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Money Laundering from Marine and Fisheries Crimes in the Perspective of the National Criminal Code: Asset Forfeiture Policy and State Loss Recovery

Ariman Sitompul[1*]
[1]Faculty of Law, Universitas Dharmawangsa, Indonesia
: *ariman.sitompul@dharmawangsa.ac.id*
Coresponding Author*

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ABSTRACT

Fisheries and marine crimes generate substantial state losses and are often followed by money laundering to disguise the proceeds of crime, while asset forfeiture mechanisms as a recovery instrument remain suboptimal. This article aims to analyze the asset forfeiture policy for money laundering proceeds derived from fisheries and marine crimes from the perspective of the National Criminal Code, and to examine its effectiveness as an instrument for state loss recovery. This study employs a normative juridical method with statutory and conceptual approaches, examining Law Number 1 of 2023, Law Number 8 of 2010, and relevant court decisions. The findings show that the National Criminal Code has codified money laundering offences but has not specifically addressed the modus operandi of fisheries and marine crimes. The effectiveness of state loss recovery is also hindered by weak standards for proving the good faith of third parties and the incomplete accommodation of *non-conviction-based forfeiture* within the national legal system.

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INTRODUCTION

The marine and fisheries sector is one of the backbones of the national economy which is also a fertile field for crimes of high economic value. The practice of *illegal, unreported, and unregulated fishing* (IUU Fishing) has caused very significant state losses, even estimated to reach more than one hundred trillion rupiah per year, as noted by the Ministry of Maritime Affairs and Fisheries[1]. The results of the crime in the marine and fisheries sector in practice do not stop at illegal fishing alone, but continue to disguise and launder the proceeds of the crime to make it appear legitimate, thus giving rise to a close relationship between *fisheries crime* and money *laundering* as *a follow-up crime*. This problem has become increasingly complex because law enforcement in the fisheries sector has so far been still oriented towards criminalizing perpetrators, without being accompanied by optimal efforts to trace, freeze, and confiscate assets from crime as an instrument to recover state losses.[2]

The fundamental change in the politics of national criminal law occurred in line with the promulgation of Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code), which for the first time integrated the formulation of money laundering offenses into the codification of general criminal law, coming out of the pattern of special regulation previously regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.[3] This codification step is important to build certainty and harmonization of national criminal norms, but on the other hand, it raises fundamental questions about the extent to which the *asset forfeiture policy* can be applied effectively to the proceeds of marine and fisheries crimes, considering the character of these crimes which are cross-sectoral, organized, and often involve the control of assets by third parties who are not formally involved in the crime.[4]

Previous studies have made an important contribution in mapping the problem of asset forfeiture in Indonesia. Studies on the urgency of implementing *non-conviction-based asset forfeiture show that the mechanism of non-conviction-based asset forfeiture* (*in rem*) is considered more strategic than the in *personam model*, especially for crimes that have an impact on financial and environmental losses, because it allows for faster confiscation without having to wait for a criminal verdict with permanent legal force.[5] Meanwhile, a study of the implementation of anti-money *laundering* in corruption cases in Indonesia found that this approach has not been fully effective in supporting the recovery of state losses due to the weak synergy between investigation, prosecution, and asset tracing.[6] The literature shows an important achievement, namely the recognition that criminalization alone is not enough to break the chain of enjoyment of the proceeds of crime by perpetrators.

However, previous studies have generally focused on corruption and money laundering in general, and have not specifically linked the asset forfeiture policy to *predicate crimes* in the marine and fisheries sectors after the enactment of the National Criminal Code. This limitation leaves a void in the study of how the construction of the norms of Article 607 and Article 608 of the National Criminal Code can be implemented operationally to reach assets resulting from marine and fisheries crimes, as well as how these policies are able to contribute to the recovery of real state losses.

Based on these gaps, this article aims to analyze the policy of asset forfeiture resulting from money laundering crimes originating from marine and fisheries crimes from the perspective of the National Criminal Code, as well as to examine its effectiveness as an instrument for recovering state losses. The scientific value and uniqueness of this research lies in the effort to specifically link the money laundering regime in the National Criminal Code with the characteristics *of predicate crime* in the marine and fisheries sectors, a domain that has not been touched by the previous economic criminal law literature. Thus, the proper identification of legal issues and the formulation of clear research objectives are very important, not only to direct the juridical analysis in this article, but also to make a conceptual contribution to strengthening the national asset forfeiture policy in order to cut off the perpetrators' access to the profits of crime while optimizing the recovery of state losses in the marine and fisheries sectors.

