

## Optimizing Asset Recovery through Deregulating Anti-Money Laundry Regime

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### Abstract

*This work is aimed at exploring and finding some strategic approaches in recovering asset stemmed from criminal acts. These approaches will be focused on normative approach and institutional approach, which based on the anti-money laundry regime. This regime is assumed as the most effective method in recovering all assets from crimes. This is because it introduces to follow the money principle, which emphasises the importance to secure asset or treasury. In this point, it ignores the motivation, the reason, the way (modus operandi) of the crime, but it more emphasises the security of assets in order to avoid a further damage of the assets. The core idea of this work will be started from the importance of understanding and implementing the money laundry regime, which covers the visualization of its regulation ary architecture and the mechanism of the process of asset recovery. It is related in the light of the high complexity of the recent crime, which involves various parties, either individual or institutions, legal entity, such as corporation, or philanthropic institutions with various modus of crime, such as illegal logging, fishing, mining, drug, terrorism, corruption, gambling and so forth by crossing state's boundaries. As a tool, this money laundry is more relevant and effective as it employs the burden proof principle, and then it has a broader scope in exploring, finding and recovering the assets. At the normative level, this work will strengthen and refine the existing regulation or norms related to unclear and inequitable elaboration and explanation on the Recovery Asset (Law No. 8/2010, Art. 67). Whereas, at the institutional level, this work will elaborate and formulate the potential establishment of special institution that exploring, storing, conserving, protecting, securing, appraising and managing the optimization of the assets for public welfare.*

**Keywords:** Strategic Approaches, crime, money laundry.

### 1. Introduction

Criminals are now taking advantage of the globalization of the world economy by transferring funds quickly across international borders. This rapid development in financial information and technology allows money to move anywhere in the world with speed and ease. The perpetrators of the criminal action of money laundering generally hide or disguises the origin of assets of which come from the result of criminal action in any manners in order to the assets of which are the results of the criminal action is difficult to be traced by the law enforcement apparatus so that they freely utilize such assets either for the legal or illegal activity. As declared in Law of the Republic of Indonesia Number 8 year 2010, money laundering not only threaten the stability of economy and the integrity of a financial system, but it also can endanger the essential values of the social life, nationhood and statehood based on Pancasila and the Constitution of the State of the Republic of Indonesia Year 1945.

In the concept of anti-money laundering stated that the perpetrator, and the result of criminal action can be known through the tracing and henceforth such result of criminal action shall be confiscated for the state or returned to the entitled one. If the confiscated assets belonged to the perpetrator or the criminal organization can be confiscated or be seized, by itself can decrease the level of criminality. As investigated in Indonesia the money-laundering cases basically pay much attention to the perpetrators as the subject of the criminals and seem ignoring the assets of criminals in which the perpetrators still can utilize them freely. The deeper “dirty money” gets into the international banking system, the more hard it is to identify its origin. Because of the clandestine nature of money laundering, it is hard to estimate the total amount of money that goes through the laundry cycle. This fact leads to the task of combating money laundering more urgent than ever. Therefore, the effort of countermeasure and eradication of the criminal action as well as the asset's recovery of money laundering requires the strong legitimate basis to ensure the legitimate certainty, effectiveness of legal enforcement as well for tracing and returning the assets of which are the result of the criminal action.

In its progress, the criminal action of money laundering is getting more complex, crossing the jurisdictional boundaries, and applying the modus of which is getting varied, utilizing the institutions beyond the financial institutions, even it has penetrated to many sectors. For anticipating such matters, the Financial Action Task Force (FATF) on money laundering has issued the global standard of which becomes the measure for each country in the prevention and eradication of the criminal action of Money Laundering and the criminal action of terrorism. Indonesia's first anti-money laundering law was considered insufficient, and an amendment in order to meet worldwide standards. The handling of criminal action of money laundering of which was commenced since Law Number of 15 Years 2002 on the Criminal Action of Money Laundering as it has been amended by Law number of 25 Years 2003 have shown the positive direction. And that based on this consideration, it is required to enact Law Number 8, 2010 concerning on the Countermeasure and Eradication of the Crime of Money Laundering. The central reporting authority in Indonesia which is an independent agency of the government, the Financial Transactions Reporting and Analysis Center (PPATK), conducting the analysis activity and law enforcement apparatus in following up the analysis results in the imposition of criminal sentence or administrative penalty.

