

Implementation of Assets Confiscation in the Corruption Crime in Indonesia as Additional Criminals Based of Human Rights Perspective



Qurotul 'Aini Septi Farida

Magister of Law, Fakultas Hukum Universitas Diponegoro

ABSTRACT: The confiscation of crime proceeds, or the assets confiscation is the root of very basic justice principle, where a crime should not provide benefits to the perpetrator (crime should not pay), or in other words, a person should not take advantage of the illegal activities he or she is doing. Confiscation of assets that are suspected of being unreasonable can be suspected of violating human rights. If the assets owned exceed the amount of their income, the perpetrator is obliged to prove that the assets were obtained legally. The research method used is normative, which examines and examines using laws and regulations. The result of the research is that the application of asset confiscation is not a violation of human rights. Human rights violations occur when it turns out that assets confiscated are not the result of a criminal act of corruption committed by the defendant. Illegal seizure of assets violates human rights which are the property of citizens. Violations of human rights are regulated in the 1945 Constitution and Law Number 39 of 1999 concerning Human Rights.

KEYWORDS: Asset Confiscation; Corruption Crime; Human Rights.

A. PRELIMINARY

Corruption is a phenomenal crime nowadays, not only causing losses to the state finances but violating the social rights of the people as well. In terms of compensating state financial losses due to acts of corruption, additional criminal sanctions are needed in the form of confiscation of wealth for defendants who are proven to have committed criminal acts. Most of those who carry out corruption are those who are educated, have an influence on the community, to politicians who, in the steps of disguising, hiding, or destroying evidence and proceeds of corruption, many save and flee the proceeds of corruption in foreign countries.

Repressive efforts against criminal acts of corruption are currently not only focused on arresting and punishing perpetrators of corruption crimes with imprisonment and confinement, but also through efforts to recover state financial and economic losses by making confiscations and then following up. by imposing an additional penalty in the form of confiscation of the defendant's assets through a court decision. The confiscation of the proceeds of crime is rooted in a very fundamental principle of justice, where a crime should not provide benefits to the perpetrator (crime should not pay), or in other words, a person should not take advantage of the illegal activities he or she is doing. The seizure of assets currently in force in Indonesia can only be carried out only if the perpetrator of the crime has been declared legally and convincingly guilty of committing a crime by a court decision that has permanent legal force (inkracht) or in other words the seizure of assets is carried out by a criminal decision.

The mechanism for confiscation of assets focuses on disclosing criminal acts, in which there are elements of finding the perpetrators and placing the perpetrators in prison and only positioning confiscation of wealth as an additional crime, which has not been effective in eliminating the number of crimes. So far, the legal practice in Indonesia to eradicate corruption which has the aim of normalizing state losses taken by the perpetrators is still not effective because of the competence of the perpetrators to escape or transfer the proceeds of crime to foreign countries and the perpetrators may also hide in foreign countries and cannot extradited to Indonesia.

State assets are objects that have economic value that must be returned and used for the prosperity of the people. The handling of this state asset must be taken seriously. This is done in accordance with the principle that the proceeds of a criminal act may not be owned, used, controlled, or managed for legal or illegal interests by anyone who intends to bring in wealth illegally. The return of state losses is caused because imprisonment does not provide a deterrent effect and does not consider the economic effect in its implementation.

The confiscation of assets that are suspected to be unreasonable causes violations of property rights and is also suspected of violating human rights. If the assets owned exceed the amount of their income, the perpetrator is obliged to prove that the assets were obtained legally. Violations of confiscation of assets resulting from criminal acts of corruption can be assessed through the

Implementation of Assets Confiscation in the Corruption Crime in Indonesia as Additional Criminals Based of Human Rights Perspective

aspect of human rights. Based on this, the researcher was then interested in increasing the seizure of assets resulting from criminal acts of corruption from the human rights aspect into a study.

Based on the above background, the main reasons for this writing are: How is implementation of assets confiscation in the corruption crime in Indonesia as additional criminals based of human rights perspective?". The method used in this research is a normative legal research method, which examines and examines using statutory regulations. Normative legal research, namely research that only uses secondary data sources, namely laws and regulations, legal theories, and doctrines of leading legal experts, follow the prevailing norms or rules as it should be (as it should be). The laws and regulations used are related to the confiscation of corrupt assets from a human rights perspective. In this normative research, will be based on library materials or secondary data with coverage of primary, secondary, and tertiary legal materials. Analysis of the data used in this study uses qualitative data analysis methods that collect data from literature studies, and other internet sources.

