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Abstract

The criminal acts of corruption in Indonesia are currently at a dangerous stage because they have penetrated the foundations of the nation's life. For this reason, eradicating corruption is a top priority in the criminal justice system. This can be seen in Article 25 of Law Number 31 of 1999 concerning amendments to Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, which regulates "investigations, prosecutions, and examinations at court hearings in Corruption Crime cases must take priority over other instances for quick resolution. The main issue that will be discussed in writing this thesis is how to prove the confiscation of objects of money laundering crimes originating from criminal acts of corruption based on statutory regulations and what is the role of the Corruption Eradication Commission (KPK) in confiscating objects or goods resulting from money laundering corruption. Therefore, the research aims to reveal the legal aspects of confiscating objects from money laundering corruption. This research uses a Statutory Approach, examining all statutory regulations related to the legal issue being handled. The conceptual approach departs from the views and doctrines that have developed in legal science. The birth of the independent Corruption Eradication Commission (KPK) in Indonesia has brought fresh air to society in dealing with criminal acts of corruption in Indonesia, both preventively and repressively.

Keywords: Confiscation of objects, proceeds of corruption, money laundering

1. Introduction

This research effort is based on the urgency of handling criminal acts of corruption, which, as Ilyas (2020) mentioned, has become a severe threat to the criminal justice system. The Indonesian legal context in handling corruption cases is also an essential basis for this research. Law Number 31 of 1999 and its amendments to Law Number 20 of 2001 concerning the Eradication of Corruption Crimes prioritize handling corruption cases (Membalik, 2022; Budhiyanti & Prihandoyo, 2014). Article 25 of the law emphasizes the importance of prioritizing the investigation, prosecution, and trial process in criminal acts of corruption to ensure speedy resolution (Irawan et al., 2022; Makapuas, 2019).

In the context of confiscation, the Criminal Procedure Code (KUHAP) regulates provisions regarding the confiscation process, emphasizing the need for permission from the Chairman of the District Court before confiscation is carried out (Hasibuan, 2021). This permission is important to avoid abuse of authority in confiscation actions (Budiarta et al., 2021). However, this permission can be waived in urgent situations, as Harahap (2018) explained.

The Criminal Procedure Code also provides clear guidelines regarding what objects can be confiscated in handling criminal acts of corruption. Article 39, paragraph (1) of the Criminal Procedure Code explains the types of objects that can be confiscated, including objects or bills suspected of being obtained from criminal acts of corruption or used in the commission of such criminal acts. However, in order to handle corruption cases and related money laundering crimes, special laws such as Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes and Law Number 19 of 2019 concerning the Corruption Eradication Commission (KPK) can influence the confiscation process.

Therefore, this research takes an approach to analyzing evidence in the confiscation of money laundering criminal acts originating from criminal acts of corruption under the existing statutory framework. Apart from that, the research also aims to analyze the role of the Corruption Eradication Commission (KPK) in confiscating objects or items resulting from corruption in the context of the crime of money laundering.

Hopefully, this research will provide a deeper understanding of the confiscation process in handling corruption cases and money laundering crimes, as well as the role of institutions such as the Corruption Eradication Commission in carrying out their duties in law enforcement. Thus, it is hoped that the results of this research can contribute to increasing the effectiveness of efforts to eradicate corruption in Indonesia.

2. Methods

In legal research, there are several approaches, but in this research, the approach used is:

a) Legislative Regulation Approach (Statute Approach):

Description: This approach focuses on legal analysis of existing laws and regulations, such as those relevant to the studied legal issue. Methodology: In this approach, researchers will examine and analyze all laws, rules, and regulations related to the legal issue being addressed. This involves drafting and examining legal texts and assessing how these laws are implemented in practical contexts. Objective: This approach aims to understand and detail the applicable legal framework, assess the relevance of the law in the context of the legal issue being researched, and identify laws and regulations that can potentially influence the resolution of the legal issue.

b) Conceptual Approach (Conceptual Approach):

Description: This approach aims to understand legal issues through the lens of legal concepts, views, and doctrines existing in legal science. Methodology: Researchers will explore relevant views, theories, and doctrines related to the research issue in legal science. It involves theoretical analysis and an in-depth understanding of the legal concepts underlying the legal issue. Purpose: This approach aims to gain a deeper understanding of legal issues, identify differences in views and diverse thinking, and build a strong conceptual understanding. A conceptual approach can help researchers formulate more in-depth and contextual legal arguments and interpretations.

