



Asset Forfeiture As An Instrument In Fighting Corruption

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Abstract

This research employed a normative method to analyze the effectiveness of asset forfeiture in corruption cases, examining relevant laws, legal doctrines, and court decisions. The research addresses two main issues: the effectiveness of asset forfeiture in recovering state losses due to corruption and the factors influencing its success, as well as the challenges encountered in its application as a tool to combat corruption in Indonesia. The findings indicate that while asset forfeiture has the potential to recover state losses, its implementation is hindered by technical and institutional limitations, including the difficulty of establishing a direct link between seized assets and corrupt activities. Key factors influencing the success of asset forfeiture include weak coordination among law enforcement agencies, insufficiently trained personnel, and a lack of transparency in the asset seizure and management process. The primary challenge remains inconsistent law enforcement and weak oversight, which are compounded by legal and political obstacles. To enhance the effectiveness of asset forfeiture, legal reforms and the strengthening of law enforcement agencies, promoting greater synergy and professionalism in the fight against corruption, are essential.

A. Introduction

Corruption is a major obstacle to Indonesia's development and prosperity. Corrupt practices not only harm the state and society but also undermine public trust in government institutions.



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In addition to its economic consequences, corruption disrupts social cohesion and political Asset forfeiture is a legal mechanism employed to seize assets acquired through illicit means, particularly those resulting from corrupt practices. In Indonesia, corruption manifests in various forms across both government and private sectors.

One of the most prevalent forms of corruption is bribery, which occurs when an individual offers money or gifts to a public official or employee to gain personal advantage or to circumvent mandatory obligations. Within governmental contexts, bribery frequently transpires during licensing processes, procurement of goods and services, and in sectors requiring administrative permits and decisions. Such practices result in inequitable public services and inflict harm upon society at large.

In addition to bribery, extortion represents another form of corruption. Extortion typically occurs when an official or public servant exploits their position to coerce individuals or companies into providing money or goods under the threat of legal repercussions. This form of corruption is often observed in sectors involving licensing or oversight, such as law enforcement or local government authorities. The distinction between extortion and bribery lies in the active role of the official, who demands or coerces a payment, as opposed to merely receiving a bribe.

Abuse of authority is also a prevalent form of corruption in Indonesia. It involves the misuse of position or power for personal, familial, or group interests at the expense of the state or society. This abuse can manifest in the mismanagement of state budgets, exploitation of natural resources, or irregularities in the procurement of goods and services. Actions such as embezzlement of funds, diversion of state assets for personal gain, and decision-making that contravenes established procedures and public interests exemplify this type of corruption. Such malfeasance exacerbates social inequality and impedes sustainable development in Indonesia.

Indonesia has established various legal frameworks governing asset forfeiture, including the Corruption Eradication Law and the Money Laundering Law.¹ The primary objective of asset forfeiture is to create a deterrent effect for corruption perpetrators while ensuring the recovery of state losses. However, despite its legal basis, the implementation of asset forfeiture faces several challenges, such as complex legal procedures and limited human resources.

One notable case of asset forfeiture in corruption-related crimes is Supreme Court Decision Number 2614 K/Pid.Sus/2021, which upheld the rulings of the lower courts in a corruption case involving the defendant. In this case, the defendant was found guilty of engaging in corrupt practices that resulted in financial losses to the state. The Supreme Court's decision was based on a thorough assessment of the evidence, including proof that the defendant had benefited from corruption through the acquisition of illicit assets. The ruling underscored the importance of the fair application of the law and emphasized asset recovery as a crucial measure to compensate for state losses. Additionally, the Court affirmed that the sanctions imposed aligned with existing legal provisions, despite the defendant's appeal. This decision reflects ongoing efforts to strengthen legal enforcement in Indonesia's fight against corruption.

To enhance the effectiveness of asset forfeiture, strong coordination among law enforcement agencies, including the Corruption Eradication Commission (KPK), the Attorney General's Office, and the National Police, is essential. Beyond its legal and economic significance, asset forfeiture also plays a crucial role in reshaping public perceptions of corruption, reinforcing the principle that corrupt acts will not yield lasting benefits and that unlawfully acquired assets remain subject to seizure.

