Estudiante Law Journal

Volume 5 Number 3, October 2023: 773–785
Faculty of Law, Universitas Negeri Gorontalo, City of Gorontalo, Indonesia
https://ejurnal.ung.ac.id/index.php/eslaw/index

# *Illicit Enrichment* Conception in Positive Law in Indonesia

**Juwita Widya Mahmud[1], Moh. R. U Puluhulawa[2], Waode Mustika[3]**

[1] *Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: juwitamahmud04@gmail.com*
[2] *Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: mohamadrusdiyanto@yahoo.co.id*
[3] *Faculty of Law, Universitas Negeri Gorontalo, Indonesia. Indonesia. E-mail: waodemustika@ung.ac.id*

**Abstract:** This study aims to determine the Regulation of Article 20 of the *United Nations Convention Against Corruption* (UNCAC) concerning *Illicit Entrichment* in Positive Law in Indonesia. The method used in this study is a type of normative juridical research that uses a legal approach to views and doctrines. The results of this study show that Indonesia's current positive law does not contain regulations related to Article 20 of the *United Nations Convention Against Corruption* (UNCAC) on the acquisition of assets of public officials *(Illicit Enrichment)* which allows asset seizure if the state official cannot explain the cause of the increase in assets related to his legitimate income. However, in Indonesia's positive law, there are relevant regulations close to those in Article 2 paragraph (1), Article 18, and Article 37 of the Corruption Eradication Law.

**Keywords:** *Illicit Entrichment*; Criminal Acts of Corruption; Self-Enrichment.



**How to cite (Chicago Style):**

Mahmud, J.W, Puluhulawa, M.R, Mustika, W . "Illicit Enrichment Conception in Positive Law in Indonesia" *Estudiante Law Journal,* 5 (3), (October 2023): 773–785

## 1. Introduction

The content in the preface to the *United Nations Convention Against Corruption* is expressed as "concerned about the seriousness of the problem and the threat posed by corruption to the stability and security of society and undermines democratic institutions and values, ethical values and justice and undermines sustainable development and the rule of law".

Such acts of corruption are the background for the holding of the UN summit on December 9-11 in Merinda, Mexico. This session obtained the result of an agreement that all regional organizations and countries related to economic integration signed and ratified the UN Convention against Corruption. This convention was approved by 133 countries including Indonesia, which subsequently became the first legally binding anti-corruption instrument. Drafting this convention is an initiative of an agency in the United Nations body, namely UNCAC in promoting anti-corruption activities.

As a participating country, Indonesia has a variety of obligations, especially *Illicit Enrichment* (unnatural wealth) stipulated in Article 20 of UNCAC, Indonesia's obligations are seen from the phrase "*....., each party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offense,....*".

Based on the phrase "*each party shall consider adopting*" this means that the provisions must be at the same level as the commandment. This means that Indonesia is responsible for preparing priority registration measures as mandatory obligations of member states. The nature of the provisions (provisions) of legislation as obligations of Member States has no equal level. There are 3 (three) levels of the nature of the provisions of the convention which include:[1]

1) Orders *(absolute mandatory provision and special conditions)*
2) The strenuous efforts of member states to adopt
3) Choice efforts.

Furthermore, in the *United Nations Convention Against Corruption* (UNCAC) 2003 which was ratified by Indonesia through Law Number 7 of 2006 concerning the Ratification of the *United Nations Convention Against Corruption*, 2003 (UN Convention Against Corruption, 2003), the scope of corruption turned out to be broader, namely:

*a) Bribery of the national public.*
*b) Bribery of foreign public officials and officials of public international organizations.*
*c) Embezzlement, misappropriation, or other diversion of property by a public official.*
*d) Trading in influence.*
*e) Abuse of position or authority (abuse of functions).*
*f) Illicit enrichment.*

[1] Alvon Kurnia Palma dkk., *Implementasi Dan Pengaturan Illicit Enrichment (Peningkatan Kekayaan Secara Tidak Sah) Di Indonesia* (Jakarta: Indonesia Corruption Watch, 2014)., 18