Combining these two approaches allows legal researchers to approach legal issues with a more complete understanding, including regulatory legal and theoretical understanding. In this way, they can construct a comprehensive legal analysis that includes both practical and theoretical aspects in their research.

3. Results and Discussion

Evidence in the Confiscation of Money Laundering Crime Objects Originating from Corruption Crimes Evidence in Criminal Cases

Proof comes from the word "evidence" which in the "Big Indonesian Dictionary is defined as something that states the truth of an event or real information" (Central Language Dictionary, 2008). Proof is an action or deed to prove the truth of an event that has occurred. In the opinion of several legal experts, evidence includes the following:

- a) Subekti believes that proof is a process to convince the judge about the truth of the argument or arguments put forward in a dispute (Subekti, 2008).
- b) M. Yahya Harahap is of the opinion that evidence is provisions that contain outlines and guidelines regarding methods permitted by law to prove the guilt of the accused. Evidence is also a provision that regulates evidence permitted by law, which judges may use to prove the defendant's guilt (Harahap, 2018).

Based on the legal context, evidence is important to find the truth of a legal event. Legal events are events that have legal consequences. In criminal law, evidence is the core of criminal trials because material truth is sought in criminal law. However, proof in criminal cases begins at the investigation stage. Because to search for and find events that are suspected of being criminal acts in order to determine whether or not an investigation can be carried out, at this stage, proof has occurred, with the investigator's actions looking for evidence, the aim of which is to shed light on a criminal act and determine or find out who is the perpetrator or suspect.

An explanation of the meaning of proof and theory of proof in this research is *intended to* provide a general overview of what is meant by bookkeeping in the context of a criminal act, who can be burdened with proof in uncovering a criminal act, and how this evidence can be used as proof that a crime has occurred or not, who is the perpetrator or suspect and his relationship with the crown witness in proving a criminal act which will later be used as one of the considerations by the judge in making a legal and convincing decision.

Based on the formulation of Article 183, it can be seen that proof must be based on at least two valid pieces of evidence accompanied by the judge's confidence obtained from these pieces of evidence. There is no dominant one between these two elements. They are both interrelated. This means that the availability of a minimum of two pieces of evidence is not enough to convict the defendant. On the other hand, even though the judge is confident of the defendant's guilt, if a minimum of two pieces of evidence are unavailable, the judge cannot impose a crime against the defendant. In this case, a criminal sentence against a defendant must fulfill two absolute requirements: sufficient evidence and the judge's confidence.

Based on the explanation of Article 183 of the Criminal Procedure Code, it is stated that the Framers of the Law have made a choice that the most appropriate system of evidence in law enforcement in Indonesia is a harmful system of evidence according to law, for the sake of upholding justice, truth and legal certainty. This evidence system integrates the conviction-in-time system (an evidence system that relies only on the judge's belief) and the positive wettelijk stelsel system (positive evidence according to law).

Evidence in Confiscating Objects for Money Laundering Crimes Originating from Corruption Crimes

Extraordinary legal efforts in eradicating Corruption Crimes include the formation of a special commission to eradicate Corruption Crimes, the nature of which takes precedence and precedence over other criminal acts, also giving authority to the prosecutor's office to investigate Corruption Crime cases and the establishment of special courts that dealing with Corruption Crimes where the judges in the court are not only career judges in general courts but there are also ad hoc judges who are not career judges and also provide an unusual proof system where the burden of proof is not just on the Public Prosecutor but also lies with the defendant.