B. ANALYSIS AND DISCUSSION

1. Assets Confiscation of Corruption Proceeds as Additional Criminals

Corruption is an act that not only damages people's finances but also harms the economy of the community. Eradication of criminal acts of corruption in Indonesia has been regulated in positive law, namely Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended and added to Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crime. In the law there are criminal sanctions whose application is carried out cumulatively. The eradication of corruption, directly or indirectly, is intended to minimize the occurrence of leakages and irregularities in the state's finances and economy. Corruption eradication requires an intensive supervision from various elements, namely inherent supervision, the legislature, and the public.

Article 10 of the Criminal Code confiscation of assets for criminal acts of corruption is the confiscation of tangible or intangible movable goods or immovable goods used for or obtained from criminal acts of corruption, including the company owned by the convict where the criminal act of corruption was committed, as well as from goods that replace those items. In addition to Article 10 of the Criminal Code, the seizure of assets is also regulated in Article 39 of the Criminal Code which contains the classification of items that can be confiscated. The seizure of assets is also regulated in the Criminal Procedure Code, namely article 194 paragraph (1), which states: In addition, the seizure of assets is also regulated in Law no. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.

Based on the applicable regulations, the application of approaches such as the explanation of the above article in several countries has proven effective in terms of increasing the proceeds of criminal acts that can be seized. According to Reksodiputro, the legal concept of confiscation of assets/assets based on Indonesian and Dutch criminal law is an additional sanction that can be given by the judge along with the main sanction.

According to Efi Laila Kholis, regarding the difference between additional punishment and the main punishment, it is in terms of giving the main punishment which is an obligation, while the provision of additional law is facultative in nature, that is, it only adds to the punishment. Additional penalties in corruption cases must be understood as part of efforts to punish those who violate the law. There is a difference between additional punishment and the main punishment, namely:

1. Additional penalties can only be added to the main punishment. However, this too has an exception. The confiscation of certain goods, for example, can be carried out on children who are handed over to the government but only regarding confiscated goods. In this case, there is an additional penalty for an action (maatregel) and is not a principal crime.
2. Additional penalties do not have the nature of necessity. If the judge is convinced of the criminal act and the guilt of the defendant, the defendant must be sentenced to the principal sentence. However, in using additional penalties, an independent judge may impose additional penalties or may not.
3. The enactment of the revocation of rights is not in an act of execution. The final paragraph of Article 38 of the Criminal Code stipulates that additional penalties will come into effect on the day the judge's decision can be executed.

Based on the explanation above, the confiscation of corruption assets as part of additional criminal sanctions in the Indonesian criminal law system, as the name implies, is that additional criminal sanctions, so that additional sanctions are additional sanctions so they can be imposed or not imposed.

2. The Implementation of Assets Confiscation In The Corruption Crime In Indonesia As Additional Criminals Based of Human Rights Perspective.

Human Rights as the most basic and natural rights, inherent in humans, universal and lasting, must be protected, respected, should not be ignored, upheld, and recognized. Freedom is a right that is inherently and inseparable from humans and must be protected, respected, and enforced for the sake of increasing human dignity, welfare, happiness, intelligence, and justice. Thus, human rights are inherent in every citizen in carrying out their lives, including those who are accused of corruption cases. Defendants of criminal acts of corruption may be subject to additional criminal sanctions in the form of confiscation of assets because they have caused state losses.

Implementation of Assets Confiscation in the Corruption Crime in Indonesia as Additional Criminals Based of Human Rights Perspective

Assets to be confiscated must first be declared tainted with crime or because there is a strong suspicion that the assets are related to a criminal act. These assets must be considered as tainted assets. The seizure of assets resulting from a criminal act must first be declared tainted by the existence of a criminal act of corruption. That the confiscation of assets is a form of return from the losses suffered by the state because of the criminal act of corruption committed by the defendant. Thus, the amount of confiscation of assets belonging to the defendant must be in accordance with the number of losses suffered by the state.

