ASI
Asia Social Issues

E-ISSN: 2774-0315

https://doi.org/10.48048/asi.2025.277404

Legal Politics in the Indonesian Presidential System: How to Leverage Potential of Asset Forfeiture Bill for Corruption Eradication?

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Abstract This study examines the potential for the ratification of the Asset Forfeiture Bill in Indonesia, particularly by the Parliament for the 2024-2029 period, and its role in the eradication of corruption. The analysis includes the legal politics of law formation in Indonesia, the political party coalition composition in the 2024-2029 Parliament (MAP). and the potential for the promulgation of the Asset Forfeiture Bill. This research employs a qualitative method using juridical normative approaches, with legal and conceptual analyses. Primary legal materials include laws, while secondary legal materials encompass rulings, journals, and books. The data are analyzed through the lens of Legal Politics theory. The study indicate that the House of Representatives and the President in Indonesia can initiate the Bill. Furthermore, the President can also make a Perppu. However, any presidential initiative requires approval from the DPR. The position of the DPR is crucial, reflecting the dominant role of the legislative institution. The composition of the KIM coalition in Parliament increases the likelihood of passing the Asset Forfeiture Bill. However, passing the Asset Forfeiture Bill could potentially criminalize and delegitimize the law, so it is necessary to emphasize enforcing the LHKPN law.

Keywords Legal politics; Presidential system; Asset forfeiture bill; Corruption eradication; Indonesia

Received: *September 11, 2024*
Revised: *December 6, 2024*
Accepted: *January 16, 2025*

Introduction

Indonesia is a country that emphasizes legal specifications in its government system. This is in accordance with the staatsfundamentalnorm as the basis for forming or applying regulations (Article 1 paragraph 3 UUD 1945). Indonesia also generally adheres to a philosophy of positivism or positive (written) law alongside Islamic law and customary law. Positivism encompasses several classifications, referring to Hans Kelsen's pure law, John Austin's Analytical Jurisprudence, and Adolf Hart's concept of general law. In this context, Indonesia predominantly aligns with the pure law concept developed by Kelsen through Adolf Melki's *stuffentheorie* analysis. Kelsen advanced the idea further by introducing his theory of grundnorm. Stuffentheorie is a concept that states that the law must be implemented hierarchically. Kelsen then expanded on this idea by situating the grundnorm at the highest tier of the *stuffentheorie*. This concept was subsequently refined by Hans Nawiasky and is now widely recognized as *Stufenbau des Recht*. *Stufenbau des recht* can be understood as an extension of the *stuffentheorie* and *grundnorm*, which introduced several sub-concepts *staatsfundamentalnorm*, *staatsgrungezetz*, *formell gezetz*, *verordnung*, and *autonome satzungen*. These five components of *stufenbau des recht* must function hierarchically. At the apex is the *staatsfundamentalnorm*, where Nawiasky places the grundnorm in the highest position. Subordinate laws must comply with higher laws, adhering to the principle of *lex superior derogate legi inferiori* (a superior law prevails over an inferior one).

This positivist perspective serves as an antithesis to natural law, which emphasizes morality as the highest order and as a guiding indicator for action. From this perspective, morality becomes a reference point for humans in identifying and determining norms. In contrast, positivism delineates a clear boundary between morality and law by asserting that humans, rather than nature, are the ultimate authority in determining all normative provisions. This view implicitly suggests that positive law necessitates distinguishing the law from its non-juridical, political, and ethical. Kelsen, for instance, argued that law should not be understood as "Law as Commands" but rather as "Law as Norm". Consequently, the verification of legal norms must exclude non-juridical elements, and the highest level of norms must be regarded as essential or fundamental. Therefore, all actions must conform to the provisions outlined in the Constitution (Mochtar & Hiariej, 2021).

As previously stated, the position of basic norms in Indonesia is regulated by the provisions of *staatsfundamentalnorm*, namely the 1945 Constitution. Regarding the power structure, this framework is particularly relevant to the government system. Indonesia is a country led by the President who serves as both the head of state and the head of government. This concept explicitly refers to the presidential system. However, the presidential system implemented in Indonesia incorporates several elements from the parliamentary system. As a result, a disproportionate system of government may arise in Indonesia (Article 4 paragraph 1 UUD 1945). In a traditional presidential system, the role and contribution of the President hold a powerful position. The President's authority cannot be diminished due to pragmatic or subjective political characteristics. However, in Indonesia, the President can be impeached if they violate the Constitution or other violations related to criminality and betrays the state. The Vice President steps down, the Vice President assumes the position. The House of Representatives recommends impeachment, which is then decided upon by the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, or MPR). According to the Constitution's norms, the President's role as head of state and head of government executive authority.

The President has several key responsibilities and powers, including:

1. Executive Authority: As outlined in Article 4, Paragraph 1, UUD 1945, the President executes laws and policies.

2. Legislative Authority: The President holds legislative power as stated in Articles 5 and 7, Paragraph 2, UUD 1945.

3. Military Authority: The President has control over the military and can declare war with the approval of the House of Representatives (Articles 11 and 12, UUD 1945).

4. Diplomatic Authority: As stipulated in Article 13, UUD 1945, the President manages diplomatic affairs, including appointing ambassadors.

5. Judicial Authority: The President appoints judges, as specified in Article 14, UUD 1945.

Based on the above explanation, some authorities may not align with the fundamental categories of a country that implements a presidential system. In general, a presidential system is characterized by the separation of powers and the existence of distinct branches of, specifically the executive and legislative institutions. This framework contrasts with countries using a parliamentary system, which tends to emphasize the role of Parliament or the legislature in formulating laws and executive power. In Indonesia, the President serves as the head of the executive branch and leads a government cabinet. This cabinet is divided into two primary components: the Coordinating Ministers, who led the Ministries. The cabinet operates under the principle of accountability to both the head of state and the head of government (the President). In terms of selection, the President in Indonesia is elected directly by the people through a general election. This process differs from the previous system, where the President was elected through the MPR legislative body. Consequently, the President is not part of the legislative institution but belongs to the executive branch. However, besides that, the President still has the authority to legislate, and the DPR legislature can impeach the President through the MPR. However, the President cannot dissolve Parliament (Strong, 2004).