Confiscation in Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes is broader than the Criminal Procedure Code because the Corruption Law is a law that specifically regulates cases of criminal acts of corruption which involve investigations regarding confiscations carried out by special investigators, namely the Corruption Eradication Commission or others. commonly referred to as the Corruption Eradication Committee, is regulated in article 40 of Law Number 19 of 2019 concerning the Corruption Eradication Commission, and intangible objects and objects that do not belong to the defendant who have not been charged by the public prosecutor can confiscate. There is also a matter of proof in article 38 B paragraph 1 which is only limited to assets belonging to the defendant that have not been charged by the public prosecutor.

The formulation of criminal acts in Law Number 23 of 2010 concerning the Crime of Money Laundering is found in several articles as follows:

Article 2 states:

- 1) The proceeds of criminal acts are assets obtained from criminal acts
 - a. Corruption
 - b. Bribery
 - c. Narcotics
 - d. Psychotropics.
 - e. Labor smuggling.
 - f. Migrant smuggling
 - g. In the field of capital markets.
 - h. In the insurance sector.
 - i. Customs.
 - j. Excise.
 - k. Human trafficking
 - l. Illegal arms trade.
 - m. Terrorism
 - n. Kidnapping
 - o. Theft
 - p. Embezzlement
 - q. Fraud
 - r. Counterfeiting money
 - s. Gambling
 - t. Prostitution
 - u. In the field of taxation.
 - v. In the forestry sector.
 - w. In the environmental field
 - x. In the field of maritime affairs and fisheries, or
 - y. Other criminal acts which are punishable by imprisonment of 4 (four) years or more, which are committed in the territory of the Unitary State of the Republic of Indonesia or outside the territory of the Unitary State of the Republic of Indonesia and these criminal acts are also criminal acts according to Indonesian law
- 2) Assets that are known or reasonably suspected to be used and/or utilized directly or indirectly for the terrorist activities of a terrorist organization or individual terrorists are equated with the proceeds of criminal acts as intended in paragraph (1) letter.

Based on the author's research results, the evidentiary system in combining money laundering and corruption cases is independent and not generalized. This is based on Article 3 of the Criminal Procedure Code (KUHAP), which regulates which means that the trial must be carried out based on the law so that the evidence is Even based on the Law. The system of evidence in Corruption Crimes still adheres to a limited and balanced reversal system of the burden of proof as regulated in Article 37 paragraphs (1), (2), (3), (4) and (5). Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, regulates

- a) paragraph (1) The defendant has the right to prove that he has not committed a criminal act of corruption.
- b) Paragraph (2) If the defendant can prove that he has not committed a criminal act of corruption, then this information will be used to benefit him.
- c) Paragraph (3) The defendant is obliged to provide information regarding all his assets and the assets of his wife or husband, children and the assets of any person or corporation suspected of having a connection with the case in question.

- d) Paragraph (4) If the defendant cannot prove that his wealth is disproportionate to his income or the source of the increase in his wealth, then this information can be used to strengthen existing evidence that the defendant has committed a criminal act of corruption.
- e) Paragraph (5) In the circumstances referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), the public prosecutor is still obliged to prove his charges.

The Authority of PPATK and the Corruption Eradication Commission (KPK) in the Crime of Money Laundering

Authority of PPATK

PPATK is tasked with collecting, storing, assembling, analyzing, evaluating information obtained and disseminating it, creating guidelines regarding procedures for reporting suspicious financial transactions, and has the authority to request and receive reports from financial service providers, as well as requesting information regarding the progress of investigators or prosecutions of criminal acts. Money laundering:

While PPATK's authority is not carrying out the function of preventing and eradicating TPPU, PPATK has the authority to:

- a) Request and obtain data and information from government agencies and/or private institutions with the authority to manage data and information, including government agencies and/or private institutions that receive reports from certain professions.
- b) Establish guidelines for identifying suspicious financial transactions.
- c) Coordinate TPPU prevention efforts with related agencies; Provide recommendations to the government regarding efforts to prevent TPPU.
- d) Representing the government of the Republic of Indonesia in international organizations and forums related to the prevention and eradication of TPPU.
- e) Organizing anti-money laundering education and training programs And
- f) Organizing outreach on the prevention and eradication of TPPU.