The Law defined the crime of money laundering as an act of placing, transferring, disbursing, spending, donating, contributing, entrusting, taking out of the country, exchanging or other such as acts related to, assets known or reasonably suspected by a person to constitute proceeds of crime, for hiding or disguising the origins of assets as if such assets shall be legitimate. Furthermore, the law defines the proceeds of crime shall be assets derived from the offence of corruption; bribery; narcotic; psychotropic; labor smuggling; immigrant smuggling; criminal action in banking; criminal action in a capital market; criminal action in insurance; customs; excise; human trafficking; trade of illegal fire arm; terrorism; kidnapping; burglary; embezzlement; fraud; money counterfeiting; gambling; prostituting; criminal action in taxation; criminal action in forestry; criminal action in environment; criminal action in marine and fishery; and other criminal actions of which is treated with the imprisonment for 4 (four) years or more of which is committed in the territory of the Republic of Indonesia and in the outside of the territory of the Republic of Indonesia, and such criminal action is the Criminal action According to The Indonesian Law.

The money-laundering process is typically segmented into three stages:

A. Placement: At this stage, illegal funds or assets are first brought into the financial system. This 'placement' makes the funds more liquid. For example, if cash is converted into a bank deposit, it becomes easier to transfer and manipulate. Money launderers place illegal funds using a variety of techniques, which include depositing cash into bank accounts and using cash to purchase assets.

B. Layering: To conceal the unlawful origin of the located funds and thereby make them more useful, the funds must be moved, dispersed and disguised. The process of distancing the located funds from their unlawful origins is known as 'layering'. At this stage, money launderers use many different techniques to layer the funds. These include using multiple banks and accounts, having professionals act as intermediaries and transacting through corporations and trusts. Funds may be shuttled through a web of many accounts, companies and countries in order to disguise their origins.

C. Integration: Once the funds are layered and distanced from their origins, they are made available to criminals to use and control as apparently legitimate funds. This final stage in the money-laundering process is called 'integration'. The laundered funds are made available for activities such as investment in legitimate or illegitimate businesses, or spent to promote the criminal's lifestyle. At this stage, the illegal money has achieved the appearance of legitimacy.

Money laundering has been used to move money resulting from crime, to hide and move it out of the reach of governments – including oppressive regimes and despotic leaders. Money laundering is called what it is because that perfectly describes what takes place – illegal, or dirty, money is put through a cycle of transactions, or washed so that it comes out the other end as legal or clean, money. In other words, the source of illegally obtained funds is obscured through a succession of transfers and deals in order that those same funds can eventually be made to appear as legitimate income.

The tracing of assets of which are the result of criminal action of money laundering commonly conducted by the financial institutions through the mechanism in accordance with the provision of law and regulation.

The Financial Institution has the significant role, particularly in implementing the principle of know the user and report certain transaction to the authority (financial intelligence unit) as material of analysis henceforward submitted to the investigator.

## **2. Discussion**

There have been success stories in some recovery efforts, which sized the criminal assets, on the other hand, there are some cases unseized. The cases below are selected because they are representative of the Indonesian experiences in the area of asset recovery.

### Seized Assets Cases:

#### 1. BahasyimAssyifie

One of the notable cases regarding on money laundering is BahasyimAssyifie case. In Indonesia's latest high-profile corruption verdict involving a tax collector, former Jakarta tax office director BahasyimAssyifie was convicted of corruption and money laundering related to bank accounts worth more than \$7 million in the names of his wife and children. He was sentenced to 10 years in prison. The defendant could not prove that the Rp 66 billion (\$7.3 million) in his accounts came from honest sources. Bahasyim's claims that he invested the money abroad and ran a jewelry business were not supported by convincing evidence.

