

Implementation of Legal Protection for Third Parties with Good Faith in Corruption Court Decisions Regarding Replacement Money

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Abstract. *This study aims to determine and analyze the implementation of legal protection for third parties in good faith in corruption court decisions related to replacement money. This study uses a descriptive analytical sociological legal approach method. The data used are primary data and secondary data obtained through interviews and literature studies, which are then analyzed qualitatively. Based on the study, it was concluded that (1) the implementation of legal protection for third parties in good faith in corruption court decisions related to replacement money, namely through the objection procedure as stipulated in Article 19 paragraph (2) of the Corruption Law, with the mechanism regulated in PERMA Number 2 of 2022, however, legal protection for these third parties is very limited, even injustice and violations of ownership rights to the wealth of third parties occur, in fact, it still cannot fulfill the principles of legal certainty, justice, and legal benefits; (2) obstacles in the implementation of legal protection for third parties in good faith in corruption court decisions related to replacement money, including in terms of: (a) legal substance: (i) there is no clear definition of a third party in good faith; (ii) the objection procedure is not yet clearly regulated; and (iii) the lack of implementing regulations; (b) legal structure: (i) the discretion of the judge's decision, (ii) injustice and violation of third party property rights by law enforcement officers, and (iii) law enforcers still have difficulty in distinguishing between assets resulting from corruption and assets belonging to third parties who act in good faith; and (c) legal culture: (i) low legal awareness, (ii) social stigma, and (iii) negative perceptions of the law. Efforts to resolve these obstacles are in terms of: (a) legal substance: (i) providing a clear definition of a third party who acts in good faith, (ii) clear regulations regarding objection procedures, and (iii) clarifying implementing regulations for law enforcement officers regarding objection procedures; (b) legal structure: (i) preparation of law enforcement guidelines for judges, (ii) simplification of objection procedures, and (iii) increasing the capacity of law enforcers; and (c) legal*

culture: (i) the need to organize legal education programs, (ii) the need to hold public education, and (iii) increasing the transparency of the legal process.

Keywords: *Corruption; Legal; Protection.*

1. Introduction

In ancient times, crime or criminal acts were a phenomenon that occurred in society and were already part of civilization. Crime is a problem in human life, therefore it is said that where there are humans, there is also crime (crime is eternal, as eternal society).¹

Crimes that occur in society have developed over time, which initially were conventional crimes to become white collar crimes, which according to Edelhertz are illegal acts carried out non-physically and secretly or by trickery, to obtain money or goods, avoid payment or loss of money or goods, or gain benefits for the company or for oneself.²

One form of white collar crime is corruption. Corruption begins with a habit that is not realized by every official, starting from the habit of accepting tribute, gifts, bribes, giving certain facilities or others, and these habits become the seeds of real corruption and can harm state finances.³

To overcome and eradicate corruption and other criminal acts, criminal law needs to be enforced. Ismu Gunadi and Jonaedi Efendi stated that the essence of the existence of criminal law aims to protect individual interests and human rights, as well as protect the interests of society and the state as a collective from acts that threaten or even harm them, including protection from the arbitrariness of the authorities.⁴

Law enforcement is a process to make what is aspired to in laws and regulations a reality.⁵ Effective law enforcement is a prerequisite for protecting the rights and security of citizens, in this case criminal law enforcement against corruption

¹Suryani, Beby. (2023). *Criminology*. Deli-Serdang: University of Medan Area Press, p. 156.

²Situmeang, Sahat Maruli T. (2021). *Textbook of Criminology*. First Edition. Depok: Rajawali Buana Pusaka, p. 111.

³Darmayani, Satya., et al. (2022). *Anti-Corruption Education*. First Edition. Bandung: Widina Bhakti Persada Bandung, p. 18.

⁴I Putu Angga Feriyana, Anis Mashdurohatun and Arpangi, "Development of The Criminal Justice System: Initiating LPSK As A Criminal Justice Subsystem In Indonesia", in *Jurnal Daulat Hukum*, Volume 3 Issue 1, March 2020, p. 123, url: <https://jurnal.unissula.ac.id/index.php/RH/article/view/8386/4060>.