*g) Bribery in the private sector.*

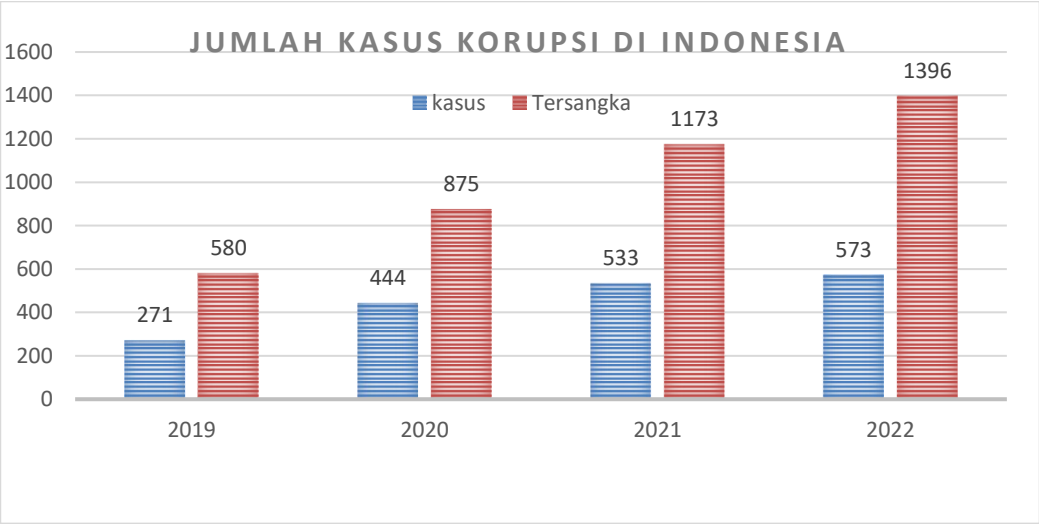
The ratification of Article 20 of *the United Nations Convention Against Corruption* (UNCAC) is very important to be followed up by Indonesia as a convention country, currently 193 countries in the world, there are at least 44 countries that already have legal instruments at the level of the Law on *Ellichment Enntricment*. 39 of the 44 countries impose confinement and imprisonment sanctions such as China, India, Malaysia, Brunei, Mako, Bangladesh, and Egypt.

Furthermore, Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia states that the State "Indonesia is a State of law", which means that the provisions of the article are constitutional guidelines that Indonesia is a State of law. Thus the law is placed on the only foundation for the survival of society, nation, and state *(supremacy of law).*

Problematics that is always present in the rule of law is the number of crimes against humanity including corruption. Corruption is a problem that almost occurs in all parts of the world. Not only occurs in developing countries but also developed countries. This phenomenal incident showed the Indonesian people that corruption is very detrimental to state finances or the country's economy and hinders national development as stated in Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

Based on data from *Indonesia Corruption Watch* (ICW), 579 corruption cases have been prosecuted in Indonesia throughout 2022. This number increased by 8.63% compared to the previous year which was 533 cases.

**Figure 1**. *Indonesia Corruption Watch*: Number of Corruption Cases in Indonesia, 2019-2022.




*Source: Indonesia Corruption Watch, 2023.*

The acute impact of corruption has triggered the international community to pay greater attention to corruption crimes. The adverse effects of corruption crimes make

the international public at large aware that corruption can threaten the balance of world peace, and even paralyze democracy. Based on common concerns and interests, the international community agreed to form an international commitment to eradicate corruption.

This realization and commitment was marked by the ratification of the *United Nations Convention Against Corruption* (UNCAC) at a high-level conference on December 9-11, 2003, in Merida, Mexico. Three years after that, on September 19, 2006, Indonesia ratified the convention through Law Number 7 of 2006.[2]

The ratification of the *United Nations Convention Against Corruption* (UNCAC) has advantages in strengthening legal instruments to eradicate corruption in Indonesia. Given the characteristics of corruption cases themselves in practice are increasingly difficult to handle, especially in the context of an unnatural increase in the wealth of a public official.

Based on what has been described in the discussion above, it is necessary to formulate problems about how to regulate Article 20 of the *United Nations Convention Against Corruption* (UNCAC) related to Illicit Enrichment in positive law in Indonesia.

