

## THE TRIAL REGULATION OF IN ABSENTIA CONDITIONS IN THE HANDLING OF CRIMINAL ACTS OF CORRUPTION IN INDONESIA AT THE FUTURE

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### ABSTRACT

*The purpose of setting up a trial in absentia is to save the country's wealth that has been harmed by corruption. But it will be in vain if the trial in absentia is carried out against the handling of criminal acts of corruption and is not followed by the seizure of assets resulting from criminal acts of corruption. The regulation in absentia in the PTPK Law is inconsistent. Namely there are differences in the arrangement of the trial in absentia for the defendant who was not present because of intentions and the defendant who was not present because he died. Based on this, it is necessary to conduct research on how the formulation of trial arrangements in absentia in handling cases of corruption in the future. This research method uses a type of normative legal research, using a legal approach (statute approach), conceptual approach (conceptual approach), case approach (case approach) and comparative approach. Legal material collection techniques through library research techniques and legal material analysis techniques use qualitative descriptive analysis techniques with grammatical interpretation, systematic interpretation and futuristic interpretation. The results of this study indicate that the reconstruction of Article 38 of the PTPK Law needs to be done so that the goal of saving state wealth can be realized. The reconstruction includes the incorporation of Article 38 paragraph (1) and paragraph (5), the abolition of article 38 paragraph (2), and the incorporation of Article 38 paragraph (4) and paragraph (6). Thus, the gaps found from the implications of the trial in absentia can be overcome/closed. And it is an embodiment of the extraordinary handling of the government and law enforcement officials against acts of corruption which are extraordinary crimes.*

**Keywords:** *in absentia*, criminal acts of corruption, inconsistent norms, saving state assets

### INTRODUCTION

Determination of qualifications for criminal acts of corruption as extraordinary crimes in a linear manner has consequences for their eradication, which must also be done in extraordinary ways. Efforts to continue guarding the eradication of corruption must be done so that the initial goal of eradicating corruption can be achieved. However, the sense of justice of the people demanding that the law be enforced against the perpetrators of corruption is faced with a different reality. So in the Corruption Crime Act (PTPK Law) there is a concept of examination in court cases of corruption without the presence of defendants (in absentia).

The arrangement of the trial in absentia is contained in Article 38 paragraph (1) of the PTPK Law which states, "In the event that the defendant has been legally summoned, and is not present at the court hearing without valid reason, the case can be examined and decided without his presence". In the explanation of Article 38 paragraph (1) of the PTPK Law, it was stated that the purpose of the trial in absentia was to save state wealth, so that without the presence of the defendant the process of handling corruption could still be continued and the

defendant can be examined and decided by the Judge. As such, the PTPK Law in principle has a preventive goal to protect the country's assets/economy in addition to its repressive purpose to prosecute those who commit acts of corruption.<sup>43</sup>

In formal jurisdiction in Indonesia, *in absentia* has been applied but only in certain criminal acts because it is given space by certain laws. The problem is that in general *in absentia* is commonly practiced in civil court examinations, which in practice are attended by representatives or attorneys from litigants, in which case litigants do not need to be present at the examination of the case. Examining and adjudicating or making decisions without the presence of the defendant can also be carried out by the judge, but by passing the calling procedure which is legally valid. However, in criminal cases, generally the presence of the defendant is required in the case hearing, where the hearing is open to the public as stated in Article 1 number (15) of the Criminal Procedure Code, which reads as follows: "The defendant was a suspect who was prosecuted and tried at the court hearing".

If further investigated, the Criminal Procedure Code does not explicitly regulate the provisions regarding trials *in absentia*, both in the provisions of the articles and in their explanations. However, there are provisions regarding the trial *in absentia*, namely Article 196 paragraph (1) and Article 214 paragraph (1) and paragraph (2) which mention:<sup>44</sup>

*Article 196*

- (1) The court decides the case with the presence of the defendant except in the case of this law determining otherwise.

