Sustainable Development Goals (SDGs) and Challenges of Policy Reform on Asset Recovery in Indonesia

Ahmad Qisa'i
Paramadina Graduate School Diplomacy, Universitas Paramadina, Indonesia, ahmad.qisai@gmail.com

SUSTAINABLE DEVELOPMENT GOALS (SDGS) AND CHALLENGES OF POLICY REFORM ON ASSET RECOVERY IN INDONESIA

Ahmad Qisa'i

Paramadina Graduate School of Diplomacy, Universitas Paramadina, Indonesia
Correspondence: ahmad.qisai@gmail.com

Abstract

Absence of umbrella regulation on asset recovery is not the only challenge for effective enforcement of asset recovery and mutual legal assistance in Indonesia. Contradictory legislations, poor interagency coordination, weak capacity of law enforcement personnel and absence of center of excellence on asset recovery and mutual legal assistance are other contributing elements. Similarly, Indonesia's commitment to fulfill the targets of Sustainable Development Goals (SDGs), especially goal 16.4, has not been met with concrete efforts. The government is hesitant to commit itself on national indicator for SDG 16.4. on asset recovery. This was shown during the two years of Kemitraan's program to strengthen asset recovery and mutual legal assistance (SIGAP).This paper seeks to provide descriptive analysis on the results of SIGAP by posing a question on how does a development program on asset recovery in Indonesia supported by international donor contribute to overcome Indonesia's legal and institutional challenges on asset recovery amidst Indonesia's global commitment to SDGs. As evidenced, SIGAP exemplifies collaborative actions between various actors, state and none-state actors and national and international agencies, to increase the effectiveness of asset recovery and mutual legal assistance and policy reform needed for long term sustainability strategy in Indonesia. On SDGs, SIGAP's decision to propose the adoption of existing national indicator on Long Term National Plan on Anti-Corruption is a deliberate and calculated decision to push for stronger commitment of Indonesian government in achieving the SDGs. The strategy indicated that by 2025, 96% of asset from corruption crimes is recovered.

***Keywords** : policy, asset recovery, SDGs*

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I. INTRODUCTION

Every year $1 trillion is paid in bribes while an estimated $2.6 trillion are stolen annually through corruption – a sum equivalent to more than 5 per cent of the global GDP.[1] Much of the proceeds of corruption find safe

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[1] United Nations, "United against corruption for development, peace and security", United Nations, accessed 28 June 2020, https://www.un.org/en/observances/anti-corruption-day

havens[2] in the world's financial centres,[3] thus has a devastating impact on societies as it undermines democracy and the rule of law, and seriously erodes the quality of life.[4] Because most of these assets cannot be recovered by victim countries for the simple reason that assets resulting from corruption cannot be found. Criminals often utilize services provided by financial service providers and special professions such as accountants, lawyers, business consultants, and others, who act as gatekeepers[5], including multi-national companies, to hide and enjoy the results of the crime. World financial centers, cities that have large financial transactions such as New York, London, Shanghai, Hong Kong, Singapore, Dubai, and Tokyo, are often becomes the destinations for money laundering efforts to hide the assets that are disguised as a result of transactions that look legitimate.[6] This is done to hinder the efforts of law enforcement officers in an effort to identify, pursue and return the assets obtained from the crime.

For example, in the case of Sani Abacha (Nigerian President 1993 - 1998), he concealed the proceeds of his corruption in Nigeria to several accounts in the countries of Luxembourg, Liechtenstein, France, Belgium, United Kingdom, and Jersey.[7] This money is spread both in bank accounts and fictitious companies established to hold the money. The pattern of hiding money from corruption was also conducted by Ferdinand E. Marcos (President of the Philippines 1965 - 1986). He hid the assets obtained from corruption in the form of a company, property or bank account in several jurisdictions such as

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[2] Safe haven is defined as a place where you are protected from harm or danger. Cambridge Dictionary, "Safe Haven," accessed 27 June 2020, https://dictionary.cambridge.org/dictionary/english/safe-haven. In the case of corruption, it means a place where illegally acquired money are lawfully hidden from public eyes that making it difficult, or almost impossible, to retrieve such money once in the failure to convince that the money are proceeds of crime.

[3] Transparency International, "Panama Papers expose UK role in global corruption", Transparency International UK, Accessed 27 June 2020, http://www.transparency.org.uk/panama-papers-expose-uk-role-in-global-corruption/

[4]   Basim Elmukhtar Ertimi, "The Impact of Corruption on Economic Growth in OIC Countries," *International Journal of Economics and Finance* 8, no. 9 (2016): 91 – 103, doi:10.5539/ijef.v8n9p91

[5] In this case, what is meant by gatekeepers are lawyers, accountants, financial service providers (banks and non-banks), and legal supervisors. Refer to Stephen Baker & Ed Shorrock, "Gatekeepers, corporate structures and their role in money laundering" in *Recovering Stolen Assets: A Practitioner's Handbook*, Basel Institute on Governance, International Centre for Asset Recovery, eds. (Basel: Basel Institute on Governance, 2009), 87.

[6] There is no single and standard definition of money laundering. Understanding money laundering is an attempt to conceal the source, ownership, and / or control of the acquisition of proceeds of crime. This aims to maintain control by making it difficult for law enforcement officials to track down, as well as so that perpetrators can enjoy the acquisition and benefits of criminal practices that appear legitimate after money laundering. Paku Utama, *Memahami Asset Recovery & Gatekeeper [Understanding Asset Recovery and Gatekeeper]*(Jakarta: Indonesia Legal Roundtable, 2013), p. 13.

[7] "Is the Abacha accord a model For Returning 'Dictator funds'?", Swissinfo, , accessed on 30 August 2019, https://www.swissinfo.ch/eng/business/switzerland-and-nigeria_is-the-abacha-accord-a-model-for-returning--dictator-funds--/43938016

Switzerland and the United States.[8] Indonesia is not spared from this problem where assets of corruptors in the BLBI or Century Bank are hidden in safe havens of countries such as the Switzerland, Hong Kong or Australia.[9] Some of those assets were recovered but most of those hidden illicit assets remains unrecovered.

Thus, recovering the assets becomes an important issue for many developing countries where high-level corruption have plundered the national wealth, and where resources are badly needed for reconstruction and the rehabilitation of societies.[10] It is in this context that in 2006, the United Nations Convention against Corruption (UNCAC)[11] entered into force, three years after its adoption in 2003, and became the only legally binding global instrument in the fight against corruption. In Chapter V, the Convention clearly defines about the need for international cooperation in the fights against corruption by requiring countries to undertake measures to support the tracing, freezing, seizure and confiscation of the proceeds of corruption. This is a major breakthrough in the area of international cooperation to combat corruption and illicit financial flow, especially in the recognition of the return of assets as a fundamental principle of the Convention. It is expected to support the efforts of countries to redress the worst effects of corruption while at the same time sending a message to corrupt officials that there will be no place to hide their illicit assets. Indonesia has ratified the Convention through Law No.7/2006 on the Ratification of UNCAC, 2003.