The presidential system is not a system that is without a problem; the problem that always occurs in a country that adheres to the presidential system is when the presidential system of a country is combined with the concept of multiparty to create a multiparty Presidency. Multipart presidentialism in Indonesia can develop two possibilities: The "executive majority" or "legislative heavy". In the "executive majority" the President will have a strong composition through a coalition of political parties in Parliament so that the existence of the principle of checks and balances is low. However, if the "legislative heavy" is not met, the relationship between the President and Parliament will add resistance. Thus, the Parliament must verify all Presidential Decrees that cover various aspects of economics, politics, etc. The Parliament will block the "legislative heavy" in the system of government that makes all action presidential decree screes. This is because the role of Parliament is very dominant in a multiparty system. The President is the head of state, and the government is verified through direct general elections by the people, not through the legislature as in previous elections. However, in the draft law, the drafting of rules and the promulgation need verification from the House of Representatives (Meima, 2015). This then happened in Indonesia's Asset Forfeiture Bill.

From 2013 to 2020, authorities correlated at least several cases with the confiscation of assets, continuing these cases by applying components from the TPPU Law (article 67 UU No. 8/2010) in conjunction with Perma (Regulation of the Supreme Court Number 1 of 2013). The KPK carries out the mechanism for asset confiscation as regulated in Law No. 31/1999 without needing to prove the commission of TPK. TPK is a corruption crime intended for every person who violates the provisions of the law to enrich themselves and harm the state (Article 2 paragraph 1 Law No. 31/1999). Meanwhile, the KPK (Corruption Eradication Commission) is a form of state institution that is oriented to carry out functions and authorities in overcoming TPK (Corruption Crimes) independently from the intervention of any institution's power (Article 2 Law No.30/2002).

Authorities carry this out through a civil lawsuit. However, factually speaking, there is no mechanism for asset expropriation carried out by law enforcement using the components of articles in a quo law (Syahputra, 2023). Presidential Letter Number R22/Pres/05/2023, supplemented with NA (Academic Manuscript) related to the Asset Forfeiture Bill, to the Speaker of the House of Representatives of the Republic of Indonesia to discuss the Bill. To prioritize the Bill within the National Legislation Program (Prolegnas), Presidential Letter Number B399 M-D-HK-0000-05-2023 was submitted through delegates, including the Coordinating Minister for Politics and Human Rights and the Ministry of Law and Human Rights, to facilitate discussions with the House of Representatives (Rahmawati, 2023). This is why they supported several KIM coalition parties. One multiparty coalition

has been formed in Indonesia, namely KIM (Advanced Indonesia Coalition). In 2024, KIM, which was initially only filled by Gerindra, PAN, and PPP, changed the coalition map to KIM Plus by attracting several parliamentary political parties, namely (Golkar, NasDem, PKB, PKS, Democrat) and non-parliamentary political parties (PSI, Gelora, PKN, Garuda, PBB).

As stated in the Bill, the Asset Forfeiture Bill is a form of coercive effort carried out by the state as an orientation in returning state assets committed by corrupt perpetrators, which refers to court decisions with exceptions to punishment for TPK perpetrators. This asset confiscation primarily aims to recover state assets that have spread worldwide or outside Indonesia. This creates difficulties for the KPK in identifying the distribution of state assets that have flowed abroad. The Bill is expected to send positive and promising signal to suppress corruption cases in Indonesia. Through the asset forfeiture procedure, law enforcement can utilize two mechanisms: penal and non-penal. The non-penal mechanism involves asset confiscation conducted by the KPK without the need for criminal charges. However, the court cannot avoid the criminal prosecution mechanism against the perpetrator. Thus, the actualization of asset expropriators is believed to provide a form of moral and psychological pressure to a deterrent effect on the perpetrators. However, factually stating that this Bill did not receive a positive response from legislators to form a juridical basis for asset forfeiture in Indonesia (Agustine, 2019). The asset forfeiture mechanism based on the NCB Asset Forfeiture method is a progressive method for carrying out asset forfeiture resulting from corruption crimes. This is based on the efficiency of the process because it delegitimizes legal principles and standards of proof in criminal cases but has the possibility of contradicting the principles (due process of law) and personal property rights (property rights). This potential refers to the material test lawsuit carried out against the articles of the Anti-Corruption Law, for example, reverse proof to the original criminal act (Saputra, 2017).

Asset forfeiture in Indonesia is also listed in the Criminal Code, where it is used as an additional penalty. Based on the existing additional crimes, the state's confiscating assets against criminal offenders *(verbeurdverklaring)* is an additional crime that always tends to be prosecuted (article 10 letter b KUHP). The explanation of asset confiscation, as referred to in Article a quo of the Criminal Code, describes it as the state's seizure of assets from criminals. These assets are obtained through intentional crimes or violations. Regarding criminalization, all violations or crimes committed by the perpetrators of crimes intentionally or unintentionally can be imposed with sanctions of asset confiscation by the provisions of the applicable law (article 39 paragraph (1) and (2) KUHP). Referring to the Criminal Procedure Code (Criminal Procedure Code), there is an understanding of the terms confiscation and confiscation. Based on this, confiscation is a form of a series of actions carried out by investigators in order to store or take over movable or immovable objects that are under the control of the perpetrator of the crime as an effort in the evidentiary procedure in investigation, prosecution, and court (Explanation of KUHAP). On the other hand, forfeiture refers to a judge's action that includes an additional verdict to the principal crime, enforced under the Criminal Code, involving the revocation of property ownership rights. Referring to the judge's decree, the confiscation, destruction, or destruction of objects confiscated from the perpetrators of crimes can be carried out or made into state property (article 156 KUHP).

The TPK Justice Law (Law No. 46/2009) also outlines the asset forfeiture procedure. Under this law, asset forfeiture is defined as the seizure of movable or immovable, tangible or intangible objects acquired through corruption crimes. This includes companies related to the convict to whom the crime was committed and the price of replacing the object (article 18 letter a Tipikor Law). Referring to the provisions above, the confiscation of assets has been listed and used as a basis for sanctioning the perpetrator. In this context, forfeiture applies not only as a criminal sanction but also to the return of assets obtained from crime. Even though the defendant during the course of execution, the judge can, based on the public prosecutor's demands, order the confiscation of assets obtained from corruption crimes, provided the defendant is proven guilty and the evidence is deemed vital (article 38 paragraph (5) Tipikor Law). Efforts to eradicate corruption in Indonesia are identical to the

ratification of several related laws, including the Corruption Law, which contains death penalty sanctions against perpetrators under certain conditions.

Along with this, there is also the KPK (Corruption Eradication Commission). However, the concepts and procedures contained in the Corruption Law, and a number of other laws cannot support and encourage related to the return of assets resulting from corruption crimes. TPK is not a problem that is not only national but also international. Assets obtained from acts of corruption can be fled abroad, especially in developing countries that can protect the perpetrators through the laws applicable in the country (Pohan, 2008) The following writing and referencing rules must be observed. Based on this background, this study seeks to find out;

1. What is the Politics of Law Formation in Indonesia?
2. What is the Composition MAP of Indonesia's 2024-2029 Parliamentary Political Party Coalition?
3. What is the Potential for the 2024-2029 Promulgation of the Asset Forfeiture Bill in Indonesia?