#### 2. Robert Tantular

Corruption convicts Robert Tantular is the money launderer which claimed for a crime related to the PT Bank Century embezzlement case. Referring to the Jakarta District Court verdict on a criminal case "In absentia" No. 399/ Pid.B/2010/ PN.JKT.PST., supported by the Supreme Court Decision No. 1721 K / Pid / 2011, assets and property of Robert Tantular and Tan Chi Fang (his wife) including (1) 4 assurance policies; (2) Tantular's investment in Jersey in form of Trust Structure or called "The Jasmine investment Trust" which is managed by the local Financial Services Provider (the shares of the Jasmine Investment Trust are owned by the companies in some regions such as in the British Virgin Islands (Jonzelle Limited and Golden Bright Corporation and Golden Digital Group Limited in the Cayman Pandena Investment Limited, Parnnial Investment Holding Limited and Ravenna Investment Limited and in the Bahamas (Lvystone Holding Limited) where the beneficiary of the Trust are family members of Tantular commonly referred to assets include property, cash and investment portfolio and insurance policy), (3) assets owned by Robert Tantular received from asset management company (Trust) named Jasmico addressed in Helvetia Court, South Espianada, St. Peter Pont, Guemsey GYI4EE, and (4) assets owned by Tantular and his wife (Tan Chi Fang) in the Private Wealth Management Division of Financial Service Provider in UK and illiquid Alternative Investment are seized as the state assets.

#### 3. YudiHermawan bin HadiSyamsuddin

Another money launderer whose assets are seized is YudiHermawan bin HadiSamsudin, who is proven legally and convincingly guilty of committing the crime of money laundering. The investigation ran from the middle of 2006 until February 2007, on a report from the Stock Exchange Company Tax Services Office. The office, which is based in Central Jakarta, found irregularities in First Media's taxes, such as a failure to deposit the value-added taxes and alleged manipulation of an employee' income tax payments. Based on the Supreme Court verdict No. 791 K / PID. SUS / 2010, YudiHermawan sentenced to imprisonment and fines, besides assets and wealth owned by YudiHermawan are confiscated.

### Unseized Crimes Cases:

#### 1. Adis A or Iwan bin Abu

One of the perpetrators whose assets are unsized is Adis alias Iwan bin Abu as the first defendant referring to the Pontianak District Court Decision No. 285 / Pid.B / -2008 / PN.Ptk. September 8, 2008, supported by the High Court in Pontianak West Kalimantan decision No. 226 / PID / 2008 / PT.PTK. November 18, 2008 upheld Supreme Court Decision No. 498 K / PID. SUS / 2009, declared convincingly proven as the perpetrator of committing a crime by accepting the transferring assets that are known as the yields of crime; and imprisonment for 9 (nine) years and a fine of IDR 250,000,000 (USD 250 million) as the penalty.

## 2. Abdul Azis alias Aswin alias Azis bin Abu

Abdul Azis alias Aswin alias Azis bin Abu as the second defendant on one similar case as Adis Alias Iwan bin Abu (first defendant) proclaimed committing a crime on money laundering and by considering his crime, Abdul Aziz was to imprisonment for 8 (eight) years and fines of IDR 250,000,000 (USD 250 million).

Concerning the cases that have been adjudicating by a court relating to corruption and criminal action in banking, the perpetrators only penalized by money-laundering law, and the assets and wealth are seized for the state assets. It was clearly seen from the Schematic Formulation of the Law No. 15 Year 2003, Act No. 25 of 2003 and Law No. 8 of 2010, the euphoria of the enforcement against money-laundering efforts has been an influence by the idea of hatred against the perpetrators of money-laundering crime. This thing leads to the formulation where the enforcement by the Courts sentencing against the perpetrators of the crime of money laundering is more concentrated on the personal factor either imprisonment or imprisonment rather than on recovery of criminal assets. In fact, giving the penalty for the perpetrators of criminals in the conventional manner by applying imprisonment and fines for offenders contribute significant influence in reducing the money-laundering cases.

### 3. *Re-examining the Asset Recovery Regime*

The efforts to handle the criminal action of Money Laundering in Indonesia are considered has not been optimum, such as the existed law and regulation still provide space on the arise of different interpretation, the existence of the legal gap, inappropriate in the imposition of penalty, shifting the evidentiary burden, lack of information access, the limited scope or the reporting party and type or report, and lack of clarity on the duty and authority of the Implementer Of This Law.

“Asset” is an English noun which means: (1) valuable person or quality; (2) thing owned, especially property, that can be sold to pay debts. According to the Great Dictionary of the Indonesian Language, asset as a noun means: (1) anything that possesses exchange rate; (2) capital. While Telly Sumbu et al defines asset is a capital; property, such as company asset, private asset, national asset, etc. Further, Article 2 (d) of United Nation Convention Against Corruption 2003 (UNCAC) states:

“Property shall mean assets of every kind, whether material or non material, portable or immobile, concrete or imponderable, and legal documents or instruments evidencing title to or interest in such assets. According to UNCAC, assets are defined as: “any economic advantage from criminal offences, includes property of any description, whether material or non material, mobile or stuck, solid or fleeting, legal document or instrument evidencing title to, or interest in such property.”