⁵Sekar Tresna Raras Tywi, Ira Alia Maerani and Arpangi, "Law Enforcement against Entrepreneurs who Conduct Criminal Acts to Pay Wages Below the Minimum Wage", in *Jurnal Daulat Hukum*, Volume 4 Issue 1, March 2021, p. 33, <https://jurnal.unissula.ac.id/index.php/RH/article/view/13882/5379>.

crimes, is needed to protect the state's right to recover corrupted assets, so that it can restore state financial losses.

In essence, the aspect of returning assets from corruption crimes through criminal procedures can be in the form of imposing a criminal penalty on the perpetrator such as a fine or the defendant is sentenced to pay compensation. If detailed, the return of assets from this criminal path is carried out through a trial process, that the Judge in addition to imposing the main penalty can also impose additional penalties.⁶

The regulation regarding the replacement of money is regulated in the additional criminal provisions, which have been textually stipulated in Article 17 and Article 18 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.

If the convict does not want to pay compensation voluntarily, the prosecutor can take action. Confiscation of property resulting from criminal acts of corruption. However, confiscation of assets resulting from corruption or tools/instruments is not easy to do. Various obstacles faced by the Public Prosecutor and the Executing Prosecutor in the confiscation of assets resulting from corruption include the assets still being in the name of another person or possibly being intentionally in the name of another person, and not a small amount of money or assets resulting from corruption are placed abroad, either by corruptors or by parties still related to corruptors.

The confiscation of property suspected of being the result of corruption or the tools used to commit the crime does not rule out the possibility of also interfering with third parties or other people, either family or people other than the family of the perpetrator of the corruption. It does not rule out the possibility that the perpetrator of the corruption intentionally or unintentionally mixes his/her acquired property with property obtained legally, either with his/her own property or with the property of other people that are completely unrelated to the corruption itself.

The existence of mixed ownership of property between corruptors and other parties will give rise to a joint right to an item, so that if the property is confiscated by the Executing Prosecutor, it will certainly give rise to a separate problem, because the property or goods do not fully belong to the perpetrator of the crime of corruption, or in fact the goods belong to someone else.

To anticipate these problems, real efforts are needed to provide protection to third parties with good intentions. Protection of third parties with good intentions

⁶Panggabean, HP (2020). Recovery of Corruption Crime Assets; Theory-Practice and Jurisprudence in Indonesia. First Edition. Jakarta: Bhuana Ilmu Populer, p. 83.

is important to ensure that the rights of third parties are not neglected in the legal process which often focuses on the main perpetrators of the crime.

The purpose of this study is to describe and analyze the implementation of legal protection for third parties with good intentions in court decisions regarding corruption crimes related to compensation.

2. Research Methods

The type of research used in writing this legal journal is sociological juridical, which is descriptive analytical. The data used in this study are primary data and secondary data. According to the data that has been obtained, it is then analyzed using qualitative data analysis.

3. Results and Discussion

3.1 Implementation of Legal Protection for Third Parties with Good Faith in Corruption Court Decisions Regarding Replacement Money

Jawade Hafidz Arsyad stated that corruption is an arbitrary and unlawful act or action, the purpose of which is to take advantage of something that is not only valued in terms of money, but more than that, such as the status that concerns the perpetrator personally.⁷

Corruption occurs everywhere, involving relatives, in both democratic and communist government systems, and in religious institutions, the phenomenon of corruption can occur.⁸ Barda Nawawi Arief is of the opinion that corruption is a despicable act, condemned and hated by the majority of society, not only by the Indonesian people and nation, but also by the people of nations in the world.⁹

The crime of corruption is a violation of the social and economic rights of the community, so that corruption can no longer be classified as an ordinary crime, but has become an extraordinary crime.¹⁰ Not a small amount of people's money was taken, so the country was destroyed.¹¹

⁷Arsyad, Jawade Hafidz and Karisma, Dian. (2018). *Centralization of Government Goods & Services Procurement Bureaucracy*. First Edition. Jakarta: Sinar Grafika, p. 123.