Recognizing those challenges on asset recovery, Indonesia's ratification of the United Nations Convention against Corruption (UNCAC) through Law No.7/2006 is an important foundation for structural and innovative approach to asset recovery. President Yudhoyono has issued two key Presidential Instructions relating to Indonesia's domestic implementation of the Convention: (i) Presidential Instruction No. 9 of 2011 on the Prevention and Eradication of Corruption, and (ii) Presidential Instruction No. 1 of 2013 on 2013 National Action Plan of Corruption Prevention and Eradication that also includes an action plan with regards to asset recovery. These Presidential Instructions further cemented the spirit of reform in Indonesia that put the issue of asset recovery

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[8] ABS, "Supreme Court Junks Ill-gotten Wealth Case vs Marcos Cronies", ABS, accessed on 30 August 2019, https://news.abs-cbn.com/news/06/19/18/supreme-court-junks-ill-gotten-wealth-case-vs-marcos-cronies

[9] Kompas.com, "Daftar 45 Pelarian Indonesia ke Luar Negeri", [*List of 45 Indonesian Criminals in Foreign Countries*], Kompas.com, accessed 29 June 2020, https://nasional.kompas.com/read/2011/07/04/09464965/Daftar.45.Pelarian.Indonesia.ke.Luar.Negeri?page=all

[10] The World Bank, "Combating Corruption", The World Bank, accessed 26 June 2020, https://www.worldbank.org/en/topic/governance/brief/anti-corruption

[11] UNODC, "United Nations Convention Against Corruption", UNODC, accessed 27 June 2020, https://www.unodc.org/unodc/en/treaties/CAC/

as an important part of the National Strategy on Corruption and Eradication.

Institutionally, the AGO responded this Instruction through the issuance of an AGO Regulation No. Per-006/A/JA/03/2014 to establish an Asset Recovery Centre (*Pusat Pemulihan Aset* - PPA) in 2014. It is a unit within the Attorney General's Office that is dedicated to manage all asset recovery-related issues, both domestic and international. However, the capacity of the newly established PPA to deal with the wide array of issues involving asset recovery and mutual legal assistance is very limited. Particularly because it is just a unit with small number of officers, bureaucratic reporting line within AGO and unclear coordination with other relevant government agencies.

This has contributed to further institutional capacity challenge of the Centre in effectively implementing its mandated tasks. With the complexity of foreign asset recovery, the Centre also faces coordination challenge with other governmental agencies such as the Ministry of Finance, MoLHR, the Supreme Court, Indonesian National Police, Corruption Eradication Commission (KPK), Financial Intelligence Unit (PPATK), and the Ministry of Foreign Affairs (MoFA). It is in this context that in 2016, a support program on asset recovery was formulated and implemented by Kemitraan[12] with financial support from the Government of the Netherlands through the International Development Law Organization (IDLO).[13] The program was called Capacity Strengthening of Indonesian Government on Cross Border Assets Recovery and Mutual Legal Assistance (MLA) Program (SIGAP) which was specifically designed to address institutional challenges of the PPA and human resource capacity of the PPA and other related agencies to effectively carry out their mandated responsibilities in the face of challenging legal framework on effective asset recovery in Indonesia.

SIGAP was implemented between June 2018 until December 2018. It is in this context that this paper seeks to explore and answer a question on how does a development program on asset recovery in Indonesia supported by international donor like SIGAP contribute to overcoming Indonesia's legal and institutional challenges on asset recovery amidst Indonesia's global commitment to SDGs? The paper seeks to explore the results of a development program instead of just studying the problems and challenges of the Indonesian legal system and legal structure in relation to asset recovery and its contribu-

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[12] Kemitraan or the Partnership for Governance Reform, is an Indonesian civil society organization established in 2000 by a number of prominent Indonesian leaders from the government, civil society and the private sector to promote principles of good governance that improves the welfare of Indonesians. Its mission is to disseminate, advance, and institutionalize the principles of good governance, to government, civil society and business sectors. Details about Kemitraan can be accessed from the following website: www.kemitraan.or.id

[13] IDLO, accessed 26 June 2020, https://www.idlo.int/

tion to SDGs.

In order to answer the question being posed in this paper, the data collection for this writing primarily derived from open-source intelligence (OSINT) where data is collected from publicly available sources to be used in an intelligence context. They legally accessible by the public without breaching any copyright or privacy laws. In the intelligence community, the term "open" refers to overt, publicly available sources (as opposed to covert or clandestine sources) such academic books, journals, research reports and project report available.

Through descriptive analysis process, this paper aims to reveal facts, circumstances, phenomena, variables and circumstances with regards to the topic being analyzed.[14] Therefore, with a descriptive analysis, it will be able to interpret findings related to the current situation, attitudes and views that occur in society (including state institution), the conflict between two or more conditions, the relationship between variables, differences between facts and their effects on a condition, and so on. Descriptive analysis aims at examining the status of a group of people, an object, a set of conditions, a system of thought or a class of events at the present time. The purpose of this descriptive study is to make a systematic, factual and accurate description of the facts, properties and relationships between the phenomena investigated. The descriptive analysis also aims to describe or analyze a research result but is not used to make broader conclusions.[15] It searches for facts with the right interpretation.[16]

II. FROM MILLENNIUM DEVELOPMENT GOALS (MDGS) TO SUSTAINABLE DEVELOPMENT GOALS (SDGS)

On September 25, 2015, the SDGs were passed.[17] This is an agreement among UN member states as part of a global development agenda that becomes a collective guide for all development actors and stakeholders around the world. SDGs is a continuation, expansion and improvement of the 2000 – 2015 MDGs and has been planned to be implemented between 2015 – 2030. Development agendas that had not been achieved through the MDGs are to be continued in the SDGs. In MDGs,[18] there were only 8 goals: eradicating extreme poverty and hunger, creating basic education for all, promote gender

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[14] M. Nazir, *Metode Penelitian* (Jakarta: Ghalia Indonesia, 1988).
[15] Sugiyono, *Metode Penelitian Administrasi* (Bandung: Alfabeta, 2005).
[16] F. Whitney, *The Element of Research* (New York: Prentice-Hall, Inc. 1960)
[17] United Nations, "17 Goals to Transform Our World", United Nations, accessed 26 June 2020, https://www.un.org/sustainabledevelopment/
[18] United Nations, "Millennium Development Goals", United Nations, accessed 26 June 2020, https://www.un.org/millenniumgoals/

equality and empower women, reducing child mortality, reducing maternal mortality, combating HIV-AIDS, malaria and other diseases, ensuring environmental sustainability and global cooperation in development. Where the SDGs[19] consists of 17 goals: without poverty, without starvation, healthy and prosperous life, quality education, gender equality, clean water and proper sanitation, clean and affordable energy, decent work and economic growth, industry, innovation and infrastructure, reduced gap, cities and sustainable housing, responsible consumption and production, handling climate change, ocean/marine ecosystem, terrestrial ecosystem, peace, justice and resilient institutions and partnership to achieve goals.

