2	IDR 6.827.779.098,31	IDR 1.152.600.000,00
4	2024	3	IDR 27.147.802.462,35	IDR 7.764.413.985,00

(Source: Gorontalo High Prosecutor's Office)

Juridically, the position of the prosecutor as an investigator of corruption crimes is indeed equipped with a strong legality of attribution through the Prosecutor's Law and the Criminal Procedure Code, in line with the theory of the authority of Prajudi Atmosudirjo and Ateng Syafrudin that formal authority comes directly from the legislative realm.[13][14]

[13] Prajudi Atmosudirjo, *State Administrative Law* (Jakarta: Ghalia Indonesia, 2015).

[14] Ateng Syafrudin, "Towards the Implementation of Clean and Responsible State Government," *Journal of Pro Justitia* 4, no. no. 2 (2014).

However, this authority needs to be seen comparatively in the constellation of corruption law enforcement in Indonesia which is multi-institutional. Unlike the Corruption Eradication Commission (KPK) which has additional authority in the form of direct access to the State Administrator's Wealth Report (LHKPN) data and an account blocking mechanism that is integrated with the Financial Transaction Reporting and Analysis Center (PPATK), the authority to confiscate assets by prosecutors at the regional high prosecutor's office level such as Gorontalo actually depends on a longer and less centralized cross-agency coordination mechanism. Similarly, compared to the Police, which in the practice of investigating corruption crimes has a special unit for economic crimes with relatively faster access to banking data through standard institutional cooperation, regional prosecutors still have to follow a casuistic licensing procedure in each case. This structural difference explains why normatively equal attribution authority between law enforcement agencies does not result in equal asset recovery results.

This comparison is even more relevant when viewed from international practice and literature on asset recovery. Zolkaflil, Syed Mustapha Nazri, and Omar found that the effectiveness of corruption asset recovery in FATF member countries in the Asia-Pacific region is largely determined by the existence of *centralized asset recovery centers* that bridge the work of investigators, prosecutors, and financial authorities structures that Indonesia does not yet have at the regional prosecutor's level.[15] Meanwhile, Pavlidis noted that European countries that implement an integrated asset recovery and sanctions approach through the *civil forfeiture* framework tend to have higher execution success rates because foreclosure authorities do not rely on a single institution.[16] These findings are in line with Ochnio's study which highlights that the EU's anti-corruption strategy still faces weaknesses in the aspect of cross-border asset returns due to weak inter-institutional harmonization, not due to the absence of legal norms.[17] At the global level, Helfer, Rose, and Brewster proposed the establishment of a flexible transnational asset recovery mechanism within the framework of the United Nations Convention Against Corruption (UNCAC), emphasizing that the current international legal instruments are not sufficient to address institutional fragmentation between countries.[18] The consistency of these findings across jurisdictions in Asia Pacific, Europe, and the UNCAC multilateral framework strengthens the argument that the obstacles to the recovery of corruption assets are structural-institutional, not merely a matter of domestic legal norms, as also found in the context of the Gorontalo High Prosecutor's Office.

The transformation of the criminal procedural law order from the enactment of Law Number 8 of 1981 to the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code brings fundamental procedural implications for the governance of the execution of confiscation of corruption assets in the field. In the old procedural law

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[15] Salwa Zolkaflil, Sharifah Nazatul Faiza Syed Mustapha Nazri, and Normah Omar, "Asset Recovery Practices in Combating Money Laundering: Evidence from FATF Mutual Evaluation Report of FATF Member Countries of Asia Pacific Region," Journal of Money Laundering Control 26, no. 1 (2022): 24–34.

[16] Georgios Pavlidis, "Global Sanctions Against Corruption and Asset Recovery: A European Approach," Journal of Money Laundering Control 26, no. 1 (2023): 4–13.

[17] Anna Hanna Ochnio, "Recent Developments in EU Anti-Corruption Strategy: The Missing Element of the Return of Corrupt Assets to 'Victim Countries'," Journal of Money Laundering Control 27, no. 7 (2024): 1–12.