This study seeks to analyze the potential for the promulgation of the Asset Forfeiture and Asset Forfeiture Bill for the Eradication of Corruption in Indonesia through the analysis of legal political theory, which loads (Politics of Law Formation in Indonesia, composition MAP of Indonesia's 2024-2029 parliamentary political party coalition, Opposition Political Parties Conduct Confrontation on the Asset Forfeiture Bill in Indonesia, Confrontation Between Opposition Parties and Pro-Parties Against the Asset Forfeiture Bill, and Potential for the 2024-2029 Promulgation of the Asset Forfeiture Bill in Indonesia). The benefits of this research are divided into two categories: practical benefits and theoretical benefits. The practical benefits of this research are that it helps pressure the government to carry out or not promulgate the Asset Forfeiture Bill in Indonesia. Meanwhile, the theoretical benefits of this research help develop updated science. This research is essential because there has yet to be another research that co-operatively analyses the potential for the passage of the Asset Forfeiture Bill into Parliament for the 2024-2029 period.

Literature review

Legal politics

Legal politics is a form of state demand that has a fundamental nature in the Constitution. This legal politics consists of orientations and procedures that the state will later implement in realizing legal or social goals. Based on historical reviews, legal politics in Indonesia has been implemented to develop various alternatives as a legal-political system aligned with the values of Pancasila. Thus, all state instruments must develop critical ideas that are provided comprehensively and consistently to achieve an essential role in the application of Indonesia's legal politics, which will positively reflect Pancasila (Pramono, 2018). In Indonesia, which uses the *stufenbau des recht* theory, Pancasila represents the Grundonrm principle or the basic norms that guide the laws and regulations under it. Pancasila is regarded as a Grundnorm rather than a Staatsfundamentalnorm, as mentioned by Kelsen, meaning that *Grundnorm* cannot be altered. It differs from *staatsfundamentalnorm*, which can be amended through constitutional amendments. Thus, the basic norms in forming laws and regulations in Indonesia reflect all Pancasila values. All provisions in regulations in Indonesia have an orientation to the ideals of law and the state. So that the state has a clear direction and goal in implementing responsive, positive legal values (Tardjono, 2016)In addition to the above understanding, legal politics can be interpreted in public policy discourse, which can inherently provide certainty in the orientation, form, and content of legal content, which will later be used as a component to judge something (Imam et al., 2018). According to Moh. Mahfud MD, legal politics is viewed as a political instrument in a formalistic policy that will be developed until a political mechanism ratifies it. This policy contains several mechanisms regarding forming new laws or switching from previous laws as an agenda in realizing the direction and goals of the state (Mahfud, 2009). Meanwhile, based on M. Hamdan's view,

legal politics can be defined as a science in which there is a practical art. This enables the creation of regulations to establish favorable laws, which will then serve as a basis for legislators in the courts and after the verdicts (Hamdan, 1997). In relation to Pancasila's position as a Grundnorm in Indonesia, which serves as a reference in the formation of new laws (legal mechanism) and transitions (legal politics), Pancasila requires attention to several aspects of law, according to Lawrence Friedman's views on substance, structure, and legal culture (Rahayu, 2015). Definition: Silent legal politics is procedure-oriented in creating a constitutional legal norm, while active legal politics is a mechanism that will later create legal products (Konradus, 2016).

Corruption

Definitively, corruption can be identified through several perspectives. Corruption has the potential to manifest in any agenda. So, corruption crimes are not only based on criminal activities committed by the government. Corruption can be believed to be motivated by the Greek word "Corruption", which has a distorted, fraudulent, and unethical interpretation that defies legal norms, both normative and religious (Ichvani & Sasana, 2019). In addition, corruption can also be defined as an act performed to abuse power, which state officials especially engage in. This is done to prioritize personal or individual interests over the interests of the general public or community. The corruption crime not only only seen as a deviant and destructive act; TPK is also considered an act of extraordinary or widespread crimes. Thus, TPK can be identified both politically, sociologically, and juridically (Waluyo, 2014).

Asset forfeiture bill

The Asset Forfeiture Bill is a bill initiated by the President. This Bill aims to serve as a legal foundation for the KPK to combat corruption cases. Historically, a quo bill has had a relatively long journey, starting from 2010. From 2015 to 2019, this Bill was part of national legislation but had to be prioritized for discussion in Parliament. Afterward , this Bill was re-entered into the *Prolegnas* in 2020-2024, but the quo bill still requires verification and approval from Parliament (Martiar, 2023). Moreover, the Asset Forfeiture Bill aims to combat corruption by confiscating perpetrators' assets obtained from the proceeds of TPK or recovering assets acquired through corruption crimes. There are several aspects related to ratifying the quo bill. Namely, it can reduce costs and time efficiency in handling cases; asset confiscation has a vast scope, further than the applicable provisions, so that it can recover assets. It can substitute foreign assets that cannot be confiscated. In such cases, foreign assets that the state is unable to confiscate are required to provide compensation equivalent to the value of the assets. The last is to implement proof (Hidayat, 2021).

Methodology

This study uses a qualitative method with a juridical normative type and a legal statute approach. This type of juridical normative research is research conducted by studying applicable laws. Furthermore, normative research can also be understood as research aimed at examining a norm, principle, or legal doctrine to provide solutions or answers to legal issues within the scope of the study (Marzuki, 2005). The approach implemented in this study is law carried out by reviewing applicable laws and a conceptual approach that contains views that evolve in legal science (Marzuki, 2005). The data for this study is categorized into two types: primary legal material and secondary legal sources. The data in this study consists of primary legal materials, namely laws and regulations, secondary legal materials, provisions of secondary legal materials, doctrines, journals, and books). The data collection technique uses a literature study of legal products in laws and regulations, jurisprudence, books, journals, and legal literature. In the first stage of legal material data collection techniques, researchers collect data from various literature sources and then categorize them into two parts: Legal materials as primary materials and secondary materials. The second part is the selection of legal materials; in this

study, the primary legal materials are the 1945 Constitution, P3 Law, MD3 Law, KKN Law, Corruption Law, and Criminal Code. Secondary legal materials include relevant journals collected using the keywords Legal Policy, Presidential Regime, Asset Forfeiture Law, and Corruption Eradication. Third, in legal data analysis, the initial stage of the legal data analysis technique involves researchers formulating legal principles within Indonesian positive law to serve as primary legal material. Second, researchers formulate definitions of legal materials. Third, developing legal norms. Fourth, the formulation of legal norms. The fourth stage of normative research is to analyze legal materials through a statutory approach. The theoretical analysis method in this research uses legal policy. Data validity techniques use triangulation, and conclusion-drawing techniques use deductive patterns.