In terms of the formulation process, there are fundamental differences between the MDGs and the SDGs. MDGs are formulated in a top-down manner while SDGs are prepared through a fairly participatory process so that it is more bottom-up process. Public participation in the process of preparing SDGs can be seen from the existence of MyWorld,[20] a survey of world citizens conducted by the United Nations from 2013 to 2015. Millions of world citizen votes (8.5 million per / November 2016) have collected ideas, input and hopes from world citizens on the future development agenda which is one of the references in the formulation of SDGs. Some of the main issues that are priorities of world citizens: quality education, good health, better employment opportunities and honest and responsive governance[21]. This approach gave birth to the very strong and global SDGs jargon, namely "Leave No One Behind". In order to accelerate the implementation of the SDGs in full, the UN member countries that signed the SDGs agreement, including Indonesia, must take a series of important steps including: drawing up a regulatory framework at the national and sub-national levels, putting together an implementation team, and translating SDGs into development planning at national and sub-national levels. Translating SDGs into the national development planning system will facilitate the implementation, achievement and measurement periodically.

The Government of Indonesia has issued Presidential Regulation No. 59 of 2017 concerning Implementation of the Achievement of TPB / SDGs. This regulation provides a legal basis for the implementation of SDGs in Indonesia and serves as a guideline for Ministries / Institutions in preparing, implementing, monitoring and evaluating SDGs National Action Plans, guidelines for local governments in preparing, implementing, monitoring and evaluat-

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[19] United Nations, "Sustainable Development Goals", United Nations, accessed 26 June 2020, https://sustainabledevelopment.un.org/sdgs

[20] http://data.myworld2015.org, accessed 29 July 2019

[21] Mickael B. Hoelman, et.al. *Sustainable Development Goals (SDGs): Panduan untuk Pemerintah Daerah (Kota dan Kabupaten) dan Pemangku Kepentingan Daerah [Sustainable Development Goals (SDGs): Guideline for Local Governments (City and Regency) and Local Stakeholders]* (Jakarta: INFID, 2016).

ing SDGs Regional Action Plans and references for non-state actors in developing, implementing, monitoring and evaluating the national and regional SDGs Action Plan. The Presidential Regulation also regulates the structure of the SDGs National Coordination Team consisting of the Steering Board, the implementing coordinator, the implementation team, secretariat, expert team, working groups (social development, economic development, environmental development and legal-governance development). This structure uses a multi-stakeholder approach so that non-governmental actors also sit on the implementation team and working groups. The regulation is a joint effort between the government and the parties, especially civil society organizations (CSOs) and philanthropy. A year before the issuance of this regulation, civil society organizations and philanthropy were very active in voicing and expressing their views on the importance of the legal framework for implementing SDGs in Indonesia.

III.   INDONESIA'S CHALLENGE ON ASSET RECOVERY

The OECD[22] reports that estimated losses due to corruption range from 5% of the value of the world's Gross Domestic Product (GDP).[23]As a developing country, Indonesia also faces serious challenges from corrupt practices and embezzlement of public assets, with a staggering negative impact on its political, social, and economic development.[24] It is estimated that state losses amount to approximately US$ 9.72 billion[25] while between 2001-2012 the total amount of assets stolen is estimated around US$ 554.89 billion.[26] Most of these illegally acquired assets are hidden and spread out all over the world, facilitated by improvements in financial, transportation, and communication technologies that have made it easier for corrupt leaders and other "politically exposed persons"[27] to conceal massive amounts of stolen wealth in offshore financial centers.

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[22] CleanGovBiz, a part of Organisation for Economic Co-operation and Development (OECD). *The Rationale for fighting corruption*. 2014.

[23] Based on GDP statistics published by the World Bank, it is estimated that the value of world GDP in 2014 (the year the article was published regarding losses due to corruption by CleanGovBiz) of US $ 78.87 trillion.

[24] Indonesia-Investments "Corruption in Indonesia", Indonesia-Investments, accessed 26 June 2020, https://www.indonesia-investments.com/business/risks/corruption/item235

[25] The Audit Board of Indonesia, Laporan Tahunan 2012 *[2012 Annual Report]* (Badan Pemeriksa Keuangan: Jakarta, 2013).

[26] The estimation is based on Attorney General Office data on stolen assets in the cases of Bank Indonesia Liquidity (BLBI) and Bank Century and the explicit cost estimation of corruption based on 1365 of corruption cases based on Supreme Court verdicts in period of 2001-2012 by Center for Research and Training for Economic and Business, Gajah Mada University, 4 March 2013.

[27] Council of Europe, "Politically exposed persons", Council of Europe, accessed 26 June 2020, https://www.coe.int/en/web/moneyval/implementation/politically-exposed-persons

Moreover, with regards to illicit assets, a study by *Perkumpulan Prakarsa* in 2016 on illicit financial flow[28] showed that the total amount of illicit financial flow from and to Indonesia in 2014 lane was USD 76.6 million. The total inflow and outflow of illicit funds to and from Indonesia between 2001 – 2014 period amounted to USD 846.2 billions with an accumulated inflow of USD 628.9 billions and accumulated outflow of USD 217.3 billions. Thus, the annual average inflow of illicit funds to Indonesia is at USD 44.92 billions and the annual average outflow of USD 15.52 billions. The total annual average inflow and outflow of illicit funds to and from Indonesia is at USD 60.44 billions.[29] If this illicit money can be recovered, it would open an opportunity for the Indonesian government to two important things, first, contribute to the achievement of SDG 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime and, second, provide sufficient source of state revenue to support the implementation and eventual achievement of SDGs.

Unfortunately, Indonesia has a very low rate of success in repatriating stolen assets, partly due to the complexity of the asset recovery process. The process can be time consuming, resource-intensive and requires expertise and political will. Each measure of asset recovery such as tracing, freezing, confiscation and repatriation presents its own unique challenges.[30] As such, even though a Long Term National Strategy on the Prevention and Eradication of Corruption has been formulated back in 2012 that aims to recover 96% of stolen assets from corruption cases handled by Indonesian law enforcement agencies by 2025, but Indonesian authorities still face huge challenges in asset recovery processes, both domestic and international. For instance, they need to overcome the challenge on capacity to launch and conduct legal proceedings in domestic and foreign courts, and to be able to provide the authorities in another jurisdiction with evidence or intelligence for investigation.[31]

Other challenges being faced by the relevant authorities to conduct asset recovery process such as the AGO and the Ministry of Law and Human Rights (MoLHR), and to some extend KPK, are the inability to resolve their internal problems that range from the absence of good strategic plans to the lack of resources and well trained officers to deal with asset recovery and mutual legal assistance. Differences in legal systems, legal traditions, and forfeiture

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[28] Global Financial Integrity, "Illicit Financial Flows," Global Financial Integrity, accessed 30 August 2019, https://gfintegrity.org/issue/illicit-financial-flows/.

[29] Prakarsa, *Calculating Illicit Financial Flows to and from Indonesia: a Trade. Data Analysis, 2001-2014* (Jakarta: Perkumpulan Prakarsa, 2016).