## 2. Method

Based on the object of research to be achieved, this research uses normative juridical research methods, namely legal research that puts the law as a norm system building. Furthermore, the norm system in question is the principles, norms, rules of laws and regulations, court decisions, agreements, and doctrines. This normative juridical research uses a statutory approach *(statute approach)* which is then analyzed descriptively to produce conclusions on the object studied.

## 3. *Illicit Enrichment* in Positive Law in Indonesia

### 3.1. The Relationship Between Self-Enrichment and Corruption

The material content of Article 20 *Illicit Enrichment* is a provision that regulates related to the impropriety of adding wealth that occurs to a public official. The provisions in Article 20 of the *Illicit Enrichment* then finally affirm that every public official who experiences an increase in the amount of wealth must be able to explain the origin of the wealth in question to avoid criminalization of the party concerned. So it is necessary to examine the relationship between wealth that occurs unnaturally and corruption.

In general, the term self-enrichment can refer to a condition in which a person seeks to accumulate assets or the like to gain status as a person who will not feel deprived. But of course, if the wealth accumulated is a legitimate result, then it doesn't matter.

[2] Donal Fariz, *Kajian Implementasi Aturan Trading In Influence Dalam Hukum Nasional* (Jakarta: Indonesia Corruption Watch, 2014)., 9

Conversely, if the wealth collected comes from unauthorized acts, it will be a problem for the person concerned.

In law, the act of enriching oneself by unlawful means is considered a criminal offense. For example, if referring to the Corruption Law, the act of enriching oneself is considered an unlawful act and can be threatened with imprisonment for 4 years.[3] The law considers that the act of enriching oneself must be proven in origin if it does not want to be considered an unlawful act. Corruption and self-prosecution have become many questions because the source of wealth owned by the alleged perpetrators comes from unauthorized sources.[4]

The act of enriching oneself has a close relationship with corruption. For example, referring to the opinion expressed by Setiadi, which was also quoted by Charine Gresia, et al, that acts of corruption correlate with efforts to enrich oneself illegitimately.[5] Moreover, Charine gave an example that someone will try to fulfill his desires in an illegitimate way such as going to do actions that are contrary to the law (corruption).[6]

Wealth that increases unnaturally must certainly be questioned if the person concerned is an official whose income comes from the state. Because, if you use a simple analogy such as if the person concerned only has an income of 10 (ten) million per month, then in a year he will only succeed in collecting as much as 120 (one hundred twenty) million provided that the income (salary) will not be used. On the other hand, in that condition, the assets (wealth) owned by the person concerned increase without considering the amount of income. This is what is meant by the unnatural addition of wealth and must be questioned by the state.

Based on the description above, it is clear that the act of enriching oneself with the amount of value addition of wealth and the criminal act of corruption has a clear relationship. Therefore, in this condition, the person concerned should prove that the wealth owned is the result of legitimate sources, rather than the proceeds of corruption. The principle is that corruption can be a way for an official who wants to add wealth by unauthorized means. Therefore, to eradicate corruption, it is necessary to have some kind of joint effort and spirit to eradicate corruption. One of the positive laws in Indonesia that has a close relationship with combating corruption is Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

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[3] Article 2 Paragraph (1) Law Number 20 of 2001 concerning Eradication of Corruption Crimes

[4] Diky Anandya Kharystya Putra dan Vidya Prahassacitta, "Tinjauan Atas Kriminalisasi Illicit Enrichment Dalam Tindak Pidana Korupsi Di Indonesia: Studi Perbandingan Dengan Australia," *Indonesia Criminal Law Review* 01, no. 1 (2021): 43–59.

[5] Nadhira Tasya Ganitri dkk., "Krisis Moral Praktik Korupsi Di Indonesia Dan Hubungannya Terhadap Sikap Altruisme Bangsa : Studi Kasus Korupsi Dana Bansos Covid-19 Oleh Mensos Juliari Batubara," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 1, no. 01 (24 Desember 2022): 1–25.

