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Progressive Legal Approaches and the Prosecutorial Challenges in Executing the Indosurya Case

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Original Article

Abstract

Asset recovery for victims in money laundering cases (Tindak Pidana Pencucian Uang/TPPU) poses a significant challenge within Indonesia's criminal justice system, particularly in complex cases such as the Indosurya Savings and Loans Cooperative (KSP Indosurya). This study aims to evaluate the technical, legal, and institutional barriers encountered by executing prosecutors in implementing court decisions intended to restore victims' financial losses. The research employs a normative legal approach, incorporating case studies and analyses of statutory regulations, judicial decisions, and execution documents. The findings reveal key obstacles, including discrepancies between court rulings and the factual conditions of the seized assets, the absence of explicit language such as "confiscated for the state" in verdicts, and weak inter-agency coordination. The study concludes that procedural reform and the adoption of a progressive legal approach are essential to ensure the effective enforcement of victim restitution. It recommends cross-sectoral synchronization and the reinforcement of the legal framework for asset execution as critical steps toward achieving substantive justice in money laundering cases.

Keywords: *Asset Recovery, Prosecutor, Execution of Verdicts, Progressive Law*

Abstrak

Pemulihan aset korban dalam tindak pidana pencucian uang (TPPU) merupakan tantangan serius dalam sistem peradilan pidana di Indonesia, terutama dalam kasus kompleks seperti KSP Indosurya. Penelitian ini bertujuan untuk mengevaluasi kendala teknis, hukum, dan kelembagaan yang dihadapi oleh Jaksa Eksekutor dalam melaksanakan eksekusi putusan pengadilan guna mengembalikan kerugian korban. Metodologi yang digunakan adalah pendekatan yuridis normatif dengan studi kasus dan analisis peraturan perundang-undangan, putusan pengadilan, serta dokumen pelaksanaan eksekusi. Hasil penelitian menunjukkan bahwa ketidaksesuaian antara amar putusan dengan kondisi faktual barang bukti, ketiadaan frasa "dirampas untuk negara," serta lemahnya koordinasi antarlembaga menjadi hambatan utama. Kesimpulannya, dibutuhkan reformasi prosedural dan penerapan pendekatan hukum progresif untuk memastikan efektivitas pemulihan hak korban. Penelitian ini merekomendasikan sinkronisasi lintas sektor dan penguatan dasar hukum eksekusi sebagai Upaya mewujudkan keadilan substantif dalam perkara TPPU.

Kata kunci: *Pemulihan aset, Jaksa, Eksekusi putusan, Hukum progresif*

1. INTRODUCTION

Money laundering constitutes a rapidly evolving form of economic crime that presents high complexity within modern legal systems. It is never an isolated offense, but intrinsically linked to a range of predicate crimes such as corruption, fraud, narcotics trafficking, smuggling, and embezzlement—each of which undermines the integrity of the financial system and inflicts significant harm on society at large. The principal objective of money laundering is to obscure the illicit origins of criminal proceeds, enabling perpetrators to enjoy these assets under the guise of legal legitimacy while evading judicial scrutiny.

The transnational nature of money laundering has rendered it a global concern. According to the 2020 International Narcotics Control Strategy Report (INCSR), money laundering is classified as a cross-border crime that threatens the stability of national financial systems and economies. In Indonesia, the issue gained prominence following high-profile cases such as First Travel, Indra Kenz, and KSP Indosurya Cipta. These cases revealed how perpetrators exploit systemic weaknesses and regulatory loopholes to shield assets from both law enforcement and victims.

To confront these challenges, Indonesia enacted a series of legal reforms, beginning with Law No. 15 of 2002 and subsequently updated through Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering. These laws stress not only prosecutorial efforts against offenders but also mechanisms for asset tracing and recovery. Central to this is the “follow the money” principle, which serves as a critical instrument in identifying, seizing, and restituting illicit assets either to victims or the state.