[30] Kevin M. Stephenson, et.al. *Barriers to Asset Recovery* (Washington: The World Bank, 2011)

[31] Assessment on Asset Recovery in Indonesia, Kemitraan: Jakarta, 2017

systems have further hampered Indonesia's capacity to recover its assets.[32] Indonesia's effort to initiate international cooperation with countries identified as safe havens have also not succeeded due to the low interest of the countries where the assets are located, even though a Mutual Legal Assistance (MLA) treaty and extradition agreements have been signed. According to the ADB/OECD Study on Assets Recovery and MLA, Indonesia has signed treaties with state parties, such as the people's republic of China, the Republic of Korea, and seven member countries of ASEAN including Singapore. But for unknown reasons, not one of the treaties on Mutual Legal Assistance has been implemented successfully.[33] The success rate of repatriated assets from abroad is ultimately low.[34] From 704 assets identified to be recovered, only 22 have been successfully recovered.[35] In total, Indonesia only managed to recover US$ 3 billion[36] from US$ 554.89 billion allegedly stolen between 2001-2012.

Furthermore, the inter-agency coordination in asset recovery is insufficient as there are no mechanisms in place. Instead of strong coordination, there is an implicit rivalry among law enforcement officials. This has created competition amongst different agencies all claiming they have authority when there is a requirement to coordinate with a foreign authority where assets are located. This situation has delayed cooperation at the national level, including a request for MLA, and negatively impact the enforcement of a court verdict. At worst, the country where the assets are located can deny a request for asset recovery. In reference to the Regulation of Ministry of Finance No. 03/PMK.08/2011 on State Assets Management, the management of confiscated assets is also still an issue as it is only regulated under a Ministry of Finance Regulation that has no legal consequences, because the ministerial regulations are internal guidelines.

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[32] In one case for instance of Pertamina, petroleum state-oewened company, Indonesia went through a 17 year-long civil proceeding and appeal to recover US$ 76 million of stolen Pertamina's assets the contested 17 deposits in Singapore from the Kartika Thahir, wife of General Achmad Thahir, former assistant for Pertamina's president director Ibnu Sutowo. *See Kartika Ratna Thahir v PT Pertambangan Minyak dan Gas Bumi Negara (Pertamina)*[1994] 3 SLR 257 (CA), also was reported in Reuters, December 4, 1992. Singapore High Court judge Lai Kew Chai, in a 214-page ruling, said Pertamina had proved its claims that some $76 million frozen in offshore accounts at Sumitomo Bank were ill-gotten gains and ordered Sumitomo to pay the oil company the funds. The case, first heard in 1977, pitted Pertamina against the widow and estate of Achmad Thahir, who being committed for corrupt practice by Indonesian court.

[33] Asset Recovery and Mutual Legal Assistance in Asia and The Pacific, Asian Development Bank/Organization for Economic Cooperation and Development/Basel Institute for Governance, September 2007

[34] Central Authority and its Mechanism of Coordination in the Implementation of Mutual Legal Assistance in Criminal Matters", National Law Development Agency, Ministry of Law and Human Right 2012. See also Strategy 4: International Cooperation and Asset Rescue of Corruption Cases; National Strategy on Corruption Prevention and Eradication, Long Term (2012-2025) and Medium Term (2012-2014).

[35] Updated report of Attorney General Office of Special Task Force to Settle Asset Forfeiture and Executed-Confiscated goods per October 2011, Progress Report of Asset Recovery 2012, UNODC.

[36] Amien Sunaryadi and Dayu Nirma Amurwanti, "Recovering Indonesia's Assets; Past, Present and Future," *Opinio Juris* Vol 11 No.1 (2012)

There is also an issue on Indonesia's legal framework that has not in full conformity with the spirit of asset recovery as described in the UNCAC. Indonesian law still focuses on punishing the perpetrator (conviction-based approach) instead of focusing on maximizing the recovery of assets through a non-conviction-based approach as outlined in the UNCAC. Article 18 of Law 31/1999 in conjunction with Law 20/2001 mandated that asset recovery process can only be done after a legally binding court decision. It is only after the lengthy legal process that the stolen asset can be recovered. Hence, this has resulted in a low amount of repayment of state financial losses compared to its own financial losses.[37]

Similarly, Indonesia's Law Number 1/2006 on Mutual Legal Assistance in Criminal Matters has not been able to overcome barriers in asset recovery due to potential differences of legal systems.[38] This situation could affect the effectiveness of its implementation as well as the utilization of other progressive law in Indonesia such as Law number 8/2010 on Prevention and Eradication of Money Laundering. Contrary to the existing focus of law enforcement on punishing the perpetrator, the Law is more focus on following the money rather than follow the suspect as well as discrete *in personam* (conviction) i.e. part of criminal sanctions and also characterized the *in rem* has not been able to be used effectively in recovering stolen assets hidden in foreign jurisdictions. Additionally, an umbrella regulation on asset recovery that adopts civil forfeiture perspective is nowhere to be deliberated by the government and the parliament, let alone being enacted, until today.

IV. BREAKING THE BARRIERS OF INDONESIA'S ASSET RECOVERY

In 2017, Indonesia shared the Voluntary National Review (VNR)[39] on the implementation of SDGs in Indonesia in the High Level Political Forum[40] at the United Nations headquarter in New York. The VNR report contains a number of developments in the SDGs implementation in Indonesia, particularly

[37] Eri Satriana, Dewi Kania Sugiharti and Muhammad Ilham Satriana, "Asset Recovery of Detrimental to the Finances of the State from Proceeds of Corruption in the Development of National Criminal Law System", *Jurnal Dinamika Hukum* 19, no. 2 (2019), 10.20884/1.jdh.2019.19.2.2474

[38] Malto S Datuan, Bismar Nasution, Mahmud Mulyadi and Mahmul Siergar, "Asset Recovery dalam Tindak Pidana Korupsi Melalui Instrumen Undang-Undang Tindak Pidana Pencucian Uang [Asset Recovery from Corruption Using the Legal Instrument on Anti-Money Laundering]," *USU Law Journal* 5, no. 2 (2017)

[39] UN Sustainable Development, "Voluntary National Reviews Database", Sustainable Development Knowledge Platform, accessed 29 June 2020, https://sustainabledevelopment.un.org/vnrs/

[40] "UN Sustainable Development, High-Level Political Forum on Sustainable Development", Sustainable Development Goals Knowledge Platform, accessed 28 June 2020, https://sustainabledevelopment.un.org/hlpf

related to the preparatory process that has put forward a multi-stakeholder approach. At the same time, the government has also shared steps it had taken to mainstream and harmonize SDGs with the 2015-2019 National Medium-Term Development Plan and President Joko Widodo's "Nawacita" vision and mission.[41] The National Development and Planning Ministry identified 94 targets out of 169 SDGs targets that were in line with the 2015-2019 RPJMN.[42] The presentation of VNR was also conducted in 2019 where updates on the achievement of SDGs were presented in the HLPF in New York.