¹ Reza, M. G. (2024). Kebijakan Hukum Pidana Perampasan Aset "Non-Conviction Based Asset Forfeiture" Dalam Tindak Pidana Pencucian Uang. *Jurnal Kewarganegaraan*, 8(1), 1167-1181.

The implementation of asset forfeiture must be carried out with due regard for human rights protections to prevent potential abuses of power within the legal process. As a legal mechanism, asset forfeiture can contribute to economic recovery by reclaiming state funds lost to corruption. However, enhancing public education and awareness regarding asset forfeiture is essential to ensure that society understands its legal basis, procedural mechanisms, and significance in combating corruption.

Analyzing real cases of successful asset forfeiture can offer valuable insights and serve as a foundation for policy improvements. Comparative studies of asset forfeiture practices in other jurisdictions can further provide guidance on refining Indonesia's legal framework. Additionally, active civil society participation in monitoring asset forfeiture processes is crucial for ensuring transparency and accountability. Innovations in the legal system, such as the integration of technology for evidence collection, can also streamline the asset forfeiture process and enhance its effectiveness.

The role of the media is equally significant in shaping public discourse, raising awareness, and pressuring law enforcement agencies to take decisive action against corruption. Given the increasing complexities of corruption in the era of globalization—where illicit financial activities often transcend national borders—international cooperation is required.²

Sustained legal reform is necessary to ensure that asset forfeiture remains a functional and effective tool in corruption eradication. Furthermore, asset forfeiture should be integrated with broader public policies to establish a comprehensive anti-corruption strategy. The deeply entrenched culture of corruption in society remains a significant challenge, requiring not only legal interventions but also systemic efforts to foster ethical governance and accountability at all levels.

Sufficient funding for law enforcement agencies is a critical factor in ensuring the effectiveness of asset forfeiture. The successful implementation of asset forfeiture measures is largely contingent upon the capacity of law enforcement agencies and the robustness of the existing legal framework. It is essential to establish clear mechanisms for managing forfeited assets to ensure their utilization for public benefit. Additionally, the training and professional development of law enforcement personnel play a crucial role in enhancing their ability to handle corruption cases effectively. Furthermore, international cooperation in asset forfeiture should be strengthened.³

Asset forfeiture as a mechanism in combating corruption in Indonesia encounters several challenges in its implementation, including the complexity of legal procedures, inadequate coordination among law enforcement agencies, and the potential for abuse of authority, which may lead to human rights violations. Consequently, the central issues that arise are the effectiveness of asset forfeiture in recovering state losses resulting from corruption and the factors that influence both its success and the challenges associated with its implementation as a tool for eradicating corrupt practices in Indonesia.

The novelty of this research lies in the development and implementation of a more efficient and transparent system for recovering state losses resulting from corrupt practices. Although asset forfeiture is legally regulated, its implementation continues to face significant challenges, including procedural complexities, limited human resources, and weak coordination among law enforcement agencies. Therefore, assessing the effectiveness of asset forfeiture in restoring state losses requires an examination of the factors that influence its successful implementation. A key aspect of this effort is strengthening the capacity of law enforcement institutions, such

² La Ode, Y., & Yulestari, R. R. (2024). OPTIMALISASI PERLINDUNGAN HAK ASASI MANUSIA PADA RANCANGAN UNDANG-UNDANG PERAMPASAN ASET DALAM PENANGANAN TINDAK PIDANA EKONOMI. *JUDICATUM: Jurnal Dimensi Catra Hukum*, 2(1), 1-20.

³ Sugiyatmo, A., & Widjajanti, E. (2024). Memerangi pencucian uang pejabat korup dengan melakukan perampasan aset dan pembuktian terbalik dalam pembaharuan hukum. *Journal of Law, Administration, and Social Science*, 4(6), 1045-1052.

as the Corruption Eradication Commission (KPK), the Attorney General's Office, and the National Police, while also enhancing transparency in legal processes to ensure that asset forfeiture is conducted in accordance with principles of justice and human rights.