Nevertheless, implementation has often fallen short. Asset recovery in money laundering cases frequently fails to deliver substantive justice to victims. In several instances, court rulings have led to state confiscation of assets without adequate mechanisms for restitution, as evidenced in the First Travel case. This disparity underscores the disconnect between legal norms (*das sollen*) and judicial practice (*das sein*). In this context, the role of the public prosecutor (*Jaksa Eksekutor*) is vital, serving as the operational bridge between judicial verdicts and the restitution of victims’ losses in accordance with applicable law.

The authority of the public prosecutor in executing final and binding court decisions is affirmed by multiple legal instruments, including Article 270 of the Criminal Procedure Code, Article 30(3) of Law No. 16 of 2004 on the Attorney General’s Office, and Article 54(1) of Law No. 48 of 2009 on Judicial Power. This authority extends to the return of evidence and seized assets to rightful claimants. However, in practice, prosecutors face numerous challenges: difficulties in asset tracing, legal uncertainty over the status of confiscated assets, and inefficiencies in auction processes that often disadvantage victims. The KSP Indosurya Cipta case provides a salient example. In

Supreme Court Decision No. 2113 K/Pid.Sus/2023, the defendant was found guilty of money laundering, with victims' losses exceeding IDR 15 trillion. Despite this, prosecutors were only able to recover approximately IDR 39 billion—a modest sum relative to the total losses—underscoring the substantial gap between judicial restitution and actual victim compensation. In light of these challenges, the efficacy and legal standing of the public prosecutor in asset recovery efforts, particularly in high-stakes, systemically impactful cases, demands critical re-evaluation. The Indonesian legal framework must be reviewed to determine whether it provides adequate protection for victims of economic crime, especially under a paradigm that prioritizes restorative and progressive justice.

Asset recovery in money laundering cases has garnered significant attention in both academic discourse and public policy. Money laundering, as a financial crime interlinked with predicate offenses such as corruption and fraud, inflicts serious harm not only on the state but also on individual victims. As such, asset recovery is not merely a facet of legal enforcement but a cornerstone of restoring substantive justice. Irwan underscores the significance of the “follow the money” approach within Indonesia’s anti-money laundering framework. He posits that enforcement must extend beyond convicting perpetrators to ensuring the restitution of criminal proceeds to victims. He critiques court decisions—such as in the First Travel case—that neglect victim compensation despite asset confiscation for the state.¹

Andreanto et al. explore the nexus between predicate crimes like fraud and embezzlement and subsequent money laundering. They advocate for a hybrid legal strategy combining criminal and civil proceedings, including restitution mechanisms, to ensure victim compensation. Their study reflects a shift from retributive to compensatory justice in financial crime adjudication.² Sulaksono et al. critique the lack of procedural norms in Law No. 8 of 2010, which often compels victims to initiate separate civil lawsuits to obtain compensation—an ironic contradiction to the law’s stated objectives. They call for urgent revision of these procedural gaps to facilitate victim restitution through criminal proceedings.³

Pandiangan and Simarmata, using an empirical legal approach, argue that asset restitution to money laundering victims is achievable through comprehensive steps of asset tracing, seizure, and execution by prosecutors following a final court decision. They stress the strategic role of prosecutors in actualizing asset-based restorative

¹ Tania Irwan, “Implementasi Upaya Pemulihan Aset Korban Kejahatan Tindak Pidana Penipuan Dan Pencucian Uang Dalam Kasus First Travel,” *Jurnal Ilmu Sosial Dan Pendidikan* 5, no. 4 (2021): 698–719, <http://dx.doi.org/10.58258/jisip.v5i4.2223>.

² Andreanto Andreanto, Muhammad Arief Amrullah, and Fanny Tanuwijaya, “Pemulihan Aset Korban Penipuan Sebagai Tindak Pidana Asal Dalam Tindak Pidana Pencucian Uang,” *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 2 (2023): 228–37, <https://doi.org/10.55809/tora.v9i2.262>.