[18] Laurence R. Helfer, Cecily Rose, and Rachel Brewster, "Flexible Institution Building in the International Anti-Corruption Regime: Proposing a Transnational Asset Recovery Mechanism," American Journal of International Law 117, no. 4 (2023): 559–600.

regime, the licensing formalities of the Chief District Court were often criticized for lacking certainty of rigid time limits, although it provided more flexible pragmatic room for investigators to secure evidence in urgent circumstances. On the other hand, the legal reform through the 2025 Criminal Procedure Code introduces a much stricter, structured, and accountable judicial supervision mechanism, such as the obligation for the Chief Justice to issue a determination of approval or rejection of confiscation permits within a maximum duration of two days, as well as a limitation on the time for submitting emergency approvals to five working days after the seizure of movable objects.[19]

The expansion of the typology of the object of confiscation makes it easier to track the flow of modern funds and money laundering, but this procedural complexity simultaneously has the potential to reduce the effectiveness of the speed of investigators in the field, considering that corrupt actors have a high capacity to move or obscure asset ownership rights digitally before the legality of confiscation permits is issued by court institutions. In other words, strengthening regulations without strengthening institutional capacity only moves the location of obstacles, not eliminating a finding that becomes an analytical bridge to the discussion of inhibiting factors in the next subtopic.

Factors That Hinder the Implementation of the Confiscation of Assets Resulting from Corruption Crimes at the Gorontalo High Prosecutor's Office

The low ratio of state loss recovery in the Gorontalo High Prosecutor's Office is influenced by various complex obstacles that can be dissected through five determinant factors in Soerjono Soekanto's law enforcement theory.[20] These five factors do not stand alone, but rather reinforce each other: weakness in one factor creates pressure that weighs on another. The following description explains the findings of each factor along with the root causes why these factors have not been functioning effectively. The regulation of the confiscation of corruption assets in Indonesia does not yet have an independent legal umbrella (*Asset Forfeiture Law*); Confiscation is only positioned as an additional criminal whose execution awaits a criminal verdict with permanent legal force (*inkracht*). Reliance on criminal verdicts creates a time lag between the start of the judicial process and the execution of real seizures. It is this pause, not the absence of the confiscation norm itself, that the suspect directly uses to transfer ownership of assets to a third party. In other words, the problem does not lie in whether the law regulates confiscation (because it is already regulated), but in the design of the law that places confiscation as *a consequence* of punishment rather than as *an independent instrument* that can run in parallel with criminal proceedings. Malaysia, for example, has adopted a *civil forfeiture mechanism* that allows the seizure of assets to proceed independently of the criminal process through lawsuits against the object of the asset itself (*in rem*), not against the perpetrator.[21] The absence of a similar mechanism in Indonesia is the structural root of why this legal factor fails to support the acceleration of asset recovery at the Gorontalo High Prosecutor's Office.

Limited technical capacity, lack of investigator personnel, and the paradigm of the apparatus that is still oriented towards corporal punishment rather than asset recovery. This punitive orientation is not just an individual preference of prosecutors, but a consequence of institutional performance indicators that historically assess the success of

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[19] *Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code,* Articles 119-122.

[20] Soerjono Soekanto, Op.cit., p.8

[21] Aspalella A. Rahman, "An Analysis of the Forfeiture Regime under the Anti-Money Laundering Law," Journal of Money Laundering Control 25, no. 1 (2022): 50–62.

handling corruption cases by the number of criminal verdicts, not by the value of assets that have been successfully recovered. As a result, asset *tracing*, which requires financial forensic expertise and longer investigation times, tends to be a secondary priority than the preparation of files for criminal prosecutions. This pattern is consistent with the findings of Zolkaflil, Syed Mustapha Nazri, and Omar that FATF countries in the Asia-Pacific region that do not have dedicated asset recovery units or centers tend to show lower asset recovery performance than countries that separate the prosecution function from the asset recovery function.[22]

The slow bureaucracy of blocking accounts through the Financial Services Authority (OJK) and weak coordination with banking institutions. The fundamental problem is the absence of a standardized *data-sharing protocol* between the prosecutor's office and the financial authorities, so that every request for account blocking is processed by cassacristically rather than through automated or centralized channels. As a result, the time required to obtain account data becomes unpredictable and depends on personal relationships between agencies, not on a standard system. The absence of *a centralised asset recovery centre* that bridges investigators, prosecutors, and financial authorities is empirically proven to be the main determinant of the effectiveness of asset recovery in various FATF Asia Pacific countries.[23] The Gorontalo High Prosecutor's Office, as a regional level prosecutor's office, is in a more disadvantaged position than the KPK which has direct access to LHKPN data, because it has to take a layered bureaucratic route for the same needs.

