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The Urgency Of Formulating A Law On Asset Forfeiture Using The Non-Conviction Based Asset Forfeiture Method As A Measure To Prevent Corruption Crimes

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ABSTRACT

The “Non-Conviction Based Asset Forfeiture (hereinafter referred to as NCB Asset Forfeiture)” method is an approach in asset confiscation law that allows authorities to confiscate assets related to illegal activities without requiring a court decision regarding the criminal wrongdoing of the asset owner. In the formation of legislation regarding asset confiscation in Indonesia, it is necessary to include this method as a direction for more flexible and effective law enforcement against criminal acts of corruption. Applying the NCB Asset Forfeiture method ideally in the Indonesian legal system, it is necessary to consider several main elements in the legal and regulatory system that will be formed, these elements are 1) a clear and comprehensive legal framework; 2) transparent procedures and standards; 3) rights and protection of related parties; 4) authority and capacity of law enforcement officers; and 5) asset management and recovery. By considering these things, it will produce ideal regulations in the Indonesian legal system in accordance with the NCB Asset Forfeiture method. So that the Asset Confiscation Legislation will have the aim of facilitating the state's efforts to save and restore losses experienced by the state as a result of criminal acts, especially corruption crimes.

Keywords: Urgency, Policy, Confiscation of Assets, Corruption

INTRODUCTION

In Indonesia, the issue of eradicating corruption is always an interesting topic in legal research discussions. Corruption has infected society and the state, destroying the nation's civilization and development. In Indonesia, the movement against corruption began during the reform era, which mandated the eradication of corruption in order to create a government free from corrupt practices. Historically, corruption has been a part of human behavior almost as long as civilization itself. In the context of Indonesia's journey as a nation, the problem of corruption has been deeply rooted for a long time. Even among the majority of public officials, it is not uncommon for corruption to be considered "normal and reasonable." Like an addiction, corruption has become a prestigious commodity, and not engaging in it causes "stress" for its enthusiasts. Corruption begins as a deviation, eventually becoming a habit and ending up as something that is commonly practiced by state officials. Inevitably, many people are pessimistic and despairing about law enforcement efforts to eradicate corruption in this country. Based on this, the corruption that continues to occur in Indonesia has a negative impact on the government and society.[1]

The eradication of corruption was marked by the enactment of Law No. 31 of 1999 concerning the Eradication of Corruption in conjunction with Law No. 20 of 2001 concerning Amendments to the Eradication of Corruption Crimes (Tipikor Law), which contains provisions for severe sanctions for perpetrators of corruption, namely the death penalty for corruptors who commit corruption under certain circumstances. At the same time, the Corruption Eradication Commission (KPK) was formed as a trigger mechanism for the police and prosecutors in eradicating corruption.

The systems and mechanisms in place, both in the Anti-Corruption Law and other laws and regulations, have so far been unable to support the recovery of assets derived from corruption. The 2003 United Nations Convention against Corruption (UNCAC) regulates efforts to confiscate (recover) assets derived from crime, which has become a global concern. Corruption is not only a national problem but also an international one. There are many cases of state assets being corrupted and then transferred and hidden in financial centers in developed countries, which are protected by the legal systems of those countries as places to store assets derived from corruption.[2]

Based on data released by the Financial Transaction Reports and Analysis Center (PPATK), the total number of reports received by the Financial Transaction Reports and Analysis Center during December 2023 alone, specifically regarding suspicious financial transactions (LKTM), reached 440 reports per day. According to PPATK's analysis, in December, 48 percent of these reports were related to state financial losses and gambling.[3]

With the development of criminal methods, economic crimes that were initially conventional in nature, such as theft, fraud, and embezzlement, have now become increasingly complex because they involve educated perpetrators and are often transnational or cross-border in nature. This type of crime not only generates a lot of wealth but also involves a lot of money to finance the equipment, facilities, and infrastructure that support the

[1] Herdiansyah Hamzah, *Jejak Sejarah Korupsi Di Indonesia* (Yogyakarta, 2008), ttps://www.herdi.web.id/wp-content/uploads/2021/08/Jejak-Sejarah-Korupsi-Di-Indonesia.pdf.
[2] Pohan Agustinus, *Pengembalian Asset Kejahatan* (Yogyakarta, 2008).
[3] PPATK RI, "Buletin Statistik: Laporan Keuangan Transaksi Mencurigakan," 2023.

commission of these crimes. With this level of complexity, handling these crimes becomes increasingly complicated and difficult for law enforcement agencies.