³ Satriawan Sulaksono, Widodo Tresno Novianto, and Supanto Supanto, “Perlindungan Hukum Dalam Pemulihan Aset Bagi Korban Tindak Pidana Pencucian Uang Yang Tercampur Dengan Aset Pelaku,” *Jurnal Hukum Dan Pembangunan Ekonomi* 7, no. 1 (2019): 107–19, <https://doi.org/10.20961/hpe.v7i1.29202>.

justice.⁴ Prabowo et al. draw attention to judicial reasoning in money laundering cases. They highlight instances where judges, despite the absence of state loss, confiscate assets for the state, thereby depriving victims of compensation. This illustrates a fundamental tension between legality and justice in judicial decision-making.⁵ Similarly, Joshua and Rahaditya emphasize the urgency of advancing the draft Asset Confiscation Bill to establish legal pathways for compensating victims through validated restitution and compensation mechanisms.⁶

Gunawan analyzes regulations surrounding evidentiary asset confiscation and notes a persistent legal vacuum impeding effective execution, despite the stipulations in Article 67 of Law No. 8 of 2010. He recommends the acceleration of the Asset Confiscation Bill to provide structural solutions.⁷ Lengkong highlights the systemic impact of corruption and money laundering on state finances, urging Indonesia to ratify the UNCAC as a legal basis for enacting comprehensive asset confiscation laws. He also underscores the need for international cooperation to enhance the efficacy of cross-border asset recovery efforts.⁸

While these studies have contributed significantly to the discourse on strengthening Indonesia's anti-money laundering regime—particularly in the realm of asset confiscation and victim restitution—they often remain focused on normative analysis or limited case studies. Moreover, they tend not to specifically assess the strategic and operational role of the public prosecutor in executing court decisions pertaining to money laundering cases.

This study seeks to address this research gap by investigating the legal authority, practical functions, and operational barriers faced by the executing prosecutor in the recovery of assets for victims of money laundering, with a particular focus on Supreme Court Decision No. 2113 K/Pid.Sus/2023 in the KSP Indosurya case. Unlike prior research, this study adopts a comprehensive approach that examines not only the normative framework but also the procedural and technical challenges of execution, thereby offering an original contribution to the field of progressive, victim-centered law enforcement in Indonesia.

⁴ Florensia Pandiangan and Berlian Simarmata, "Pemulihan Aset Korban Tindak Pidana Pencucian Uang Yang Berasal Dari Penipuan: Studi Kasus Putusan Nomor 365 PK/Pid.Sus/2022," *Jurnal Profil Hukum* 3, no. 1 (2025): 24–37, <https://ejournal.ust.ac.id/index.php/JPH/article/view/4572>.

⁵ Sukma Prabowo, Siswantari Pratiwi, and Mardani Mardani, "Perlindungan Hukum Terhadap Korban Tindak Pidana Penipuan Dan Pencucian Uang: Studi Putusan Nomor 83/Pid.B/2018/PN.DPK," *Jurnal Sosial Humaniora Sigli* 7, no. 1 (2024): 356–69, <https://doi.org/10.47647/jsh.v7i1.2386>.

⁶ Mishael Joshua and Rahaditya Rahaditya, "Quo Vadis Perampasan Aset Dalam Tindak Pidana Pencucian Uang Sebagai Pemenuhan Keadilan Terhadap Korban," *Unes Law Review* 6, no. 4 (2024): 10089–98, <https://doi.org/10.31933/unesrev.v6i4.1880>.

⁷ Cepy Indra Gunawan, "Perampasan Barang Bukti Tindak Pidana Pencucian Uang Dalam Rangka Pengembalian Aset Negara," *Hangoluan Law Review* 1, no. 1 (2022): 106–37, <https://hhr.unja.ac.id/index.php/hhr/article/view/6>.

⁸ Lonna Yohanes Lengkong, "Urgensi Penerapan Perampasan Aset Dalam Tindak Pidana Pencucian Uang," *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 3 (2023): 351–64, <https://doi.org/10.55809/tora.v9i3.278>.

It aims to assess the legal position of the executing prosecutor based on prevailing statutory provisions—including the Criminal Procedure Code, the Attorney General’s Law, and the Judicial Power Law—and to critically evaluate the institutional, legal, and procedural obstacles encountered in the restitution of assets to victims in complex money laundering cases.