The body of Law No. 8 of 2010 refers term asset as it is mentioned in Article 1 (13) under following description, “assets shall be all moving objects or non-moving objects, in as tangible objects or intangible objects, which are acquired directly or indirectly.”

Term “asset,” proposed in Article 1 (1) from the Bill of Forfeiture and Recovery of Assets of Crime Proceeds possesses similar, close meaning to “property” as stated in the Indonesia Law of Criminal Procedure. In this regard, the Indonesia Law of Criminal Procedure emphasizes on any property, especially the illegally acquired assets of criminals involved in any crime, while “asset” is assumed as all economic resources (moving objects or non-moving objects, in as tangible objects or intangible objects) being abused within the frame of crime involvements, both directly and indirectly related to, though it is only intended without actually being used.

The Definition Of An Assets In Bill of Forfeiture and Recovery of Crime Proceed Assets is not the same as the objects of confiscation as of detailed in the statement given from Article 1 (16) of the Indonesia Law of Criminal Procedure, which also includes assets of crime with an asset of criminals involved in any crime being inclusion. Therefore, complying with the Function Of The Bill of Forfeiture and Recovery of Asset Accrued from Crimes, the Indonesia Law of Criminal Procedure must succeed in regulating assets of crimes, including property and assets used as the instruments or the proceeds of crimes.

Within the body of the bill, asset's forfeiture can only be undertaken if the term of crime committed is 4 (four) year's imprisonment minimum penalty. This urgent limitation of the imprisonment term is in conformity to the stipulation of UN Convention Against Transnational Organized Crimes (2000) or Palermo Convention, which ratified by Law No. 5 of 2009.

Asset as the proceeds of crimes is any property achieved from the crimes or grave offenses which term and variety administered by the Law of Criminal Procedure, or any other grave crimes regulated under specific laws, for instance, the Law Against Corruption, the Law Against Money Laundering, etc.

According to the United States Law of Asset Forfeiture, there are three procedures of asset forfeitures; Administrative Forfeiture, Criminal Forfeiture, and Civil Forfeiture.

### **Administrative Forfeiture**

Administrative forfeiture is legally performed whenever the authorized force discovers and confiscates the crime proceed assets outright in the scene of crime. The confiscation is performed within the legal consideration that the crime proceeds assets to be confiscated is the objects of seizure after the court released an order of forfeiture. The appointed court bailiff must resign the letter of notification to the perpetrator who governs the crime proceed assets and anyone who might concern or related to the crime proceed assets itself, and it must be made public by making it posted on daily papers and on court notice-board informing that the court investigators have seized the crime proceed assets and, thus, performed forfeiture by virtue of serving country.

### **Criminal Forfeiture**

Asset's forfeiture on the crime proceeds is the act of execution granted by the settlement of the verdict. Therefore, asset forfeiture is categorized as in persona deed; instead of in ream deed as the asset is viewed untainted, unlike the offenders of crimes, which are naturally subjects of guilt. The judiciary verdict a convicted to defray the court costs and/or to pay fines and/or to pay compensation and/or to pay money substitutes and/or to confiscate other assets possessed by the convicted to pay the money substitutes if the crime proceeds assets under the circumstance of being displaced or undiscovered.

Although within in persona, the assets as subjects of forfeiture are those of property of the proxy of the convicted, this might not be genuinely true as the assets of the crime proceeds are the byproducts of crimes or any assets used to finance or to facilitate such illegal conducts, which can be held the penalty by seizure if the prosecutor can prove convincingly the connection between the asset of crime and the criminal offense.

To protect the civil rights, the appropriate procedure needs to be applied to ensure that the asset forfeiture performed without violating human rights, particularly if the third party being cooperative and in a good faith. In the United States, this is referred as ancillary proceeding which to be assumed after the verdict issued by the court.