As part of SDGs implementation strategy, a compilation process of Metadata Indicator documents[43] on the Sustainable Development Goals (SDGs) were also conducted by the SDGs Secretariat in National Development and Planning Ministry, inviting various stakeholders, including civil society. There are 17 Objectives, 169 Targets and 319 Indicators where there is an increase in the number of Indonesia-centered indicators as compared to global indicators. Furthermore, the Indonesian SDGs indicators are divided into 3 categories: (i) the first category, which is all indicators with a sign (*) corresponding to global indicators; (ii) the second category, namely all indicators with the letters a, b, c, and so on behind a number that is an indicator of Indonesia as a proxy for global indicators; (iii) the third category is global indicators that have not yet been defined and will be further developed.[44] Specifically in this paper, the focus will be on SDG 16.4: By 2030 significantly reduce the flow of illicit funds or weapons, strengthen recovery of stolen assets and combat all forms of organized crime which is part of SDG16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

From 12 targets and 52 indicators in Goal 16, target 16.4 contains two global indicators: (i) 16.4.1 "the total value of the inflow of funds in and out of the country (in US $)" with the statement: global indicators to be developed; (ii) 16.4.2 "the proportion of confiscated firearms and small arms, registered and tracked, which is in accordance with international standards and legal provisions". However, in the absence of an agreed global indicator under this

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[41] Ministry of Informatics and Communications, "Jadikan Indonesia Mandiri, Berkepribadian, dan Berdaulat," Kementerian Komunikasi dan Informatika Republik Indonesia, accessed 28 June 2020, https://kominfo.go.id/index.php/content/detail/5629/NAWACITA%3A+9+Program+Perubahan+Untuk+Indonesia/0/infografis

[42] Kementerian PPN/Bappenas dan UN in Indonesia, *Kita Suarakan MDGs Demi Pencapaiannya di Indonesia [Voicing Out UN MDGs for the Achievement of Indonesia]* (Jakarta: Bappenas, 2008)

[43] Indonesian SDGs Secretariat, "Dokumen SDGs" [SDGs Documents]," Sekretariat SDGs, accessed 28 June 2020, http://sdgsindonesia.or.id/

[44] Kementerian PPN/Bappenas, *Metadata Indikator Tujuan Pembangunan Berkelanjutan (TPB)/Sustainable Development Goals (SDGs): Pilar Pembangunan Hukum & Tata Kelola [Metadata of SDGs Indicator: Law and Governance Developmen Pillar]* (Jakarta: Bappenas, 2017).

target, Indonesia must develop its own national indicators that reflect or could contribute to the achievement of this global target.

At the same time, the gap analysis report by SIGAP in 2017 found out the following points with regards to the state of Indonesia's asset recovery:

A. THE ASSET RECOVERY PARADIGM OF LAW ENFORCE-MENT HAS NOT BEEN UNIFORM

Article 1 paragraph (2) of Law No. 8 of 1981 regarding the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* – KUHAP) states that the purpose of the investigation is to find a suspect (*in-personam*) and not to find assets from the proceeds of a crime. This is not in line with the *in-rem* concept or non-conviction-based approach where assets from the proceeds of a crime are the primary object of a lawsuit. On the contrary, the *in-personam* concept focuses on convicting the individual in a lawsuit based on the legal evidence presented in the court. It is only after the legally binding conviction that proceeds of a crime will be pursued through legal processes which is based on the court decision. In this case, the Criminal Procedure Code embraces the concept of *in-personam* and does not aim at retrieving proceeds of crime through investigation and lawsuit.

On the other hand, Article 69 of Law No. 8 of 2010 on Prevention and Eradication of Money Laundering confirms that it is not mandatory to prove the original criminal in handling money laundering crime. Assets become the main object of an inquiry (*in-rem*) process. Articles 77 and 78 of the same law require the defendant to prove whether his or her assets are related to crimes or not. Thus, the law has the primary objective of returning assets, rather than jailing offenders and provides equal opportunity to a defendant to challenge any successful asset recovery efforts under this law. So, while the KUHAP focuses on convicting the criminal, this law focuses on recovering proceeds of crime without any necessity to prove the original crime. This legislation provides a red carpet to the asset recovery process but would not be effective to be implemented if the law enforcers are in doubt on what should be done first in a lawsuit: conviction as regulated under the KUHAP or prioritizing to recover the assets as regulated under this Law. In the following table is an example of how these regulations are contributing to, and preventing from, effective asset recovery processes.

Table 1. *In-rem* **and** *in-personam* **approach**

in-rem approach	*in-personam* approach
The case of Bahasyim Assifie which started from a bribery bribe worth 1 billion Rupiah. When using the normative approach, the law enforcement officers must first have to prove whether the perpetrators are guilty so that 1 billion rupiah could be seized for the state. However, in that case, the seized money was worth about 73 billion Rupiah, and not related to the original case of a bribery worth of 1 billion Rupiah. With the *in-rem* mindset, assets owned by the perpetrator were not in correspondent with the profile of the perpetrator as a public official, so the case of origin of the 1 billion became an entrance to track other assets owned by the offender.	The case of Century Bank Hesham Al Warraq and Rafat Ali Risvi (convicted of the Century case) sued the Indonesian Government at the International Center for the Settlement of Investment Dispute of USD 75 million. One of the basic claims is the decision *in absentia* against Hesham and Rafat which is considered unfair because there is no presence of defendant. The criminal act of corruption of Hesham and Rafat is considered an administrative violation and not corruption by the Swiss Government, which could potentially be a hindrance to the recovery of assets on this case. State losses due to the Century case reached more than Rp 7 trillion, but the recoverable amount of Rp. 48 billion.

This gap analysis finding confirms the regulatory problem on asset recovery in Indonesia regardless of the fact that Indonesia has ratified the breakthrough global commitment on asset recovery. Apart from the conflicting legal framework between KUHAP and Law on Prevention and Eradication of Money Laundering as identified in this gap analysis process, there is also a problem with Article 18 of Law 31/1999 in conjunction with Law 20/2001 mandated that asset recovery process can only be done after a legally binding court decision as has been identified earlier in this paper. At the same time, national legislations on asset recovery that adopts civil forfeiture perspective was not available during gap analysis research under SIGAP.

B. PROBLEMATIC INTER-AGENCY COORDINATION ON ASSET RECOVERY PROCESS

The spread of law enforcement authority in several law enforcement institutions in Indonesia has become the main reason to emphasize on the importance of coordination between institutions/institutions in law enforcement

processes. For example, the AGO has the authority to investigate a case while the same authority also rests with the Indonesian National Police and other law enforcement institution such as the Corruption Eradication Commission. They are equal in the sense that such an authority is based on the laws in which each of the institution has been established. This has become the reason, among others, for the emergence of strong sectoral ego among these institutions.

In the absence of technical guidelines to coordinate among themselves, the flow of law enforcement coordination cannot run smoothly. Let alone on asset recovery process where collective efforts are needed effective implementation of such a process, especially when it relates to foreign asset recovery. For example, under the Law on Mutual Legal Assistance in Criminal Matters, Central Authority in the Ministry of Law and Human Rights is the authorized institution to represent the mutual legal assistance process. But under the Law on the Attorney, the executing institution on legally binding court decision is the attorney, not other entity, let alone a Central Authority who does not possess such authority. This situation has thus contributed to sectoral ego and ineffective foreign asset recovery processes just because of the mandates they receive under each of the law and the absence of formal, technical guidance on inter-agency coordination.