2. RESEARCH METHODOLOGY

This study employs a normative legal approach, which centers on a systematic examination of written legal norms, underlying legal principles, and relevant legal doctrines. This methodology is deemed appropriate given the study’s objective: to evaluate the role of the public prosecutor in executing asset recovery for victims of money laundering (TPPU), with specific reference to Supreme Court Decision No. 2113 K/Pid.Sus/2023. By interpreting law as a prescriptive normative system, the study assesses both the effectiveness of applicable legal provisions and their alignment with the principles of justice in the implementation of asset recovery mechanisms.

The legal materials utilized in this research are categorized into three types. Primary legal sources consist of binding legal instruments such as the Indonesian Criminal Procedure Code, the Law on the Prosecutor’s Office, the Law on Judicial Power, the Anti-Money Laundering Law (TPPU Law), and the court decisions under review. Secondary legal materials include scholarly commentaries, peer-reviewed journal articles, legal textbooks, and prior research studies that are relevant to prosecutorial execution and asset recovery processes. Tertiary legal materials comprise legal dictionaries and encyclopedias that assist in clarifying legal terminology and technical concepts.

All materials were gathered through a structured legal literature review, drawing on authoritative and official sources to ensure both validity and reliability. The analysis applies a descriptive-analytical method, mapping the substantive content of legal norms and interpreting them through the lens of substantive justice theory and legal effectiveness. Additionally, the study integrates a case-based approach, using Supreme Court Decision No. 2113 K/Pid.Sus/2023 as a focal point for evaluating the extent to which prosecutorial execution mechanisms are effective in securing the recovery of assets for victims of money laundering. Through this combined approach, the study not only identifies the normative-practical gap in Indonesia’s anti-money laundering enforcement framework but also proposes normative recommendations aimed at strengthening the institutional and procedural dimensions of economic criminal law enforcement.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Legal Standing of the Executing Prosecutor in the Asset Recovery Process for Victims of Money Laundering (TPPU)

This study seeks to conduct a normative analysis of the legal standing of the executing prosecutor in the implementation of asset recovery for victims of money laundering (TPPU), with particular reference to the provisions of the Indonesian Criminal Procedure Code, the Prosecutor's Law, and the Judicial Power Law. The primary objective is to examine how the prosecutorial function as executor of final court decisions contributes to achieving substantive justice for victims of complex economic crimes.

Normatively, the executing prosecutor possesses firm and legitimate legal authority to carry out court decisions, especially those involving the restitution of assets to victims of money laundering. This authority is enshrined in Article 270 of the Criminal Procedure Code, which stipulates that the enforcement of court decisions is the responsibility of the prosecutor. Furthermore, Article 30(3) of Law No. 16 of 2004 (as amended by Law No. 11 of 2021) and Article 54(1) of Law No. 48 of 2009 further reinforce the central role of the prosecutor as executor. This role is not merely administrative; it embodies the function of the state in delivering justice. In practice, prosecutors serve as agents of the state in executing court orders, including asset tracing, seizure, auction, and restitution to victims.

Nevertheless, this study finds that prosecutors encounter numerous challenges in executing their duties effectively. These include difficulties in tracing assets that have been commingled with lawful funds (a common occurrence at the integration stage of money laundering), ambiguity regarding the legal status of certain confiscated items, prolonged and complex auction procedures despite existing provisions that allow for direct sales, and the limited financial yield from execution compared to the scale of victim losses. The Supreme Court Decision No. 2113 K/Pid.Sus/2023 in the KSP Indosurya case serves as a clear illustration of the prosecutor's role and the practical constraints faced. Although prosecutors successfully confiscated and executed some of the perpetrator's assets and returned approximately IDR 39 billion to victims, this amount remains significantly lower than the total estimated loss of IDR 15.9 trillion. Nonetheless, this achievement reflects a concrete step toward the realization of justice.