Legal politics of law formation in Indonesia

Intersecting with legal politics based on active views, the legislation mechanism, which is the procedure for drafting laws in Indonesia, is created through a political mechanism chested in Parliament. Unlike the legal system in some countries that use common law, Indonesia uses a civil law system, which forces the Parliament to form a constitutional legal regulation. In this context, the legislative institution in Indonesia is divided into several bodies responsible for lawmaking, with the House of Representatives (DPR) (House of Representatives of the Republic of Indonesia) playing a key role in the process, as outlined in Article 1, Paragraph 2 of Law Number 17 of 2014 concerning MPR, DPR, DPD, DPRD). The House of Representatives in Indonesia is recognized as a component within legislative institutions, alongside the MPR, which serves as a representative body and holds a position as a state institution (article 68 MD3 Law). The functions and authorities of the House of Representatives in the constitutional system have three fundamental functions. One related to constitutional law politics is legislation's function (article 69 paragraph 1 letter a MD3 Law). As intended, the House of Representatives legislative function reflects the representative institution's creation of laws consolidated with the President and relevant Ministers. In addition, the House of Representatives also has the right to legislate or not a bill or *Perppu* initiated by the President (executive) (article 71 letters a and b MD3 Law). All bills initiated by the DPR and the President must be included in the *Prolegnas*. Here, the contribution of the DPR has a function in formulating, consolidating, and socializing the Prolegnas; this also applies to the formation of laws (article 72 letters a and b MD3 Law). As mentioned earlier, the Bill can be initiated by the House of Representatives and the President (Article 43 paragraph 1 Law Number 12 of 2011 concerning P3). All bills that are the subject of discussion in Parliament need to be included in the Prolegnas for further discussion (Article 45 paragraph 1 P3). The term *Prolegnas* refers to a constitutional mechanism aimed at prioritizing the Bill a priority for discussion in Parliament (Article 17 UU P3). All bills initiated by the House of Representatives and the President will be legitimized to become part of the *Prolegnas*, with the discussion of priorities determined in the Plenary Meeting of the House of Representatives (Article 22 paragraph P3 Law).

In the mechanism for initiating the Bill, the President must give the Bill to the House of Representatives through a Presidential Letter (Article 50 paragraph 1 P3 Law). After issuing the Presidential Letter, the House of Representatives must discuss the Bill, within a maximum time limit of 60 days; this vulnerable time is calculated at receipt of the Presidential Letter (Article 50 paragraph 3 P3 Law). Then, when the Bill is legitimized collegially collectively by the House of Representatives and the President, the Bill will be ratified by the President, which will later become law (Article 72 paragraph 1 P3 Law). All legislative authority mechanisms the President proposes must involve the House of Representatives. This also applies to Perppu (Government Regulation instead of Law). The *Perppu* issued by the President must be submitted to the House of Representatives for verification. The initiation of this *Perppu* was given to the House of Representatives as a bill to determine the *Perppu* into law. If the DPR verifies the *Perppu*, then the Perppu will be passed into law at the plenary

meeting. However, when the *Perppu* does not get verification from the DPR, the *Perppu* must be revoked and declared invalid. Regarding the revocation of the *Perppu*, the President and the House of Representatives must initiate a bill on the revocation of the *Perppu* (Article 52 P3 Law).

Composition MAP of Indonesia's 2024-2029 parliamentary political party coalition

The term political is based on the Greek word 'Polis,' which means 'city.' Polis is an idealistic concept of thought from Plato and Aristotle. Plato's book 'The Republic is oriented to provide a conception of the polis to create an ideal society. Based on this concept, politics is activity-oriented as an agenda in realizing a proportional or ideal society. On the other hand, referring to Aristotle's book, 'The Politics elaborates that humans are identified as political animals. It is believed that political will is not something that is created by man but is identified naturally in man (Firmanzah, 2011). This perspective aligns with the view of Miriam Budiardjo, who stated that politics is all actions in the constitutional political system that correlate with determining the system's goals and implementation (Miriam Budiardjo, 2008). Related to political parties, according to Miriam Budiardjo, a political party can be interpreted as an organization that has similar goals, ideologies, visions, and missions. The orientation of political parties is to gain power and position within the political system, which is achieved through constitutional mechanisms (Miriam Budiardjo, 2008).

Carl J. Friedrich explained that a political party can be defined as an association of individuals consistently coordinated to achieve or assume a position of power for a delegate or chairperson. This is oriented an agenda based on the pursuit of power, aimed at benefiting its members (Friedrich, 1967). R. H. Soltau gave a definition related to political parties, namely an organized community group. The actions of this community are guided by political will through the exercise of constitutional rights and the control and implementation of government policies (Soltau, 1961). Joseph Schumpeter believed that political parties are definitively group actions aimed at power. They carry out the same political activities as he does in trade competitions (Schumpeter, 1942). Political parties can form coalitions between political parties in political activities.

