



Mechanism for Payment of Replacement Money for Convictions Sentenced to Life

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Abstract

It is difficult to attach the additional penalty of replacement money attached to life convicts, both for the existence of subsidiary and non-subsidiary crimes. These difficulties are related to existing arrangements and the execution of confiscated goods. The aim of this research is to determine and analyze the mechanism for paying compensation to convicts sentenced to life imprisonment. The method used is normative juridical, a type of sociological legal research which is also known as field research. This method involves studying applicable legal provisions as well as real social practices. The mechanism for paying replacement money to convicts sentenced to life imprisonment is to include the concept of confiscation, accommodate all profits that the defendant obtains from the proceeds of criminal acts of corruption and harmonize the subsidiary sanctions of imprisonment for replacement money with the provisions of the Criminal Code.

Keywords: *Implementation; Replacement Money; Crime*

Introduction

Corruption is an extraordinary crime that violates the social and economic rights of the wider community and can cause damage to the foundations of the national economy. So efforts to prevent and eradicate corruption are needed. Steps to tackle corruption through strategic aspects, namely prevention, prosecution, harmonized legislation, recovery of assets resulting from corruption, and international cooperation (Rani Apriani, 2022). Corruption is a serious obstacle to Indonesia's development and eradicating corruption has become a top priority in the reform era.

Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes (hereinafter written Corruption) is a legal umbrella for efforts to eradicate criminal acts of corruption which includes basic and additional penalties, as also directed in Article 10 of the Criminal Code and Articles 64-67 of Law Number 1 of 2023 concerning the Criminal Code. The main and additional penalties in the Corruption Law are:

1. Basic Crimes in the Corruption Law.

The main crimes contained in the Corruption Law include:

a. Death penalty

The death penalty is contained in Article 2 paragraph (2) of the Corruption Law.

b. Prison sentence

It can be said that almost every formulation of criminal acts of corruption contained in the Corruption Law is accompanied by a prison sentence. Sanctions for imprisonment include Article 2 paragraph (1), Article 3, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 12A paragraph (2), Article 12B, Article 13, Article 15, and Article 16.

c. Criminal fine

With imprisonment, it can be said that almost all formulations of criminal acts of corruption in the Corruption Law include imprisonment followed by a fine. Criminal fines include Article 2 paragraph (1), Article 3, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 12A paragraph (2), Article 12B, Article 13, Article 15, and Article 16.

2. Additional Crimes in the Corruption Law.

a. Plunder

Additional penalties are attached to Article 18 paragraph (1) which states the objects that can be confiscated

b. Payment of replacement money in an amount equal to the maximum amount of property obtained from criminal acts of corruption (Article 18 paragraph

(1) letter b).

c. Closure of all or part of the company for a maximum period of 1 (one) year.

d. Revocation of all or part of certain rights or elimination of all or part of certain benefits that have been or can be given by the Government to convicts as contained in Article 18 paragraph (1) letter d

The right of replacement is one of the additional penalties for criminal acts of corruption in an effort to recover state finances as regulated in the formulation of Article 18 of the Corruption Law, determined by the amount as much as possible equal to the assets obtained from the criminal act of corruption. Additional criminal charges in the form of payment of replacement money, based on the provisions of Article 17 of the Corruption Law, can not only be applied to criminal acts of corruption in Article 2 and Article 3 of the Anti-Corruption Law but can also be applied to criminal acts of corruption regulated in Articles 5 to Article 14.

The criminal charge for paying replacement money must have rational reasoning that is in line with the objectives of law enforcement, while the relevant reasons are (Yudi Kristiana, 2016):

1. The imposition of additional sanctions in the form of criminal payment of replacement money is relevant to be applied to criminal acts of corruption outside of Article 2 and Article 3 where the source of the acquisition comes from or is included in the scope of state finances or the state economy. For example, in the case of giving or receiving bribes where the source of the bribe is sourced or included within the scope of state finances or the state economy.

2. The imposition of additional sanctions in the form of criminal payment of compensation money is relevant to be applied to criminal acts of corruption outside of Article 2 and Article 3 where the

act has caused or resulted in losses that fall within the scope of state finances or the state economy. The resulting consequences are always proportional to the amount of money sourced from state finances or the country's economy, because acts of corruption could result in damage or loss of state finances or the country's economy which should be received by the state. For example, Article 9 corruption.