[6] *Ibid*

### 3.2. The Concept of *Illicit Enrichment* in The Law on The Eradication of Corruption

In particular, Article 20 of the *Illicit Enrichment* relates to the addition of an unreasonable amount of wealth by a public official. *Illicit Enrichment* itself has the following elements:[7]

1) There is an unnatural increase in the amount of wealth by a person;
2) The person concerned is a public/state official;
3) The number of tenures by the person concerned is irrelevant to the amount of assets acquired;
4) The act by the person concerned was done intentionally;
5) The person concerned cannot explain or prove the wealth obtained guilty from where the source is.

In Indonesia's positive law, there has not been a specific regulation related to Article 20 of UNCAC on the acquisition of assets of public officials *(Illicit Enrichment)* which allows the seizure of assets if the state official cannot explain the cause of the increase in assets related to his legal income, but in Indonesian positive law there are relevant regulations close to that in the Law on Corruption in Article 2 Paragraph (1) of the Law on Corruption The point is that for any official who commits an act of enrichment in an unlawful way, then he will be threatened with imprisonment for 4 years.

One of the opinions came from an Indonesian criminal law expert, Eddy O.S Hiariej emphasized that the overall application of the concept of punishment contained in Article 20 of *Illicit Enrichment* as a form of commitment to eradicate corruption crimes has not been fully implemented.[8] Because, according to him, Indonesia's material criminal law (UU Tipikor) has not been thoroughly adjusted to the UNCAC convention.[9] This is of course, whether Illicit Enrichment has been regulated and adjusted to the contents of the Law on Corruption in Indonesia.

When referring to the Law on Criminal Acts of Corruption, in its provisions no article expressly seeks regulation of *Illicit enrichment*. This is also as stated by Novalinda Nadya Putri and Herman Katimin, that until now Indonesia has not applied the concept of criminalization against *Illicit enrichment* firmly and tangibly.[10] In addition, if you look more clearly at the provisions of the *Illicit enrichment* concept in UNCAC, the scope is broad enough that this will be a challenge as well as hope in efforts to eradicate corruption in the Corruption Law.

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[7] Putra dan Prahassacitta, "Tinjauan Atas Kriminalisasi Illicit Enrichment Dalam Tindak Pidana Korupsi Di Indonesia: Studi Perbandingan Dengan Australia."

[8] Eddy Omar Sharif Hiariej, "United Nations Convention Against Corruption Dalam Sistem Hukum Indonesia," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 31, no. 1 (2 Mei 2019): 112–25, https://doi.org/10.22146/jmh.43968.

[9] *Ibid*.

[10] Novalinda Nadya Putri dan R. Herman Katimin, "Urgensi Pengaturan Illicit Enrichment Dalam Upaya Pemberantasan Tindak Pidana Korupsi Dan Tindak Pidana Pencucian Uang Di Indonesia," *Jurnal Ilmiah Galuh Justisi* 9, no. 1 (3 Maret 2021): 38–61, https://doi.org/10.25157/justisi.v9i1.4233.

Furthermore, referring to the amended Corruption Law, the regulation on the concept of criminalization of Illicit Enrichment seems to be regulated in Article 37 of the Corruption Law with the following formulation:[11]

1) The accused has the right to prove that he has not committed a criminal act of corruption.
2) If the accused can prove that he did not commit a criminal act of corruption, then such evidence shall be used by the court as a basis for stating that the charges are not proven.

In addition to Article 37 of the Corruption Law above, another formulation that is still related to Article 20 Illicit Enrichment is related to the affirmation that the law enforcement process against criminal acts of enriching themselves unreasonably, requires the seizure of assets against suspected perpetrators, which the formulation in the Corruption Law is regulated in Article 18 which reads as follows:[12]

1) In addition to additional crimes referred to in the Criminal Code as additional crimes are:
    a) confiscation of tangible or intangible movable property used for obtaining from the criminal act of corruption, including the company owned by the convicted person where the crime of corruption was committed, as well as the price of the goods that replaced the goods;
    b) payment of substitute money in the amount as much as possible with property obtained from the criminal act of corruption.
    c) closure of the business or part of the company for a maximum of 1 (one) year;
    d) deprivation of all or part of certain rights or removal or partial benefit, which has been or may be granted by the Government to the convict.