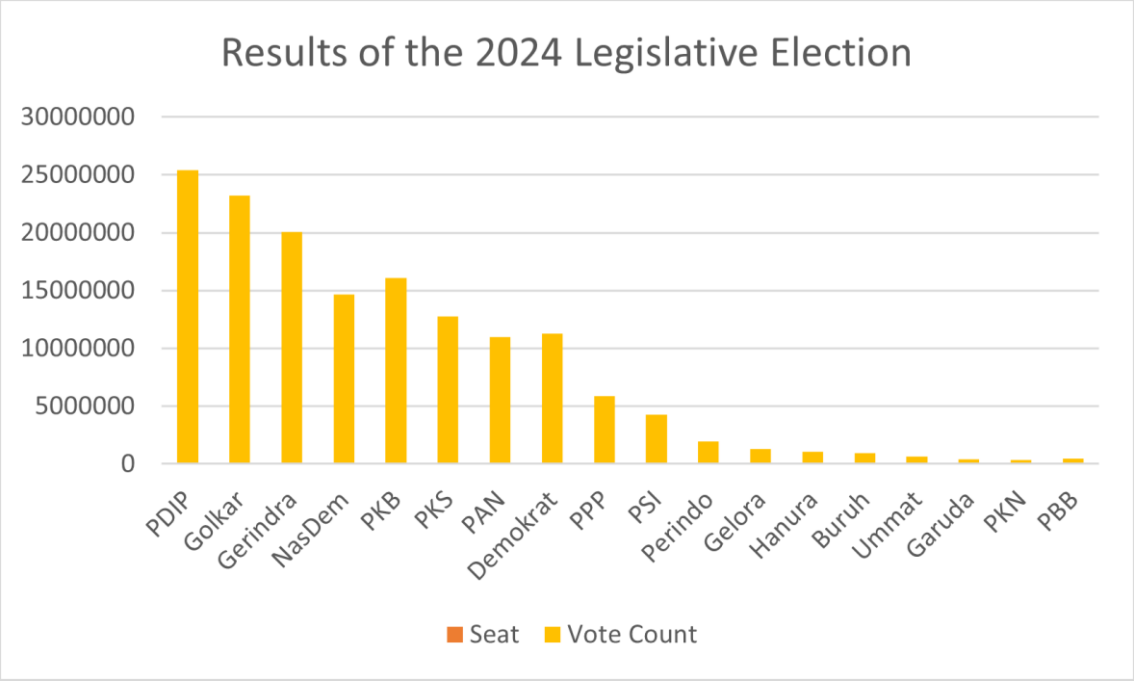

Figure 1 Result of the 2024 legislative election
Source: Processed by the Author

Rainer Adam explained that the term coalition begins with the word "coalesce", which comes from Latin. This definition refers to the interlocking nature of two things. The coalition is cooperation in a particularly vulnerable time as an effort to achieve or maintain power. In the political context, coalitions are usually formed not only by 2 (two) parties but as many as possible. It aims to take over the political power of the government. As described in the concept above, coalitions involve political organizations or parties that work together to achieve a common goal, as the party cannot realize it individually (Adam, 2010). The coalition plays a role in political agreements and can change the election results. The results of the 2024 simultaneous elections, especially legislative through the determination carried out by the General Election Commission (KPU) of Indonesia, determine the recapitulation of votes and seats of political parties as shown in the figure below;

Table 1 KIM coalition seat in the Indonesian parliament 2024-2029

Party	Parliament Seats	Percentage
Golkar	102	17.59%
Gerindra	86	14.83%
NasDem	69	11.90%
PKB	68	11.72%
PKS	53	9.14%
PAN	48	8.28%
Demokrat	44	7.59%
Total	**470**	**81.05%**

Figure 1 illustrates that the recapitulation of political votes in the 2024 legislative election was led by PDIP, securing 110 seats in the House of Representatives of the Republic of Indonesia with a percentage of 18.95%. This result was then followed by several other political parties that managed to exceed the parliamentary threshold of 4%. These parties include (Golkar, Gerindra, NasDem, PKB, PKS, PAN, Democrat). Indonesia is one of several countries that use a presidential system with a multiparty side in Parliament. In this case, the relationship between the President and the House of Representatives in Parliament will give rise to two patterns: "executive majority" or "legislative heavy". The parliamentary support pattern is very high in the "executive majority" pattern, negating the principle of checks and balances. Meanwhile, in the "legislative heavy" pattern, the power structure in the state will be divided, creating a very high principle of checks and balances. Thus, the "executive majority" pattern can create political stability because of the number of parties that enter Parliament and support the existing multiparty coalition government. KIM (Advanced Indonesia Coalition) has formed a multiparty coalition in Indonesia. In 2024, KIM, which was initially only filled by Gerindra, PAN, and PPP, will change the coalition map to KIM Plus by attracting several parliamentary political parties, namely (Golkar, NasDem, PKB, PKS, Democrats) and non-parliamentary political parties (PSI, Gelora, PKN, Garuda, PBB). In the KIM coalition, Golkar is the party with the highest percentage of votes. Golkar's status in the 2024 government is that of a member of the government cabinet, so it tends to support the majority of the votes of the KIM coalition in Parliament. So, Golkar's voice plays a vital role in policy decision-making. Below is a table of recapitulation of votes and seats of the KIM Plus coalition parties in Parliament in 2024-2029;

Based on table 1 data, KIM Plus in the 2024-2029 Parliament consists of 7 political parties with a total of 470 seats and a percentage of 81.05%. The difference is 18.95% with the votes of the opposition party PDIP. The KIM Plus coalition complication in Parliament certainly has contributed to the decision-making of the DPR. The influence of the big coalition or the big coalition or major parties is significant in the 2024 government, as it is supported by the previous President who

recommended the Asset Forfeiture Bill, the KIM Coalition, which is basically (pro-party) against the government, dominates the seats in Parliament until it reaches 81.05%. At the same time, the rest are PDIP (opposition party) seats. Thus, the KIM coalition can pass the Asset Forfeiture Bill. Because PDIP's vote as an opposition party tends to be low, PDIP is a party that rejected the ratification of the previous a quo bill.

The House Representatives' decision in Parliament originally referred to consensus deliberation and voting. In the initial stage, the Parliament's decision-making process during the plenary meeting will be carried out through a consensus deliberation mechanism. However, when this mechanism does not yield results, the Parliament will use a vote or the majority of fractional votes. In this case, The House of Representatives can make decisions if the plenary meeting is attended by more than 50% of the quorum members of the legislature. However, when the quorum is at most 50%, the plenary meeting will be postponed a maximum of 2 times within a specific time. After two postponements caused by a lack of quorum, the settlement mechanism is handled through *Bamus* (deliberative body), which involves consultation with the chairpersons of the political party faction in Parliament. Through this mechanism, two potentials will occur: re-decision-making using the consensus deliberation procedure based on all members who must fulfill the quorum and decision-making through the majority of votes. Based on this condition, the political party's role is a vital and strategic component in a country that adheres to the teachings of constitutional democracy in Indonesia. Political parties are the main actors in creating a relationship between people's aspirations and Parliament's formation of political policies. Thus, a political party can shape the potential between the success or failure of running a democratic country (Asshiddiqie, 2005).

The potential of asset forfeiture bill in corruption eradication becoming law

Authoritarian centralism only sometimes has negative implications that can affect the political order, the economy, and the monetary. This is grounded in the practice of potential corruption or the pursuit of profits by individuals or specific groups within the administration of the state. However, corruption crimes not only refer to a state administrator but can also apply to a second or third party (cronies or family), who can create negative consequences for government administration. In this case, a state administrator can be defined as a person who is carrying out a function in the administration (executive, legislative, judicial, executive) to other officials who have the same position or function and are closely related to the state administrator relevant to a violation of the applicable law. In Indonesia and even the world, state administrators are required not to commit crimes that can harm the state, including corruption. Definitively, corruption can be identified as an act, whether intentional or unintentional, that is conducted unlawfully according to the applicable law. The consequences that occur if state administrators carry out TPK will be sanctioned or punished by the applicable laws. To ensure transparency of wealth, the Indonesian government as intended formulated provisions related to the State Officials' Wealth Report (LHKPN).