⁸Hulman Siregar and Rakhmat Bowo Suharto, "Analysis and Review of The Implementation of Law Enforcement Operations Juridical Capture Corruption in The Criminal Justice System", in *Jurnal Daulat Hukum*, Volume 1 Issue 3 September 2018, p. 844, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/3412/2521>.

⁹Imanudin, "Handling Policy on Corruption Crime in Polres Tasikmalaya", in *Jurnal Daulat Hukum*, Volume 1 No. 2 June 2018, p. 543, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/3329/2460>.

¹⁰Lusia Sulastri, "The Legal Protection on Reporters for Corruption Crime", in *Journal of Daulat Hukum*, Volume 5 Issue 2, June 2022, p. 115, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/21024/6994>.

¹¹Suwono and Jawade Hafidz, "Upside of Evidence by Public Prosecutor in The Case Corruption by Act no. 31 of 1999 jo. Act No. 20 of 2001 on Combating Crime of Corruption", in *Journal of Sovereign Law*, Volume 1 Issue 3 September 2018, p. 773, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/3399/2508>.

Corruption is not something new in Indonesian society and corruption is widespread, planned and even structured, especially the abuse of power carried out by state officials in Indonesia in particular.¹² Corruption is clearly very dangerous for the nation because its impact is not only detrimental to state finances, but also hinders the state or government from improving the welfare of its people.¹³

The imposition of severe criminal penalties for perpetrators of corruption, in addition to providing a deterrent effect on the perpetrators, is also intended to restore state finances due to corrupt practices. Perpetrators of corruption can be sentenced to principal and/or additional penalties. Principal penalties are penalties that can be imposed independently of other penalties, while additional penalties are penalties that can only be imposed together with principal penalties.¹⁴ One form of additional punishment that can be imposed by the Judge is payment of compensation, as regulated in Article 18 paragraph (1) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.

If the convict does not want to pay compensation voluntarily, the Public Prosecutor can seize the assets resulting from the criminal act of corruption. This is part of the legal effort to recover the losses caused by the act of corruption, and ensure that the perpetrator is responsible for his actions.¹⁵

When a perpetrator of corruption commits a crime of corruption, the perpetrator may mix illegally obtained assets with legally obtained assets, such as assets belonging to a third party. For assets that are still in the name of another person or are intentionally in the name of another person, the Public Prosecutor during the trial process will examine witnesses and examine the available evidence to prove whether the assets are purely owned by a third party or are mixed with the proceeds of corruption, or are intentionally in the name of another person. For example, what was experienced by the source, the perpetrator of corruption used some of the proceeds of corruption to buy a car, but the car was still in the leasing process and had not been paid off. For an example of a case like that, the Public Prosecutor will confiscate the assets, but by taking into account the third party's money that has not been paid due to the leasing process. This is different from

¹²Abdul Haris, Umar Ma'ruf and Sri Kusriyah, "Role And Function Of Attorney In Order To Optimize The Prevention Of Corruption Through Establishment Of TP4P/D (Case Studies In State Attorney Of Grobogan)", in *Journal of Daulat Hukum*, Volume 2 Issue 4 , December 2019, p. 449, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8287/3863>.

¹³Joko Hermawan Sulistyono and Jawade Hafidz, "Application in Lieu of Money Penalty to Corruption Actors Based on Act No. 31 of 1999 jo. Act No. 20 of 2001 on Combating Crime of Corruption", in the *Journal of Sovereign Law*, Volume 1 Issue 4 December 2018, p. 982, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/4142/2892>.

¹⁴Chandra, Tofik Yanuar. (2022). *Criminal Law*. First Edition. Jakarta: Sangir Multi Usaha, p. 96.