Several provisions on criminal acts of corruption that are currently in force also give rise to a number of problems. The substitution of the obligation to pay compensation with imprisonment for a term not exceeding the maximum penalty for the principal offense creates an opportunity for perpetrators of corruption to choose to extend their prison term rather than pay compensation.[4]

Another issue that hinders efforts to maximize the return of corruption proceeds to the state is that the Anti-Corruption Law limits the amount of compensation that can be imposed to the amount obtained from the corruption offense or the amount that can be proven in court. In addition to obstacles in the legal paradigm of combating corruption, efforts to recover state funds are also hampered by the nature of corruption crimes, which require very detailed and time-consuming evidence. Meanwhile, corruptors have been hiding the proceeds of their crimes since the corruption occurred. The average time span of 2 to 3 years to resolve a corruption case gives the perpetrator ample time to cover up the traces of the assets obtained from the corruption.

Efforts to suppress crime by relying on the use of criminal provisions also leave other obstacles. There are several criminal acts or violations of the law that cannot be prosecuted using criminal provisions. For example, currently, unlawful acts that cause losses to the state cannot be prosecuted under criminal corruption provisions.

Based on this, there is a need to formulate a law on asset forfeiture in the Indonesian legal system. In this urgent matter, the formation of an asset forfeiture law is not just empty talk, but has strong reasons behind it. On the other hand, President Joko Widodo has also urged that the Draft Law on the Forfeiture of Assets Resulting from Criminal Acts, which has been proposed by the government to the House of Representatives, be immediately discussed and passed into law. This regulation is not only needed to recover state losses but also to deter corruptors. According to President Joko Widodo, the Law on the Confiscation of Assets from Criminal Acts is important to be finalized immediately because it is a mechanism for recovering state losses and deterring perpetrators.

With the noble goal of expediting the passage of the Criminal Asset Forfeiture Bill, this law will become the legal umbrella for confiscating assets obtained from crime (proceeds of

[4] Adnan Topan Husodo, "Catatan Kritis Atas Usaha Pengembalian Aset Hasil Tindak Pidana Korupsi Dalam Perampasan Aset Hasil Tindak Pidana," *Jurnal Legislasi Indonesia*, 2010, 584.

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crime) and other assets suspected of being used or having been used as instruments to commit crimes.

Given the urgency of passing the bill on the confiscation of assets derived from criminal acts, there are high hopes among the general public that the bill will be implemented. The concept of "Vox Populi, Vox dei," which means "the voice of the people is the voice of God," also supports the government and the House of Representatives to immediately pass this bill. The aspirations and will of the people should be the top priority for the government and state administrators. An example of this is the alleged tin mining corruption, which is still a hot topic of discussion and has caused the state to suffer losses amounting to Rp271 trillion from 2015 to 2022. The people's demand to expose and take firm action against the perpetrators of corruption must be used as a guideline, as this is in line with the principles of justice and morality taught by all religions.

Based on the above description, the author is interested in conducting research by taking three (3) problem formulations to show the direction of this research, namely: 1) How is the legal policy for the formation of the Law on Asset Forfeiture in Indonesia? 2) How is the NCB Asset Forfeiture Method understood in the formation of the Law on Asset Forfeiture in Indonesia?; and 3) How should the Law on Asset Forfeiture ideally be regulated to provide a deterrent effect for perpetrators of corruption? From the formulation of the issues, there is a clear need to reconstruct the criminal justice system in Indonesia by regulating the seizure and confiscation of proceeds and instruments of crime in a single law. Such regulations must not only be comprehensive but also integrated with other regulations so that the law can be effectively implemented and provide legal certainty and protection to the public.