C. POOR CAPACITY OF HUMAN RESOURCE

The role of investigators, public prosecutors, and other support units such as digital forensic units largely determine the success of the asset recovery process. SIGAP's review demonstrates the need to increase the capacity of the authorities, particularly with regard to: (1) Understanding and expertise in finance and financial crime; (2) Investigation of corporation; (3) Understanding of laws and legal instruments at home and abroad; and (4) Knowledge of the location of the asset location information and the potential for overseas cooperation.

It is in the backdrop that Capacity Strengthening of Indonesian Government on cross border Assets Recovery and Mutual Legal Assistance Program or SIGAP was initiated. It aimed to transform the AGO, specially the PPA, and other relevant agencies as capable agents to implement cross border asset recovery and MLA through 2 approaches:

(1) Capacity development by leveraging the institutional capacity of PPA as well as other relevant agencies on cross border Asset Recovery and MLA

(2) Collaborative works on cross border asset recovery and MLA through regular coordination among AGO and other related agencies such as

the KPK, Ministry of Finance, Financial Service Authority, Ministry of Law and Human Rights (Central Authority), Ministry of Foreign Affairs, Financial Ivestigation Unit, the Supremc Court and the Indonesian National Police.

During the two years of its implementation, SIGAP secured the following results: (i) Succeeded in providing technical assistance to the AGO in revising the Attorney General Regulation PER-027/A/JA/10/2014 year 2014 on Guidelines on Asset Recovery in collaboration with the Asset Recovery Center of the AGO as the basis for improving institutional capacity of the PPA; (ii) formulated a PPA Strengthening Plan covering the issue of human resource, institutional structure as well as knowledge management system with short and long term priorities; (iii) Improved institutional capacity of PPA in its coordinative works with regional attorney offices on asset recovery management based on Attorney General Regulation Number PER-002/A/JA/05/2017 on Direct Auction and Sale of Confiscated Assets or Seized State's Assets or Seized Asset Execution (*Pelelangan Dan Penjualan Langsung Benda Sitaan Atau Barang Rampasan Negara Atau Benda Sita Eksekusi*); (iv) Developed a digital coordination platform for asset recovery-related institutions called ***Portal Pemulihan Aset***[45] in collaboration with the Ministry of National Planning and Development to improve the quality of coordination among institutions; (v) produced 24 asset recovery trainers from AGO, INP, KPK, Supreme Court, Ministry of Finance, MoLHR, MoFA, FIU, and National Narcotics Agency through Collaborative Training of Trainers on Asset Recovery and an additional forty (40) judges of the Supreme Court, DKI Jakarta High Court, West Java High Court, and Banten High Court; and (vi) produced policy recommendations on harmonizing existing regulations for more effective asset recovery management, center of excellence on asset recovery, on career path and specialists in asset recovery and importance of devising a guideline for the judges on asset recovery.

With regards to SDGs and asset recovery, SIGAP succeeded in formulating a draft of national indicator for SDG 16.4.1. The draft national indicator was developed from the existing long term National Action Plan on Corruption Prevention and Eradication 2012 – 2025.[46] The National Action Plan elab-

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[45] https://pemulihanaset.com/. This portal is no longer available. In a discussion with the PPA official in October 2019, the PPA is adopting it into its own and will be incorporate the design of the portal into its communication platform.

[46] Peraturan Presiden Republik Indonesia Nomor 55 Tahun 2012 tentang Strategi Nasional Pencegahan dan Pemberantasan Korupsi Jangka Panjang Tahun 2012 – 2025 dan Jangka Menengah Tahun 2012 – 2014 [*Presidential Regulation Number 55 of 2012 on National Strategy on the Long Term Prevention and Eradication of Corruption of 2012 – 2025 and Medium Term Prevention and Eradication of Corruption of 2012 – 2014*]

orated in the asset recovery section that with a baseline target in 2012 – 2014 of 80% recovery of assets from corruption cases being handled by Indonesian law enforcement agencies, it targets the recovery of 96% of assets from corruption cases by 2025. SIGAP presented and submitted the recommendation to the government via the Ministry of National Planning and Development. Indonesian government shall adopt this long term recovery of assets from corruption cases being handled by Indonesia law enforcement agencies as its national indicator for SDG 16.4. Expectedly, this would become a breakthrough for Indonesia in exemplifying the synchronization of its national program on asset recovery and the achievement of the SDGs.

V. CONCLUSION

Achieving the SDGs is a daunting endeavour for all countries. Even though Indonesia's VNR received appreciation, but the challenge to achieve the targets in the SDGs is real. This paper seeks to answer a question on how does a development program on asset recovery in Indonesia supported by international donor like SIGAP contribute to overcoming Indonesia's legal and institutional challenges on asset recovery amidst Indonesia's global commitment to SDGs by exploring the results of a development program implemented by a civil society organization.

SIGAP has shown that collaborative works between national and international actors could result in substantive impact. The mapping of issues, challenges and potentials for improvement during the period of its implementation, which was followed up with concrete interventions at policy and institutional levels. SIGAP has provided the tangible impact of refined policy within the PPA and improved capacity of various institutions responsible for asset recovery in Indonesia. These results were achieved amidst the fact that there is an absence of an umbrella regulatory framework on asset recovery and seemingly contradictory provision or focus in the existing regulations or laws. SIGAP opened the perspective of Indonesian enforcers through capacity building activities that created a culture of dialogue and learnings among different agencies and participation of non-state agency in this process. Expectedly, gradual shift of perspective and action from the existing focus on imprisoning the offenders (*in-personam*) to asset seizure (*in-rem*) would occur in the longer term and become collective priority agenda to improve success rate of asset recovery processes.

The AGO also adopted the breakthrough policy with regards to the PPA as a result from SIGAP intervention. The AGO decided to strengthen its internal

policy and expand its structure in view of emerging responsibilities as identified by SIGAP. On inter-agency coordination, SIGAP proposed to increase the intensity of informal communication to support formal process of coordination in the absence of an agreed technical guideline on inter-agency coordination on asset recovery. SIGAP designed the digital communication platform on asset recovery as a means to break the silo through digital connectivity. Law enforcement agencies should no longer solely rely on formal approaches of engagement and coordination to improve the effectiveness of asset recovery processes. Besides, the portal is also meant for the establishment of a digital community on asset recovery consisting of individuals or experts on asset recovery. This would enhance public or non–state actor's participation in supporting asset recovery processes in Indonesia.

On SDGs, SIGAP has concretely proposed policy recommendation to the Indonesian government in the formulation of a national indicator for SDG 16.4 in the absence of an agreed global indicator. The Indonesian government must take a chance to adopt the long term target of asset recovery as described in the National Action Plan on Corruption Prevention and Eradication. This will provide a lens through which efforts to recover stolen assets and to meet the SDGs can be perceived simultaneously and as mutually reinforcing. To conclude, SIGAP is an example of a collaborative programmatic intervention between state and non-state actors and between national and international actors to improve asset recovery policy and implementation in Indonesia.

