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Asset Forfeiture and The Management of Seized and Confiscated Property as an Effort Toward Asset Recovery in Indonesia and Thailand

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Abstract: Asset forfeiture/confiscation constitutes a key instrument in the enforcement of economic crimes, corruption, and money laundering offenses. This research compares the legal framework, the institutional functions, the mechanisms of implementation, as well as the strengths and weaknesses of asset forfeiture practices in Indonesia and Thailand. The methodology applied is normative juridical combined with a comparative approach, primarily through the examination of statutory regulations. The findings reveal that Thailand adopts a combination of criminal and non-conviction-based (NCB) mechanisms, primarily under the Anti-Money Laundering Act, with institutions such as the Anti-Money Laundering Office (AMLO) and the National Anti-Corruption Commission (NACC) playing an active role. In contrast, Indonesia currently emphasizes conviction-based mechanisms, with asset management divided among several state agencies. Nevertheless, ongoing reform efforts are underway, including the legislative debate on the Draft Bill on Asset Forfeiture, which seeks to introduce a more comprehensive framework for asset seizure and management. The recommendations advanced include juridical harmonization, strengthening institutional capacity for asset management, enhancing inter-agency cooperation mechanisms, and promoting transparency in asset auctions and restitution.

Keyword: Asset Forfeiture, Asset Management Authority, Asset Recovery

INTRODUCTION

In contemporary penal policy, punishment is no longer viewed solely through the lens of deterrence by means of imprisonment or custodial sentences. Rather, the emphasis has shifted toward the utility of sanctions for the offender, the victim, and the State. Within this framework, asset forfeiture has emerged as an essential instrument in combating corruption and other offenses. It not only subjects the perpetrator to imprisonment but also allows for the seizure and confiscation of assets in order to restore losses suffered by the State or victims.

Moreover, the Indonesian Anti-Corruption Law increasingly recognizes wealth and property as objects that may be subject to civil claims and subsequently confiscated where proven to constitute the proceeds of corruption. Asset forfeiture, when viewed against the actual harm caused by corruption offenses, necessitates extraordinary measures in terms of prevention and eradication efforts.

The Government, through statutory regulations, has undertaken various initiatives and breakthroughs to recover assets derived from crime by strengthening law enforcement institutions tasked with both prevention and prosecution of offenses that cause losses. These efforts include the forfeiture of criminal proceeds as well as the management of confiscated assets through authorized institutions, with the objective of ensuring that such assets may be returned to compensate for the losses incurred.

In criminal procedure law, the respective authorities of law enforcement agencies and the interrelation of their functions have in fact been regulated, enabling them to operate in accordance with the prevailing system known as the Integrated Criminal Justice System. This system comprises the Police, the Public Prosecutor's Office, the Courts, and Correctional Institutions. The National Police and the Directorate General of Corrections have established a Joint Operational Guideline for Cooperation between the Ministry of Law and Human Rights and the Indonesian National Police, namely Decree No. PAS-05.HM.05.02 of 2016 and No. B/11/II/2016, concerning cooperation in the execution of correctional duties and functions. However, the function of *Rupbasan* (the State Storage House for Confiscated and Seized Goods) has not yet been effectively implemented (Donald, 2020). The issue of *Rupbasan* has surfaced particularly when the State was confronted with the problem of criminal assets seized by investigators that could not be optimally utilized to generate state revenue as mandated under Law No. 17 of 2003 on State Finance. On the contrary, such assets have instead become a financial burden for the Government due to the costs of their maintenance. This includes seized assets that remain unsold at auction yet continue to be stored in *Rupbasan*. Due to limited maintenance budgets, such assets are left unmanaged, resulting in the deterioration of Seized Property (*Basan*) and Confiscated Property (*Baran*), thereby providing no benefit whatsoever.