*Article 214*

- (2) If the defendant or his deputy is not present at the hearing, case examinations can proceed.
- (3) In the event that the verdict is stated outside the presence of the defendant, the decision letter is immediately sent to the convict.

The presence of the defendant in the criminal court examination was basically aimed at giving the defendant space as a human being entitled to defend himself and defend the rights of his freedom, property and honor. The main goal is so that the defendant can really understand what is being charged, how the witnesses, experts and other evidence are presented, so that he is free and free to arrange his answers and defense. This then becomes the reason why the Criminal Code does not explicitly regulate the trial *in absentia* because there are principles in criminal justice.

The purpose of setting up a trial *in absentia* is to save the country's wealth that has been harmed by corruption. However, it will only be a "victory" on paper, when the trial *in absentia* is carried out to deal with corruption and is not followed by the seizure of assets resulting from corruption. Because what is a pressure point *in absentia* is saving the country's wealth. However, the seizure of assets of perpetrators of corruption crimes that are hidden in such a way using relatives, close relatives or people of trust is often carried out by the perpetrators.<sup>45</sup> Difficulties in detecting corruption assets are increasing if the activities of transferring assets to other countries have been carried out.<sup>46</sup> Thus, the arrangement of the

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<sup>43</sup> Loebby Loqman, **Masalah Tindak Pidana Korupsi di Indonesia**, (Jakarta: National Law Development Agency Ministry of Justice and Human Rights, 1996), p. 49.

<sup>44</sup> Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Law (KUHP).

<sup>45</sup> Pusat Perancangan Pembangunan Hukum Nasional, Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI, **Laporan Akhir Naskah Akademik Rancangan Undang-Undang tentang Perampasan Aset Tindak Pidana**, 2012, (Online),

[https://www.bphn.go.id/data/documents/na\\_ruu\\_tentang\\_perampasan\\_aset.pdf](https://www.bphn.go.id/data/documents/na_ruu_tentang_perampasan_aset.pdf) diakses pada tanggal 2 Januari 2019, hlm 6.

<sup>46</sup> **Ibid.**, p. 7.

trial in absentia needs to be balanced with a comprehensive and integrated mechanism of asset seizure (currently still in the form of the Criminal Asset Deprivation Bill)<sup>47</sup> with other arrangements both domestically and internationally.<sup>48</sup>

Since 1971 the concept of the trial in absentia has been applied in Law No. 3 of 1971 concerning the Eradication of Corruption Crimes and later strengthened by its amendments through ratification of the PTPK Law. In fact, the construction of regulations regarding the trial in absentia is a special form due to the nature of the criminal acts of corruption which included extraordinary crimes.<sup>49</sup> Therefore, if it is returned to the initial purpose of applying the concept of trial in absentia in handling cases of corruption, this concept should be able to restore the corrupted state's assets. However, it turned out that in fact it was instead used as a gap for perpetrators of corruption to not return the corrupted state's money.

It is interesting to see these weaknesses with the development of society today, with the implementation of the ASEAN Economic Community (MEA) which will be implemented in 2020.<sup>50</sup> MEA is likened to one currency with two different sides. On the one hand it can be very profitable with a variety of opportunities offered. On the other hand, it might weaken Indonesia's domestic conditions. MEA opens the entry of foreign businessmen into the domestic market, further opening up opportunities for crimes that occur when the perpetrators flee to their countries or hide in other countries.

If further investigated the arrangements in the PTPK Law, it turns out that there are indeed unconsistant norms. This can be seen from the formulation of regulations contained in Article 38 paragraph (1) and Article 38 paragraph (5) of the PTPK Law, as follows:

**Table 1. Comparison of the Arrangement of Trial In Absentia in the PTPK Law**

Article 38 paragraph (1)	Article 38 paragraph (5)
In the event that the defendant has been summoned legally, and is not present at the trial without a valid reason, the case can be examined and decided without his presence.	In the event that the defendant dies before the decision is handed down and there is sufficient evidence that the person concerned has committed a criminal act of corruption, then the judge of the demands of the public prosecutor determines the seizure of items that have been confiscated.