The state may have a social monopoly on crime and prohibit private acts. If a crime occurs and results in a victim, the state is responsible for paying attention to the needs of the victim. The state must take care of its citizens who are experiencing difficulties by using the available means. This can be done by the state through improving services, regulating rights and laws. Asset confiscation is an additional criminal sanction as a form of the state in dealing with the crime of corruption to provide a deterrent effect on the defendant. In the court's decision, additional criminal sanctions given to the defendant must see the criteria and meet the criteria stipulated in Article 39 paragraph (1) of the Criminal Procedure Code in conjunction with Article 8 of Law No. 31 of 1999 which has been amended by Law No. 20 of 2001 concerning Eradication of Corruption.

In the perspective of the rule of law, the rule of law must be enforced consistently and consistently so that the law functions to control, supervise and limit power. The law must not be used as a political instrument of power (rule by law) to justify the actions of the authorities that are detrimental to the people and the state. Therefore, the state is the main component that must enforce its own laws. The law in the criminal system must be enforced so that it does not conflict with other laws, including the rule of law related to human rights. In the case of confiscation of assets from a defendant in a criminal act of corruption, it could also potentially violate human rights.

Human rights violations are usually carried out by the state, either directly through actions that include human rights violations against its citizens, or indirectly through political economy policies both at the national level which have an impact on the non-fulfillment or elimination of the human rights of its citizens. The seizure of assets has the potential to violate human rights, if it turns out that the seized assets are not the result of the crime of corruption, the state also confiscates them.

The implication of the concept related to human rights is that every power must be limited. Everyone has basic rights that cannot be taken away by a power, everyone can demand the state to guarantee and protect their basic rights. The state in imposing additional penalties on defendants of criminal acts of corruption is limited by the existence of human rights that can protect their basic rights. Every citizen, including the defendant, also has basic rights in terms of obtaining sanctions from the crime committed. The state guarantees the human rights of every citizen to avoid arbitrary actions.

The implementation of additional penalties, confiscation of movable property and refunds of state financial losses are greatly influenced by the value of the calculation of state financial losses, so that it is measured how much the state must recover from the loss, and to obtain an accurate and valid value. The calculation of state financial losses will measure the number of losses suffered by the state, this will prevent the seizure of assets belonging to the defendant is limited to the number of losses that have been calculated.

Asset forfeiture is also known as asset forfeiture, namely the forced taking of assets or property by the state which is believed to have a close relationship with a criminal act. The goal is that the perpetrator does not benefit from his crime. Funds obtained must be canceled to protect the victim. Inhibiting crime continues through blocking. Ensure assets will not be used continuously for criminal purposes, and at the same time for prevention. The confiscation of the defendant's assets can provide a deterrent effect on the perpetrators of criminal acts of corruption, however, there are still cases of criminal acts of corruption that receive punishments that are not commensurate with the actions committed, even the punishment given is much lower than the actions taken by the defendant. Even so, the seizure of assets should not be carried out arbitrarily, because the arbitrary seizure of assets will lead to the potential for human rights violations. The seizure of the defendant's assets as an additional crime is related to the existence of property rights. Property rights are matters related to basic rights, so they must be respected and upheld, because property rights are the fullest rights.

The argument that is often conveyed relates to the provisions of Article 28 H Paragraph (4) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which reads: "Everyone has the right to have private property rights and such property rights may not be taken over arbitrarily. authority by anyone", and the provisions of Article 29 Paragraph (1) of Law Number 39 of 1999 concerning Human Rights (HAM) which reads: "Everyone has the right to protection of his personal, family, honor, dignity, and property rights". The two rules above provide a real guarantee of private property rights. From the provisions of the article it is said that the state must respect the property rights of its citizens, because this right cannot be taken by force because it is private property. In the confiscation of corrupt assets, if the losses suffered by the state are calculated validly and can be accounted for, this will prevent violations of human rights. According to the author, the potential for human rights violations is if the seized assets are not the result of a criminal act of corruption, this will give birth to this potential.

Article 39 of the Criminal Code determines which items can be confiscated. The items that can be confiscated are divided into two groups, namely:

Implementation of Assets Confiscation in the Corruption Crime in Indonesia as Additional Criminals Based of Human Rights Perspective

- a. Items belonging to the convict obtained for a crime, such as money obtained from the crime of bribery and so on. These items are referred to as *corpora delicti* and can always be confiscated as long as they belong to the convicted person and originate from a crime;
- b. Items belonging to the convict that are intentionally used to commit a crime. for example a gun, a dagger, and so on. These items are called *instrumental delicti*.