The authority of *Rupbasan* in managing seized property has to a large extent been taken over by other law enforcement agencies and institutions vested with seizure powers, such as the National Police, the Public Prosecutor's Office, the Corruption Eradication Commission (KPK), the National Narcotics Board (BNN), the Ministry of Marine Affairs and Fisheries, the Ministry of Forestry, the Directorate General of Customs and Excise, and others (Donald, 2020). Seized property is often retained on the grounds of its necessity for investigation purposes and due to the limited storage capacity of *Rupbasan*. Under the Regulation of the Attorney General No. PER-006/A/JA/07/2017 on the Organization and Administration of the Public Prosecutor's Office, Chapter XIV establishes the Asset Recovery Center, which includes, among others, the Division of Seized Property and State-Confiscated Assets (Article 754). This Division comprises the Subdivision of Seized Property and the Subdivision of State-Confiscated Assets, tasked with administering seized and confiscated property. In practice, this Division is responsible for the storage of seized property within the Prosecutor's Office. The Attorney General's Office of the Republic of Indonesia faces significant challenges in the management and storage of seized and confiscated state property. Limited storage facilities, such as the State Storage House for Confiscated and Seized Goods (*Rupbasan*), have led to an accumulation of assets that are not optimally managed. Consequently, the value of seized property deteriorates due to inadequate maintenance (Donald, 2020).

The storage of seized property across various institutions without external oversight creates the potential for abuse of power, which may result in losses to state finances, such as the disappearance of seized or confiscated assets. This situation arises because no independent institution is assigned responsibility for implementing mechanisms of verification of storage records and for exercising supervisory control over such assets (Donald, 2020). The placement and management of seized and confiscated property are of critical importance, as they relate to the fundamental rights of citizens to protection against arbitrary treatment of assets once seized. Without adequate oversight, seized property may be handled arbitrarily, leading to the depreciation of its value. Similarly, confiscated assets, which constitute the proceeds of crime, are intended to be forfeited in order to compensate for losses suffered by the State. However, if such assets are not properly maintained, their value inevitably diminishes, thereby undermining the objective of maximizing recovery for the State. Issues concerning asset forfeiture and management have become one of the key benchmarks in the legislative debate on the Draft Bill on Asset Recovery, which also addresses the future disposition of seized and confiscated assets to ensure restitution of losses to both the State and victims. One of the obstacles to the enactment of this Draft Bill is the absence of consensus regarding which institution should be designated as the primary asset management authority.

The question remains whether a new specialized agency should be established, or whether existing institutions should be further empowered. At present, three institutions exercise authority over seized and confiscated property, each under its own regulatory framework: the Ministry of Law and Human Rights, which oversees *Rupbasan* (State Storage Houses for Confiscated and Seized Goods); the Ministry of Finance, through the Directorate General of State Assets; and the Attorney General's Office, through the Asset Recovery Center. The critical question is which of these institutions can most effectively serve as the central asset management authority. In analyzing this problem, the author will also examine the system of asset forfeiture and management in Thailand as a comparative framework for the discussion.

METHOD

The type of research employed in this study is normative juridical legal research. Accordingly, the author will examine sources of legal materials consisting of primary, secondary, and tertiary materials. As noted by Soerjono Soekanto, secondary data include, among others, official documents, books, institutional research reports, diaries, and similar sources (Soekanto, 2005: 32). Maria S.W. Sumarjono states that in normative legal research employing secondary data, the research is generally descriptive or descriptive–exploratory in nature, with the analysis being qualitative (Soemardjono, 2001). Hadin Muhjad and Nunuk Nuswardani state that "normative legal research is research that examines legal issues from the perspective of legal science through an in-depth analysis of the legal norms that have been established (Muhjadi, et al, 2012: 9). Thus, this study constitutes normative legal research employing a comparative law perspective. Comparative jurisprudence is defined as the study of the principles of legal science through the comparison of various legal systems. The research activity is carried out through juridical methods and further supported by comparative legal study, namely a comparison between Indonesia and Thailand with reference to the implementation of Non-Conviction-Based Forfeiture (NCBF) and the management of confiscated assets (Hussein, 2006).