Primary data: processed in 2018.

Based on the comparison table above, it is known that there are differences in court settings in absentia for defendants who were not present because of intentions and defendants who were not present because they died. Arrangement of the trial in absentia for the defendant who was absent due to his death was more complete and and firm because he stated "the judge of the demands of the public prosecutor stipulates the seizure of items that have been confiscated". Of course the arrangement of the trial in absentia for those who did not attend because of intentionality or escape was not in accordance with the initial purpose of the

<sup>47</sup> Kompas.com, **KPK dan PPATK Berharap RUU tentang Perampasan Aset Segera Selesai**, (Online), <https://nasional.kompas.com/read/2017/02/10/12580721/kpk.dan.ppatk.berharap.ruu.tentang.perampasan.aset.segera.selesai>, accessed on January 2, 2019.

<sup>48</sup> *Ibid.*, p. 14.

<sup>49</sup> **Korupsi Kejahatan Luar Biasa**, <http://bataviase.co.id/detailberita-103878.html>. Downloaded on 29 June 2013.

<sup>50</sup> Cermati.com, **Dampak Krusial MEA Bagi Indonesia**, (Online), <https://www.cermati.com/artikel/dampak-krusial-mea-bagi-indonesia>, accessed on January 2, 2019.

arrangement in absentia, because in absentia it was raised aimed at saving state wealth. Unclear formulation of norms can lead to ambiguity and can lead to legal uncertainty.

In the development of handling criminal acts of corruption by using less than optimal in absentia, the phenomenon of corruption suspects will appear to be happy to escape and willingly set as a People Search List (DPO). The hypothesis, this is due to the existence of a rule gap that can be used by the defendant to secure his assets and himself and his family from legal entanglement. Based on this background, a study will be conducted on how the Arrangement of Trial In Absentia Against Corruption in the Future Indonesian Criminal Justice System.

## RESEARCH METHOD

This research is juridical-normative research (*legal research*)<sup>51</sup>, which is a library research that is in the form of legal material. The approach used is the Law approach, conceptual approach, case approach, and comparison approach. The legal material used in this study consists of three legal materials, namely primary, secondary and tertiary legal materials. Primary legal material is the main legal material that is the subject of this study. Secondary legal materials obtained from doctrines, theories, opinions of existing legal experts; in the literature, both from textbooks, journals, scientific writings and information in print and electronic media. Tertiary legal materials are legal materials taken from the general Indonesian dictionary, English-Indonesian dictionary, legal dictionaries and encyclopedias that provide an understanding of the decisions of criminal judges, criminal justice systems and criminal procedural law, especially those related to the subject matter.

Library research techniques that will collect, study and study legal materials that have relevance to the problems formulated in this study, both on primary legal materials, secondary legal materials and tertiary legal materials. Analysis of legal material in this study using qualitative descriptive analysis with the interpretation method used is grammatical interpretation; systematic interpretation; and futuristic interpretation.

## RESULTS AND DISCUSSION

### Criteria for Formulating Regulations for In Absentia in Handling Corruption Crimes

Rescue of State Assets in Trials In absentia. Returning corruption assets is a law enforcement system that requires the existence of a process of abolishing the rights of the assets of the perpetrators of the victim's country by eliminating the asset rights of the perpetrator in civil or criminal manner, which can be carried out by confiscation, freezing, seizure, both in local, regional and international competencies so that wealth can be returned to a legitimate state (victim).<sup>52</sup> Returning assets through criminal law generally consists of provisions regarding the process of returning assets through 4 (four) stages as follows: first stage, asset tracking to track assets; second stage, preventive measures to stop the transfer of assets through a mechanism of freezing or foreclosure; third stage, confiscation. After going through and fulfilling these stages, it can only be implemented in the fourth stage, namely the surrender of assets from the recipient country of assets to the victim country where the assets are obtained illegally.<sup>53</sup>

According to Matthew Flemming,<sup>54</sup> in the international world there is no definition of

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<sup>51</sup> Ronny Hanitjo Soemitro, *Metodologi Penelitian Hukum dan Jurimetri*, Third Print, ed. Revision, (Jakarta: Ghalia Indonesia, 1998), p. 11.