Based on duties and authorities, there are main tasks that stand out with the eradication of money laundering crimes, namely detecting the occurrence of money laundering crimes and assisting law enforcement relating to money laundering and predicate crimes.

Duties and Authorities of the Corruption Eradication Commission (KPK)

As for the principles of the Corruption Eradication Commission in carrying out its duties and authority as regulated in Article 5 of Law Number 19 of 2019 concerning the Corruption Eradication Commission, the Corruption Eradication Commission is based on:

- a) Legal certainty.
- b) Openness.
- c) Accountability.
- d) Public interest
- e) Proportionality and
- f) Respect for human rights.

The duties of the Corruption Eradication Commission are regulated in Article 6 of Law Number 19 of 2019 concerning the Corruption Eradication Commission; the Corruption Eradication Commission is tasked with:

- a) preventive measures so that Corruption Crimes do not occur.
- b) coordination with agencies authorized to carry out the Eradication of Corruption Crimes and agencies tasked with public services.
- c) monitor the administration of state government.
- d) supervision of agencies authorized to carry out the Eradication of Corruption Crimes.
- e) inquiry, investigation, and prosecution of Corruption Crimes; And
- f) actions to implement the judge's determination and court decisions that have obtained permanent legal force.

Meanwhile, Article 7 of Law Number 19 of 2019 concerning the Corruption Eradication Commission in carrying out its duties and prevention as intended in Article 6 letter a, the Corruption Eradication Commission has the authority to:

- a) carry out registration and examination of state administrators' wealth reports.
- b) receive reports and determine gratuity status.
- c) organize anti-corruption education programs in each educational network.
- d) plan and implement a socialization program for the Eradication of Corruption Crimes.
- e) conducting anti-corruption campaigns among the public; And
- f) carry out bilateral or multilateral cooperation in eradicating criminal acts of corruption.
- g) Article 8 of Law Number 19 of 2019 concerning the Corruption Eradication Commission in carrying out coordinating duties as intended in Article 6 letter b, the Corruption Eradication Commission has the authority to:
 - h) coordinating inquiries, investigations, and prosecutions in the Eradication of Corruption Crimes.
 - i) establish a reporting system for Corruption Eradication Activities.
 - j) request information about Corruption Eradication activities from the relevant agencies.
 - k) carry out hearings or meetings with authorized agencies in eradicating corruption crimes;
 - l) request a report to the competent authority regarding prevention efforts so that Corruption Crimes do not occur.

Article 9 of Law Number 19 of 2019 concerning the Corruption Eradication Commission in carrying out monitoring duties as intended in Article 6 letter c, the Corruption Eradication Commission has the authority to:

- a) carry out a review of the administrative management system in all state institutions and government institutions.
- b) provide advice to the heads of state institutions and government institutions to make changes if, based on the results of the study, the administrative management system has the potential to cause Corruption Crimes; And
- c) report to the President of the Republic of Indonesia, the Representative Council of the Rakyat of the Republic of Indonesia, and the Financial Audit Agency if the Corruption Eradication Commission's suggestions regarding proposed changes are not implemented.

Article 10 of Law Number 19 of 2019 concerning the Corruption Eradication Commission. In carrying out its supervisory duties as referred to in Article 6 letter d, the Corruption Eradication Commission has the authority to conduct supervision, research, or review of agencies carrying out their duties and authorities relating to the Eradication of Corruption Crimes.

Article 10A Law Number 19 of 2019 concerning the Corruption Eradication Commission

- (1) In carrying out the authority as intended in Article 10, the Corruption Eradication Commission has the authority to take over the investigation and/or prosecution of perpetrators of Corruption Crimes which are being carried out by the police or prosecutor's office.
- (2) The takeover of investigation and/or prosecution as intended in paragraph (1), is carried out by the Corruption Eradication Commission for the following reasons:
 - a. Public reports regarding Corruption Crimes were not followed up.
 - b. the process of handling Corruption Crimes without any resolution or being delayed without justifiable reasons.
 - c. handling of Corruption Crimes aims to protect the real perpetrators of Corruption Crimes.
 - d. handling of Corruption Crimes contains elements of Corruption Crimes.