Furthermore, answering the existence of criminalization efforts against *Illicit enrichment* in the Corruption Act. According to the author, there are several important points to the discussion of Illicit enrichment in the Illicit Enrichment Law which will be described as follows:

***First***, efforts to criminalize *illicit enrichment* have not been implemented because there is no legal framework (instrument) that expressly regulates how law enforcement should take action against corruption by officials concerned. Illicit enrichment actions by a public official must certainly be based on a clear formulation of norms so as not to be vague and can be implemented in efforts to eradicate corruption in Indonesia.

Seeing the formulation in the amended Corruption Law, although there have been efforts in it, according to the author this is still vague because indeed in the Corruption Law, there is no provision that specifically affirms that every act of self-enrichment does not make sense if it is related to the amount of income obtained by the official

[11] Article 37 Law Number 20 of 2001 concerning Eradication of Corruption Crimes
[12] Article 18 Law Number 20 of 2001 concerning Eradication of Corruption Crimes

concerned. Moreover, referring to Article 20 of the *Illicit enrichment*, there is an affirmation that the official concerned must be able to prove where his wealth came from.

There is a phrase to be able to prove that the amount of wealth or assets of public officials comes from legitimate sources, then the person concerned must certainly be able to prove this. In the Corruption Law, Article 37 of the Corruption Law stipulates that the defendant has the right to prove that he has not committed a corrupt act. However, according to this author, it is still vague because it has not clearly defined the law enforcement process against the actions of *Illicit Enrichment*. In other words, no such phrase is enough to criminalize the unnatural or unreasonable act of self-enrichment of a public official.

According to the author, Article 37 of the Corruption Law cannot be used as a strong foundation for law enforcers such as the Police, Prosecutor's Office, or the Corruption Eradication Commission to examine and find out the origin of property or wealth owned by a public official. The article, according to researchers and has been affirmed in the formulation of the article is not the right of law enforcement but is a right given to a person suspected of violating the criminal act of corruption. Therefore, under these conditions, the existence of Article 20 *Illicit Entrichment* in the law of the Corruption Act is fully adjusted for the reasons mentioned earlier.

Simply put, the reverse evidentiary model contained in Article 37 of the Corruption Law, may be used by the alleged perpetrator or not at all depending on the intentions of the person concerned. The alleged perpetrator may exercise his rights when he feels that the property or wealth he has is not the result of an unauthorized source or not. In other words, there is no obligation for the perpetrator to prove this to law enforcement. In the end, according to researchers, this will not be in line with the existing evidentiary model in Indonesia, where prosecutors are charged with the responsibility of proving that the alleged perpetrator committed the crime charged to the alleged perpetrator.

***Second***, if viewed from the perspective of the alleged perpetrator, an unnatural increase in wealth is indeed a prohibited act, especially if the wealth concerned is the result of his position as a state official. Therefore, of course, the person concerned must be charged with proving that the unreasonably increased property is the result of a legitimate source, such as that the person concerned has a source of income other than the salary he receives as an official.

In the Corruption Law, as mentioned earlier, Article 37 which is related to the rights granted to the accused, the person concerned is given the right to be able to prove that the wealth he owns is the result of legal sources, rather than from actions that can harm state finances. However, the formulation indicates that there is an effort from the state to apply Article 20 of the *Illicit Enrichment* related to the act of enrichment by a state official. The point is, that Article 37 of the Corruption Law, which only provides an opportunity for alleged perpetrators to prove their wealth, according to

researchers, is also a form of criminalization of unnatural self-enrichment because the alleged perpetrators are charged with evidence.

The formulation of Article 37 of the Corruption Law has a fairly clear phrase that the state gives the right to the alleged perpetrator to defend himself by proving his property is the result of a legally valid source. So, according to researchers, this method can be considered a form of criminalization of the act of enriching oneself to the alleged perpetrators. In addition, if the person concerned cannot prove that his wealth comes from a legitimate source, then it will certainly raise questions about the perpetrator where his wealth came from.