RESULT AND DISCUSSION

This section contains the data (in summarised form), data analysis and interpretation of the results. Results can be presented with tables or graphs to clarify verbal results, because sometimes the display of an illustration is more complete and informative than the display in the form of a narrative.

A. Asset Forfeiture as an Instrument of Asset Recovery

Experiences from Indonesia and other countries demonstrate that uncovering criminal acts, identifying the perpetrators, and imposing imprisonment have proven insufficient to effectively reduce crime rates if not accompanied by measures to seize and confiscate the proceeds and instrumentalities of crime. Allowing offenders to retain control over criminal proceeds and instrumentalities creates opportunities for them, or associates connected to them, to continue enjoying the benefits of crime, to reutilize the instrumentalities, or even to expand upon the criminal conduct previously undertaken.Moreover, the nature of crime has evolved with the emergence of organized crime. Such crimes not only involve groups of individuals possessing specialized skills in committing offenses, but are also supported by a wide range of criminal instrumentalities, enabling them to accumulate proceeds of crime in exceptionally large amounts (BPHN, 2025). Efforts to dismantle such forms of crime will only be effective if the perpetrators are identified and punished, and if the proceeds and instrumentalities of crime are seized and confiscated by the State.

Under the United Nations Convention against Corruption (UNCAC) 2003, asset forfeiture of corruption offenders may be carried out through both criminal and civil proceedings. The process of asset forfeiture through criminal proceedings involves four stages. First, asset tracing, which aims to identify ownership, collect evidence, and determine the location of assets connected to the offense committed. Second, the freezing or seizure of assets in accordance with Chapter I, Article 2(f) of UNCAC 2003, which prohibits the temporary transfer, conversion, disposition, or movement of assets, and imposes interim obligations for their management, maintenance, and supervision pursuant to a court order or an order issued by another competent authority. Building on the framework of UNCAC as an international instrument in the fight against corruption, an offense that is increasingly multidimensional and complex,

UNCAC provides a foundational reference in Article 54(1)(c), which obliges all State Parties to consider the confiscation of proceeds of crime without requiring a criminal conviction. In this regard, UNCAC does not adhere to any single legal tradition, nor does it suggest that fundamental differences between systems should obstruct its implementation. Instead, UNCAC advances the concept of non-conviction-based asset forfeiture as a tool that all jurisdictions may adopt in combating corruption, serving as an instrument that transcends systemic differences.Following its ratification by State Parties, the United Nations, as the sponsoring body, has continued its efforts through the development of guidelines, standards, and model treaties containing more specific substantive provisions. These instruments are intended to strengthen global efforts to combat corruption and to facilitate recovery from the adverse impacts caused by such offenses (Webb, 2010).

As a matter of international principle, as elaborated in the StAR (Stolen Asset Recovery) guidelines, asset forfeiture is generally categorized into two types: in rem forfeiture and criminal forfeiture. Both share the same objective, namely the confiscation by the state of the proceeds and instrumentalities of crime. They also share two essential features. First, those who engage in unlawful conduct should not be permitted to benefit from their crimes. The proceeds of crime must be confiscated and allocated for the purpose of compensating victims, whether the victims are individuals or the state. Second, forfeiture serves as a deterrent measure against potential offenders. It ensures that illicit assets cannot be reused for further criminal purposes and simultaneously operates as a preventive mechanism to reduce future criminal activity (Greenberg, 2009).

With regard to in rem forfeiture in particular, the United Nations Convention against Corruption (UNCAC) provides a legal basis for states to engage in international cooperation in addressing criminal and financial misconduct, as well as the use of technology, within the broader framework of asset recovery in corruption cases. This provision is articulated in Article 54 (1) (c) of UNCAC, which states: *"Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases."* Article 54 (1) (c) UNCAC thus serves as the legal foundation for the application of in rem forfeiture by states in the context of international cooperation for asset recovery. In rem asset forfeiture is triggered by criminal conduct. In this regard, there may be cases in which criminal investigations and prosecutions conflict with, or run in parallel to, in rem asset forfeiture proceedings. Most of these situations can be anticipated, and legislation should provide mechanisms for resolution once the jurisdiction has determined the point at which in rem proceedings may be permitted to continue. The jurisdiction must decide whether in rem proceedings will only be allowed where criminal forfeiture proceedings are not feasible, or whether in rem forfeiture and criminal prosecution may proceed simultaneously (Romantz, 1994).