### **Civil Forfeiture**

Civil forfeiture is basically is not under the jurisdiction of criminal proceedings. In most civil forfeiture cases, the state issues civil action separated from in ream against the assets which initially meant as subject of confiscation, therefore, the state needs to release evidence to support the conviction proposed – that the assets were crime proceeds indeed or used as role instruments in committing such crime. Judicial action can be submitted before or after the verdict release, or even if there is no legal action against such as criminal offense.

## **4. Results**

### **Problem and Loophole**

However, several problems occur in regulating the mechanism of asset recovery from the corruption proceeds through a civil lawsuits:

1. Complex and costly by involving institutions of law and legal entities, in this scope of jurisdiction, including lawyers, forensic accountants, even litigation authority beyond the jurisdiction of the victim state;
2. The victim state possesses no control over the civil lawsuit proposed because this is completely the subject of compliance under the regulation of legal court of the state where the lawsuit submitted;
3. The victim state as the outsider plaintiff is never in the position of negotiating the certainty to win the lawsuit. This means without any assurance of winning. The victim state gambles its chance by sacrificing many legal resources to obtain the illegal resources;
4. During the civil proceedings, the victim state cannot perform the action of asset-freezing against the defendant before any claim be made and proposed to a court. This is viewed necessary and important to prevent any displacement of assets from corruption being moved or transferred to any other country during the grant proceeding of court approval.
5. The victim state possesses no authority to force the revelation of transparency on legality of documents or records on disputed assets via audit performed by appointed and sworn public accounting institution, for instance.

#### Designing Architecture of Solution in Recovering Assets from Criminal Results

Normative Approach: Enhancing Anti-Money Laundry Regime. The establishment off United Nations Convention against Illicit Traffic in Narcotic drugs and Psychotropic Substances 1988 (Vienna Convention 1988) seems to be the starting point in dealing with the money-laundering cases which acknowledged internationally. Basically, this regime refers to the problem of drug trafficking then further urge the states to do ratification on their regulation about money-laundering crime as well as Indonesia. The independent agency of Indonesian government, Financial Transactions Reporting and Analysis Center (PPATK), has a crucial mission in the process of countermeasure and eradication of money laundering.

The law enforcement system and mechanism of an anti-money laundering regime are different with the conventional crime offense. The law enforcement efforts of money laundering focuses on the tracing follow the money principle. The General Attorney BasriArief exposes the facts happened in Indonesia and many other parts in the world that the crime uncovered by arresting and imprisoning the perpetrators (follow the suspect) is proven still ineffective to suppress the crime rate. Therefore, the seizing and confiscating the crime proceed assets become more crucial.

#### **The Core Principles in Money Laundry**

##### 1. Follow the money principle

The follow money principle is the easiest method of tracing crime proceeds assets to discover criminal offenses, perpetrators, and the safe haven. This approach is employed since the proceeds of crime deals with the life blood crime that assumed can stop the link of the chain and motivate the perpetrators not to rehash the similar criminal offenses. The deprivation of perpetrator's tendency to poss and utilize the crime proceeds the not be able to keep concerns as the seized and forfeiture of their assets.

Law enforcement efforts of money laundering in Indonesia have increased lately, which proven by the arresting and seizing of a crime proceeds of money laundering. The employing of the follow money principle investigation show a significant results as it not only focus on the perpetrators but also on the recovery of the criminal assets resulted.

##### 2. Burden Proof Principle

Reviewing reported cases of money laundering in Indonesia, the effort dealing with the money-laundering crime is not well performed because of lack of knowledge and experience of law enforcement's officials in implementing the Law No.8 of 2010 in countermeasure and eradication of money laundering, on the other hand, still focuses on follow the suspect principle. Law enforcement efforts carried out by the criminal-justice system, particularly held by court against money laundering in Indonesia at the same time had not met expectations. Further obstacles faced are inadequate and lack of facilities and supporting infrastructure to investigate money-laundering cases happened.

In addition, the strategy implemented by the court against money laundering more emphasizes on the repressive activity (give penalty to perpetrators) not the recovery of proceeds crime assets which this method is proven to be ineffective in addressing the problem dealing with money laundering.

### **Exploring the Yields of Crime**

Proceeds of these forms of corruption is generally transferred from one jurisdiction to another in order to disguise their source. Eventually, it becomes difficult to distinguish licit from illicit assets and the proceeds of corruption from other forms of criminal conduct. Basically, the suspicious economic transaction is initiated with transactions as follows:

- (1) It does not have the clear business and financial objective,
- (2) Using the relatively large amount of cash and/ or it is conducted repeatedly beyond the limits of fairness,
- (3) Customer's activity is conducted beyond the ordinary and fairness transaction.