This study concludes that the legal standing of the executing prosecutor in asset recovery is normatively strong, central, and legitimate. Prosecutors not only perform formal enforcement functions but also play a pivotal role in the realization of substantive justice. However, the effectiveness of their role remains constrained by technical, institutional, and regulatory implementation challenges. This finding aligns with Sulaksono et al., who argued that while Law No. 8 of 2010 embodies a recovery-oriented spirit, its application remains weak, as victims are still required to file civil suits

to obtain restitution.⁹ Similarly, Pandiangan and Simarmata note that the prosecutorial execution process faces practical barriers. Yet, in contrast to the First Travel case—where assets were confiscated for the state without restitution—the Indosurya case demonstrates that, with institutional commitment and regulatory support, normative mechanisms can operate effectively.¹⁰ This study also reinforces the findings of Joshua and Rahaditya, who emphasized the effectiveness of the “follow the money” approach in asset tracing and victim restitution. The existence of the Asset Recovery Center (Pusat Pemulihan Aset/PPA) within the Attorney General’s Office represents strategic institutional capital that can strengthen the prosecutor’s execution function.¹¹

The findings resonate with the progressive legal theory, which asserts that law must evolve to meet the demands of substantive justice.¹² Prosecutors, therefore, are not merely mechanical enforcers of the law but are expected to exhibit moral and institutional courage in seeking restitution for victims.¹³ In this regard, the success of prosecutors in the Indosurya case can serve as a model for future TPPU case executions. Adaptive legal interpretation, the exercise of prosecutorial discretion, and collaboration with institutions such as KPKNL and Rupbasan are key to optimizing asset recovery outcomes.

Ultimately, the role of the executing prosecutor in enforcing criminal judgments demonstrates that while the Indonesian legal system provides broad legal authority, it still lacks the technical and procedural infrastructure to ensure that the principle of in kracht (final and binding decision) leads to meaningful justice. This study affirms that prosecutors have a solid normative foundation as enforcers of asset recovery in TPPU cases. However, the role remains only partially effective due to structural and procedural deficiencies. Therefore, institutional strengthening is needed, including the revitalization of the PPA’s role, regulatory adjustments to streamline auction and direct sale procedures, targeted technical and ethical training for prosecutors, and revision of the TPPU Law to ensure automatic restitution rights for victims as part of the court verdict.

The effectiveness of law enforcement should not be measured solely by the criminal conviction of perpetrators but by the extent to which justice is tangibly realized

⁹ Sulaksono, Novianto, and Supanto, “Perlindungan Hukum Dalam Pemulihan Aset Bagi Korban Tindak Pidana Pencucian Uang Yang Tercampur Dengan Aset Pelaku.”

¹⁰ Pandiangan and Simarmata, “Pemulihan Aset Korban Tindak Pidana Pencucian Uang Yang Berasal Dari Penipuan: Studi Kasus Putusan Nomor 365 PK/Pid.Sus/2022.”

¹¹ Joshua and Rahaditya, “Quo Vadis Perampasan Aset Dalam Tindak Pidana Pencucian Uang Sebagai Pemenuhan Keadilan Terhadap Korban.”

¹² Elita Agestina, “The Effectiveness of Law Changes as Progressive Law Implementation on Law Enforcement by Prioritizing Islamic Law as a Benchmark,” *Ratio Legis Journal* 1, no. 4 (2022): 464–79, <http://dx.doi.org/10.30659/rjlj.1.4.%25p>; Eddy Oemar Syarief Hiariej, *Prinsip-Prinsip Hukum Pidana*, 2nd ed. (Yogyakarta: Cahaya Atma Pustaka, 2017).

¹³ Nurul Fadilah, “Implementation of the Witness and Victim Protection Agency in Providing Protection to Victims of Vigilantes (Eigenrichting),” *Southeast Asian Journal of Victimology* 1, no. 1 (2023): 85–96, <http://dx.doi.org/10.51825/sajv.v1i1.24685>; Trias Saputra and Yudha Adi Nugraha, “Pemenuhan Hak Restitusi: Upaya Pemulihan Korban Tindak Pidana,” *Krtha Bhayangkara* 16, no. 1 (2022): 65–80, <http://ejurnal.ubharajaya.ac.id/index.php/KRTHA>.

for victims. By enhancing the substantive and systematic role of the executing prosecutor, Indonesia's criminal justice system can move closer toward fulfilling its overarching goal of delivering meaningful and restorative justice.