3. The imposition of additional sanctions in the form of criminal payment of replacement money is relevant to be applied to criminal acts of corruption outside of Article 2 and Article 3 where the proceeds of corruption can no longer be saved, including using the instrument approach to the crime of money laundering. An example is bribery corruption whose results have been exploited and technically cannot be traced or can no longer be recovered.
4. The imposition of additional sanctions in the form of criminal payment of replacement money is relevant to be applied to criminal acts of corruption outside Article 2 and Article 3 where the amount received or used in the corruption case exceeds the amount of criminal fines available in the Law. For example, bribery corruption where the amount of the bribe exceeds the amount of the threat of fines stated in Article 5

Ideally, the determination of additional punishment in the form of payment of compensation must be comparable or equal to the financial loss caused by the criminal act of corruption. The Court's decision is interesting because it determines that compensation money is inappropriate or disproportionate when compared with the state financial losses caused by criminal acts of corruption committed by the defendant. The method of proof should be reversed: prove the element of the act of enriching oneself first, then prove the element of state loss. This misunderstanding creates legal uncertainty. This is due to the fact that the nature of replacement money fluctuates whether it can be given or not. This must be done because the determination of additional penalties involving the payment of replacement money can only reach the amount of assets obtained by the convict from criminal acts of corruption (Lukas, 2010).

The problem is not limited to that, the concept of having a judge's decision which has permanent legal force does not mean that it has overcome the state's losses, this is because there is always a disparity in decisions in cases of criminal acts of corruption and subsidiary crimes in lieu of money so that the problem is quite complicated in the implementation of the crime of substitute money. Most perpetrators of criminal acts of corruption who do not pay the amount of compensation money will serve a prison sentence for a certain time based on the judge's decision, causing the amount of compensation money that must be paid and the prison sentence imposed as a replacement to be disproportionate. Things that must be paid attention to, based on the provisions of Article 30 of the Criminal Code which explains that imprisonment has a limited period of time, namely between 6 (six) to 8 (eight) months, while the legal system stipulates that if the convict cannot pay the fine or compensation money. then the only alternative is to undergo substitute imprisonment for the specified period of time. The subsidiary punishment for replacement money initially emerged because of the additional crime of replacement money for criminal acts of corruption. The implementation of the payment of replacement money faces challenges similar to the payment of fines in corruption cases, where perpetrators who are unable to pay replacement money can be subject to a prison sentence that does not exceed the maximum threat of the basic sentence (Neng Erna Sry Denasty, 2024).

This problem occurs in cases of criminal acts of corruption which are sentenced to life imprisonment, such as the case of Adrian Herling Waworuntu at Bank BNI and Heru Hidayat at PT. Jiwasraya Insurance (Persero). Problems arise when the substitute punishment is an additional punishment which basically cannot exceed the substitute punishment, the existence of subsidiary or non-subsidary crimes which will affect the execution of the existence of assets resulting from criminal acts of corruption executed by the public prosecutor and the auction.

The prosecutor is responsible for confiscating and auctioning the convict's property and handing over the auction proceeds to the State Treasury. If the convict does not have sufficient assets to pay compensation, the arrears will be paid off through a subsidiary prison sentence or corporal punishment whose duration does not exceed the maximum threat of the main sentence that has been decided by the court. What you need to know is that the existence of replacement money in Indonesian sentences is not or is not yet optimal when connected to the amount of state losses and state revenue from replacement money. This can be seen from the additional criminal penalties for corruption in 2018

In 2022, it will only amount to Rp. 3,821,667,556,202 (Rp. 3.821 trillion), even though the total state financial losses incurred will reach, Rp. 48,786,368,945,194.70 (Rp. 48.786 trillion). State losses in 2022 amount to IDR 48,786,368,945,194.70 (IDR 48.786 trillion) with a total value of bribes, gratuities, extortion and extortion amounting to IDR 376,710,554,164 (IDR 376.710 billion), and the amount of money laundering amounting to, IDR 244,728,721,490 (IDR 244,728 billion). Apart from that, 22 defendants were sentenced to additional crimes in the form of deprivation of political rights, and all of them were defendants prosecuted by the Corruption Eradication Commission. However, only 1 (one) corporation was accused of corruption, namely, PT. Adonara Propertindo, whose prosecution was also carried out by the KPK. In addition, of the 2,249 defendants, only 28 defendants were charged, prosecuted and convicted of the crime of money laundering (TPPU). (Indonesia Corruption Watch, 2023)