In the event that such unfairness transactions meet the criteria as stated above such transaction shall be classified as the suspicious economic transaction and shall be obliged to be reported. Otherwise, against beyond the ordinary and fairness of transaction or activity as mentioned above, the budgetary service provider shall be required to provide special attention against all complex transactions, unusual in the large amount, and all uncommon transaction patterns, which has not the clear economic reason and there is not the legal objective. The background of such transaction should be, as long as possible examined, all findings obtained should be recorded, and be available to assist the authorized party and auditor.

### **Storing the Seized Asset**

The asset recovery follows the criminal rules is undertaken by seizing the crime proceeds assets where the investigators can take and store under their authorizing, movable or immovable and tangible or intangible objects for investigation, prosecution, and trial through four stages of the process: tracing the crime proceeds assets, ending the asset's displacement by freezing method, seizing, and assets submitting to the state.

### **Protecting Asset Recovery**

The law allows the PPATK to seize the crime proceeds assets by the approval of District Court then make public announcement for the anonymous accounts in order to reveal the owner of the accounts. After the owner makes the revelation of the account by proposing claim of rejection, the court appoints a single judge council to prove the accounts possession. If the court has announced the anonymous accounts, and the accounts are the subject of nobody's admission, then afterwards PPATK are allowed performing forfeiture, which results the accounts become the state assets.

### **Managing Asset Recovery for Public Interests**

The assets' recovery managements are based on professionalism, legal certainty, openness, efficiency, and accountability principles as stated in Article 58 Sections 2. The seized assets' auction in State Assets and Auction Service Office and the proceeds from the auctions will be deposited as non-tax state income (Article 64) becoming state assets and used for public welfare (Article 66).

## **5. Conclusion**

Based on facts of criminal offenses on money laundering occurred in Indonesia, the judicial law enforcement against the perpetrators of the crime all these times focused more on punishment, generally are imprisonment plus fine, instead of making forfeiture and recovery of criminal assets as prioritization. This condition, consequently, results that such penalty never deters the law offenders from stopping them committing the crime as later they are still able to savor the assets of the crime proceeds that makes the crimes of money laundering grow unstoppable.

To fight the ever growing spread of money laundering, a major global effort has proposed one real action of opposition against the crime, forming Financial Action Task Force (FATF) which so far has performed asset forfeiture forsaking giving judicial proceedings known as non-conviction based (NCB) asset forfeiture or civil forfeiture or in Orem forfeiture along with criminal forfeiture.

Although this legal set of mechanism has proven effectively in combating the crimes of money laundering, but it does not mean the crime ceases to exist, in fact, it goes on like an endless cycle which tends to evolve and adapt to any new difficult situation given. Therefore, in order to break links of the chain, asset forfeiture is one solution that can be effectively applied to end the crime as proposed on Article 67 of Law No. 8 of 2010 about money laundering. However, the essence of the article itself is not very much favorable in force of the effort on criminal asset recovery as it is knowingly not clearly regulating the proceedings on asset forfeiture, therefore, the law enforcement could not be performed optimally, inevitably due to the occurrence of a loophole in the body of legal structure, even worsened by the revealing fact that mostly law enforcement officials on duty possess different views, insights, even methods for the application of the law against the crime. Thus, the loophole in the body of law crucially needs to be revised to help deregulating a clear systematic ordinance against the crime by benchmarking renowned international conventions to make the regulatory system in forfeiting the assets of the crime proceeds work effectively to further launching and establishing anti-money laundering regime.

One mechanism of recovery of crime proceeds assets in Indonesia to help establishing an effective anti-money laundering regime that would be very much helpful and practicable to be applied is non-conviction based (NCB) asset forfeiture or civil forfeiture or in Orem forfeiture along with criminal forfeiture. In this mechanism, the judicial verdict on the convicted is not the absolute prerequisite on performing forfeiture of crime proceed assets, thus, the establishment of the law will eventually help not only confiscating the assets of the crime proceeds but also tracing, recovering, and restoring any other asset though perhaps failed to appear or not detailed in the index list of forfeitable assets as issued in the verdict that already infract, or any injured party, for instance, state, would obtain compensation or money substitutes for injury cost occurred.