METHOD

The research method used in this study is normative research. This study only focuses on concepts, legal principles, legal principles, and written regulations, so this study is closely related to libraries because it will require secondary data from libraries. Furthermore, the type of legal material used in this study is secondary data. To sharpen the analysis, case studies are used as examples of the urgency of forming asset seizure laws. After the necessary legal material has been collected, it is then systematically and methodically organized and analyzed using qualitative descriptive methods.

RESULTS AND DISCUSSION

1. Legal Policy on the Formation of Laws on Asset Seizure in Indonesia

In the substantive discussion raised by the author, there is an urgency or necessity to formulate legislation on asset forfeiture, which has not yet been passed. Discussions on the Asset Forfeiture Law are still in the form of a draft bill being deliberated in the Indonesian House of Representatives. However, in order to provide legal certainty, the President has urged in his instructions that the Criminal Asset Seizure Law be enacted immediately. This regulation is necessary so that law enforcement can be carried out in a professional, transparent, and accountable manner, thereby improving the welfare of the community.[5]

Before discussing the legal politics behind the formation of asset seizure legislation in Indonesia, it is necessary to first discuss the reasons for the existence of legal politics in legislation. These reasons are as follows:

a. Channeling of Social Values

The political process in the formation of legislation allows the values that exist within society to be channeled into formal law. This ensures that the laws that are created are relevant and acceptable to society.

b. Quality of the Legal System

Legal politics helps build a quality legal system to realize the objectives of the state as mandated by the constitution. Law is a political product formed by state institutions, so political changes can influence the formation of law.

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[5] "Presiden Apresiasi Capaian Pemulihan Aset Dan Dorong Pembentukan UU Perampasan Aset Tindak Pidana," accessed June 1, 2024, https://www.presidenri.go.id/siaran-pers/presiden-apresiasi-capaian-pemulihan-aset-dan-dorong-pembentukan-uu-perampasan-aset-tindak-pidana/#:~:text=Terkait pemulihan aset%2C Presiden mendorong untuk segera ditetapkan,transparan%2C dan akuntabel%2C serta dapat meningkatkan kesejahteraan masyarakat.

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Thus, legal policy is essential in the process of drafting bills to ensure that the resulting laws are not only in line with societal values, but also effective in achieving the objectives of the state.

Based on this principle, legal policy in legislation on asset seizure in Indonesia must have the principles that I explained earlier. Understanding the legal policy of the draft law on asset seizure can be done by examining three aspects of the approach in legal policy itself, namely the philosophical, sociological, and juridical aspects.

a. philosophical approach

The 1945 Constitution of the Republic of Indonesia has set out the goals and ideals for achieving the welfare of the people. The fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia states that the State shall protect the entire Indonesian nation and all of Indonesia's bloodshed and promote general welfare and educate the nation. This is part of the goals of the Republic of Indonesia. The legal philosophy contained therein is that the founders of our nation aspired for the Republic of Indonesia to become a constitutional state (Rechtsstaat), as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a constitutional state.

Therefore, the philosophical approach to the formulation of the Law on asset forfeiture in Indonesia involves the basic principles that underlie the objectives and implementation of the law. The following are some of the main aspects of the philosophical approach to the formation of the Law on asset forfeiture in Indonesia that the author can provide, namely: 1) Commitment to Social Justice; 2) Crime Prevention and Control; 3) Diversity and Equality; 4) Human Rights; 5) Public Interest and Community Welfare; 6) Sustainable Legal Development; and 7) Integrity and Transparency.