¹⁵Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

assets that are not actually owned by the defendant, but are in the defendant's power for some reason, then the assets will be returned to their owner.¹⁶

The Public Prosecutor in the prosecution/trial process has an obligation to prove the defendant's guilt, including with the goods/property that is confiscated, if according to the trial facts it is known that the property is not related to the defendant or the corruption crime that is occurring, then the Public Prosecutor will return the goods. It will be different if it is known that the ownership of the goods still overlaps between the defendant and a third party with good intentions, for example goods purchased through leasing or goods purchased by the defendant but not fully paid off, then in the trial process the Public Prosecutor will examine the owner of the goods as a witness. The third party with good intentions is given the opportunity to reclaim their goods by returning an amount of money that has been received or confiscating the third party's goods, but taking into account the payment of the third party with good intentions. Likewise in the execution process, if there is a lawsuit or objection, the Executing Prosecutor will respect any court decision.¹⁷

Basically, the Public Prosecutor will conduct a search, whether there is a flow of funds from corruption to assets that have been confiscated or have not been confiscated but are suspected of being related to corruption. While the actions of the Prosecutor in the process of executing confiscated goods, the Prosecutor only carries out the court's decision as considered in the decision, if there is a lawsuit or objection, the Prosecutor will carry it out in accordance with the applicable regulations.¹⁸

Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 has accommodated a mechanism for third parties in good faith to file objections to the seizure of assets, namely in Article 19. Article 19 paragraph (2) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 is a form of legal protection for third parties in good faith. This article gives third parties the right to file objections to the seizure of assets considered to be theirs, if the assets are seized based on a court decision. Article 19 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 does provide protection for third parties in good faith, but the regulations are still vague and cannot be said to provide legal certainty. Article 19 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 also does not provide a definition of a third party acting in good faith.

The Public Prosecutor assesses the good intentions of third parties in the context of court decisions regarding compensation, by examining witnesses, evidence and

¹⁶Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

¹⁷Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

¹⁸Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

evidence that proves ownership of the goods, as well as the relationship of the goods to the criminal act of corruption committed by the defendant.¹⁹

Currently, for the protection mechanism for third parties, the Supreme Court has issued PERMA Number 2 of 2022 concerning Procedures for Resolving Objections from Third Parties in Good Faith Against Decisions on Confiscation of Goods Not Belonging to the Defendant in Corruption Cases. PERMA Number 2 of 2022 provides further guidelines regarding the procedures for resolving objections from third parties in good faith against decisions on confiscation of goods not belonging to the defendant in corruption cases.

In some cases, it turns out that the confiscation and seizure of assets/property suspected of originating from the proceeds of corruption, can potentially cause losses to third parties with good intentions, when the assets are used as evidence in the judicial process, especially if the assets owned are then confiscated to recover state financial losses, as in the case of PT. Jiwasraya insurance, one of the third parties with good intentions, is the customers of Adisarana Wana Artha Life Insurance (AJAW).

If the assets or property belonging to a third party are confiscated and then seized, the third party cannot use and/or utilize the assets that have been confiscated, blocked, frozen for the purposes of providing evidence in court, or confiscated based on a court decision.

The Judge's decision is very important in the asset confiscation process. If the Judge decides to confiscate assets, the state financial recovery process can proceed. Conversely, if the Judge does not decide so, the recovery will be hampered. In certain cases, such as major corruption cases involving high-ranking officials, the Judge's decision to confiscate assets can have direct implications for the amount of funds successfully recovered by the state.

Legal protection for third parties with good intentions whose assets/property are confiscated/confiscated in corruption cases can be said to be very limited, and there is even injustice and violation of the ownership rights of the assets of the third parties with good intentions in the legal process of corruption cases by law enforcement officers in Indonesia.

3.2. Obstacles in the Implementation of Legal Protection for Third Parties in Good Faith in Corruption Court Decisions Regarding Replacement Money and Efforts to Resolve Them

In eradicating corruption, asset recovery through the imposition of additional penalties in the form of replacement money is considered more effective. This is because the imposition of replacement money not only functions as a sanction for the perpetrator, but also as a way to return the losses incurred to the state.

¹⁹Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

If the convict is unable to pay the replacement money, then his assets or property can be seized as collateral to pay the obligation to pay the replacement money. The judge can order the confiscation of the perpetrator's property as a form of fulfillment of the obligation. This process involves the seizure and return of assets to the state, so that losses suffered due to corruption can be minimized.