<sup>52</sup> Indriyanto Seno Adji, *Korupsi dan Penegakan Hukum*, (Jakarta: Diadit Media, 2009), p. 149 – 150.

<sup>53</sup> Purwaning M. Yanuar, *Op.cit.*, p. 123.

<sup>54</sup> Matthew TIPIKOR. Flemming, *Op.cit.*, p. 27.

mutually agreed return on assets. Flemming sees the return of assets as: (1) the return of assets as a process of revocation, deprivation and disappearance; (2) which is revoked, deprived of being removed is the result or profit from a criminal act; (3) one of the objectives of revocation, deprivation and disappearance is so that the perpetrators of criminal offenses cannot use the results as well as the benefits of criminal acts as a tool or means to commit other criminal acts.<sup>55</sup> The implementation of the Anti-Corruption Convention puts forward the aspect of international cooperation in the context of combating corrupt practices such as extradition and mutual legal assistance.<sup>56</sup> By implementing the Anti-Corruption Convention into the national law of the state party, then there should be no more immunity and shelter for perpetrators of corrupt acts wherever they go and place the assets resulting from corruption. This shows that the Anti-Corruption Convention is a comprehensive means of international law and does not use a single approach factor in combating corruption.<sup>57</sup>

Some important principles in the Anti-Corruption Convention relating to the return of assets to the state are as follows:

### **Principle of Asset Recovery**

The principle of asset recovery is regulated explicitly in the Anti-Corruption Convention. The Anti-Corruption Convention specifically regarding the return of these assets according to Adil Surowidjojo focuses more on preventing transportation of corruption, although countries are required to increase the anticipation of their financial institutions in anticipating financial transactions and activities in the banking sector through preventive measures.<sup>58</sup> Prevention and eradication of corruption through financial institutions and combating money laundering as one of the links of corruption becomes very logical with considerations as stated by I Gede Made Sadguna that financial institutions can be owned or controlled by smart criminals with the main goal of using it as a means of money laundering.<sup>59</sup>

The Anti-Corruption Convention Principle therefore not only emphasizes the importance of preventive anti-corruption policies and practices that are more criminal in nature, criminalization and law enforcement (criminalization and law enforcement). The other main interest, namely civil actions in the form of a claim to return corrupt state assets in terms that are more popularly called "stolen assets recovery (STAR)". The Anti-Corruption Convention allows for acts of deprivation of wealth without punishment (without a criminal conviction), in the event that the perpetrator cannot be prosecuted for reasons of death, running away or absent or in other similar cases.

### **Civil Lawsuit as an Alternative for Returning State Assets**

Based on the Anti-Corruption Convention, the principle of asset recovery is accompanied by the principle of legal action for civil claims. In addition to the civil claim instrument, the Anti-Corruption Convention also allows another way, namely the "request" for seizure. The return of assets through the civil lawsuit is technically not regulated in the Anti-Corruption Convention. The Anti Corruption Convention only requires participating countries to facilitate it in accordance with their respective national laws. The ratification of the Anti-Corruption Convention gives the possibility of opening up the possibility of Indonesia to

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<sup>55</sup> Ibid., p. 31.

<sup>56</sup> Article 44 and Article 46 of the Anti-Corruption Convention.

<sup>57</sup> Purwaning M. Yanuar, Op.cit ., p. 122.

<sup>58</sup> Adil Surowidjojo, *The United Nations Convention Against Corruption : How Will It Help Us?* , (Jentera, Legal Journal, Issue 9, Year III, June 2005), p. 71.