Based on Figure 2, corruption statistics in Indonesia have ups and downs; the lowest corruption rate was found in 2004 among 6 agencies, with a total of 2 cases in 1 year. Then, the highest number of corruption cases occurred in 2018, which reached 199 cases, and in 2023, which reached 161 cases. Of the 6 stations, the local government carried out the most cases, with 601 cases; the lowest was the commission, which reached 22 cases. The exact cause of the soaring number of corruption crimes in 2018 is due to weak law enforcement in the recovery of assets or the return of state money that needs to be carried out by the Police and KPK. TPK perpetrators remain undeterred by their actions. Which is closely tied to the Asset Forfeiture Bill aimed at recovering assets that cannot be accounted for by the state. Below are further statistics about the types of Corruption Crimes (TPK) committed by the agencies above;

Based on Figure 3, the statistics of TPK type data show that gratuity is the most widely carried out type of TPK, with 989 cases, and most cases occurred in 2018. The second category is the

procurement of goods/ services/ KN, which accounted for 399 cases, marking the highest number of cases central government. The following is statistical data on the TPK level conducted by the central government from 2004 to 2023;

Figure 2 Statistics on Corruption Crimes in Indonesia 2004-2023
Source: Processed by the Author

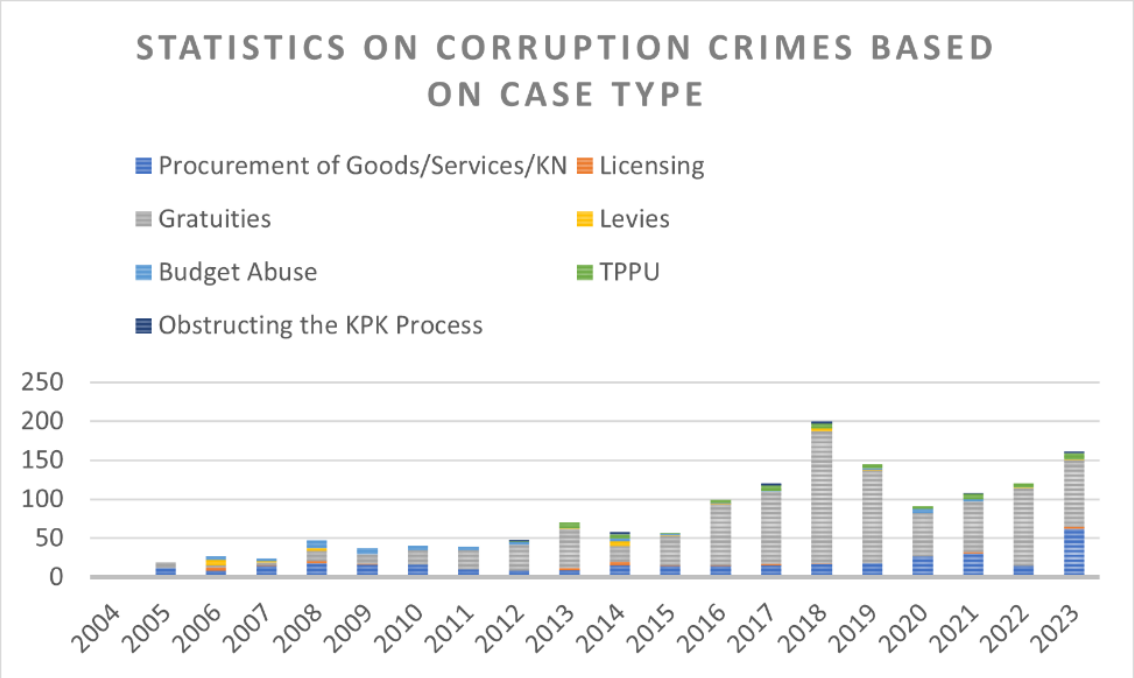

Figure 3 Statistics on corruption crimes based on case type 2004-2023
Source: Processed by the author

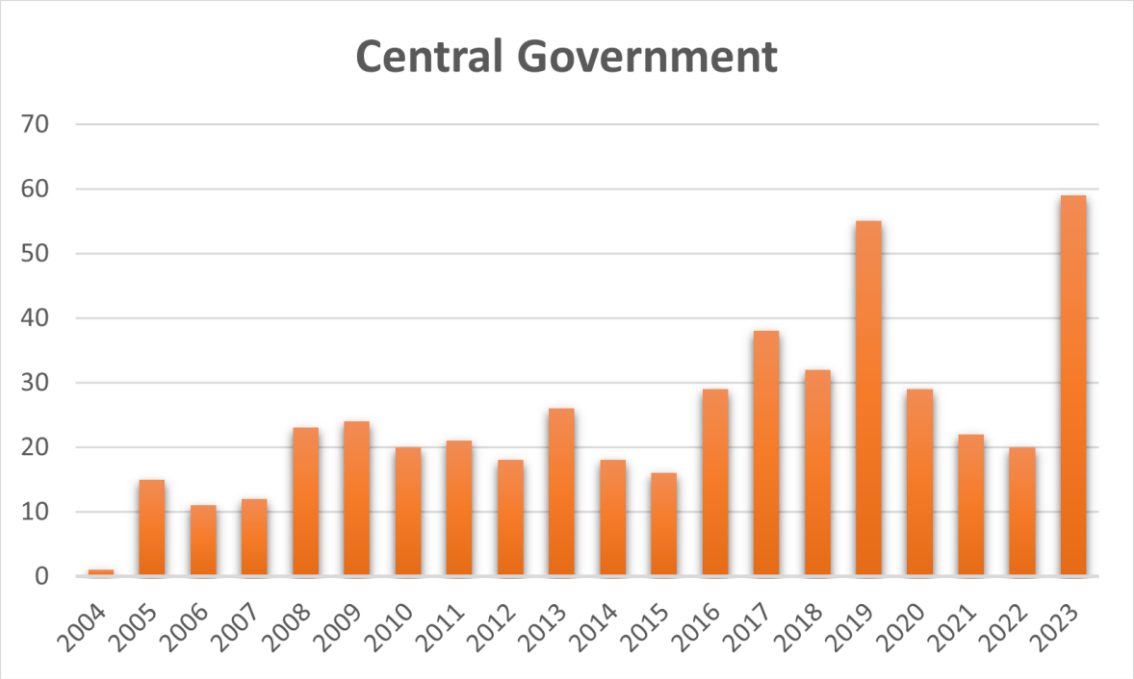

Figure 4 Statistics on corruption crimes in central government 2004-2023
Source: Processed by the author