Cultural and sociological barriers stemming from community factors have also formed significant resistance in the effectiveness of the execution of the confiscation of assets resulting from corruption crimes in the Gorontalo jurisdiction. Low legal awareness and the tendency of the public to be passive or permissive towards corruption crimes make it difficult for the prosecutor's investigation team to obtain social support and valid initial information related to tracking the existence of hidden assets that have been transferred on behalf of third parties. The low participation of the public in providing initial information is not only a matter of legal awareness, but also the absence of incentives or protection for *whistleblowers* who know the existence of hidden assets. Without a clear protection and reward mechanism, people tend to choose not to get involved in order to avoid social risks in the environment where the perpetrator lives. The reality of this sociocultural resistance is reflected factually in the handling of concrete cases by the Gorontalo High Prosecutor's Office, where the investigation team faced physical and psychological rejection from long-time residents and their families who were reluctant to vacate the houses that had been confiscated and included in the state auction list. The mystical obstacles in the form of the use of memory repelling talismen to the threat of sharp weapons in the form of machetes by the suspect's family represent a real clash between the formal rule of law and local cultural resistance, which demands a humanist-persuasive approach without negating juridical assertiveness. Multidimensional law enforcement through regulative, structural, and sociocultural strengthening is absolutely necessary so that the confiscation instrument is able to cut the economic roots of corruption crimes fairly and restore the integrity of the social order of society.[24] In Soekanto's theoretical framework, cultural factors show that the effectiveness

[22] Zolkaflil, Syed Mustapha Nazri, and Omar, "Asset Recovery Practices,"

[23] Zolkaflil, Syed Mustapha Nazri, and Omar, "Asset Recovery Practices,"

[24] *Results of Factual Observations and Minutes of the Implementation of Real Executions in the Special Crimes Division of the Gorontalo High Prosecutor's Office*, 2026.

of the law does not depend solely on formal legality, but on the extent to which the legal norms are in harmony with the values that live in society. This gap between the rule of law and local beliefs explains why the execution of asset confiscation, even if it is juridically legitimate, still faces real resistance on the ground: for some local communities, state authorities have not completely replaced the legitimacy of the socio-cultural authority they hold.

Comparison of Asset Recovery Systems in Different Countries

The five inhibiting factors described above law, law enforcement, facilities, society, and culture will be sharper in meaning when compared to the practices of other countries that face similar structural problems but take different institutional solutions. Malaysia has overcome the weaknesses in *the legal factors* that the Gorontalo High Prosecutor's Office has also experienced through the adoption of *a civil forfeiture mechanism* under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act. Rahman found that this mechanism allows the seizure of assets to proceed through a lawsuit against the object of the asset itself (*in rem*), independent of criminal proceedings against the perpetrators.[25] If analyzed through Soekanto's theory, Malaysia's move is basically a re-engineering of *legal factors* so that they no longer depend on the smooth running of *law enforcement factors* and *two-factor means factors* which are actually weak points in the Gorontalo High Prosecutor's Office. In other words, Malaysia is "jumping" over institutional barriers by redesigning its legal norms, while Indonesia is still relying on institutional strengthening to implement the same legal norms.

Singapore shows a different pattern: the country's successful asset recovery and corruption management stems not from a different legal design, but from the institutional independence of its law enforcement. The Corrupt Practices Investigation Bureau (CPIB) operates directly under the Prime Minister's office with investigative authority that is not constrained by cross-agency bureaucracy.[26] Analyzed through Soekanto's theory, this Singapore model strengthens *the law enforcement factor* and *the means factor* simultaneously by eliminating the coordination layer that is the main source of delays at the Gorontalo High Prosecutor's Office as reflected in the coordination obstacles with the OJK that have been described earlier.