<sup>59</sup> I. Gede Made Sadguna, *Peranan PPAK dalam Pemberantasan Korupsi Menuju Good Corporate Governance Sektor Keuangan*, (Journal of Business Law, 24(3), 2005), p. 17.

make a lawsuit in foreign courts, in accordance with the mechanisms and procedures in force in the country concerned, especially participating countries if there is sufficient evidence of corruption. laundering) with all forms or "stored" abroad.

### **Multi-jurisdictional Litigation**

This principle has consequences for participating countries to facilitate or regulate their national laws to enable or allow other participating countries to conduct litigation for non-criminal avenue for recovery.

### **Freezing or Seizure and the Confiscation of Laundering in Other Countries**

Freezing or confiscation of these assets is an action that allows confiscation. This is evident from the provisions of Article 31 of the Anti-Corruption Convention. Deprivation itself is actually a concept in criminal law. The Anti-Corruption Convention does not limit the concept of deprivation only to criminal cases, suggesting that the concept also applies to the interests of the civil lawsuit.

The trial process in absentia on corruption is inseparable from the general criminal justice process which includes the process of investigation, prosecution and examination in court proceedings. In carrying out the investigation process, investigations and prosecutions of corruption are carried out based on the applicable criminal procedure law, unless otherwise stipulated in the PTPK Law. Investigations, investigations and prosecutions are carried out on orders and acting for and on behalf of the Corruption Eradication Commission.<sup>60</sup>

### **Arrangement of In absentia in the handling of criminal acts of corruption in the future**

Rescue of state assets caused by criminal acts of corruption needs to be strengthened and strengthened by the mechanism. Especially because the perpetrators of criminal acts of corruption were not present at the trial because they fled abroad. This is because developing countries where corruption in general occurs, strongly feel this reality as a difficulty in trying to recover assets stolen and hidden in the world's financial centers (in this case the bank in the country where the perpetrator fled).

Efforts to conceal the results of corruption are increasingly complex. Not only stored or hidden in the country, but the results of criminal acts of corruption are now hidden outside the country's borders. Seeing the reality caused by criminal acts of corruption, extraordinary efforts are needed in terms of overcoming and eradicating corruption. One of the things that can be done is by reconstructing the trial arrangement in absentia in handling corruption offenses by prioritizing or orienting the return of assets resulting from corruption (follow the money).

The reconstruction of arrangements in absentia in the PTPK Law must pay attention to the rules of the concept of establishing legislation in force in Indonesia. Every legislation can be said to be good (good legislation), legal according to the law (legal validity) and effective because it can be accepted by the community in a reasonable and valid for a long time. So it must be based on the basis of legislation.<sup>61</sup> By paying attention to these matters, of course the provisions in absentia in the PTPK Law certainly require improvements to the formulation. Seeing ratio legis Article 38 of the PTPK Law is to save the wealth of a country that is harmed by a criminal act of corruption. But with the construction currently in effect, it has implications for handling corruption that is not optimal or ineffective. Therefore, by looking at the criteria for formulating regulations in absentia in handling corruption in the previous

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<sup>60</sup> Article 39 paragraph (1) and (2) of the PTPK Law.

<sup>61</sup> I Gde Pantja Astawa & Suprin Na'a, **Dinamika Hukum Dan Ilmu Perundang-undangan**, (Bandung: PT. Alumni, 2008). p. 77

sub-chapters, the author will reconstruct the provisions in Article 38 of the PTPK Law which read:

- (1) In the event that the defendant has been summoned legally, and is not present at the trial without a valid reason, the case can be examined and decided without his presence.
- (2) In the event that the defendant is present at the next hearing before the verdict is handed down, the defendant must be questioned, and all witness statements and letters read out in the previous session are considered as said in the current session.
- (3) The decision handed down without the presence of the accused is announced by the public prosecutor on the court notice board, Regional Government office, or notified to his proxy.
- (4) The defendant or his proxy can appeal the decision as referred to in paragraph (1).
- (5) In the event that the defendant dies before the verdict is handed down and there is sufficient evidence that the person concerned has committed a criminal act of corruption, then the judge of the prosecutor's claim stipulates the seizure of items confiscated.
- (6) Determination of seizure as referred to in paragraph (5) cannot be requested for an appeal.
- (7) Any person concerned can submit an objection to a court that has dropped the stipulation as referred to in paragraph (5), within 30 (thirty) days from the date of announcement as referred to in paragraph (3).