Based on Figure 4, statistical data on corruption cases conducted by the central government shows that the increase or decrease in the trend of corruption from 2004 to 2023 does not experience a constituent. The surge in corruption cases began in 2019 with 55 cases, then fell consistently for 3 consecutive years (2020, 2021, 2022) and increased sharply again in 2023 with 59 TPK cases. However, this result still needs to be below the achievement of corruption cases carried out by local governments. Local government TPK cases total 601 cases from 2004 to 2023, with the highest achievement in 2018, with as many as 114 cases. The following is the distribution of TPK cases by region;

Based on Figure 5, TPK statistical data by region from 2004 to 2023 spread across 32 provinces shows that 2018 was the highest year of TPK cases, reaching 199 cases throughout Indonesia. Then, it fell in 2019 with a total of 147 and gradually increased drastically in 2023 to 161. Of the total areas, the following are the highest and lowest areas in the case of TPK;

Table 2 Highest corruption areas in Indonesia 2004-2023

Region	Sum	Percentage
Jawa Barat	142	10.38%
Sumatera Utara	84	6.14%
Riau	70	5.12%
DKI Jakarta	70	5.12%

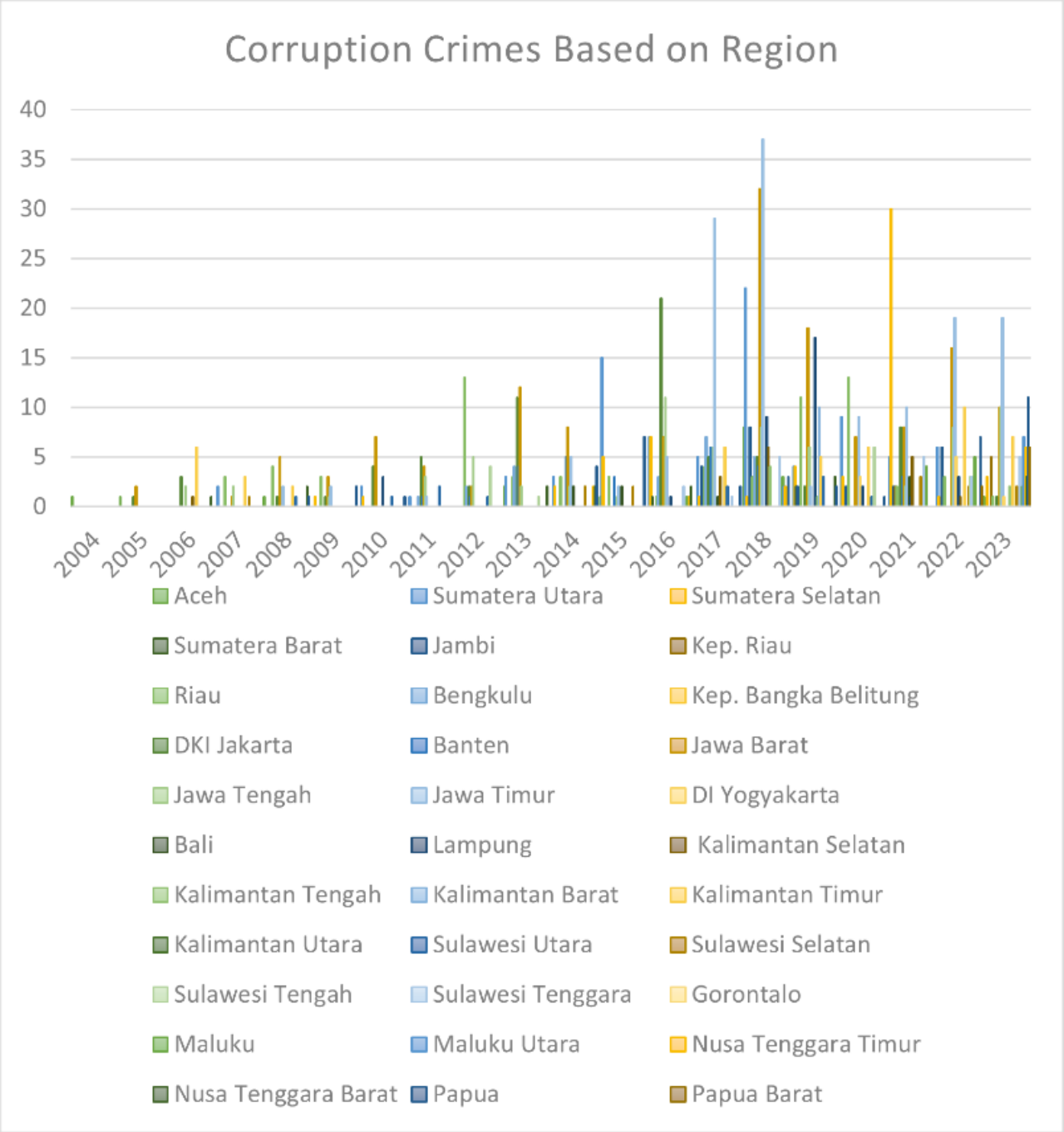

Figure 5 Statistics on corruption crimes based on region 2004-2023
Source: Processed by the Author

Based on Table 2, out of 32 provinces, 4 regions carried out the highest TPK from 2004 to 2023. First, West Java has a total of 142 cases or a percentage of 10.30%. Second, North Sumatra has 84 cases, or a percentage of 6.14%. Third, Riau had 70 cases, or a 5.12% percentage. Fourth, DKI Jakarta has a total of 70 or a percentage of 5.12%. In addition to the highest TPK level and percentage in 32 provinces, the following are the provinces that have low TPK levels in Indonesia;

Table 3 Highest corruption areas in Indonesia 2004-2023

Region	Sum	Percentage
Bangka Belitung	0	0.00%
Kalimantan Utara	0	0.00%
Gorontalo	0	0.00%
Sumatera Barat	3	0.22%

Based on Table 3, out of 32 provinces, there are 4 regions with low TPK levels from 2004 to 2023. First, Bangka Belitung has 0 cases or a percentage of 0.00%. Second, North Kalimantan has 0 cases or a percentage of 0.00%. Third, Gorontalo has 0 cases or a percentage of 0.00%. Fourth, North Sumatra has 3 cases or a percentage of 0.22%. To strengthen the fight against progressive corruption, transparency is essential, particularly regarding the State Officials' Wealth Report (LHKPN). Reporting data released by the KPK;