B. Discussion

1. The Effectiveness of Asset Forfeiture in Restoring State Losses from Corruption

Asset forfeiture is a key legal tool used to address state losses resulting from corrupt practices. In this regard, it is crucial to evaluate the effectiveness of asset forfeiture in recovering misappropriated funds and deterring future corrupt activities.

In Indonesia, asset forfeiture is governed by several legal provisions, including those under the Corruption Eradication Law. These regulations provide the legal framework for the seizure of assets acquired through illegal means. The primary objectives of asset forfeiture are to recover state assets and prevent wrongdoers from benefiting from the proceeds of their criminal acts. Thus, asset forfeiture operates as both a preventive and repressive measure against corruption.

The legal process of asset forfeiture involves multiple stages, including investigation, prosecution, and judicial decisions. Each stage presents unique challenges that can impact the success of the forfeiture process. One significant challenge is the complexity of legal procedures, which can delay the forfeiture process and impede the efficiency of law enforcement agencies in carrying out their responsibilities.

Another challenge lies in the inadequate human resources within many law enforcement agencies, particularly in the area of asset forfeiture cases, which can undermine the effectiveness of these efforts. Furthermore, a lack of coordination among key law enforcement bodies such as the Corruption Eradication Commission (KPK), the Attorney General's Office, and the Police can lead to duplicated efforts and hinder the smooth progression of forfeiture actions.

Transparency in the legal process is also critical for fostering public trust in asset forfeiture initiatives. Ambiguities or lack of clarity in the forfeiture process can give rise to public suspicion regarding the intentions and integrity of law enforcement agencies.⁴

An evaluation of the extent to which state losses are recovered through asset forfeiture is essential for assessing the effectiveness of this legal instrument. Analyzing successful asset forfeiture cases can offer valuable insights into best practices and identify the steps necessary to enhance its effectiveness. Beyond the economic implications, the social impact of asset forfeiture must also be considered. A fair and transparent forfeiture process can help bolster public confidence in the legal system. It is critical to ensure that asset forfeiture does not infringe upon human rights, with law enforcement actions being carried out in a manner that aligns with the principles of justice.⁵

Public education on the role of asset forfeiture in combating corruption is essential for raising awareness and fostering collective responsibility. The media plays a key role in monitoring asset forfeiture processes, pressuring law enforcement to act decisively. Technological advancements in evidence collection and legal procedures can enhance asset forfeiture effectiveness and improve interagency coordination.

Given the transnational nature of corruption, international cooperation is crucial for tackling complex cases. Collaboration between law enforcement and civil society can improve

⁴ Adiansyah, S. F., Irfandianto, M., Rato, D., & Setyawan, F. (2024). Efektivitas Undang-Undang Perampasan Aset pada Pelaku Tindak Pidana Pencucian Uang Berdasarkan Hukum Pidana. *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 6(2), 1432-1447.

⁵ Aji, A. A. M., & Hosnah, A. U. (2024). PERKEMBANGAN HUKUM PROGRESIF DALAM MENGATASI KORUPSI DI INDONESIA: TINJAUAN DARI PERSPEKTIF YURIDIS. *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora*, 2(9), 43-50.

transparency and efficiency. Regular evaluations of asset forfeiture policies are necessary to identify weaknesses and implement improvements.

Strengthening law enforcement through training and resource provision is vital for effective asset forfeiture. Legal reforms are needed to keep regulations relevant in addressing emerging challenges. Successful asset forfeiture can shift public attitudes, demonstrating that corruption will not be rewarded.

The return of seized assets can reduce national debt and stimulate public investment. A thorough analysis of corruption cases can provide valuable lessons for law enforcement. Ultimately, asset forfeiture should be viewed as a continuous effort in the broader fight against corruption.⁶

Research is needed to assess the impact of asset forfeiture on reducing corruption in Indonesia. Asset forfeiture can act as a deterrent, encouraging potential offenders to comply with the law and avoid corrupt practices. Developing improved strategies for implementing asset forfeiture will enhance its effectiveness in combating corruption. Non-governmental organizations can contribute by monitoring the process and offering recommendations for improvement.