The provisions of the article in absentia must be consistent because it is a systematic arrangement, and has the purpose of saving the country's wealth. For this reason, the provisions of each verse in in absentia should be reconstructed into:

- (1) In the event that the defendant has been legally summoned, and is not present at the trial without a valid reason, the case can be examined and decided without his presence, and the judge over the demands of the public prosecutor determines the seizure of items confiscated.
- (2) The decision handed down without the presence of the defendant is announced by the public prosecutor on the court announcement board, Regional Government office, or notified to his proxy.
- (3) The defendant or his proxy can appeal the decision as referred to in paragraph (1) only for imprisonment, while for appointing deprivation cannot be appealed.
- (4) Any person concerned can submit an objection to a court that has dropped the stipulation referred to in paragraph (5), within 30 (thirty) days from the date of announcement as referred to in paragraph (3).

For the reconstruction of paragraph (1) is the result of the incorporation of Article 38 paragraph (1) and paragraph (5). The reconstructed provisions of the author are more assertive in terms of saving state wealth, because the defendant who deliberately escaped can be given the seizure of goods confiscated. In addition, the merger did not provide an ambiguous norm when the accused in absentia later died. Because the provision does not clearly determine the size of the person who is in absentia and later dies. Thus, in absentia should have been given to defendants who were absent, did not care about intentionally escaping or escaping and then died. Corruption is an extraordinary crime, with the merger of

these two verses expected to be an extraordinary effort that can be done by the government and law enforcement officials.

The provisions of Article 38 paragraph (2) of the PTPK Law were abolished, because providing two understandings that the defendant remained in absentia and the defendant was present at the hearing. For this reason, the author reconstructed to be deleted considering that when the defendant was present, the defendant was no longer in absentia but had been present at the hearing. Then paragraph (3) does not change, it remains the same as Article 38 paragraph (3) of the previous PTPK Law, because it contains the technical provisions for the announcement of decisions in absentia. Furthermore, paragraph (4) is the idea of the author by combining paragraph (4) and paragraph (6) Article 38 of the PTPK Law, but with changes. By giving the right of appeal against the verdict related to prison sentences, this is the basis that the defendant's human rights are maintained even though they have been tried in absentia and have been decided by the judge. Meanwhile, the determination of deprivation cannot be appealed due to other legal remedies, then in absentia will only be a "victory" on paper alone. Because to save the wealth of a corrupted country then being taken abroad requires different mechanisms, one of which is the existence of a legal ruling which is inkracht. Therefore, by giving the right of appeal for the deprivation of property obtained by the defendant from a criminal act of corruption, it will injure the goal in absentia itself, namely the rescue of state wealth.

Bearing in mind that corruption is an extraordinary crime, it requires extraordinary handling of the perpetrators as well as the results of criminal acts of corruption which were carried away or still controlled by the perpetrators. With the approach of saving the wealth of the country which is harmed by corruption by applying in absentia such as alternative changes to the formula as above. The purpose of in absentia is to save the country's wealth caused by criminal acts of corruption to be more firm and clear. Thus, it enlarges the rescue of state wealth stolen by perpetrators of corruption crimes who have fled both domestically and abroad. Especially with the expansion of extradition agreements and Mutual Legal Assistance (MLA) with other countries so as to guarantee the smooth return of assets.