3.2. The Legal Standing of the Executing Prosecutor in the Implementation of Asset Recovery for Victims of Money Laundering (TPPU)

This section evaluates the technical, legal, and institutional obstacles faced by the executing prosecutor in recovering assets belonging to victims of money laundering (TPPU), with particular reference to the KSP Indosurya case. Using a normative legal approach and case study methodology, this research identifies implementation challenges related to the execution of confiscated goods and asset recovery, and assesses how a progressive legal framework might offer viable solutions to these impediments.

The study's principal findings indicate that the most significant technical obstacle encountered by prosecutors is the lack of synchronization between the contents of court decisions and the actual identification of confiscated assets. These inconsistencies manifest in the form of administrative inaccuracies, mismatched asset descriptions, and limited documentation concerning legal ownership. Additionally, several assets proved to be the personal property of cooperative executives rather than assets legally owned by the cooperative, resulting in legal disputes and objections from third-party bona fide owners.

Legally, challenges emerge from the absence of explicit language in court verdicts regarding the confiscation of assets for the state—a statutory requirement for auction execution. The Criminal Procedure Code and the Ministry of Finance Regulation No. 13/PMK.06/2018 mandate clear legal status for assets to proceed with auction processes, a criterion often unmet in practice. From an institutional standpoint, coordination among relevant agencies—namely the Prosecutor's Office, the Ministry of Finance, the State Assets and Auction Service Office (KPKNL), and the Ministry of Cooperatives and SMEs—remains suboptimal. The management of confiscated assets is frequently hindered by bureaucratic delays, jurisdictional overlaps, and the absence of an integrated asset database. These inefficiencies delay the auction process and expose assets to depreciation, damage, or diminished economic value.

These findings are consistent with previous studies by Apriliansah and Yusuf and Subihat, which identify weak inter-agency coordination and ineffective asset management systems as major barriers to TPPU asset execution.¹⁴ Similarly, Chandra et al. emphasized that the clarity of confiscation orders within court decisions—particularly the inclusion of the phrase “confiscated for the state”—is essential for the

¹⁴ Lalu Apriliansah and Hudi Yusuf, “Efektivitas Penegakan Hukum Dalam Tindak Pidana Ekonomi: Studi Pada Kasus Pencucian Uang Di Indonesia,” *Jurnal Intelek Cendekiawan Nusantara* 1, no. 6 (2024): 9922–37, <https://jicnusantara.com/index.php/jicn/article/view/1869>; Ihat Subihat, “Pengadilan Tindak Pidana Korupsi Dan Tindak Pidana Pencucian Uang,” *Yustitia* 4, no. 1 (2018): 55–78, <https://doi.org/10.31943/yustitia.v4i1.31>.

legality of auction executions and to avoid third-party legal challenges.¹⁵ However, this study expands upon earlier research by addressing the unresolved legal conflict between criminal and civil (homologation) decisions in the KSP Indosurya case. In this instance, the civil court validated a debt settlement plan via homologation, while the criminal court ordered asset confiscation for the state. This contradiction created legal uncertainty for the executing prosecutor, illustrating the tension between due process requirements—which emphasize formal legal compliance¹⁶, and the imperative to deliver substantive justice to victims.

In the KSP Indosurya case, thousands of victims suffered significant financial losses due to mismanagement and non-transparent practices by cooperative leadership. However, complex administrative procedures and legal rigidity significantly delayed the recovery process. Discrepancies between case files and physical evidence exposed the weaknesses in the prosecutor's evidence documentation system. Furthermore, the absence of an integrated, inter-agency verification platform severely prolonged the asset confiscation and auction processes. By the time the assets were liquidated, their value had depreciated substantially and no longer corresponded to the victims' total losses.

From the perspective of progressive legal theory, these findings underscore the urgent need to liberate law enforcement processes from an overly rigid legalistic orientation. The law must not be confined solely to procedural formalism but must also serve the broader aim of protecting and restoring the rights of victims—the parties most adversely affected. Accordingly, institutional and procedural reforms are essential to reposition the law as a dynamic instrument of substantive justice.