Several aspects of the philosophical approach to the formation of the Law on Asset Seizure in Indonesia focus on the principles of social justice, crime prevention, equality, respect for human rights, public interest, sustainable legal development, as well as integrity and transparency. These aspects form a strong foundation to ensure that the law is not only effective in combating crime, but also fair and in line with fundamental human values.

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Furthermore, according to Atmasasmita, the practice of asset forfeiture is a violation of a person's human right to acquire wealth based on Article 28G paragraph (1) of the 1945 Constitution. To avoid human rights violations in the practice of asset seizure, the state must incorporate regulations on asset seizure into law. This is based on Article 28 J paragraph (2) of the 1945 Constitution, which states that every Indonesian citizen must comply with the restrictions on rights and freedoms stipulated in the law. Thus, philosophically, the Asset Seizure Law can be formulated by lawmakers. It should also be understood that criminal assets are the weakest link in the chain of crime, and that no one has the right to enjoy criminal assets.

b. Sociological Approach

The enactment of the Asset Seizure Law is intended to establish new rules regarding the mechanism for seizing the assets of individuals suspected of committing criminal acts. This certainly stems from the current social phenomenon in which there are individuals who conceal assets suspected of being obtained from criminal acts. The main objective of the Asset Seizure Law is to find a way to recover state losses (asset recovery), so that the losses suffered by the state are not significant. Of course, the seizure of assets must be carried out quickly, accurately, and in a targeted manner, so that perpetrators suspected of concealing assets obtained from criminal acts can be anticipated and prevented from destroying evidence in the form of these assets.

It is known that the sociological approach in the formulation of the Law on Asset Forfeiture in Indonesia includes considerations of how the law interacts with social structures, community values, and social dynamics. The following are the main aspects of this approach that the author can describe, namely: 1) The Need to Address Social Problems; 2) Changes in Social Structure; 3) Legitimacy in Social Support; and 4) Influence on Behavior Patterns.

The sociological approach to the formation of the Law on Asset Seizure in Indonesia involves considerations of how the law interacts with social structures, addresses social problems, and influences patterns of behavior in society. By focusing on social needs, social awareness, structural changes, community support,

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and integration with social and economic systems, this law aims to create a broader and more sustainable positive impact on society.

c. Legal Approach

According to Asep Mulyana,[6] The legal approach can be seen from the many mechanisms for asset seizure that exist in the Indonesian legal system. Currently, the mechanism for asset seizure in Indonesia is carried out by law enforcement through three mechanisms: first, criminal. Criminal asset seizure is carried out by law enforcement officials (APH) after going through a legal process and obtaining a final and binding court decision. The executor in the implementation of the court decision is the prosecutor, who confiscates evidence/or seized items, imposes additional penalties, and implements fines in lieu of imprisonment. However, if the defendant dies before the decision becomes final, but there is sufficient evidence, the judge, at the request of the public prosecutor, can order the confiscation of the seized items. Second, civil. In cases of corruption where there is insufficient evidence and the suspect has died, but there is clear evidence of state losses, the State Attorney may file a civil lawsuit. Third, the imposition of administrative sanctions, namely customs, excise, and tax.

The juridical approach in the formulation of the Law on asset forfeiture in Indonesia involves various sources of law, legal principles, and integration with the existing legal system. The principles of legality, due process, non-discrimination, legal certainty, and law enforcement are key elements that must be considered to ensure that this law is valid, effective, and fair. By following this legal approach, the law is expected to provide a strong legal basis for law enforcement and the protection of human rights.

From the approaches in the legal policy of establishing asset forfeiture legislation in Indonesia, it can be seen that the establishment of asset forfeiture legislation aims to strengthen efforts to eradicate crime, particularly serious crimes such as corruption, terrorism, and drug trafficking. Asset forfeiture is an important tool in crime prevention and control efforts by reducing incentives for criminals through the seizure of wealth obtained from illegal activities.