## CONCLUSION

The legislation policy in the regulation of corruption in Indonesia related to the trial in absentia has not been in accordance with the aim of establishing provisions in absentia itself. For this reason, Article 38 of the PTPK Law needs to be carried out in order to ensure that in absentia not only can the trial be held, but it can be achieved with the aim of regulating the trial in absentia in handling corruption. The reconstruction of the article includes the incorporation of paragraph (1) with paragraph (5) into one article formulation in absentia. Then, paragraph (2) is deleted because, the defendant in absentia who was present at the hearing was the defendant who was present at the hearing instead of the defendant in absentia again. Next is the reconstruction of paragraph (2) which is Article 38 paragraph (3) of the previous PTPK Law, which remains unchanged due to the obligation to announce the decision. For paragraph (3) is a combination of paragraph (4) and paragraph (6), so that it becomes the manifestation of the goal in absentia, namely the salvation of state wealth. Whereas the last paragraph, namely paragraph (4) does not change from the provisions of Article 38 paragraph (7) of the PTPK Law.

## REFERENCES

- [1]. Surowidjojo, A. (2005). The United Nations Convention Against Corruption: How Will It Help Us? *Jentera, Law Journal*. Edtioni 9. Years III.



- [2]. Cermati.com, (2019). *Dampak Krusial MEA Bagi Indonesia*. (Online). <https://www.cermati.com/artikel/dampak-krusial-mea-bagi-indonesia>. accessed on January 2, 2019.
- [3]. Sadguna, I. G. M. (2005). Peranan PPATK dalam Pemberantasan Korupsi Menuju Good Corporate Governance Sektor Keuangan. *Business Law Journal*. 24(3). p. 17.
- [4]. Astawa, I. G. P. & Na'a, S. (2008). *Dinamika Hukum Dan Ilmu Perundang-undangan*. Bandung: PT. Alumni.
- [5]. Adji, I. S. (2009). *Korupsi dan Penegakan Hukum*. Jakarta : Diadit Media.
- [6]. Kompas.com, (2017). KPK dan PPATK Berharap RUU tentang Perampasan Aset Segera Selesai. (Online). <https://nasional.kompas.com/read/2017/02/10/12580721/kpk.dan.ppatk.berhrap.ruu.tentang.perampasan.aset.segera.selesai>. accessed on January 2, 2019.
- [7]. Loqma, L. (1996). *Masalah Tindak Pidana Korupsi di Indonesia*. Jakarta: National Law Development Agency Ministry of Justice and Human Rights.
- [8]. Rukmini, M. (2007). *Perlindungan HAM Melalui Asas Praduga Tak Bersalah dan Asas Persamaan Kedudukan dalam Hukum pada Peradilan Pidana Indonesia*. Bandung: PT. Alumni.
- [9]. National Law Development Design Center, National Law Development Agency Ministry of Law and Human Rights Republic of Indonesia. (2012). *Laporan Akhir Naskah Akademik Rancangan Undang-Undang tentang Perampasan Aset Tindak Pidana*. (Online). [https://www.bphn.go.id/data/documents/na\\_ruu\\_tentang\\_perampasan\\_aset.pdf](https://www.bphn.go.id/data/documents/na_ruu_tentang_perampasan_aset.pdf). accessed on January 2, 2019.
- [10]. Marzuki, P. M. (2005). *Penelitian Hukum*. Jakarta: Prenada Media.
- [11]. Yanuar, P. M. (2007). *Pengembalian Aset Hasil Korupsi*. Bandung: PT. Alumni.
- [12]. Soemitro, R. H. (1998). *Metodologi Penelitian Hukum dan Jurimetri*. Cetakan Ketiga. ed. Revisi. Jakarta: Ghalia Indonesia.
- [13]. Abdurrahman, S. D. (2003). *Metode Penelitian Hukum*. Jakarta: Rineka Cipta.

#### **Law and Regulations:**

- [1]. Law Number 8 of 1981 concerning Criminal Procedure Law.
- [2]. Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption.
- [3]. United Nations Convention Against Corruption in 2003.
- [4]. 1945 Constitution.