Based on decision Number 30/Pid.Sus-TPK/2020/PN Jkt Pst dated 26 October 2020, the defendant Heru Hidayat, who was tasked with regulating and supervising the management of stock investment instruments and mutual funds of PT. Jiwasraya Insurance (Persero), was convicted of committing or participating in committing acts of corruption together with Hendrisman Rahim, Hary Prasetyo, Syahmirwan, Benny Tjokrosaputro, and Joko Hartono Tirto. The judge sentenced the Defendant to life imprisonment, and imposed an additional penalty on the Defendant to pay compensation to the State in the amount of IDR 10,728,783,375,000.00 (ten trillion seven hundred twenty-eight billion seven hundred eighty-three million three hundred and seventy-five thousand rupiah), if the convict does not pay the replacement money no later than 1 (one) month after the Court's decision has permanent legal force, then his property will be confiscated by the Prosecutor and auctioned off to cover the replacement money. In this decision the judge did not impose a subsidiary crime.

Apart from this case, there is also a case related to replacement money, namely the corruption case committed by Adrian Herling Waworuntu in Supreme Court Decision Number 1348K/PID/2005. On September 12 2005, the judge imposed a fine of Rp. 1 billion, subsidiary to 6 months in prison, and paid compensation of Rp. 185.8 billion. If the defendant does not pay replacement money no later than one month after the decision which has permanent legal force, assets can be confiscated as an additional crime to track assets to cover state losses.

Looking at the case above, the replacement money is an additional punishment, where if the convict has no money or cannot pay, of course it will be replaced by imprisonment. However, in the case of corruption at PT. Jiwasraya Insurance (Persero) knows that the convict has been sentenced to life imprisonment. If the prosecutor wants to confiscate or confiscate the convict's assets, this can actually be done if the prosecutor knows for sure that the convict owns the assets in question. against criminal acts of corruption. The reason is that the convicts have been sentenced to life in prison, there is no need for additional monetary compensation, unless the convicts are sentenced to 20 years, and the judge in his decision orders the prosecutor as executor to confiscate or confiscate assets as an additional punishment, then trace the assets to meet new state losses. possible to do. The aim of punishment in eradicating corruption as regulated in the Corruption Eradication Law, apart from having a deterrent effect, is also to recover state financial losses arising from criminal acts of corruption. (Attamimi, 2017)

Another case regarding the payment of replacement money is In the case that became the selected decision, a former regent in Maluku, was charged with committing a criminal act of corruption and

accused of violating Article 2 paragraph (1) or Article 3 in conjunction with Article 18 of the Corruption Eradication Law in conjunction with Article 64 paragraph (1) Criminal Code in conjunction with Article 55 paragraph (1) 1st of the Criminal Code. At the trial, the prosecutor finally charged the defendant with violating Article 2 paragraph (1) in conjunction with Article 18 Eradication of Corruption Crimes. The District Court acquitted the defendant of all charges. The PN's decision was overturned by the Supreme Court at the cassation level. According to the panel, the defendant was proven to have committed criminal acts of corruption jointly and continuously, and was therefore sentenced to 4 years in prison, a fine of 500 million rupiah, and an additional penalty in the form of payment of compensation amounting to Rp. 5.3 billion. The legal rules regarding the payment of replacement money have also often been decided by judges. If the convict is unable to pay, then his assets are confiscated and auctioned, and if not then he must serve 2 years in prison. This is common and normative. (Indriyanto, 2018)

Referring to the background above, this article will analyze the implementation or execution of additional punishment in the form of payment of replacement money along with the efforts that can be made by the prosecutor's office if the additional punishment in the form of payment of replacement money is not paid by all convicts, especially by convicts who have been sentenced to life imprisonment.

