

ABSTRAK

“PENERAPAN NON-CONVICTION BASED ASSET FORFEITURE SEBAGAI UPAYA OPTIMALISASI STOLEN ASSET RECOVERY DALAM PERSPEKTIF KEADILAN BERMARTABAT”

Saat ini, pendekatan sistem hukum pidana di Indonesia masih mengarah pada konsep pembalasan terhadap pelaku kejahatan sebagaimana dijelaskan dalam teori *vergeldings*. Sementara itu, di beberapa negara, perkembangan hukum pidana telah mencapai pemulihan hak-hak korban, misalnya dengan melakukan penyitaan hasil dan instrumen tindak pidana. Penelitian ini menggunakan pendekatan perundang-undangan yang menitikberatkan pada peraturan yang dilakukan dengan menginventarisasi dan mengkaji kebijakan dan peraturan yang normanya masih mengandung kekurangan dan relatif masih mempertahankan praktik-praktik menyimpang baik pada tataran teknis maupun implementasi di lapangan, dan pendekatan konseptual yang dilakukan dengan menganalisis pandangan atau doktrin mengenai penerapan Non-Conviction Based dalam perspektif keadilan bermartabat. Sebagai negara yang telah meratifikasi UNCAC, Indonesia berkewajiban mengambil tindakan untuk melaksanakan ketentuan yang terdapat dalam konvensi tersebut. Pada tahun 2012, Indonesia telah mengajukan Perampasan Aset melalui mekanisme NCB sebagai Rancangan Undang-Undang kepada DPR melalui penyusunan Naskah Akademik. Jika ditelaah secara komprehensif, substansi RUU Perampasan Aset dinilai merupakan langkah signifikan dalam upaya penegakan hukum perampasan aset.

Kata kunci : Non-Conviction Based Asset Forfeiture, In rem Asset Forfeiture, Stolen Asset Recovery

ABSTRACT

“IMPLEMENTATION OF NON-CONVICTION BASED ASSET FORFEITURE AS AN EFFORT TO OPTIMIZE STOLEN ASSET RECOVERY FROM THE PERSPECTIVE OF DIGNIFIED JUSTICE”

*Currently, the approach to the criminal law system in Indonesia still leads to the concept of retaliation against criminals, as explained in the *vergeldings theory*. Meanwhile, in several countries, the development of criminal law has reached the point of restoring victims' rights, for example by confiscating and confiscating the proceeds of criminal acts and criminal instruments. This research uses a statutory approach that focuses on regulations is carried out by inventorying and reviewing policies and regulations whose norms still contain deficiencies and relatively maintain deviant practices both at the technical level and implementation in the field, and a conceptual approach that carried out by analyzing views or doctrines regarding the implementation of Non-Conviction Based from the perspective of dignified justice. As a country that has ratified UNCAC, Indonesia is obliged to take action to implement the provisions contained in the convention. As of 2012, Indonesia submitted the NCB Asset Forfeiture as a Draft Law to the House of Representatives through the preparation of an Academic Paper. In a comprehensive analysis, the substance of the Asset Confiscation Bill is considered a significant step in efforts to enforce the asset confiscation law.*

Keywords : Non-Conviction Based Asset Forfeiture, In rem Asset Forfeiture, Stolen Asset Recovery