REFERENCES

Articles in journals and periodicals

Datuan, Malto S., Bismar Nasution, Mahmud Mulyadi and Mahmul Siregar, "Asset Recovery dalam Tindak Pidana Korupsi Melalui Instrumen Undang-Undang Tindak Pidana Pencucian Uang [*Asset Recovery from Corruption Using the Legal Instrument on Anti-Money Laundering]*." *USU Law Journal* 5, no. 2 (2017): 95-102.

Ertimi, Basim Elmukhtar. "The Impact of Corruption on Economic Growth in OIC Countries." *International Journal of Economics and Finance* 8, no. 9 (2016): 91 – 103. doi:10.5539/ijef.v8n9p91

Prakarsa, Aliyth and Rena Yulia. "Model Pengembalian Aset (Asset Recovery) Sebagai Alternatif Memulihkan Kerugian Negara Dalam Perkara Tindak Pidana Korupsi [Asset Recovery Model as Alternative to Recover State's Loss in Corruption Case]." *Jurnal Hukum PRIORIS* 6 No. 1 (2017): 31-45.

Satriana, Eri, Dewi Kania Sugiharti and Muhammad Ilham Satriana, "Asset Recovery of Detrimental to the Finances of the State from Proceeds of Corruption in the Development of National Criminal Law System." *Jurnal Dinamika Hukum* 19, no. 2 (2019): 350-369. doi:10.20884/1.jdh.2019.19.2.2474

Sunaryadi, Amien and Dayu Nirma Amurwanti, "Recovering Indonesia's Assets: Past, Present and Future." *Jurnal Opinio Juris* 11, no. 1 (2012): 44-49.

Books and book chapters

Aldridge, Peter. *Money Laundering Law: Forfeiture, Confiscation, Civil Recovery, Criminal Laundering and Taxation of the Proceeds of Crime.* Oxford, Portland Oregon, Hart Publishing, 2003.

Baker, Raymond W., *Capitalism's Achilles heel: dirty money and how to renew the free-market system*. New Jersey: John Wiley & Sons, 2005.

Baker, Stephen and Ed Shorrock. "Gatekeepers, corporate structures and their role in money laundering" in *Assets: A Practitioner's Handbook,* edited by Phyllis Atkinson. Basel: Basel Institute on governance, 2009.

Hoelman, Mickael B. *et. al Sustainable Development Goals (SDGs): Panduan untuk Pemerintah Daerah (Kota dan Kabupaten) dan Pemangku Kepentingan Daerah [SDGs: Guidelines for Local Government (Municipality and Regency) and the Local Stakeholders]*. Revised edition. Jakarta: INFID, 2016.

Ivory, Radha. *Corruption, asset recovery, and the protection of property in public international law: the human rights of bad guys*. Cambridge: Cambridge University Press, 2014.

Kementerian PPN/Bappenas and UN in Indonesia. *Kita Suarakan MDGs Demi Pencapaiannya di Indonesia [Let's voice the MDGs for the sake of achieving Indonesia's targets]*. Jakarta: Bappenas, 2008.

Kementerian PPN/Bappenas. *Metadata Indikator Tujuan Pembangunan Berkelanjutan (TPB)/Sustainable Development Goals (SDGs): Pilar Pembangunan Hukum & Tata Kelola. [Metadata for Sustainable Development Goal: Legal Development and Governance Pillar]*. Jakarta: Bappenas, 2017.

Kementerian PPN/Bappenas. *Terjemahan Tujuan dan Target Global Tujuan Pembangunan Berkelanjutan* (TPB)/*Sustainable Development Goals* (SDGs). Jakarta:

Bappenas, 2017.

Nazir, M. *Metode Penelitian* [*Researrch Methodology]*. Jakarta: Ghalia Indonesia, 1988.

OECD. *Development Cooperation Report*. Paris: OECD Publishing, 2018.

Prakarsa. *Calculating illicit financial flows to and from Indonesia, a trade data analysis, 2001 – 2014*. Jakarta: Prakarsa: 2016.

Stephenson, Kevin M. et. al., *Barriers to Asset Recovery: An Analysis of the Key Barriers and Recommendations for Action*, Stolen Asset Recovery Initiative (StAR), The World Bank – UNODC: 2011.

Sugiyono. *Metode Penelitian Administrasi* [*Administrative Research Methodology*]. Bandung: Alfabeta, 2005.

Suparni, Niniek, et.al. *Optimalisasi Peran Pusat Pemulihan Aset (PPA) Kejaksaan Agung Dalam Mendorong Satker Wilayah untuk Menyelesaikan Benda Sitaan dan Barang Rampasan* [*Maximizing the Role of Asset Recovery Centre in the Attorney's General Office in Supporting the Regional Working Unit to Finalize Confiscated and Seized Goods]*. Jakarta: Pusat Penelitian dan Pengembangan Kejaksaan Agung Republik Indonesia, 2017.

Utama, Paku. *Memahami Asset Recovery & Gatekeeper [Understanding Asset Recovery and Gatekeeper]*. Jakarta: Indonesia Legal Roundtable: 2013.

Whitney, F. *The Element of Research*. New York: Prentice-Hall, Inc, 1960.

Legal documents

Indonesia. *Peraturan Jaksa Agung Republik Indonesia Nomor PER-002/A/JA/05/2017 Pelelangan Dan Penjualan Langsung Benda Sitaan Atau Barang Rampasan Negara Atau Benda Sita Eksekusi* [*Number PER-002/A/JA/05/2017 on Direct Auction and Sale of Confiscated Assets or Seized State's Assets or Seized Asset Execution*]

Indonesia. *Peraturan Jaksa Agung Republik Indonesia Nomor Per-006/A/JA/03/2014 tentang Pusat Pemulihan Aset* [*AGO Regulation No. Per-006/A/JA/03/2014 on Asset Recovery Centre*]

Indonesia. *Peraturan Menteri PPN/ Kepala BAPPENAS Nomor 7 Tahun 2018 tentang Koordinasi, Perencanaan, Pemantauan, Evaluasi, dan Pelaporan Pelaksanaan Tujuan Pembangunan Berkelanjutan* [*Minister of National Planning and Development Regulation Number 7 of 2018 on Coordination, Planning, Monitoring, Evaluation and Reporting of the Implementation of Sustainable Development Goals*]

Indonesia. *Peraturan Presiden Republik Indonesia Nomor 55 Tahun 2012 tentang Strategi Nasional Pencegahan dan Pemberantasan Korupsi (Stranas PPK) Jangka Panjang Tahun 2012-2025 dan Jangka Menengah Tahun 2012-2014*. [*Presidential Regulation of the Republic of Indonesia Number 44 of 2012 on Long Trem 2012 – 2025 and Medium Term 2012 – 2014 National Strategy on Prevention and Eradication of Corruption*].