B. In Rem Proceedings Against Assets

Non-Conviction Based Asset Forfeiture (NCBA) is an essential tool in asset recovery. In several jurisdictions, NCBA is also referred to as *civil forfeiture*, *in rem forfeiture*, or *objective forfeiture*. It constitutes an action directed against the property itself (e.g., *State vs. $100,000*), rather than against an individual (*in personam*). NCBA is distinct from criminal proceedings and requires proof that the property in question is "tainted" by criminal conduct. Generally, the standard of proof applied is the balance of probabilities. This lower evidentiary threshold facilitates the action by state authorities, meaning that forfeiture may be ordered where sufficient evidence exists to establish the criminal taint of the property, even in the absence of a criminal conviction.Since the action is directed against the property and not the accused individual, the property owner—often considered a third party, retains the right to contest and defend the property against forfeiture proceedings (Theodore, 2021).

Non-Conviction Based Asset Forfeiture (NCBA) refers to the seizure and confiscation of assets through an *in rem* action, namely a claim directed against the property itself. The concept of *civil forfeiture* is rooted in the "taint doctrine," under which the commission of a crime is deemed to "taint" an asset, either because it was used in the commission of the offense or because it constitutes the proceeds of that offense. Although NCBA shares the same ultimate objective as criminal forfeiture, namely, the deprivation of criminals of assets derived from or used in unlawful activities, it differs procedurally. Criminal forfeiture is pursued through an *in personam* action, i.e., a claim directed against the individual offender, whereas NCBA operates independently of a criminal conviction and targets the property itself. NCB Asset Forfeiture constitutes an in rem action, that is, a proceeding directed against the property itself, whereas criminal forfeiture constitutes an in personam action, directed against the individual offender. This distinction necessarily gives rise to differences in evidentiary standards and procedures before the court.

In criminal forfeiture, the public prosecutor must establish the essential elements of a criminal offense, such as the personal culpability and mens rea of the defendant, before assets may be confiscated from that defendant. Because it is criminal in nature, criminal forfeiture also requires the prosecution to meet the standard of proof beyond a reasonable doubt. By contrast, given its civil nature, non-conviction-based forfeiture (NCB) does not require the prosecuting authority to prove the elements of the offense or the personal culpability of the individual who committed the crime. The prosecutor is only required to demonstrate the existence of probable cause, namely a reasonable belief or suspicion that the contested asset is connected to a criminal offense. In this context, the prosecutor is only required to prove, under the preponderance of the evidence standard (a formal evidentiary threshold), that a criminal offense has occurred and that a given asset was generated by, used in, or otherwise connected to that offense. The owner of the asset must then demonstrate, applying the same evidentiary standard, that the contested asset is not the proceeds of crime, nor was it used in or related to the alleged offense. Although the procedure is civil in nature, Non-Conviction Based Forfeiture operates under a slightly distinct regime in which the owner of the targeted asset is not treated as a direct party to the case, but rather as a third party to the proceedings (Tantimin, 2023).

Based on the foregoing explanation, it is evident that Non-Conviction Based Asset Forfeiture (NCB) can serve as a highly effective tool for seizing and recovering assets from corrupt actors in Indonesia. At least several advantages of NCB may assist law enforcement authorities in the process of asset recovery. *First,* NCB is not directly tied to a criminal conviction, thereby allowing the State to petition for forfeiture before the court at a much earlier stage compared to criminal forfeiture. Unlike criminal forfeiture, which requires the existence of a suspect or a conviction, NCB proceedings may be initiated as soon as the government establishes a reasonable basis to suspect a nexus between a given asset and criminal activity. In the Indonesian context, such speed is essential to the process of stolen asset recovery, since corrupt officials often move assets abroad to hinder domestic authorities once there is any indication of impending investigation.