This study yields three principal conclusions. First, technical barriers—particularly inconsistencies between case documentation and the actual condition or status of assets—pose critical challenges that significantly impair the effectiveness of prosecutorial execution. Second, from a legal standpoint, the inclusion of the phrase “confiscated for the state” within court verdicts is a fundamental requirement for legitimizing asset auctions. Third, institutional weaknesses, particularly poor inter-agency coordination, exacerbate the mismanagement of confiscated assets and prolong the suffering of victims awaiting restitution.

From a normative perspective, the Indonesian Criminal Procedure Code provides a clear legal foundation for the return of assets to the rightful parties. However, in practice, this provision is frequently inapplicable due to the absence of explicit language in verdicts, incomplete administrative documentation, and inconsistent judicial

¹⁵ Alex Chandra, Vience Ratna Multi Wijaya, and Esti Royani, *Kekuatan Eksekutorial Putusan Hakim Berupa Pidana Tambahan Dalam Perkara Tindak Pidana Korupsi* (Sleman: Zahir Publishing, 2023), <https://zahirpublishing.net/detail-kekuatan-eksekutorial-putusan-hakim-berupa-pidana-tambahan-dalam-perkara-tindak-pidana-korupsi-421>.

¹⁶ Lucia Zedner and Carl-Friedrich Stuckenberg, “Due Process,” in *Core Concepts in Criminal Law and Criminal Justice*, ed. Kai Ambos et al. (Cambridge: Cambridge University Press, 2020), 304–42, <https://doi.org/10.1017/9781108649742.009>.

interpretation regarding asset confiscation arising from TPPU cases. These gaps open avenues for third-party legal claims that often obstruct the execution process. In the context of the KSP Indosurya case, this study offers several concrete recommendations:

- 1) Enhance the accuracy and synchronization of legal documents across the chain of law enforcement—particularly among investigators, public prosecutors, and the judiciary—to minimize inconsistencies during the execution phase.
- 2) Reform inter-agency coordination mechanisms, especially between the Prosecutor’s Office, the Ministry of Finance, and the Ministry of Cooperatives and Small and Medium Enterprises, to reduce bureaucratic fragmentation in the asset recovery process.
- 3) Broaden the application of progressive legal interpretation in the execution of confiscated assets to ensure that victims’ rights are restored promptly and equitably.
- 4) Develop standardized national technical guidelines for the recovery of assets belonging to victims of money laundering, grounded in restorative justice principles and centered on victim protection. These measures are essential to transform the legal framework from one that is procedurally rigid into one that actively fulfills the goals of substantive and victim-oriented justice.

4. CONCLUSION

This study aims to analyze the legal position of the executing prosecutor in implementing asset recovery for victims of money laundering crimes (TPPU), based on applicable normative provisions. It further seeks to evaluate the technical, legal, and institutional obstacles encountered in executing these duties, with a focused case study on KSP Indosurya. The analysis is grounded in the relevant legal framework, including the Criminal Procedure Code, the Law on the Attorney General’s Office, and the technical regulations governing the execution of asset auctions. The findings reveal that, normatively, the executing prosecutor holds legitimate and authoritative legal standing to enforce final and binding court decisions, including the confiscation, seizure, and auction of assets aimed at restoring the rights of victims. However, the implementation process is hampered by several significant challenges: technical obstacles, such as inconsistencies between asset identities and the descriptions in verdicts; legal obstacles, notably the absence of the phrase “confiscated for the state” in some court rulings; and institutional constraints, including weak inter-agency coordination and overlapping jurisdictional mandates.

This study underscores the critical need to modernize the evidence administration system, ensure data synchronization across institutions, and adopt a progressive legal approach to guarantee that the asset recovery process is conducted in a timely, fair, and

accountable manner. The research offers practical policy recommendations for the Attorney General's Office, the Supreme Court, and other regulatory bodies to improve asset execution procedures and enhance the protection of victims in TPPU cases. The limitation of this study lies in its exclusive focus on a single case—KSP Indosurya. For future research, a comparative analysis of asset recovery implementation across multiple TPPU cases is recommended to provide a broader, systemic understanding of prevailing challenges and to formulate more comprehensive, universally applicable solutions.

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