[6] Noverdi Puja Saputra, "Politik Hukum Dan Muatan Pengaturan Dalam Pembentukan Undang-Undang Perampasan Aset," *Jurnal Info Singkat (Bidang Politik, Hukum, Dan Keamanan: Kajian Singkat Terhadap Isu Aktual Dan Strategis)* 15, no. 10 (2023): 3.p

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Therefore, the legal policy of establishing laws on asset forfeiture in Indonesia is an important step in crime eradication and the management of criminal assets. This process involves careful consideration of public interests, human rights, and coordination between law enforcement agencies. This law is also expected to increase the effectiveness of law enforcement and reduce the negative impact of crime on society and the state.

2. **Understanding of the NCB Asset Forfeiture Method in the Formulation of Asset Forfeiture Laws in Indonesia**

The NCB Asset Forfeiture method is an approach in asset forfeiture law that allows authorities to seize assets related to illegal activities without requiring a court ruling on the criminal guilt of the asset owner. This differs from the criminal conviction-based forfeiture method, which requires a guilty verdict before assets can be seized. In the context of the formulation of the Law on asset forfeiture in Indonesia, understanding the NCB Asset Forfeiture method explains that this method of asset forfeiture allows the state to claim assets suspected of being derived from criminal acts without first obtaining a guilty verdict against the individual who owns or controls the assets.

Asset forfeiture without criminal prosecution is a comprehensive confiscation mechanism, as it begins with tracing, blocking, and seizure, as well as court proceedings. NCB Asset Forfeiture can be effective if there is a strong will from the Attorney General's Office to file a request for asset forfeiture with the court. This commitment must also come from the court, in this case the judge, in examining and adjudicatingNCB Asset Forfeiturepetitions without being influenced by opinions that the NCB Asset Forfeiture process violates human rights.

The application of the reversal of the burden of proof in the NCB Asset Forfeiture mechanism is not something that should be questioned and does not violate human rights, because, according to him, the reversal of the burden of proof in NCB Asset Forfeiture has no connection with the principle of "he who accuses must prove his accusation" and is not related to the principle of "presumption of innocence". The reason is that these two principles are related to proving the guilt of a defendant in court, while the reversal of the burden of proof is a form or method of demonstrating the legality or illegality of ownership of an asset/property and explaining how the perpetrator of the crime obtained ownership of it.

If the perpetrator is unable to prove that he has legally acquired the assets, then there is a strong presumption that the assets are the proceeds of crime. Assets that cannot be proven must then be declared "legally tainted property" by the court (judge). Because it has been declared as tainted property by the court, the State Attorney then files a petition for the tainted property to be declared as state property.

The most appropriate and simplest way to implement the NCB Asset Forfeiture mechanism is to first block and withdraw the assets suspected of being the proceeds of crime from economic circulation by requesting the court to seize them. The assets are then declared tainted by a court ruling. Once declared tainted, the court announces this through media accessible to and known by the general public for a sufficient period of time, namely approximately 30 (thirty) days. This period is considered sufficient for third parties to become aware that the court will seize the assets. If, within this period, a third party objects to the seizure, they may file an objection with the court and prove with valid evidence that they are the owner of the assets by explaining how they acquired them.[7]

Thus, according to the author, the mechanism of NCB Asset Forfeitureis an effective way to make such crimes "unprofitable" because perpetrators will think twice about the consequences that will arise later. For the author, the concept of NCB Asset Forfeiture has become a legal necessity in Indonesia because the NCB Asset Forfeiture mechanism is an alternative to recover state assets lost due to criminal acts related to the state economy.

Asset recovery is the process of handling criminal assets in an integrated manner at every stage of law enforcement, so that the value of these assets can be maintained and returned in full to the victims of crime, including the state. Asset recovery also includes all preventive measures to ensure that the value of the assets is not diminished. The return of stolen state assets (stolen asset recovery) is very important for the development of developing countries because the return of stolen assets not only restores state assets but also aims to uphold the rule of law, whereby no one is immune from the law.