Second, NCB proceedings apply a civil evidentiary standard. This facilitates asset recovery efforts in Indonesia, as the civil standard of proof is comparatively lighter than the criminal standard of beyond a reasonable doubt. Moreover, NCB incorporates elements of a reverse burden of proof, thereby easing the government's obligation in establishing its case. *Third,* NCB is an in rem proceeding directed against the asset itself. This means the process concerns only the property suspected of being derived from, used in, or connected with a criminal offense. The status of the offender is immaterial. Thus, the escape, disappearance, or even death of a corrupt actor—or even their acquittal—does not obstruct the forfeiture process. Proceedings may continue independently of the suspect's legal fate. Considering the frequent occurrence of defendants absconding, feigning illness, or otherwise delaying criminal corruption trials in Indonesia, NCB provides a strategic alternative to secure asset recovery.

Fourth, NCB is particularly useful in cases where criminal prosecution faces insurmountable obstacles or is otherwise infeasible. In corruption eradication efforts, the government often encounters individuals who are politically well-connected, making criminal prosecution costly or impractical. NCB mitigates such difficulties by targeting the assets themselves, thereby reducing the political and social costs typically associated with criminal proceedings. Furthermore, NCB proves beneficial where assets are demonstrably linked to criminal activity but the identity of their owner or the perpetrator remains unknown.

NCB proves particularly useful in such circumstances, since the legal action is directed against the asset itself rather than its owner. Under a criminal forfeiture regime, res nullius (ownerless property) would be difficult to seize, as criminal confiscation is generally tied to the prosecution of an identified offender. By contrast, in NCB proceedings, if no third party raises objections within a specified period following the seizure, the State may directly confiscate such unclaimed assets. Beyond corruption offenses, as previously discussed, economically motivated crimes that were once conventional in nature—such as theft, fraud, and embezzlement—have evolved into increasingly complex forms.

These crimes are now often committed by educated offenders and frequently manifest in a transnational dimension. Such offenses not only generate substantial illicit wealth but also require significant financial resources to procure equipment, facilities, and infrastructure to facilitate their commission. The resulting complexity renders the prosecution and adjudication of such crimes more challenging for law enforcement authorities. In this regard, in rem asset forfeiture is expected to extend to a broader range of economically motivated crimes. Nevertheless, in practice, NCB has thus far been applied predominantly in cases of corruption and money laundering.

C. Asset Forfeiture and Asset Management in Indonesia and Thailand

In its implementation, UNCAC mandates the United Nations to develop guidelines to facilitate the recovery of assets derived from corruption. Among these is the Stolen Asset Recovery (StAR) Initiative, which provides guidance on the establishment and operation of asset management institutions. This framework emphasizes not only the confiscation of assets but also the crucial issue of post-confiscation management, ensuring that seized and forfeited assets are utilized in a manner that maximizes their value for restitution and the recovery of losses.

Although Indonesia ratified the UNCAC 2003 through Law No. 7 of 2006 on the Ratification of the United Nations Convention Against Corruption, 2003, promulgated on 18 April 2006, its prevailing mechanism remains in personam or criminal forfeiture. The adoption of Non-Conviction Based Asset Forfeiture (NCBAF) as envisaged under UNCAC 2003 has yet to be fully implemented and remains at the stage of the Draft Law on Asset Forfeiture (Rancangan Undang-Undang Perampasan Aset – RUU PA). The draft legislation addresses, inter alia, the establishment of an Asset Management Agency, procedures for asset administration, and funding mechanisms. As a State Party to the UNCAC, Indonesia has yet to establish a comprehensive regulatory framework governing the scheme of non-conviction based asset forfeiture (NCBAF). Law No. 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law No. 20 of 2001, is deemed insufficiently effective as a legal instrument to facilitate the recovery of state losses, whether through criminal forfeiture or civil asset forfeiture proceedings (Tantimin, 2023).