- e. obstacles to preventing Corruption Crimes due to interference from executive, judicial, or legislative power holders; or
- f. other circumstances which, according to the consideration of the police or prosecutor's office, make it difficult for the handling of criminal acts of corruption to be carried out correctly and responsibly.

Article 11 of Law Number 19 of 2019 concerning the Corruption Eradication

Commission

- (1) In carrying out the duties as intended in Article 6 letter e, the Corruption Eradication Commission has the authority to carry out inquiries, investigations and prosecutions of Corruption Crimes which:
 - a. involving law enforcement officials, State Administrators, and other people who are related to Corruption Crimes committed by law enforcement officials or State Administrators; and/or
 - b. involving state losses of at least IDR 1,000,000,000.00 (one billion rupiah).

Article 12 of Law Number 19 of 2019 concerning the Corruption Eradication

Commission:

- (1) In carrying out investigative and investigative duties as intended in Article 6 letter e, the Corruption Eradication Commission has the authority to conduct wiretapping.
- (2) In carrying out investigative duties as intended in paragraph (1), the Corruption Eradication Commission has the authority to:
 - a. Order the relevant agencies to prohibit someone from traveling abroad.
 - b. Ask the bank or other financial institution for information about the financial condition of the suspect or accused being questioned.
 - c. Order banks or other financial institutions to block accounts suspected of being proceeds of corruption belonging to suspects, defendants, or other related parties.
 - d. Order the suspect's leadership or superior to dismiss the suspect from his position temporarily.
 - e. Request data on the suspect's or defendant's wealth and tax data from the relevant agency.
 - f. Temporarily suspend financial transactions, trade transactions and other agreements or temporarily revoke permits, licenses and concessions carried out or owned by suspects or defendants who are suspected based on sufficient preliminary evidence to be related to the criminal act of corruption being investigated.
 - g. Request assistance from Indonesian Interpol or other country's law enforcement agencies to search, arrest and confiscate evidence abroad; And
 - h. Request assistance from the police or other relevant agencies to carry out arrests, detention, searches, and confiscations in ongoing Corruption Eradication cases in hand.

The role of the Corruption Eradication Commission (KPK) in confiscating objects or goods resulting from corruption in the crime of money laundering.

The existence of the provisions of Article 6 of the Criminal Procedure Code determines the existence of investigators other than the police. *However, even* though it is specifically regulated in this Law, the police *can still investigate* these cases. *This* is also the basis for the Corruption Eradication Commission (KPK) to carry out investigations into Money Laundering Crimes in Corruption Crime cases based on Law Number 19 of 2019 concerning the Corruption Eradication Commission (KPK) as regulated in Article 6 letter c where the KPK is given authority to carry out investigations and prosecutions of Corruption Crime cases.

However, the efforts of the Corruption Eradication Commission (KPK) to investigate the crime of money laundering by combining the crime of corruption with the crime of money laundering are considered to violate the basic principle of law, namely legal certainty, because

the crime of money laundering is not within the authority of the Corruption Eradication Committee, both in terms of investigation and prosecution. Apart from that, Law Number 8 of 2010 concerning the Eradication of the Crime of Money Laundering does not explicitly state who will investigate *the Crime of Laundering cases*. Thus, referring to Article 6 of the Criminal Procedure Code, Money Laundering Crime Investigators are police officers of the Republic of Indonesia.

However, in reality, Corruption Eradication Commission (KPK) investigators often combine Corruption Crime cases with Money Laundering Crimes even though Law No. 39 of 20019 concerning the Corruption Eradication Commission and Law No. 8 of 2010 concerning Money Laundering Crimes do not mention authority at all. investigate the crime of money laundering. The basis taken by the Corruption Eradication Commission (KPK) in investigating money laundering cases is Law Number 46 of 2009 concerning the Corruption Crime Court in the authority section of Article 6 which regulates the authority of the Corruption Crime Court, namely examining, adjudicating and deciding criminal cases. Corruption, Money Laundering Crimes, and other Crimes expressly defined in other laws as Corruption Crimes.