Research that discusses replacement money is Arhjayati Rahim (2020) with the title Analysis of the Criminal Substance of Replacement Money in Corruption Crime Cases in the Law Review Journal Volume 3 - NO. 1 – April 2020 E-ISSN: 2614-5030 P-ISSN: 2614-5022 by producing research that the imposition of criminal sanctions in compensation for defendants of criminal acts of corruption who have been proven in court should not be given a criminal subsidiary such as imprisonment or imprisonment, so that losses the state as a result of a criminal act of corruption can be recovered by optimizing the imposition of a substitute sentence because imprisonment as a subsidiary can close off the State's opportunity to recover losses due to corruption and can only be imposed on corruption with a small amount of state loss, or due to certain circumstances the defendant is unable to pay . Nastiti Rahajeng Putri. (2018). Imposing Replacement Money as an Additional Penalty in Corruption Crime Cases. Based on the research results, it is known that judges must have considerations before making a decision. Based on the results of the research, the author can conclude that the basis of consideration for judges imposing compensation money in cases of criminal acts of corruption is more likely to be on juridical reasons because the judge can impose a replacement money sentence if the defendant has been legally proven and guilty of committing a criminal act of corruption which is detrimental to state finances so that the aim The aim of the criminal sentence is to restore state finances. Meanwhile, sociological reasons only have an influence on the imposition of subsidiary crimes on the payment of compensation because they are related to combining the enforcement of written law with exploring the value of social justice.

Diding Rahmat. (2020). Formulation of Criminal Fines and Compensation Money Policies in the Enforcement of Corruption Crimes in Indonesia. The researcher comes to the first conclusion; The regulation of accountability for fines is only contained in Article 10, Article 30 and 31 of the Criminal Code, whereas in criminal acts of corruption fines are not regulated in detail, then replacement money for corruption convicts is regulated in Article 18 paragraphs (1), (2) and (3) of the Law. No.31 of 1999 in conjunction with Law No.20 of 2001 concerning the Eradication of criminal acts of corruption. Second; It is necessary to formulate policies in statutory regulations regarding fines and compensation money contained in the Corruption Crime Law, especially regarding fines and compensation money so that they are not replaced by imprisonment but in installments with an agreed time given to the perpetrator and not replaced by prison sentence as stipulated in statutory regulations. Ismansyah. (2007). Application and Implementation of Replacement Money Crimes in Corruption Crimes. The determination of criminal compensation as a form of punishment for criminal acts of corruption is basically aimed at so that state losses as a result of acts of corruption can be minimized or possibly eliminated. Restitution money crime as a form of punishment was born on the basis of the rationality of law makers to minimize state financial

losses, while also not forgetting the substance of the crime itself, namely to provide appropriate punishment to the perpetrator (with the hope of having a preventive effect).

Research Methods

Marzuki (2017) states that in legal research there are several approaches used, such as "the normative juridical approach, also called the legal approach (status approach), the historical approach (historical approach), the comparative approach (comparative approach)." The sociological juridical approach is a type of sociological legal research also known as field research, which focuses on researching legal provisions. This research is qualitative in nature. Qualitative research is a type of research that aims to explain and analyze phenomena, events, social activities, attitudes, beliefs, perceptions and thoughts of individuals and groups (Sukmadinata, 2017). The data analysis method used to analyze analytical activities consists of three data analysis components.

Results and Discussion

Payment of replacement money in criminal acts of corruption is intended as a form of effort to recover state financial losses. The regulation of replacement money in the Corruption Law is basically a special additional punishment. This means that these sanctions can only be imposed by a judge, specifically against someone who commits a criminal act of corruption, and cannot be used for other criminal acts. However, the imposition of sanctions for payment of compensation for criminal acts of corruption cannot be imposed without first being accompanied by a principal criminal offense. This is in accordance with the postulated principles in criminal law, as stated by Eddy O.S. Hiarij that is *Where There Is No Principal, There Can Be No Accessories* (meaning, there is no main thing, so there cannot be additional things) (Eddy O. S. Hiarij, 2014)

The process of executing the recovery of state financial losses in cases of criminal acts of corruption is carried out by the Prosecutor's Office. The Prosecutor's Office is one of the law enforcement officers in Indonesia whose existence is regulated by Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The Prosecutor's Office, according to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, is given authority by the state in the field of implementing court decisions that have obtained permanent legal force. This is as regulated in Article 30 Paragraph (1) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, which explains that "in the criminal field, the Prosecutor's Office has the duty and authority to carry out the determination of judges and court decisions which have obtained permanent legal force".