## 6. References

- ASH, Kamis, 07 February 2013, "MA Terbitkan Perma Perampasan Aset", in <http://www.hukumonline.com/berita/baca/lt51138216c5b16/ma-terbitkan-perma-perampasan-aset>, accessed on 8 May 2013.
- Australian Financial Transactions Reporting and Analysis Center, "Introduction to money laundering", version date 12 December 2008, page 4.
- Azamul F. Noor dan Yed Imran, "Perampasan Harta Kekayaan Hasil Tindak Pidana: Suatu Telaahan Barudalam Sistem Hukum Indonesia", in <http://groups.yahoo.com/group/partnerinlaw/message/14>, accessed on 8 May 2013.
- Bismar Nasution, *Rezim Anti-Money Laundering di Indonesia*, Books Terrace & Library, Bandung, 2008, p 1.
- Bismar Nasution, *Rezim Anti-Money Laundering di Indonesia, ...op.cit.*, p19.
- Constitution of the State of the Republic of Indonesia Year 1945.
- Ferry Aries Suranta, *Peranan PPAK dalam Mencegah Terjadinya Praktik Money Laundering*, Gramata Publishing, Depok, 2010, p. 52.
- Heru Andriyanto, "Century's Tantular Faces Money Laundering Trial", The Jakarta Globe, in <http://www.thejakartaglobe.com/archive/centurys-tantular-faces-money-laundering-trial/>, accessed on 8 Mei 2014.
- Heru Andriyanto, "Tax-Man Bahasyim Gets 10 Years For Money Laundering", The Jakarta Globe, in <http://www.thejakartaglobe.com/archive/tax-man-bahasyim-gets-10-years-for-money-laundering/>, accessed on 8 Mei 2014.
- Kegoro George, "Aset Recovery: Legislatian Vital, Sebuah Wawancara, Adili, dalam Purwaning M. Yanuar, op.cit., pp 248-249. Language Centre Dictionary Author, National Education Department,
- Kamus Besar Bahasa Indonesia*, Third Edition, Balai Pustaka, Jakarta, 2003, p 70.
- Law Number 8, 2010 concerning the Countermeasure and Eradication of Money Laundering.
- Law Number 15, 2002 concerning the Crime of Money Laundering, as amended by the Law Number 25, 2003.
- Muhammad Yunus, et al, *Memorie van Toelicting Discussion Draft Law on Prevention and Combating Money Laundering*, Book I, Center for Financial Transaction Reports and Analysis Center (INTRAC), Jakarta, 2011, p 80.
- Purwaning M. Yanuar, *Pengembalian Aset Hasil Korupsi Berdasarkan Konvensi PBB Anti Korupsi 2003 dalam Sistem Hukum Indonesia*, First Printed, Alumni, Bandung, 2007, p206-207 in Mahrus Ali, *Asas, Teori & Praktek Hukum Pidana Korupsi*, UII Press, Yogyakarta,
- Romli Atmasasmita, Thursday, 11 November 2010 11:03 "Dilema UU Tindak Pidana Pencucian Uang", <http://suar.okezone.com/read/2010/11/11/58/392175/redirect>, accessed on 8 Mei 2013.
- Supreme Court Verdict No.498 K/PID.SUS/2009, in Direktori Putusan Mahkamah Agung Republik Indonesia on [putusan.mahkamahagung.go.id](http://putusan.mahkamahagung.go.id), or [Jdih.mahkamahagung.co.id](http://jdih.mahkamahagung.co.id).
- Supreme Court Verdict No. 791 K/PID.SUS/2010, in Direktori Putusan Mahkamah Agung Republik Indonesia on [putusan.mahkamahagung.go.id](http://putusan.mahkamahagung.go.id), or [Jdih.mahkamahagung.co.id](http://jdih.mahkamahagung.co.id).
- Supreme Court Verdict No. 1721 K/Pid/2011, in Direktori Putusan Mahkamah Agung Republik Indonesia on [putusan.mahkamahagung.go.id](http://putusan.mahkamahagung.go.id), or [Jdih.mahkamahagung.co.id](http://jdih.mahkamahagung.co.id).
- Telly Sumbu, *Kamus Umum, Politik & Hukum*, Jala Permata Aksara, Jakarta, 2010, p. 50.