3. An Ideal Legal Framework for Asset Forfeiture to Deter Corruption Offenders

Discussions on the Draft Law on Asset Forfeiture for Criminal Acts have been ongoing for more than a decade and are still at a standstill. In fact, this draft law is very important for law enforcement agencies in their efforts to recover assets derived from criminal acts, especially those located overseas. To date, there have been several provisions

[7] Yenti Garnasih, "Asset Recovery Act Sebagai Strategi Dalam Pengembalian Aset Hasil Korupsi, Dalam Perampasan Aset Hasil Tindak Pidana," *Jurnal Legislasi Indonesia* 7, no. 4 (2010): 630.

in laws and regulations governing asset forfeiture. For example, Article 10 of the Criminal Code (KUHP) includes asset forfeiture as an additional penalty. In addition, Article 39 paragraph (1) of the Criminal Code and Article 18 of Law No. 31 of 1999 on the Eradication of Corruption. Not only that, there are also regulations on asset forfeiture without criminal punishment, such as Article 67 of Law No. 8/2010 in conjunction with Supreme Court Regulation (Perma) No. 1 of 2013 concerning Procedures for Settling Requests for the Handling of Assets in Money Laundering Crimes or Other Crimes. However, law enforcement officials feel that the regulations in this process are still not flexible enough. Therefore, it is necessary for the Criminal Asset Forfeiture Bill to be passed into law as a guideline for law enforcement officials.

In the author's research, the author found five urgent reasons for the Criminal Asset Forfeiture Bill, namely: [8]

a. Saving time and costs in handling cases. This is because the asset forfeiture process takes a long time from investigation to execution of the forfeiture of assets resulting from criminal acts. Using the instruments contained in the Criminal Asset Forfeiture Bill will be much more efficient in terms of time and costs.
b. The scope of asset forfeiture is broader than the applicable regulations, thereby increasing the potential for asset recovery. There are several criteria for assets that can be confiscated. These include assets obtained as a result of criminal acts; assets that are disproportionate to income or asset additions; found assets; assets confiscated from criminal acts; and assets that are legally replaceable from criminal acts.
c. Substitute assets for assets that cannot be confiscated abroad. If there are assets resulting from criminal acts abroad that cannot be confiscated, they can be replaced with assets of equivalent value. That way, there is no need to confiscate them using the difficult mechanism of Mutual Legal Assistance (MLA), which takes a long time.
d. The management of seized/confiscated assets in a single institution will be more effective and efficient. In practice, although there are state confiscated property storage facilities, each law enforcement agency manages confiscated property separately.
e. Fully implementing a reverse burden of proof system. Through this mechanism, the respondent must be able to prove that the assets were not obtained through criminal

[8] Rofiq Hidayat, "Lima Urgensi Atas RUU Perampasan Aset Tindak Pidana," accessed July 21, 2024, https://www.hukumonline.com/berita/a/lima-urgensi-atas-ruu-perampasan-aset-tindak-pidana-lt61a73220c1b8f.

activity. Article 37 of Law 31/1999 already regulates reverse proof. Unfortunately, the regulations are still limited.

The concept of asset forfeiture without conviction or punishment of the perpetrator, known as NCB Asset Forfeiture. Furthermore, this applies to assets or wealth that are significantly disproportionate to the source of income/increase in wealth and originate from criminal acts. The Criminal Asset Forfeiture Bill can fill the legal void governing NCB Asset Forfeiture.

Although there are two regulations in the form of Perma 1/2013 and Law 31/1999, they do not regulate asset forfeiture in cases that cannot be brought to trial. Meanwhile, the Criminal Asset Forfeiture Bill can take over. The same applies to requests for asset recovery from abroad.