Apart from that, the authority of the Prosecutor's Office in carrying out judge's determinations and court decisions which have obtained permanent legal force, is also regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code. Article 1 point (6) letter (a), which explains that "a prosecutor is an official who is authorized by law to act as a public prosecutor and carry out court delegations that have permanent legal force". Then this was also clarified in Article 270 of the Criminal Procedure Code which explains that "the implementation of court decisions that have obtained legal force is still carried out by the Prosecutor". Thus, it can be said that the Prosecutor's Office is a law enforcement officer who is authorized by law to carry out the execution of a judge's decision which has obtained permanent legal force (*res judicata*) (Risky Wahyuningsih, Amir Faisal, 2022)

In its implementation, the Corruption Law still finds problems with the Prosecutor's Office when executing compensation payments in cases of criminal acts of corruption which have already obtained permanent legal force, namely the relatively short period of time regulated in the Anti-Corruption Law. As a result, many perpetrators of criminal acts of corruption are unable to recover state financial losses within that time period.

The foregoing shows that the Corruption Law, which regulates limits on the payment of compensation money in cases of criminal acts of corruption which have obtained permanent legal force, is a problem in itself in the criminal implementation process. The provisions in Article 18 Paragraph (2) of the Corruption Law which states that "payment of criminal compensation money shall be made no later than 1 (one) month after the court decision which has permanent legal force", makes it possible to optimize law enforcement in the field of recovering state financial losses in cases of criminal acts. Corruption crimes are hampered. Although Article 18 Paragraph (2) of the Corruption Law stipulates that if the convict does not pay replacement money, his property can be confiscated by the prosecutor and auctioned off to cover the replacement money. However, in practice it is seen that this provision can still cause problems

This view is due to the provisions regulated in Article 26 of the Corruption Law which explains that "investigations, prosecutions and examinations in court must be carried out based on the applicable criminal procedure law, unless otherwise provided in this law", resulting in the existence of the Anti-Corruption Law not being in accordance with its objectives. Its formation not only has a deterrent effect on corruptors, but also serves to restore state losses resulting from criminal cases of corruption. This is said, because the Corruption Law does not specifically regulate matters regarding confiscation, the process of confiscating the property of convicts in cases of criminal acts of corruption must refer to the Criminal Procedure Code as its *Lex Generalis*, even though the Corruption Law in its formation was intended as a *Lex Specialis*.

Apart from that, the provisions of Article 18 Paragraph (3) of the Corruption Law also pose a problem in enforcing the law on the payment of compensation in cases of criminal acts of corruption. This provision indicates to law enforcement officials that defendants who do not have sufficient assets to pay replacement money will be sentenced to prison for a duration that does not exceed the maximum threat of the main sentence in accordance with the provisions of the Anti-Corruption Law and the length of the sentence has been determined in the court decision.

The provisions mentioned above, in principle, give rise to juridical problems because on the one hand they have the spirit of asset recovery through a replacement money policy, but on the other hand they also provide opportunities for criminal acts of corruption to choose to pay replacement money or undergo subsidiary crimes (Munzil Fontian, et al. "Criminal Comparability Replacement Money and Criminal Replacement Money in the Context of Protecting the State's Economy and Legal Certainty," *Ius Quia Iustum Law Journal*, Vol 22, No 1 (2015), Pg. What must be understood is that the determination and application of criminal sanctions is only carried out after other sanctions cannot function. In criminal law, this function is called a secondary or subsidiary function of criminal law (secondary or subsidiary function) (Sudarto, 1977)

However, in principle, the existence of subsidiary prison sentences as a substitute for payment of compensation for state losses creates an opportunity for those convicted of corruption cases to avoid payment of compensation or loss of state finances. Because on average those convicted of corruption cases are more likely to choose to replace it with a substitute sentence, namely imprisonment (subsidiary).

This shows that the existence of regulations regarding substitutes for prison sentences (subsidiaries) has an impact on the implementation of the Prosecutor's Office in executing them payment of compensation money to convicts in cases of criminal acts of corruption. Moreover, if we look at Article 30 of the Criminal Code, of course those convicted of corruption cases would prefer to be sentenced to prison (subsidiary) rather than having to pay compensation. This is because the length of prison sentence regulated in Article 30 of the Criminal Code is only 6 (six) months on average. As a result, in practice, judges often hand down decisions that are disproportionate between the subsidiary prison sentence and the value of hundreds to billions of state money that was corrupted.