Out of 187 State Parties to the UNCAC, 140 countries, including Indonesia and Thailand, have signed the Convention. One Southeast Asian country that has implemented this mechanism is Thailand. The legal basis for the implementation of NCBAF in Thailand is the Anti-Money Laundering Act B.E. 2542 (1999). This statute provides the foundation for the Government of Thailand, inter alia, to establish the Anti-Money Laundering Office (AMLO) and the Anti-Money Laundering Fund (AMLF), in addition to the existence of the specialized National Anti-Corruption Commission (NACC) for corruption-related cases. By contrast, Indonesia remains in the process of drafting the Asset Forfeiture Bill (Rancangan Undang-Undang Perampasan Aset). In Thailand, the authority to implement NCBAF is vested in the Anti-Money Laundering Office (AMLO), an institution that had been established prior to the adoption of UNCAC.

AMLO is responsible for investigating money laundering cases and for applying NCBAF in specific instances. It possesses broad powers to identify, trace, locate, freeze, and seize illicit proceeds connected to money laundering offenses. AMLO also functions as Thailand's Financial Intelligence Unit (FIU). In addition, AMLO bears responsibility for the management of confiscated assets, a function carried out centrally through its Asset Management Division. This centralized arrangement has resulted in more efficient and optimal asset management, thereby generating significant asset recovery for AMLO. For greater clarity, the following table outlines the institutional framework for asset confiscation and asset management in Indonesia and Thailand:

Table 1. Comparison of Asset Confiscation and Asset Management Institutions in Indonesia and Thailand

Aspect	Indonesia	Thailand
Type of Institution	Multi-institutional (National Police, Attorney General's Office, Corruption Eradication Commission/KPK, Financial Transaction Reports and Analysis Center/PPATK, State Confiscated Objects Storage House/Rupbasan, Directorate General of State Assets/DJKN)	Single main institution (Anti-Money Laundering Office/AMLO), supplemented by the National Anti-Corruption Commission (NACC)
Primary Legal Basis	Criminal Procedure Code (KUHAP), Law on the Attorney General's Office, Law on the Corruption Eradication Commission (KPK Law), Law on the Eradication of Corruption Crimes (Tipikor Law)	Anti-Money Laundering Act B.E. 2542 (1999), Organic Act on Anti-Corruption
Asset Management	Fragmented: DJKN and Rupbasan (storage and auction), KPK and Attorney General's Office (management, auction, and preservation)	Centralized: AMLO (direct authority over asset management and auction)

1. Asset Management in Indonesia

The regulatory framework governing the management of confiscated assets in Indonesia is primarily based on Article 273 paragraph (3) of the Criminal Procedure Code (KUHAP). This provision is further elaborated under Chapter IX of Government Regulation No. 27 of 1983 on the Implementation of KUHAP. In addition, several ministerial and institutional regulations supplement the framework, such as the Circular of the Attorney General No. SE-03/B/8.5/8/1988 on the Settlement of Confiscated Goods. Other relevant regulations include Government Regulation No. 27 of 2014 on the Management of State/Regional Property, as amended by Government Regulation No. 28 of 2020, the Attorney General's Regulation No. 7 of 2020 (Second Amendment to Attorney General's Regulation No. Per-027/A/JA/10/2014 on Guidelines for Asset Recovery), and the Minister of Finance Regulation No. 145/PMK.06/2021 on the Management of State Property Originating from Confiscated Assets and Gratification Items.

In practice, the process of asset confiscation and subsequent management in Indonesia follows a criminal forfeiture model. It begins with the seizure of assets by law enforcement authorities (the Corruption Eradication Commission/KPK, the Attorney General's Office, and the National Police), followed by a court ruling determining whether such assets are to be confiscated for the state. Confiscation is thus executed only after a final and binding judgment is rendered. Once the confiscation order is issued, the execution and management of assets fall under the responsibility of designated institutions, including the Attorney General's Office, the Ministry of Finance (through the Directorate General of State Assets/DJKN), the KPK, and the State Confiscated Objects Storage House (Rupbasan).