In the legal system, the NCB Asset Forfeiture approach offers efficiency and speed in handling assets involved in criminal acts, especially when it is difficult to prove the direct involvement of the perpetrator. To ideally implement the NCB Asset Forfeiture method in the Indonesian legal system, several key elements need to be considered and integrated into the legal system and regulations that will be formed. In order for the implementation of NCB Asset Forfeiture to be carried out effectively and in accordance with legal principles in Indonesia, the following matters need to be considered:

a. A Clear and Comprehensive Legal Framework

   Indonesia needs to adopt or update legislation that specifically regulates NCB Asset Forfeiture. The draft law on Asset Forfeiture is one step in this direction. This regulation must include clear definitions of the types of assets that can be confiscated, the confiscation procedures, and the rights of the parties involved. Furthermore, NCB Asset Forfeiture must also be integrated with existing criminal and civil law provisions, including criminal procedure law and civil law. This adjustment is important to ensure that the NCB Asset Forfeiture method does not conflict with existing legal principles.

b. Transparent Procedures and Standards

   There is a need to establish transparent and measurable procedures for asset forfeiture. This includes the submission of forfeiture requests by law enforcement officials, approval by the court, and execution of the forfeiture. Furthermore, it is also necessary to establish the standard of evidence required

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to file for asset forfeiture without having to wait for a criminal conviction. This should involve sufficient evidence that the assets are suspected of being derived from criminal activity, even if the perpetrator has not yet been convicted.

c. Rights and Protections of Affected Parties

In requests by law enforcement officials to the court to seize assets, subsequent regulations must provide the right of appeal to asset owners or related parties who feel aggrieved by the seizure decision. This ensures that seizure decisions can be reviewed and reconsidered by a higher court. Furthermore, granting this right of appeal also guarantees that asset seizures are carried out in a manner that does not arbitrarily violate property rights and is in accordance with human rights principles.

d. Authority and Capacity of Law Enforcement Officials

In granting authority, it is necessary to increase the authority of law enforcement and investigators in applying NCB Asset Forfeiture methods. It is also necessary to improve coordination between agencies involved in asset forfeiture, such as the police, prosecutors, and courts, to ensure an efficient and effective process in accordance with the NCB Asset Forfeiture method.

e. Asset Management and Recovery

After the seizure of assets has been carried out, follow-up action is needed to protect the seized assets. This requires the development of mechanisms in subsequent regulations for the management and maintenance of seized assets, including storage and protection against damage or loss. Furthermore, it is also necessary to regulate the recovery of seized assets and their return to the rightful owner if it is proven that the seizure was inappropriate or unfair.

Taking into account the points explained by the author, this will result in ideal regulations within the Indonesian legal system in accordance with the NCB Asset Forfeiture method. By applying the NCB Asset Forfeiture method in regulations concerning asset forfeiture, these regulations will become an effective tool in combating crime and protecting state finances.

CONCLUSION

1. Legal policy in the formulation of asset forfeiture laws in Indonesia is an important step in the effort to eradicate crime and manage criminal assets. This legal policy is examined from three approaches, namely the philosophical approach, the sociological approach, and the juridical approach. These approaches cover important aspects that constitute legal policy in the formulation of asset forfeiture laws in Indonesia.
2. The NCB Asset Forfeiture method is an approach to asset forfeiture law that allows authorities to seize assets related to illegal activities without requiring a court ruling on the criminal guilt of the asset owner. The mechanism of NCB Asset Forfeiture" is an effective way to make such crimes "unprofitable" because the perpetrators will think twice about the consequences that will arise later. For the author, the concept of NCB Asset Forfeiture has become a legal necessity in Indonesia because the mechanism of NCB Asset Forfeiture is an alternative to recover state wealth lost due to criminal acts related to the state economy.
3. In order to ideally implement the NCB Asset Forfeiture method in the Indonesian legal system, it is necessary to consider several key elements in the legal system and regulations that will be established, namely 1) a clear and comprehensive legal framework; 2) transparent procedures and standards; 3) the rights and protection of related parties; 4) the authority and capacity of law enforcement officials; and 5) asset management and recovery. By considering these matters, ideal regulations will be produced in the Indonesian legal system in accordance with the NCB Asset Forfeiture method.

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