Identifying factors that influence the success of asset forfeiture is key to designing more effective policies. Greater transparency in the asset forfeiture process can increase accountability within law enforcement agencies. Clear follow-up actions are necessary to ensure that forfeited assets are used for public benefit. Academic research can offer new perspectives and innovative solutions to enhance the effectiveness of asset forfeiture.

The involvement of all stakeholders, including the government, community, and private sector, is essential for a comprehensive asset forfeiture process. Conducting a risk analysis can help identify and address potential challenges. A transparent and fair asset forfeiture process can help restore public trust in the legal system and government. Establishing internal controls in law enforcement agencies can prevent abuse of power, while independent audits ensure that actions align with the law and ethical standards.⁷

Developing success indicators for asset forfeiture is crucial for accurately measuring its effectiveness. Using information technology to monitor and report on the process can improve efficiency and transparency.

2. Factors Affecting the Success and Challenges in the Implementation of Asset Forfeiture as a Tool to Eradicate Corrupt Practices in Indonesia

Asset forfeiture is a key legal tool in combating corruption in Indonesia, regulated under laws such as Law No. 8/2010 on Money Laundering Prevention. Its success relies on effective cooperation among law enforcement agencies, including the Corruption Eradication Commission, National Police, and Attorney General's Office. Strong synergy among these institutions enhances enforcement efficacy.⁸ Community involvement in reporting and monitoring corruption, alongside a transparent oversight system, further supports the process by reducing abuse of power. Legal awareness and education are crucial for public empowerment, while the use of technology in data collection and analysis improves efficiency. The quality of trained personnel also impacts success, as does the establishment of an anti-corruption culture in both society and government institutions.

⁶ Jawa, D., Malau, P., & Ciptono, C. (2024). Tantangan Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia. *Jurnal Usm Law Review*, 7(2), 1006-1017.

⁷ Anggraini, N. S., Indrawati, A., & Novianto, A. (2024). Rancangan Undang-Undang (RUU) Perampasan Aset: Impian atau Solusi?. *Innovative: Journal Of Social Science Research*, 4(4), 3772-3783.

⁸ Irwan, C., Sinaga, H., & Jaya, E. (2024). PENERAPAN UNDANG-UNDANG NOMOR 8 TAHUN 2010 TENTANG PENCEGAHAN DAN PEMBERANTASAN TINDAK PIDANA PENCUCIAN UANG TERHADAP PERKARA TINDAK PIDANA KORUPSI:(Studi Putusan Nomor: 24/Pid. Sus. Tpk/2020/PN. Makassar). *Causa: Jurnal Hukum dan Kewarganegaraan*, 2(12), 66-76.

Clear and supportive regulations on asset forfeiture are essential for effective implementation, as ambiguous policies can create legal uncertainty. Consistent enforcement of corruption laws fosters public confidence by demonstrating that no perpetrator is immune from accountability. Utilizing forfeited assets for public welfare, such as social and educational programs, can further bolster public support. However, political instability and social pressure may hinder enforcement, while low public trust in law enforcement reduces participation in reporting corruption. Additionally, without strict supervision, the risk of abuse of power increases, potentially leading to injustice and public discontent.⁹

International cooperation is crucial for asset forfeiture, particularly when assets are hidden abroad. However, differing regulations across countries can complicate the recovery process. Weak sanctions for corruption-related offenses diminish the deterrent effect, allowing perpetrators to feel secure in continuing corrupt practices. Cultural norms that tolerate or even encourage corruption pose a significant challenge, as corruption may be seen as a necessary means to achieve certain goals in some societies.¹⁰

Frequent policy changes create uncertainty and complicate asset forfeiture implementation. Limited budgets for law enforcement agencies hinder their ability to effectively carry out duties, while competition for resources may reduce public support for anti-corruption efforts. Economic elites may lobby to influence policy and avoid asset forfeiture, interfering with the legal process.¹¹ Legal uncertainty arising from overlapping regulations causes hesitation among law enforcement. Negative public perceptions, stemming from a lack of understanding of asset forfeiture's purpose, can further hinder support. Additionally, the scarcity of accurate data on assets involved in corruption makes it difficult to identify and seize relevant assets.