Based on these provisions, the Corruption Court has more authority, namely examining, adjudicating, and deciding money laundering cases where the crime originates from the crime of corruption. *Corruption Eradication Commission investigators rely on the authority of the Corruption Court to conduct investigations into money laundering*. The juridical ratio used by the Corruption Eradication Commission (KPK) is the authority of the Corruption Court in adjudicating, examining, and deciding criminal cases.

The Corruption Eradication Commission also has the authority to investigate money laundering cases. Because a Corruption Court cannot examine, try, let alone decide a case without an investigator's investigation first. Apart from that, the perpetrators of Corruption Crimes in carrying out Corruption Crimes are often accompanied by Money Laundering Crimes because often the perpetrators tend to commit Money Laundering Crimes. After all, the profits obtained tend to be significant. Crime perpetrators disguise their assets obtained from crime so the perpetrator is not suspected.

However, the problem is what if the crime of money laundering is carried out by the same perpetrator as the crime of corruption, and the predicate crime of the crime of money laundering is unknown. Does the authority remain with the KPK investigators or is it no longer the authority of the KPK? Based on the grammatical interpretation of the words of Law Number 46 of 2009 concerning Corruption Crime Courts in Article 6 letter b, the presence of the words "predicate criminal acts" means that the meaning of these words tends to limit the authority of both investigators of the Corruption Eradication Commission (KPK) and *the* authority of the Corruption Crime Court. *This* explains that the authority of the Corruption Crime Court only applies to the Crime of Money Laundering, the crime of which originates from the Crime of Corruption.

However, the presence of Law No. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering provides a bright spot regarding the efforts of the Corruption Eradication Commission (KPK) in combining Corruption Crime cases with Money Laundering Crimes, namely the authority of the Corruption Eradication Commission to investigate Money Laundering Crimes in regulated in Articles 74 and 75 which regulate:

"Investigations into criminal acts of money laundering are carried out by predicate criminal investigators *per* the provisions of the procedural law and the provisions of statutory regulations unless otherwise determined according to this Law."

The purpose of this article is to give authority to Corruption Eradication Commission (KPK) investigators in investigating money laundering cases, and this is also clarified in the following article in Article 75, which regulates:

"If the investigator finds sufficient preliminary evidence of the occurrence of a crime of money laundering and a predicate crime, the investigator combines the investigation of the predicate crime with the investigation of the crime of money laundering and notifies it to the PPATK"

As for the crime of money laundering, the aim is to eradicate criminal acts in general, including criminal acts of corruption, so it is best to be based on the 5 main tasks of the Corruption Eradication Committee as regulated in Law Number 19 of 2019 concerning the Corruption Eradication Committee in carrying out coordination duties as intended in Article 6 letter b, Commission Corruption Eradication authorities:

- a) Coordinate inquiries, investigations and prosecutions in the Eradication of Corruption Crimes.
- b) Establish a reporting system in Corruption Eradication Activities.
- c) Request information about Corruption Eradication activities from the relevant agencies.
- d) Carrying out hearings or meetings with authorized agencies in eradicating corruption crimes; And
- e) Request a report to the competent authority regarding prevention efforts so that Corruption Crimes do not occur.

Based on the information provided by the author above, the author takes his own opinion regarding the authority of the Corruption Eradication Committee (KPK) to participate in investigating and prosecuting the merger of Corruption Crime cases with Money Laundering Crimes. Based on the juridical basis since the presence of Law No. 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes, the Corruption Eradication Commission (KPK) has the authority to investigate money laundering crimes, but in terms of Prosecution, the Corruption Eradication Commission (KPK) does not have the authority to carry out prosecutions, this is the author's opinion based on Article 3 of the Criminal Procedure Code, namely "trials are carried out in the manner regulated in this Law" while the Corruption Eradication Commission (KPK) is not given the power either from its own law, the money laundering criminal law Number 8 of 2010 to prosecute money laundering criminal cases .