In the confiscation of assets/properties belonging to the convict, it is also possible to confiscate assets/properties belonging to third parties in good faith, due to the mixing of ownership of assets/properties. It is important to protect third parties in good faith, namely individuals or entities that are not involved in the crime, but have assets that are confiscated by the state because their assets are suspected of being the result of corruption.

Legal protection provided to third parties with good intentions, in relation to their assets/property which have also been confiscated by the state, can be said to be less than optimal, due to the existence of obstacles, which can be seen from the following aspects:²⁰

a. Legal Substance

1) There is no clear definition of a third party acting in good faith in a criminal act of corruption;

The Corruption Law does not provide a clear definition of a third party acting in good faith, which gives rise to misunderstandings and therefore does not create legal certainty.

2) The procedures for objections from good faith third parties are not yet clearly regulated;

The Corruption Law stipulates that third parties can file objections to the confiscation of their assets, however this regulation is not followed by clear and detailed procedures regarding how such objections must be filed and processed.

3) Lack of implementing regulations.

Although there is PERMA Number 2 of 2022 which regulates the procedures for resolving third party objections, many technical and procedural aspects are still unclear, thus creating confusion among well-intentioned third parties.

b. Legal Structure

1) Judge's discretion;

Judges have the freedom to decide cases based on subjective considerations, which can lead to different decisions for similar cases. This creates disparities in the treatment of good-faith third parties, and disproportionately harms good-faith third parties.

²⁰Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

2) Injustice and violation of the property rights of third parties acting in good faith by law enforcement officials;

Legal protection for third parties in good faith is still limited. There are often injustices and violations of third party property rights in the legal process by investigators, public prosecutors and the panel of judges.

The objection process regulated in the law to protect third parties in good faith is still inadequate, because it refers more to the civil process. In addition, this process may not provide sufficient guarantees for third parties to regain their rights to seized property. Objections also do not suspend and stop the process of implementing court decisions/execution.

3) Law enforcers still have difficulty in distinguishing between assets that are genuine proceeds of corruption and assets that are genuine assets belonging to third parties with good intentions.

There are cases where third parties in good faith are denied their rights in the seizure of property related to corruption. This often occurs because the seizure process carried out by the authorities does not always take into account the status of third parties who may not have been involved in the corruption.

c. Legal Culture

1) Low legal awareness;

Public Prosecutors are often constrained by the difficulty of the community being presented as witnesses for various reasons, one of which is not wanting to be complicated or involved in a case, and not wanting to be a witness, but if the community's property is confiscated it will cause polemics. In addition, many individuals including third parties who have good intentions do not understand their rights, including the right to their property that is also confiscated.

2) Social stigma;

Well-intentioned third parties often face social stigma, even when they are innocent. This stigma can discourage individuals from appealing or fighting for their rights, for fear of social or reputational repercussions.

3) Negative perception of the law.

Society only sees the law as a tool for certain interests, not as a means to achieve justice, which causes distrust in legal institutions and the judicial process, so that third parties feel there is no point in fighting for their rights when their property is confiscated.

The efforts to resolve the obstacles to implementing legal protection for third parties who have good intentions in court decisions regarding corruption crimes related to replacement money are as follows:²¹

²¹Akhmad Hidayat Nurdin, Interview, as Public Prosecutor at the Corruption Eradication Commission, November 18, 2024.

a. Legal substance;

1) Provide a clear definition of third parties who act in good faith in criminal acts of corruption;

It is necessary to add an explanation in Article 19 paragraph (1) of the Tipikot Law regarding third parties who act in good faith, so that there is an understanding, so that legal certainty will be realized. The definition must include measurable criteria, such as the third party's powerlessness in knowing that the assets are the result of a criminal act.

It is necessary to revise the statement that "the existence of an objection does not immediately suspend or stop the implementation of a court decision". The failure to suspend or stop the implementation of a court decision related to the confiscation of goods not belonging to the defendant, is feared that third parties with good intentions will not get their rights back in full.

2) Clear provisions regarding the objection procedures for good faith third parties;

It is necessary to create a clear standard operating procedure for filing objections. In addition, it is necessary to conduct widespread socialization regarding this objection procedure to the community and related parties so that they understand the rights of third parties and how to file objections.