The management of confiscated assets takes different forms: storage is carried out by Rupbasan, which serves as the repository for seized and confiscated items; the Attorney General's Office and the KPK are authorized to manage assets under their jurisdiction; while DJKN under the Ministry of Finance oversees the storage, administration, and auction of confiscated state assets. This demonstrates that asset confiscation and management in Indonesia involve multiple institutions with overlapping mandates, resulting in a process that is often lengthy and complex.

Moreover, several challenges persist in Indonesia's asset confiscation and management regime. These include overcapacity in storage facilities for seized and confiscated goods, depreciation in asset value due to inadequate management practices, and the lengthy judicial process required to achieve final confiscation orders.

2. Asset Management Process in Thailand

The asset forfeiture and management process in Thailand is more centralized, covering all stages from initial investigation to execution of asset forfeiture. The Anti-Money Laundering Office (AMLO) conducts asset tracing whenever there is a strong indication that assets are derived from criminal activity, and temporary seizure can be carried out immediately. Assets may be frozen for up to 90 days under AMLO's authority. Subsequently, AMLO files a petition with the civil court, which determines whether the assets will be permanently forfeited or returned.

During the legal proceedings, AMLO is authorized and responsible for managing the assets. Once permanently forfeited, assets are managed by AMLO through inventory, valuation, storage, utilization, and auctioning. Assets may then be auctioned or used for public purposes following a final forfeiture order. Thailand emphasizes transparency and accountability at each stage, through public reporting and inter-agency oversight. Consequently, asset management functions not only as a legal instrument but also as a means of state loss recovery and a preventive measure against corruption and money laundering.

In terms of effectiveness, Thailand's centralized model under AMLO is more efficient, as it consolidates investigation, asset management, seizure, auctioning, and distribution under a single agency. In contrast, Indonesia involves multiple institutions with distinct authorities: PPATK handles intelligence investigation; the Attorney General's Office and KPK have execution authority but lack asset management capacity; the Directorate General of State Assets (DJKN) under the Ministry of Finance can auction confiscated assets but not seized assets; and Rupbasan only manages assets without authority to execute or auction. This fragmentation often results in overlapping functions, sectoral egos, and coordination failures.

However, from a legal certainty perspective, AMLO's "one-stop" model provides clarity, whereas Indonesia's fragmented system may slow enforcement, albeit with the advantage of inter-agency checks and balances.

CONCLUSION

Asset forfeiture and management constitute essential instruments in combating criminal offenses, particularly corruption. Criminal sanctions are no longer solely focused on imprisonment, but also on the recovery of state and victim losses through the seizure and forfeiture of proceeds from criminal activity. In Indonesia, the asset forfeiture mechanism still faces challenges due to the absence of a comprehensive legal framework regulating non-conviction-based (in rem) asset forfeiture. Asset management is further complicated by multi-institutional involvement with overlapping authority, prolonged legal processes, limited storage capacity, and depreciation of assets due to insufficient management.

In contrast, Thailand has implemented Non-Conviction Based Forfeiture (NCBF) and operates a more centralized system through the establishment of a dedicated agency, the Anti-Money Laundering Office (AMLO), which is authorized to conduct investigations, freeze assets, seize property, and manage and auction assets. Thailand's model is considered more effective due to its simplicity, transparency, and capacity to achieve optimal asset recovery; however, it suffers from limited inter-agency oversight, making it vulnerable to political interference, and it does not fully address conventional economic crimes such as theft, fraud, and embezzlement.

Therefore, to ensure optimal asset recovery, there is a need for inter-agency synergy or the establishment of a single dedicated asset management agency, similar to AMLO. Such an agency must possess high integrity, independence, and impartiality, given its broad authority. Consequently, Indonesia needs to expeditiously develop a clear legal framework and a robust institution for asset management, either through the enactment of the Asset Forfeiture Bill or the creation of a dedicated agency, to maximize state loss recovery and enhance the effectiveness of anti-corruption efforts.

REFERENCES

Undang-Undang RI Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi. Undang-Undang RI Nomor 20 Tahun 2001 tentang Perubahan Atas UndangUndang RI Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.