Regarding the confiscation of assets by the Corruption Eradication Commission (KPK), it must be seen from the KUHAP regulations; *Article* 1 point 16 of the KUHAP explains: Confiscation is a series of actions by investigators to take over and/or keep under their control movable or immovable, tangible or intangible objects for the benefit of *evidence* in investigations, prosecutions and trials". From the explanation of this article, we can generally understand that the purpose of the Corruption Eradication Commission (KPK) in *confiscating* is to prove that a criminal act has occurred, and the defendant is the one who committed it and must be held accountable for it.

Concerning the proceeds of corruption or money laundering, the purpose of confiscation is to safeguard the assets resulting from the crime so that they are not lost or destroyed or their rights transferred by the defendant to another party. The confiscation of items suspected to be the result of corruption or the crime of money laundering (TPPU) by the Corruption Eradication Commission (KPK) was carried out as a result of previous inquiries and investigations. This is done with the intention that the court can request that *the State confiscate the confiscated goods if the defendant is guilty or proven to be the proceeds of criminal corruption*. An auction will be held where the proceeds from the confiscated goods will be put into the State treasury.

This confiscation cannot be carried out haphazardly. Only objects related to criminal acts can be confiscated *under* the provisions of Article 39, paragraph (1) of the Criminal Procedure Code:

What may be subject to confiscation are:

- a) Objects or bills of the suspect or defendant which in whole or in part are suspected to have been obtained from a criminal act or as proceeds from a criminal act.
- b) Objects that have been used directly to commit a criminal act or to prepare it.
- c) Objects used to obstruct criminal investigations.
- d) Objects specifically made or intended to commit criminal acts.
- e) Other objects that directly connect with the crime committed are carried out without related signs.

Suppose the suspect deems the items confiscated by the Corruption Eradication Commission (KPK) to be utterly unrelated to the criminal act he is suspected of or accused of. In that case, the suspect can submit pre-trial measures as regulated in Articles 77 to 83 of the Criminal Procedure Code. After the Court examines the principal case, declaring the Defendant guilty, the Panel of Judges can also assess whether the items confiscated by the Corruption Eradication Committee result from the criminal act of corruption indicted.

If the Panel of Judges is sure and considers this to be the case, then the goods confiscated can be declared confiscated by the State. However, *suppose the Panel of Judges thinks that the confiscated items are unrelated to the criminal offense charged. In that case,* the Panel of Judges can order the confiscated items to be returned to the Defendant or the person entitled to them.

4. Conclusion

Evidence in confiscating money laundering criminal objects originating from criminal acts of corruption. Evidence in combining cases between criminal acts of corruption and money laundering is independent. It cannot be equated even though the system of proof for both criminal acts is the same, namely the system of reversing the burden of proof but is classified differently according to the law. Laws where in Corruption Crimes, apart from the defendant proving, the Public Prosecutor also has the same obligation, whereas Money Laundering Crimes follow a system of absolute reversal of the burden of proof, that is, the burden of proof is on the defendant. However, proving that the assets presented before the trial belong to the defendant remains with the Public Prosecutor. Meanwhile, confiscation in Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes is broader than the Criminal Procedure Code because the Corruption Law is a law that specifically regulates criminal acts of corruption involving investigations regarding confiscations carried out by special investigators, namely the Corruption Eradication Commission or others. Commonly referred to as the Corruption Eradication Committee, is regulated in article 40 of Law Number 19 of 20019 concerning the Corruption Eradication Commission and can confiscate intangible objects and objects that do not belong to the defendant who has not been charged by the public prosecutor

For law enforcement officials, as a contribution to thinking in their law enforcement efforts, especially in enforcing money laundering criminal cases, it would be better to include or be accompanied by corruption crimes so that they are more efficient and effective in confiscating objects for money laundering crimes, in which case This criminal act of corruption is a predicate crime so that the two criminal acts are proven together.

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