3) Clarifying implementing regulations for law enforcement officers regarding the procedures for objections from good faith third parties.

Each law enforcement agency needs to create specific implementing regulations to regulate protection mechanisms for good-faith third parties, including an explanation of the rights of third parties in the asset confiscation process and the procedures for recovering their assets.

b. Legal structure;

1) Preparation of law enforcement guidelines for judges;

The Supreme Court needs to formulate clear guidelines regarding the extent to which Judges' discretion in corruption cases is acceptable. Furthermore, it should disseminate information to Judges and other law enforcement officers regarding these guidelines so that they understand and apply them consistently.

It is necessary to establish a monitoring mechanism to monitor the discretion of decisions by Judges, which is carried out through periodic evaluation of the decisions taken. Furthermore, the Supreme Court needs to provide training for Judges on the principles of fairness and transparency in decision making, as well as the importance of considering the impact of decisions on third parties in good faith.

2) Simplification of objection procedures;

Need to improve and simplify the objection procedure for good faith third parties. Ensure that this procedure is easy to understand and accessible to the public. Add

legal protection guarantees, such as the provision of special legal assistance, to help third parties understand the legal process and fight for their rights.

3) Increasing the capacity of law enforcement.

It is necessary to provide special training to law enforcement officers on how to sort legitimate assets from assets resulting from corruption. This training should include investigation techniques and asset analysis. It is necessary to involve financial forensic experts or independent auditors to assist in the process of identifying and separating legitimate assets from assets resulting from corruption, and to develop an integrated asset recording system to facilitate the identification and tracking of assets involved in corruption cases.

c. Legal culture.

1) There is a need to organize legal education programs;

This legal education program targets various levels of society, and includes an explanation of individual rights, including property rights that may be involved in the legal process. A legal awareness campaign needs to be carried out through mass media and digital platforms to increase public understanding of the importance of law and people's rights under the law.

2) It is necessary to hold public education;

This public education aims to educate the public about the differences between well-intentioned third parties and corruptors, thereby reducing the social stigma attached to third parties involved in corruption cases.

Using testimonies from good-faith third parties who have successfully regained their rights to show that the third party's struggle is legitimate and that the legal system can function properly.

3) Increasing transparency of legal processes.

Providing clear information about the procedures for asset confiscation, and efforts by third parties to file objections. In addition, among law enforcement officers, it is necessary to reform law enforcement institutions to ensure that law enforcement officers act fairly and non-discriminatory, including training for law enforcement officers on protecting the rights of third parties in good faith.

4. Conclusion

The implementation of legal protection for third parties with good intentions in court decisions regarding corruption crimes related to replacement money, is through the objection procedure as stipulated in Article 19 paragraph (2) of the Corruption Law, with the mechanism regulated in PERMA Number 2 of 2022, however, legal protection for third parties with good intentions is very limited, even causing injustice and violations of ownership rights to wealth, even legal protection still cannot fulfill the principles of legal certainty, justice, and legal benefits.

Obstacles in the implementation of legal protection for third parties acting in good faith in corruption court decisions related to compensation, include: (1) legal substance: (a) there is no clear definition of a third party acting in good faith; (b) the regulation of objection procedures is unclear; and (c) lack of implementing regulations; (2) legal structure: (a) discretion of the judge's decision, (b) injustice and violation of third party property rights, and (c) law enforcers have difficulty in distinguishing between assets resulting from corruption and assets belonging to third parties; and (3) legal culture: (a) low legal awareness, (b) social stigma, and (c) negative perceptions of the law. Efforts to resolve these obstacles are in terms of: (1) legal substance: (a) providing a clear definition of a third party acting in good faith, (b) clear regulations related to objection procedures, and (c) clarifying implementing regulations; (2) legal structure: (a) preparation of law enforcement guidelines for judges, (b) simplification of objection procedures, and (c) increasing the capacity of law enforcers; and (3) legal culture: (a) the need to organize legal education programs, (b) the need to hold public education, and (c) increase the transparency of the legal process.

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