***Third***, the criminalization of *Illicit Enrichment* will conflict with the subject of human rights. Because, in the teachings of *human rights* (HAM), humans are given the freedom to determine their way of life provided that they do not violate the human rights of others. Simply put, a state official has economic rights, namely the right to own, seek, and accumulate wealth in any way as long as it does not contradict applicable norms. Therefore, efforts to criminalize the act of self-enrichment according to the author will be contrary to human rights.

The same thing was expressed by Alvon Kurnia Palma, et al[13] that efforts to criminalize *Illicit Enrichment* will experience major obstacles, one of which is clashing with human rights, where everyone has the right to property rights to an item *(wealth)*. He explained that in addition to property rights and free rights, a person is also entitled to property rights that are fundamental and must get protection from the state.

The attempt to criminalize the actions of Illicit Enrichment that property owned increases in an unnatural way will certainly raise questions from the state. Therefore, many ways can be done, one of which is to report the amount of wealth regularly every year through the concept of the State Official Wealth Report (LHKPN). But of course, this method will not be completely effective because other ways can be done by perpetrators, such as by committing money laundering crimes.

Overall, Article 20 *illicit enrichment* in the Law on Corruption is still not optimal and according to researchers is still limited because of the things that will be described as follows:[14]

1) Unclear and vague settings.

   In the teachings of criminal law adopted in Indonesia, there are various types of crimes given to perpetrators of criminal acts other than imprisonment, namely fines. However, in the Tipikor Law, the regulation does not regulate which is a

[13] Alvon Kurnia Palma dkk., *Implementasi Dan Pengaturan Illicit Enrichment...., Op.cit*

[14] Also compare with Novia Rahmawati A Paruki, Fenty U Puluhulawa, dan Jufryanto Puluhulawa, "Penerapan Sanksi Terhadap Residivis Tindak Pidana Narkotika Dilihat Dari Perspektif Hukum Penitensier," *Jurnal Ilmu Sosial, Humaniora dan Seni* 1, no. 3 (2023): 588–93.

prison sentence and a fine for the crime of enrichment as mandated by Article 20 of UNCAC. Referring to Article 18 Paragraph (3), it confirms that for the alleged perpetrator official, state compensation caused by the act of self-enrichment in question, if the person concerned does not have the remaining property, the state can take another step, namely replacing it with imprisonment within a certain time.

This, according to researchers, is not clear in regulating efforts to criminalize the crime of enrichment. Because, of the crime of enriching oneself, such as by entangling it with Article 2 of the Tipikor Law, it is clear that the formula is that those who commit these acts will be threatened with imprisonment up to life and a maximum fine of 1 billion rupiah.

2) Efforts to seize assets are still not optimal.

   In Article 18 Paragraph (1) of the Corruption Law, attempts to seize assets or wealth owned by officials may only be carried out on wealth used and obtained and related to criminal acts of corruption. This of course, according to researchers will not be optimal because, in the crime, the official concerned may have other wealth that is not mentioned, but still has a connection with the crime committed.

3) State compensation that has not been maximized.

   In the provisions of Article 18 Paragraph (1) group b, it is affirmed that the compensation for the costs of losses suffered by the state is a maximum of as much as the assets obtained from the results of self-enrichment actions. According to researchers, this is not optimal in its settings. Because, the state will still suffer losses in the law enforcement process that requires a lot of money, one example of which is to present expert witnesses in court who of course must get paid. On the other hand, compensation by the state will not have a deterrent effect on the person concerned because what is returned is from the state, not assets as a whole.

There are still many weaknesses in the *Illicit Enrichment* regulation in the Corruption Law which is adopted and used as a material law for the crime of self-enrichment (corruption). Therefore, if we want to truly implement and seek the criminalization of Illicit Enrichment mandated in Article 20 of UNCAC, a major change is needed in the legal framework for combating corruption crimes used in Indonesia.