Indonesia. *Peraturan Presiden Republik Indonesia Nomor 59 tahun 2017 tentang Pelaksanaan Pencapaian Tujuan Pembangunan Berkelanjutan (TPB)* [*Presidential Regulation of the Republic of Indonesia Number 59 of 2017 on the Implementation Achievement of Sustainable Development Goals*]

Indonesia. *Peraturan Presiden Republik Indonesia Nomor 9 Tahun 2011 tentang Pencegahan dan Pemberantasan Korupsi* [*Presidential Instruction No. 9 of 2011*

on the Prevention and Eradication of Corruption]

Indonesia. *Undang-Undang Nomor 1 Tahun 2006 tentang Bantuan Hukum Timbal Balik dalam Perkara Pidana* [*Law Number 1 of 2006 on Mutual Legal Assistance on Criminal Matters*]

Indonesia. *Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tidana Korupsi* [*Law Number 20 of 2001on Revision on Law Number 31 of 1999 on Corruption Eradication*]

Indonesia. *Undang-Undang Nomor 7 Tahun 2006 tentang Pengesahan Konvensi Anti Korupsi Perserikatan Bangsa-Bangsa Tahun 2003* [*Law Number 7 of 2006 on the Ratification of the United Nations Convention against Corruption, 2003*].

Indonesia. *Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana* [*Law Number 8 of 1981 on Criminal Procedure Code*]

Indonesia. *Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang [Law Number 8 of 2010 on Prevention and Eradication of Money Laundering*]

UN General Assembly, United Nations Convention Against Corruption, 31 October 2003, A/58/422.

Web sources

ABS. "Supreme Court Junks Ill-gotten Wealth Case vs Marcos Cronies." Accessed on 30 August 2019, https://news.abs-cbn.com/news/06/19/18/supreme-court-junks-ill-gotten-wealth-case-vs-marcos-cronies .

Cambridge Dictionary. "Safe Haven." Accessed 27 June 2020, https://dictionary.cambridge.org/dictionary/english/safe-haven

Council of Europe. "Politically exposed persons." Accessed 26 June 2020, https://www.coe.int/en/web/moneyval/implementation/politically-exposed-persons

Global Financial Integrity. "Illicit Financial Flows. Accessed 27 June 2020, https://gfintegrity.org/issue/illicit-financial-flows/.

https://gfintegrity.org/issue/illicit-financial-flows/. Accessed on 30 August 2019

Indonesia-Investments. "Corruption in Indonesia." Accessed 26 June 2020, https://www.indonesia-investments.com/business/risks/corruption/item235

Indonesian Corruption Eradication Commission. "Tata Laksana Benda Sitaan & Barang Rampasan Dalam Rangka Pemulihan Aset Hasil Tipikor [Management of Confiscated Objects and Confiscated Goods in the Context of Recovery of Corruption Proceeds]." Accessed 27 June 2020, https://acch.kpk.go.id/id/artikel/paper/tata-laksana-benda-sitaan-barang-rampasan-dalam-rangka-pemulihan-aset-hasil-tipikor.

Kementerian Komunikasi dan Informatika Republik Indonesia. "Jadikan Indonesia Mandiri, Berkepribadian, dan Berdaulat." Accessed 28 June 2020, https://kominfo.go.id/index.php/content/detail/5629/NAWACITA%3A+9+Program+Perubahan+Untuk+Indonesia/0/infografis

Kompas.com. "Daftar 45 Pelarian Indonesia ke Luar Negeri [List of 45 Indonesian Criminals in Foreign Countries]." Accessed 29 June 2020, https://nasional.kompas.com/read/2011/07/04/09464965/Daftar.45.Pelarian.Indonesia.ke.Luar.Negeri?page=all

Sekretariat SDGs. "Dokumen SDGs" [SDGs Documents]." Accessed 28 June 2020, http://sdgsindonesia.or.id/

Sustainable Development Goals Knowledge Platform. "High-Level Political Forum on Sustainable Development", accessed 28 June 2020, https://sustainabledevelopment.un.org/hlpf

Sustainable Development Knowledge Platform. "Voluntary National Reviews Database." Accessed 29 June 2020, https://sustainabledevelopment.un.org/vnrs/

Swissinfo. "Is the Abacha accord a model For Returning' Dictator funds'?" Accessed on 30 August 2019, https://www.swissinfo.ch/eng/business/switzerland-and-nigeria_is-the-abacha-accord-a-model-for-returning--dictator-funds--/43938016

Tax Justice Network Briefing. "Tax avoidance and evasion – The scale of the problem." Accessed 27 June 2020, http://www.taxjustice.net/wp-content/uploads/2017/11/Tax-dodging-the-scale-of-the-problem-TJN-Briefing.pdf.

The World Bank. "Combating Corruption." Accessed 26 June 2020, https://www.worldbank.org/en/topic/governance/brief/anti-corruption

Transparency International UK. "Panama Papers expose UK role in global corruption." Accessed 27 June 2020, http://www.transparency.org.uk/panama-papers-expose-uk-role-in-global-corruption/

United Nations. "17 Goals to Transform Our World." Accessed 26 June 2020, https://www.un.org/sustainabledevelopment/

United Nations. "Millennium Development Goals." Accessed 26 June 2020, https://www.un.org/millenniumgoals/

United Nations. "Sustainable Development Goals." Accessed 26 June 2020, https://sustainabledevelopment.un.org/sdgs

United Nations. "United against corruption for development, peace and security." Accessed 28 June 2020, https://www.un.org/en/observances/anti-corruption-day

United Nations. "The Sustainable Development Agenda." https://www.un.org/sustainabledevelopment/development-agenda/

United Nations. "United Nations Sustainable Development Summit 2015." Accessd 27 June 2020, https://sustainabledevelopment.un.org/post2015/summit.

UNODC. "United Nations Convention Against Corruption." Accessed 27 June 2020, https://www.unodc.org/unodc/en/treaties/CAC/

Others

Alex Cobham. "Target 2030: illicit financial flows." ARI 81/2018, 26 June 2018, Elcano Royal Institute.

Asian Development Bank/Organization for Economic Cooperation and Development/ Basel Institute for Governance. "Asset Recovery and Mutual Legal Assistance in Asia and The Pacific," Asian Development Bank/Organization for Economic Cooperation and Development/Basel Institute for Governance: September 2007.

Center for Research and Training for Economic and Business. "Estimation of unreturned stolen assets from corruption between 2001 - 2012." Gajah Mada University: Yogyakarta: 2013.

Kar, Dev and Joseph Spanjers. "Illicit Financial Flows from Developing Countries: 2003-2012." Global Financial Integrity, December 2014.

Kemitraan, "Assessment on Asset Recovery in Indonesia 2017," (unpublished).

Kemitraan, "SIGAP Final Report," Jakarta, 2019, (unpublished).

National Law Development Agency, Ministry of Law and Human Right. "Central Authority and its Mechanism of Coordination in the Implementation of Mutual Legal Assistance in Criminal Matters", National Law Development Agency, Ministry of Law and Human Right: 2012.

OECD/ADB. "Asset Recovery and Mutual Legal Assistance in Asia and the Pacific." ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, ADB, Manila, 2010. https://doi.org/10.1787/9789264086005-en.

The Audit Board of Indonesia. *Laporan Tahunan 2012 [2012 Annual Report]*. Jakarta: Badan Pemeriksa Keuangan: 2013.

UNODC. "Updated report of Attorney General Office of Special Task Force to Settle Asset Forfeiture and Executed-Confiscated goods per October 2011." Progress Report of Asset Recovery, UNODC: 2012.