The bureaucratic complexity of asset forfeiture can delay enforcement, with multiple steps slowing down the process. Low public awareness about asset forfeiture hampers successful implementation, as the public needs to understand both its benefits and procedures. Proving the connection between forfeited assets and corruption is often challenging due to complex evidentiary requirements. Changing social dynamics, including social conflict and discontent, can foster skepticism towards law enforcement, while prolonged legal processes may lead to public apathy. Leadership commitment to anti-corruption is key, though leaders involved in corruption undermine public trust. The quality of audits and investigations significantly impacts the forfeiture process, as thorough audits can uncover vital information. Non-governmental organizations also play a crucial role in raising awareness and supporting victims of corruption.

Legal protection for whistleblowers enhances public participation by ensuring a safe reporting environment, encouraging the disclosure of corrupt practices.¹² Monitoring and evaluation are critical for assessing the effectiveness of asset forfeiture; without clear evaluation, identifying areas for improvement becomes difficult. Partnerships between the government and private sector can strengthen the forfeiture process, with the private sector playing a key role in monitoring and enforcement.

Training for law enforcement officials on asset forfeiture and corruption is essential to improving enforcement effectiveness. Capacity building strengthens law enforcement and contributes to the development of a long-term anti-corruption culture. The consistent application of these principles is crucial for long-term success. Economic stability also plays a

⁹ Al Qodri, D., & Lubis, S. D. (2024). Perampasan Aset Hasil Dari Kejahatan Money Laundering (Tinjauan Hukum Pidana Islam). *JURNAL LEGISIA*, 16(1), 86-100.

¹⁰ Feka, M., Masturi, R., Citranu, C., Yase, I. K. K., Nur'aini, L., Ramadhansyah, D., ... & Rifai, A. (2024). *Buku Ajar Hukum Pidana Korupsi*. PT. Sonpedia Publishing Indonesia.

¹¹ Perdana, M. A., Aurellia, S. A., & Faridz, M. (2024, August). Quo Vadis Mekanisme Plea Bargaining dalam Upaya Pengembalian Aset Hasil Tindak Pidana Korupsi. In *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia* (Vol. 2, No. 4, pp. 508-523).

¹² Fardenias, R. R., & Simangunsong, F. (2024). Menjamin Perlindungan Hukum Bagi Pelapor Indonesia dalam Kasus Korupsi. *Politika Progresif: Jurnal Hukum, Politik dan Humaniora*, 1(3), 222-231.

role, as a stable economy allows for a greater focus on anti-corruption efforts. Complex or untimely legal reforms can disrupt asset forfeiture implementation, causing confusion in enforcement. Adhering to international conventions on corruption enhances Indonesia's credibility and supports effective forfeiture implementation by aligning with global standards.¹³

Criticism and scrutiny from international organizations can pressure governments to enhance asset forfeiture implementation by promoting transparency. A conducive legal environment, including a supportive legal framework, facilitates effective law enforcement. Strengthening the Corruption Eradication Commission (KPK) as an independent institution is crucial for increasing effectiveness in handling corruption and asset forfeiture. Innovation in law enforcement, particularly the use of new technology, can improve efficiency, accuracy, and speed. Coordination with international institutions to exchange information on assets enhances Indonesia's ability to track and seize corruption-related assets. Flexibility in adapting to political and social changes is vital for overcoming challenges. The success of asset forfeiture in eradicating corruption in Indonesia depends on a collective commitment from all stakeholders to create a fair and effective system of law enforcement.

C. Conclusion

Asset forfeiture in Indonesia holds significant potential to recover state losses and deter corruption. Its effectiveness depends on factors such as inter-agency cooperation, the quality of human resources, community engagement, and the use of technology in data management. However, challenges include complex legal procedures, regulatory uncertainty, limited resources, and public skepticism about transparency. External factors, such as political instability, economic conditions, and international cooperation, also influence its success. To enhance its effectiveness, continuous policy improvements, training for law enforcement, and greater transparency and accountability are essential.

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¹³ Hulu, S. K. (2024). Evaluasi Kebijakan Hukum Pidana dalam Penanggulangan Tindak Pidana Pencucian Uang. *Indonesian Research Journal on Education*, 4(3), 777-782.

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