Overall, the concept of regulating *Illicit Enrichment* or efforts to ensnare perpetrators of enrichment crimes in the ways required by Article 20 of UNCAC such as imposing evidence on the origin of wealth, confiscation of assets or wealth in question, to criminalize officials who commit these crimes, is still not regulated. If you look at the existing time limitations, the government should try to revise related to the Law on Corruption to be by what is required by Article 20 of UNCAC.

In addition, Indonesia is one of the member states that signed the convention on UNCAC and then ratified it in the applicable laws and criminal law system. Therefore, this should be a sufficient reason for the government along with other authorized agencies to make changes by adding the concept of *Illicit Enrichment* in the current law enforcement system.

Because if not, of course, law enforcement against *Illicit Enrichment* actions in Indonesia will experience serious obstacles. This is what Soerjono Soekanto meant, that one of the factors that will affect law enforcement is the substance of the law, or the legal framework itself.[15] According to him, the substance of the law is one of the factors that has a big influence on the final results of law enforcement efforts. If there is a clear legal framework governing the model of asset seizure and the imposition of clear evidence against officials suspected of enriching themselves, then of course the law enforcement process will run smoothly by what is expected together.

In conclusion, the regulation of Article 20 of UNCAC in the criminal law enforcement system in Indonesia has not been fully accommodated due to matters as previously described. Currently, several formulations in the Law on Tipikor, are regulated only regarding the mechanism of proof by perpetrators of criminal acts of self-enrichment (corruption). Apart from that, arrangements related to the concept of *Illicit Enrichment* mandated by Article 20 of UNCAC such as asset seizure have not been regulated. This can certainly be an obstacle for law enforcement by law enforcement. Therefore, a clear legal framework is needed to be able to have a significant impact on eradicating corruption in Indonesia.

Based on this, the act of self-enrichment contained in Article 20 of UNCAC must at least be made a clear legal framework with the following details:

1) Regulate the offense of *Illicit Enrichment* in the Criminal Law

In the Tipikor Law, it has been regulated regarding the phrase enriching oneself unnaturally, namely in Article 2 of the Tipikor Law. However, this formulation is not enough to accommodate the concept of Illicit Enrichment mandated by UNCAC. Because, in the formulation of Article 2 of the Tipikor Law, it is only explained that the offense refers to all people who commit acts of self-enrichment. The subject of law in Article 20 of UNCAC refers to a person who serves as an important person in government.

In addition, the formulation contained in Article 2 of the Corruption Law does not explain how the reverse proof model mandated by UNCAC relates to the acquisition of assets owned by the officials concerned.

2) Application of sanctions and reimbursement of losses suffered by the state

[15] Bambang Waluyo, *Penegakan Hukum Di Indonesia* (Jakarta: Sinar Grafika, 2016)., 173

In principle, sanctions are a place to be able to ensnare perpetrators and as a preventive effort against any official who will take Illicit Enrichment actions. At the beginning, it has been explained about the return of state losses as a form of sanctions against perpetrators, the purpose of which is to return what belongs to the state on the property of the official concerned. In the Corruption Law, it is not regulated how much must be returned to the state if the property owned is wealth from the state obtained from illegal or unlawful means. Therefore, some kind of reformulation is needed related to the regulation of Illicit Enrichment in the Tipikor Law.

This is a comprehensive effort to criminalize the actions of Illicit Enrichment must be built with a clear legal framework, especially in terms of impoverishing the perpetrators of *Illicit Enrichment*. This requires the role of all parties, especially regulators such as the government and the DPR to make it happen. Because, if viewed as a whole, there has been no affirmation related to several points mandated by Article 20 of UNCAC, including the unregulated efforts to seize assets against officials who unnaturally commit acts of enrichment, and the burden of proof against officials who allegedly commit the acts in question.

## 4. Conclusion

Indonesia's positive law currently does not contain regulations related to Article 20 of the *United Nations Convention Against Corruption* (UNCAC) on the acquisition of assets of public officials *(Illicit Enrichment)* which allows for asset seizure if the state official cannot explain the cause of the increase in assets related to his legitimate income. However, in Indonesia's positive law, there are relevant regulations close to those in Article 2 paragraph (1), Article 18, and Article 37 of the Corruption Eradication Law.

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