Undang-Undang RI Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Korupsi. Undang-Undang RI Nomor 5 Tahun 2009 tentang United Nations Convention Againts Transnational Crime tertanggal 30 April 2008.

Undang-Undang Nomor 1 Tahun 2006 tentang Bantuan Hukum Timbal Balik Dalam Masalah Pidana. Undang-Undang Nomor 7 Tahun 2006 tentang Pengesahan Konvensi Perserikatan Bangsa-Bangsa.

Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan RI.

Anti-Money Laundering Act B.E. 2542 telah diubah beberapa kali, yaitu: Anti-Money Laundering Act (No.2) B.E. 2551 (2008), Anti-Money Laundering Act (No. 3) B.E. 2552 (2009), dan terakhir Anti-Money Laundering Act (No.4) B.E. 2556 (2013).

Barnet, Tood. (2001). *Legal Fiction and Forfeiture: A Historical Analysis of the Civil Asset Forfeiture Reform Act*. 40 Duquesne Law Review, hlm. 89.

Greenberg, T. S., Samuel, L. M., Grand, W., & Gray, L. (2009). *Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture*. Washington D.C.: The World Bank & UNODC.

Husein, Yunus. (2006). "Kata Pengantar" dalam Tim Penyusun, *Sistem dan Mekanisme Penanganan Tindak Pidana Pencucian Uang di Negara Lain*. Jakarta: PPATK.

Muhjadi, H., & Nuswardani, N. (2012). *Penelitian Hukum Indonesia Kontemporer*. Yogyakarta: Genta Publishing.

Romantz, D. S. (1994). *Civil Forfeiture and The Constitution: A Legislative Abrogation of Right and The Judicial Response: The Guilt of the Res*. 28 Suffolk University Law Review, hlm. 390.

Soekanto, Soerjono. (2005). *Pengantar Penelitian Hukum*. Jakarta: UI Press.

Sumardjono, M. S. W. (2001). *Pedoman Pembuatan Usulan Penelitian: Sebuah Panduan Dasar* (Cet. ke-3). Jakarta: Gramedia Pustaka Utama.

Tantimin. (2023). Penyitaan Hasil Korupsi Melalui Non-Conviction Based Asset Forfeiture sebagai Upaya Pengembalian Kerugian Negara. *Jurnal Pembangunan Hukum Indonesia*, 5(1), 85.

Toruan, H. D. L., dkk. (2020). Efektivitas Hukum Penyimpanan Barang Sitaan di Rupbasan (*Legal Effectiveness Storage of Confiscated Goods in Rupbasan*). *Jurnal Ilmiah Kebijakan Hukum*, 14(2), 287.

Webb, P. (2010). Dalam Sadeli, W. H., *Implikasi Perampasan Aset Terhadap Pihak Ketiga Yang Terkait Dalam Tindak Pidana Korupsi*. Program Pascasarjana Magister Hukum Fakultas Hukum Universitas Indonesia, hlm. 32.

Badan Pembinaan Hukum Nasional (BPHN). (n.d.). *Naskah Akademik RUU Perampasan Aset*. Diakses dari: https://bphn.go.id/data/documents/na_ruu_tentang_perampasan_aset.pdf

BPHN. (n.d.). *Perampasan Aset Terkait Tindak Pidana*. Diakses dari: https://partisipasiku.bphn.go.id/kategori/perampasan-aset-terkait-tindak-pidana

Direktorat Jenderal Kekayaan Negara (DJKN). (n.d.). *Pengelolaan Aset yang Dirampas melalui* .... Diakses dari https://www.djkn.kemenkeu.go.id/artikel/baca/16101/Pengelolaan-Aset-yang-Dirampas-melalui-

Naskah akademik RUU Perampasan Aset (BPHN) — pembahasan Lembaga Pengelola Aset (LPA)&NCBAF,https://bphn.go.id/data/documents/hasil_penyelarasan_na_ruu_tentang_perampasan_aset.pdf?utm_source=chatgpt.com