In this regulation, the confiscated goods are the result of a criminal act of corruption. According to Philipus M. Hadjon who said that the conception of the rule of law (*rechtstaat*) and the conception of the rule of law, places and upholds human rights as one of the characteristics of a state of law, upholds the rule of law. For a democratic country, the recognition and protection of human rights is one measure of the goodness or badness of a government. Indonesia is a state of law. All actions of the state apparatus in carrying out their duties and obligations must be based on the rule of law or legislation, guarantee the protection of human rights, the distribution of power, and the supervision of judicial bodies. These elements must be closely related and should not be viewed separately.

The policy of confiscation of assets, especially in the context of fulfilling replacement money, through a criminal law mechanism can only be confiscated if the perpetrator of the crime has been handed down a decision that has permanent legal force. So that if the court's decision is not yet final and binding, then additional penalties in the form of confiscation of assets or replacement money cannot be executed. Based on non-conviction-based asset forfeiture, the seizure of assets that cannot be legally proven from the origin of the asset cannot be justified. Illegal seizure of assets violates human rights which are the property of citizens.

In the human rights law regime, the state is defined as any person who is given the attribution of authority to do something and/or not to do something on behalf of the state. There are two forms of human rights violations by the state, namely by commission and by omission. Violations of human rights in the form of by commission occur in relation to the state's obligation to respect the human rights of citizens. In the confiscation of assets, human rights violations in the form of a by-commission can occur if the seizure of assets as state obligations carried out by the state is carried out arbitrarily and is not a legal thing as a form of crime for the perpetrators, especially if the assets are not the proceeds of the crime. of the criminal act of corruption committed by the defendant.

The Republic of Indonesia recognizes and upholds human rights and basic human freedoms as rights that are naturally inherent and inseparable from humans that must be protected, respected, and enforced to increase human dignity, welfare, happiness, and intelligence and justice. The protection of human rights is regulated in paragraph IV of the opening of the 1945 Constitution with the understanding that Indonesia places great emphasis on the importance of protecting human rights. Then it is emphasized again in a separate chapter that discusses human rights, namely in Chapter XA on Human Rights. Chapter XA contains 10 articles concerning human rights.

According to article 1 paragraph (6) of Law Number 39 of 1999 concerning Human Rights, it states that: "Human rights violations are every act of a person or group of people including state officials, whether intentional or unintentional or negligence which unlawfully reduces, hinder, limit, and or revoke the human rights of a person or group of people guaranteed by this Law, and do not get, or are feared not to get a fair and correct legal settlement, based on the applicable legal mechanism. Although asset confiscation is a criminal sanction for what has been done by the defendant, the confiscation of assets must also uphold the existence of human rights, because human rights are rights inherent in every citizen and must be respected.

Article 28G paragraph (1) of the 1945 Constitution states that "everyone has the right to personal protection, family, honor, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear of to do or not to do something which is a human right". With this regulation, the act of confiscation of assets must also assess the human rights side of the defendant. The human rights approach in the criminal system and the decision on corruption cases is based on two considerations. First, when corruption is considered a violation of human rights, the regulation of criminal sanctions must be able to restore the rights of the violated citizens. Second, several corruption cases involving public officials show that corruption is closely related to human rights violations.

The criminal system in Indonesia prioritizes the usefulness of criminal sanctions for perpetrators, including perpetrators of criminal acts of corruption, criminal sanctions are expected to provide a deterrent effect on perpetrators. Confiscation of corrupt assets belonging to the defendant is not a sanction that violates human rights, but the sanction for confiscation of assets must see the limits on the seizure of assets which must be seized by the state to prevent human rights violations against the accused. Corruption cases are cases that have violated human rights, the provision of criminal sanctions in the form of asset confiscation is expected to respect the human rights of the accused perpetrators of corruption.

C. CONCLUSION

Based on the discussion that has been discussed previously, the seizure of assets is an additional criminal sanction. Confiscation of corruption assets as part of additional criminal sanctions in the Indonesian criminal law system, as the name implies, is an