At the multilateral level, the UNCAC (United Nations Convention Against Corruption) framework has normatively regulated cross-border asset recovery mechanisms, but Helfer, Rose, and Brewster found that UNCAC provides minimal technical and institutional support to facilitate real asset returns, so they propose the establishment of a more flexible transnational asset recovery mechanism.[27] This finding is analogous to the condition of the Gorontalo High Prosecutor's Office: both on a domestic and international scale, the recurring weakness is not in the existence of legal norms, but in the absence of an institutional infrastructure that bridges these norms with practices in the field.

Meanwhile, the FATF (Financial Action Task Force) recommendation emphasizes the importance of each country establishing a *centralised asset recovery centre* that bridges the work of investigators, prosecutors, and financial authorities. Zolkaflil, Syed Mustapha Nazri, and Omar found that the implementation of these recommendations in the Asia-Pacific region still varies greatly depending on the resources and institutional

[25] Rahman, "An Analysis of the Forfeiture Regime," 56.

[26] Jon S.T. Quah, "Singapore's Corrupt Practices Investigation Bureau: Four Suggestions for Enhancing Its Effectiveness," Asian Education and Development Studies 4, no. 1 (2015): 76–100.

[27] Helfer, Rose, and Brewster, "Flexible Institution Building," 575.

structure of each member state, and that few countries actually establish such a center.[28] The absence of a similar structure at the level of Indonesian regional prosecutors, including Gorontalo, is consistent with the pattern found by the FATF in the regional region in general, which reinforces that the obstacles to coordination *of the means factor* are not a uniquely local problem, but a structural challenge that other countries in the same region also face.

This cross-jurisdictional comparison reaffirms the novelty of this research: when mapped through the five Soekanto factors, Indonesia's weaknesses, especially in the Gorontalo High Prosecutor's Office, are consistently centered on *law enforcement factors* and *facilities/facilities factors*, not on *the legal factors* themselves. Malaysia overcomes this by redesigning legal norms (legal factor engineering), Singapore by strengthening institutional independence (law enforcement factor engineering), while the UNCAC and FATF at the international level have shown that similar problems occur even on a multilateral scale. This indicates that the solution for the Gorontalo High Prosecutor's Office should be directed at strengthening the institutional structure and cross-agency coordination, in line with the FATF's recommendations, rather than simply waiting for the passage of the Asset Forfeiture Law which focuses on legal factors.

CONCLUSION

Based on the results of the research, it can be concluded that the Gorontalo High Prosecutor's Office holds strong and absolute attribution authority in confiscating the assets of corruption suspects. This authority already has an adequate legal basis, but its implementation has not been able to optimize the recovery of state financial losses. This study found that the effectiveness of asset confiscation is still influenced by various normative, institutional, technical, and sociocultural obstacles so that *the asset recovery* process has not run optimally.

Theoretically, this study contributes to the development of Soerjono Soekanto's Law Enforcement Theory by showing that the effectiveness of asset confiscation is not only determined by the existence of legal norms, but also influenced by the quality of law enforcement officials, inter-institutional coordination, the availability of supporting facilities, and the legal culture of the community. These findings show that strengthening *asset recovery* requires an approach that is not only oriented towards the formation of regulations, but also on strengthening implementation and institutional synergy.

Based on the findings of the research, strategic steps are needed in the form of establishing regulations on *asset forfeiture*, strengthening coordination between the Prosecutor's Office, the Police, PPATK, OJK, and judicial institutions, increasing the capacity of investigators in asset tracking, and optimizing the use of information technology to increase the effectiveness of *asset recovery*. The next research is expected to develop studies on the tracking of digital assets and crypto assets across jurisdictions, the implementation of the new Criminal Procedure Code, and sociological criminological approaches in overcoming legal cultural barriers to asset confiscation.

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[28] Zolkaflil, Nazri, and Omar, "Asset Recovery Practices in Combating Money Laundering," 30.

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