Table 4 LHKPN 2022 report data

Agency	Mandatory to Report	Reported	Not Reported	Compliance Percentage
Executive	304.921	298.899	6.022	92.23%
Legislative	19.274	19.016	258	96.27%
Judicative	20.038	18.644	1.393	87.46%
BUMN/BUMD	39.013	38.752	351	96.14%
Total	383.335	375.311	8.024	92.59%

As an agenda to suppress TPK cases, the KPK can carry out TPK preventive measures (article 6 letter d Tipikor Law). This provision is then strengthened with the authority to realize registration and conduct inspections on LHKPN state officials (article 13 letter 2 Tipikor Law). One of Indonesia's commitments in preventing and eradicating TPK cases in Indonesia is by providing provisions for LHKPN obligations, which are fundamental aspects of the implementation of regulations related to the acquisition of wealth of state officials that are unnatural or inappropriate (illicit enrichment) (Paramita, 2021). Reporting provisions regarding LHKPN are obligations state officials must fulfill according to applicable laws and regulations. In this case, state officials must report their wealth before taking office. However, *a quo* law provisions do not apply to all civil servants (Civil Servants) only a few state administrators (Muchsin, 2018).

LHKPN, in the context of TPK, has a very strategic contribution to implementing provisions for reporting state officials' assets that are not by (illicit enrichment). The KPK has the authority to register and examine LHKPN. This LHKPN must be filled out and reported by state administrators (Rosa, 2018). This includes public officials. LHKPN contains a report on the wealth they own, receipts, and expenditures they make as long as they are relevant to their position as state administrators. Based on Table 4, the LHKPN report data released by the KPK is categorized into 4 agencies (Executive, Legislative, Judicial, BUMN/BUMD) Among these, two agencies have the lowest LHKPN data, compliance rates: the Executive with compliance percentage of 92.23% and the Judiciary with a compliance percentage of 87.46%. Data differs from 2 other agencies with a percentage above 95%. The main objective of the LHKPN is to prevent corruption and ensure transparency in the ownership of wealth by public officials (Putra & Prahassacitta, 2021). With the LHKPN, the KPK has a basis for examining public officials' assets. Suppose there is an impropriety in acquiring the public official's wealth, such as not being proportional to the official income received. In that case, this can indicate the existence of corruption or illicit enrichment.

Article 1, paragraph 3 of the 1945 Constitution states that Indonesia is a country of law. The 1945 Constitution is a *staatfundamentalnorm* to the regulations under it. The Asset Forfeiture Bill can be seen as a strategic and progressive measure in enforcing the TPK law. Through *a quo* bill, the Attorney General's Office can seize assets owned by TPK perpetrators due to crimes even when the perpetrators pass away. However, Article 28H paragraph (4) explains that everyone has personal property rights, and others cannot arbitrarily take away these rights. Until the basis is applied, *lex superior derogate legi inferiori*. Indonesia has considerable experience related to criminal acts and corruption prevention and its correlation with its case, namely the case filed by the former chairman of the KPK, who criminalized until the leak of a *sprindik* (investigation warrant) to the chairman of the Democratic Party. Therefore, this bill creates a framework streamlined as a political instrument aimed at criminalizing and delegitimizing law enforcement efforts. Thus, it represents that legal instruments in preventing corruption through the Asset Forfeiture Bill can also be actualized in committing other crimes using instruments of power and law (Naibaho, 2023).

Conclusion

Based on the results of the above analysis, the legal politics of law formation in Indonesia can be conducted through the House of Representatives as a legislative institution and the President as an executive institution. The House of Representatives and the President can initiate a bill, which will then be incorporated into the National Legislation Program *(Prolegnas)*. The Bill included in the *Prolegnas* needs to be approved by each political party faction in Parliament, either through consensus deliberation or the last step through voting. The House of Representatives and the President have a slight difference in the President's authority to issue *Perppu* (Government Regulation in Lieu of Law). However, the *Perppu* issue also needs to be approved by the House of Representatives. When the DPR disapproves the *Perrpu*, then the *Perppu* must be revoked. From these provisions, the position of the House of Representatives leads to (legislative heavy) or the role of legislative institutions, which is very dominant in the presidential government system in Indonesia. Related to the Asset Forfeiture Bill, the President's action was to make the Asset Forfeiture Bill through Presidential Decree No. R22/Pres/05/2023 to the House of Representatives and Presidential Decree No. B399 M-D-HK-0000-05-2023, through the Minister of Politics and Security, does not violate the provisions of laws and regulations.

However, in the discussion and ratification of the Bill, the coalition map of political parties in Parliament plays a crucial role, as the final step in decision-making is determined through voting. In the results of the recapitulation of the 2024 legislative election, PDIP obtained the most seats, namely 110 seats or 18.95%. However, PDIP's position in Parliament is fragile, considering that a KIM Plus coalition reaches 470 seats or 81.05%. This makes it very easy for KIM Plus to win the decision-making vote in Parliament. The existence of KIM Plus in Parliament increases the likelihood of the Asset Forfeiture Bill being passed into law in 2024-2029. This is due to KIM Plus' strong support for the Asset Forfeiture Bill, backed by 470 seats or 81.05% of the total parliamentary representation. However, ratifying the Asset Forfeiture Bill to eradicate corruption in Indonesia is ineffective. Through the *a quo* bill, the Attorney General's Office can seize assets owned by TPK perpetrators due to crimes even when the perpetrators pass away. However, Article 28H paragraph (4) of the 1945 Constitution explains that everyone has personal property rights, and others cannot arbitrarily take away these rights. Until the basis is applied, *lex superior derogate legi inferiori*. This bill creates a space initialized as a political instrument used to criminalize and delegitimize law enforcement. Thus, it represents that legal instruments in preventing corruption through the Asset Forfeiture Bill can also be actualized in committing other crimes using instruments of power and law. This refers to the compliance of state officials of each agency in the LHKPN, which cannot reach 100%. LHPKN needs to reach 100%, considering that LHKPN is an essential instrument for the KPK in conducting an audit of state

officials' assets so that the KPK can identify the comparison between official income and official assets.

Recommendations and future research

The researcher suggests that before the House of Representatives passes the Asset Forfeiture Bill, each faction in Parliament will approve it, which demands an increase in LHKPN reporting in Indonesia, which is the basis for the KPK to investigate suspected Corruption Crimes (TPK). The researcher realized this research had shortcomings and needed improvement from other researchers. In this case, the researcher provides suggestions for other researchers who want to continue this research to research the effectiveness of the Asset Forfeiture Bill, which will later be passed into the Asset Forfeiture Law when the LHKPN reporting level is low.

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