Implementation of Assets Confiscation in the Corruption Crime in Indonesia as Additional Criminals Based of Human Rights Perspective

additional criminal sanction, so that additional sanctions are additional sanctions so they can be imposed or not imposed. Human Rights in the application of additional criminal sanctions in the form of violations of asset confiscation are regulated in paragraph IV of the opening of the 1945 Constitution and Article 1 paragraph (6) of Law Number 39 of 1999 concerning Human Rights states that human rights violations are every the actions of a person or group of people including state apparatus, whether intentional or unintentional or negligence that is against the law. The application of additional criminal sanctions in the form of confiscation of assets from the proceeds of criminal acts of corruption is not a violation of human rights. Human rights violations can potentially occur if it turns out that the confiscated assets are not the result of a criminal act of corruption that has been committed by the defendant. Based on article 39 of the Criminal Code, determining assets or goods that can be confiscated, namely goods or assets obtained from committing a criminal act of corruption by the defendant. Illegal seizure of assets violates human rights which are the property of citizens. Confiscation of assets using the Asset Recovery Model and Asset Tracing must be carried out and calculated in a valid and accountable manner, because the confiscation of assets carried out arbitrarily can violate the defendant's human rights.

REFERENCES

- 1) Abdul Kadir Muhammad, *Hukum Dan Penelitian Hukum*, Bandung : PT. Citra Aditya, 2015.
- 2) Alldridge dalam Refki Saputra, “Tantangan Penerapan Perampasan Aset Tanpa Tuntutan Pidana (Non-Conviction Based Asset Forfeiture) dalam RUU Perampasan Aset di Indonesia”, *Jurnal Integritas* 3, No.1, (2017).
- 3) Ananda Muhammad Zikri, 2020, Perampasan Aset Untuk Negara Dari Hasil Tindak Pidana Penipuan dan Tindak Pidana Pencucian Uang, Skripsi: Universitas Sumatera Utara.
- 4) Anthony Kennedy, “Designing A Civil Forfeiture System: An Issues List For Policymakers And Legislator”, *Journal of Financial Crime* 13, No.2, (2006).
- 5) Arizon Mega Jaya, “Implementasi Perampasan Harta Kekayaan Pelaku Tindak Pidana Korupsi”, *Jurnal Cepalo* 1, No.1, (2017).
- 6) Constitution Number 31 Of 1999 which has been changed Constitution Number 20 of 2001 Concerning Corruption Crime Erradication.
- 7) Constitution Number 8 Of 2010 Concerning Eradication and Prevention of Money Laundering.
- 8) Constitution Number 39 Of 1999 Concerning Human Rights.
- 9) Dion Valerian, “Meretas Konsep Baru Pidana Denda Terhadap Tindak Pidana Korupsi”, *Jurnal Antikorupsi INTEGRITAS* 5, No.2, (2019).
- 10) E. Utrecht, *Hukum Pidana II*, Surabaya: Pustaka Tinta Mas, 1997.
- 11) Efi Laila Kholis, *Pembayaran Uang Pengganti Dalam Perkara Korupsi*, Depok: Solusi Publishing, 2010.
- 12) Ifrani, “Tindak Pidana Korupsi Sebagai Kejahatan Luar Biasa”, *Jurnal Hukum: Al’Adl* IX, No.3, (2017).
- 13) Indonesian Criminal Code
- 14) Ingrid Pili, “Hukuman Tambahan Dalam Putusan Pengadilan Tindak Pidana Korupsi”, *Jurnal Lex Crimen* IV, No.6, (2015).
- 15) John Pieris & Wiwik Sri Widiarty, *Negara Hukum dan Perlindungan Konsumen Terhadap Produk Pangan Kadaluarsa*, Jakarta: Pelangi Cendikia, 2007.
- 16) La Sina, “Dampak dan Upaya Pemberantasan Serta Pengawasan Korupsi di Indonesia”, *Jurnal Hukum Pro Justitia* 26, No.1, (2008).
- 17) Legal Smart Channel, Kewajiban dan Tanggung Jawab Negara Dalam Pemenuhan Hak Asasi Manusia, Available online <https://lsc.bphn.go.id/artikel?id=365>.
- 18) Mardjono Reksodiputro, Masukan Terhadap RUU Tentang Perampasan Aset, Legal Opinion (sebagai narasumber dalam sosialisasi RUU Perampasan Aset), Ditjen PP Dep. Hukum dan HAM, Jakarta, (2009).
- 19) Marfuatul Latifah, “Urgensi Pembentukan Undang-Undang Perampasan Aset Hasil Tindak Pidana Korupsi Di Indonesia”, *Jurnal Negara Hukum* 6. No. 1, (2015).
- 20) Margaretha Yesicha Priscyllia, “Pemiskinan Korupsi Sebagai Salah Satu Hukuman Alternatif Dalam Tindak Pidana Korupsi”, *Jurnal Universitas Atma Jaya Yogyakarta*, 2014, <http://e-journal.uajy.ac.id/5934/1/JURNAL%20.pdf>.
- 21) Mahrus Ali, “Pendekatan HAM pada Sistem Pemidanaan dan Putusan Perkara Korupsi”, *Jurnal Veritas et Justitia* 6, No.1, (2020).
- 22) Muladi & Barda Nawawi Arief, *Bunga Rampai Hukum Pidana*, Bandung: Alumni, 1992.
- 23) Perampasan Aset Oleh Penegak Hukum Berpotensi Langgar HAM, Available online <https://mediaindonesia.com/politik-dan-hukum/421895/perampasan-aset-oleh-penegak-hukum-berpotensi-langgar-ham>.
- 24) Philipus M. Hadjon, *Perlindungan Hukum Bagi rakyat di Indonesia*, Surabaya: Bina Ilmu, 1987.