Viewed from the political policy aspect of criminal law, this regulation can be understood as an alternative to anticipate if those convicted of corruption cases really do not have sufficient assets to pay replacement money. However, this rule could be exploited by corruptors to avoid paying replacement money. Because when sentenced to additional punishment, namely payment of replacement money, a person convicted of a corruption case may admit that he does not have the assets to pay the replacement money.

Responding to decision Number 30/Pid.Sus-TPK/2020/PN Jkt Pst dated 26 October 2020, the defendant Heru Hidayat, with the judge's decision to live life and pay compensation to the State in the amount of IDR 10,728,783,375,000.00 (ten trillion seven hundred twenty-eight billion seven hundred eighty-three million three hundred seventy-five thousand rupiah) without providing any subsidiary punishment. According to the author, this is very fair considering, firstly, life imprisonment is a severe punishment for those convicted of corruption. Second, Rp. 10,728,783,375,000.00 is unfair if the existence of a subsidiary only carries 6 months in prison or even 10 years. Third, related to the existence of a life sentence, it is difficult or even difficult to attach subsidiary punishment.

On the other hand, the corruption case carried out by Adrian Herling Waworuntu in Supreme Court Decision Number 1348K/PID/2005, with a fine of IDR 1 billion subsidiary 6 months in prison, as well as paying compensation of IDR 185.8 billion, according to the author is unfair, considering the impact of the replacement money amounting to IDR 185.8 billion which can only be redeemed with a subsidiary of 6 months in prison.

What must be considered regarding the mechanism for paying replacement money to convicts sentenced to life imprisonment is to include the concept of confiscation of collateral as an effort to optimize recovery of state losses. Application of the Concept of Collateral Confiscation (*Conservatory Seizure*) towards objects belonging to perpetrators of criminal acts of corruption are expected to be able to overcome constraint *asset recovery*. The importance of the issue of asset recovery for developing countries that experience losses due to criminal acts of corruption should receive serious attention because it will disrupt the stability and security of national and international society, and even weaken institutions, democratic values and justice and endanger sustainable development and law enforcement. Collateral Confiscation Concept (*Preservative Attachment*) this is expected to prevent the transfer of assets and force the convict to pay for losses incurred as a result of criminal acts of corruption (Reimon Simamora, 2022)

Second, accommodating all profits that the defendant obtained from the proceeds of criminal acts of corruption as objects of replacement money as stated in Article 18 paragraph (1) letter b of Law no. 31 of 1999 as amended by Law no. 20 of 2001 concerning Eradication of Corruption Crimes. This is of course very logical, considering that the proceeds of criminal acts of corruption by perpetrators of criminal acts of corruption have of course generated profits, these profits are confiscated by the state. This correlates with the concept of collateral confiscation

Third, harmonize the subsidiary sanctions of imprisonment for replacement money with the provisions in Article 67 of the Criminal Code, namely that the imposition of the death penalty or life imprisonment may only coincide with the revocation of certain rights and/or

confiscation of previously confiscated items and/or announcement of the judge's decision. With the presence of Law Number 1 of 2023 concerning the Criminal Code, the regulation of charging compensation money has not shifted at all but remains included in the additional criminal category, namely Article 66.

Conclusion

The mechanism for paying replacement money to convicts sentenced to life imprisonment includes the concept of collateral confiscation as an effort to optimize recovery of state losses. Application of the Concept of Collateral Confiscation (*Preservative Attachment*) towards objects belonging to perpetrators of criminal acts of corruption are expected to overcome obstacles *asset recovery*. Second, accommodating all profits that the defendant obtained from the proceeds of criminal acts of corruption as objects of replacement money as stated in Article 18 paragraph (1) letter b of Law no. 31 of 1999 as amended by Law no. 20 of 2001 concerning Eradication of Corruption Crimes. This is of course very logical, considering that the proceeds of criminal acts of corruption by perpetrators of criminal acts of corruption have of course generated profits, these profits are confiscated by the state. This correlates with the concept of collateral confiscation. Third, harmonize the subsidiary sanctions of imprisonment for replacement money with the provisions in Article 67 of the Criminal Code, namely that the imposition of the death penalty or life imprisonment may only coincide with the revocation of certain rights and/or confiscation of previously confiscated goods and/or announcements. judge's decision. With the presence of Law Number 1 of 2023 concerning the Criminal Code, the regulation of charging compensation money has not shifted at all but remains included in the additional criminal category, namely Article 66.

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