Implementation of Assets Confiscation in the Corruption Crime in Indonesia as Additional Criminals Based of Human Rights Perspective

- 25) Purwadi Joko Santoso, “Pemidanaan Terhadap Pelaku Tindak Pidana Korupsi Penyalahgunaan Wewenang”, *Jurnal Juristic* 02, No.01, (2021).
- 26) Rizi Rizki Deli, “Implementasi Perampasan Aset Hasil Tindak Pidana Korupsi Menurut UndangUndang”, *Lex Administratum* IV, No. 4, (2016).
- 27) Roeslan Saleh, *Stelsel Pidana Indonesia*, Jakarta: Aksara baru, 1983.
- 28) Romli Atmasasmita, *Pengantar Hukum Kejahatan Bisnis*, Jakarta: Prenada Media, 2010.
- 29) Romli Atmasasmita, *Globalisasi Kejahatan Bisnis*, Kencana Prenada Media Group, Jakarta, 2010.
- 30) Rosalinda Jati, Beni Harmoniharefa, “Penerapan Perampasan Aset Sebagai Pidana Tambahan Dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia”, *jurnal Humani (Hukum dan Masyarakat Madani)* 11, No.1 (2021).
- 31) Silva Da Rosa, “Perlindungan Terhadap Pelaku Tindak Pidana Korupsi Dalam Pelaksanaan Perampasan Aset Secara Tidak Wajar”, *Jurnal Bina Mulia Hukum* 2, No.2, (2018).
- 32) Soerjono Soekamto, *Pengantar Penelitian Hukum*, Jakarta: UI Press, 1986.
- 33) Sudarto, “Mekanisme Perampasan Aset Dengan Menggunakan Non-Conviction Based Asset Forfeiture Sebagai Upaya Pengembalian Kerugian Negara Akibat Tindak Pidana Korupsi”, *Jurnal Pasca Sarjana Hukum UNS* IV, No. 2, (2017).
- 34) Teuku Isra Muntahar, “Perampasan Aset Korupsi Tanpa Pemidanaan Dalam Perspektif Hak Asasi Manusia”, *Tesis Universitas Sumatera Utara*, (2020).
- 35) Teuku Isra Muntahar, et.al., “Perampasan Aset Korupsi Tanpa Pemidanaan Dalam Perspektif Hak Asasi Manusia”, *Juris Studia: Jurnal Kajian Hukum* 2, No.1, (2021).
- 36) Try Putra D. N. Kuku, “Perampasan Aset Tanpa Menjalani Pemidanaan Bagi Pelaku Yang Melarikan Diri Atau Meninggal Dunia Dalam Perkara Tindak Pidana Korupsi”, *Jurnal Lex Crimen* IX, No. 4, (2020).
- 37) Veive Large Hamenda, “Tinjauan Hak Asasi Manusia Terhadap Penerapan Hukuman Mati di Indonesia”, *Jurnal Lex Crimen* II, No.1, (2013).
- 38) Zeffry Alkatiri, “Multikultur dan Multiperspektif dalam HAM Internasional”, *Jurnal Wacana* 8 No. 2, (2006).
- 39) Zico Junius Fernando, et.al, “Perampasan Aset Pelaku Tindak Pidana dalam Perspektif Hak Asasi Manusia dan Prinsip Hukum Pidana”, *Jurnal Legislasi Indonesia* 19, No.1, (2022).



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.