[1] *Beny Kristanto, "Law Enforcement of Illegal Fishing Crimes with Ship Sinking in the Perspective of Indonesian National Defense," 2023, 97–108.*
[2] *Syahrijal Syakur, "Law Enforcement Strategies and Policies for Money Laundering from Predicate Crime in Fisheries" 02, no. 01 (2023): 19–34.*
[3] *Muhammad Siddiq Armia, "Determination of Legal Research Methods and Approaches," Banda Aceh: Indonesian Institute for Constitutional Studies (LKKI), 2022.*
[4] *Ahmad Ahmad et al., Legal Research & Writing Methods Textbook (PT. Sonpedia Publishing Indonesia, 2024).*
[5] *Mariano Adhyka Susetyo, "Asset Forfeiture of Money Laundering Proceeds of Corruption" 12, no. 1 (2023): 80–90.*
[6] *Rahma Sari Nasution et al., "Legal Comparison of Money Laundering Crimes in the Perspective of Indonesia and Singapore Abstract Keywords Introduction" 2, no. 2 (2025).*

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METHOD

This research uses a normative juridical research method, which is a legal research that examines norms as a coherent system through the examination of laws and regulations, doctrines, and legal concepts to answer the legal issues faced.[7] The approaches used are *the statute approach* and *conceptual approach*, namely the tracing of positive legal provisions that regulate money laundering, asset confiscation, and recovery of state losses, combined with the analysis of the criminal law concepts that underlie them. The legal materials analyzed consist of primary legal materials in the form of Law Number 1 of 2023 concerning the Criminal Code, Law Number 8 of 2010 concerning TPPU, as well as regulations related to the marine and fisheries sectors; secondary legal materials in the form of books, scientific journals, and the results of previous research; and tertiary legal materials in the form of legal dictionaries to support the interpretation of terms (Nasution, 2024). The collection of legal materials is carried out through library *research*, then analyzed descriptively-qualitatively with systematic interpretation techniques to formulate legal prescriptions for the problems studied.

RESULTS AND DISCUSSION

Policy of Asset Forfeiture of Money Laundering Crimes for Marine and Fisheries Crimes in the Perspective of the National Criminal Code

Crimes in the marine and fisheries sector have long been positioned as one of the *predicate crimes* of money laundering, as explicitly stated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, which emphasizes that wealth from marine and fisheries crimes can be the object of money laundering in addition to corruption, narcotics, and other transnational crimes. [8] This provision is strengthened through the presence of Law Number 1 of 2023 concerning the Criminal Code which integrates money laundering norms into the codification of national criminal law, accompanied by strengthening the corporate accountability system, expanding criminal types, and the principles *of strict liability* and *vicarious liability* to reach perpetrators who benefit from crime.[9]

Comparative studies show that this codification approach places Indonesia on the orientation of certainty in the formulation of crimes and criminalization, in contrast to Singapore, which through the *Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, has focused on the* mechanism for confiscating the economic benefits of crime since the beginning of the formulation of the norm.[10] This orientation shows that the National Criminal Code, although it has accommodated money laundering crimes in general, has not specifically formulated an asset forfeiture mechanism oriented to the specific characteristics of marine and fisheries crimes.

These special characteristics are evident in law enforcement practices in the field. Research on law enforcement of fisheries crimes in the Indonesian Exclusive Economic Zone (ZEEI) found that differences of opinion between prosecutors and judges regarding the form of criminal sanctions based on Article 102 of Law Number 31 of 2004 are still structural obstacles in enforcement, in addition to the limitations of facilities, human resources, and legal culture.[11] This condition is exacerbated by the complexity of the operational technical arrangements of the marine and fisheries sector, as stipulated in Government Regulation Number 27 of 2021, which requires administrative and technical compliance of fishing vessels through Operational Fitness Standards as a basis for proving the legality of fishing activities.[12]

This means that the tracing of assets resulting from fisheries crimes cannot be separated from the verification of the licensing and technical compliance documents, something that has not been explicitly integrated into the framework of money laundering offenses of the National Criminal Code. Findings regarding criminal sanctions in the fisheries sector in border areas also show that the threat of imprisonment of one to ten years accompanied by fines and an additional one-third of the principal crime has not been accompanied by an adequate asset forfeiture instrument to cut off the economic

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[7] *Syakur, "Law Enforcement Strategies and Policies for Money Laundering from Predicate Crime in Fisheries."*
[8] *"Law of the Republic of Indonesia No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering," No. 1 (2010).*
[9] *"Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code," no. 16100 (2023).*
[10] *Nasution et al., "Comparative Law of Money Laundering in the Perspective of Indonesia and Singapore Abstract Keywords Introduction."*
[11] *Fahrul Azmi Lubis, R Juli Moertiono, and Agusta Ridha Minin, "Law Enforcement of Fisheries Crimes in Indonesia's Exclusive Economic Zone (Case Study at the Belawan District Attorney's Office)" 6 (2025): 157–62.*
[12] *"GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA NUMBER 27 OF 2O2I CONCERNING THE IMPLEMENTATION OF THE MARINE AND FISHERIES SECTOR," no. 086274 (2021).*

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benefits of the perpetrators.[13] Thus, the asset forfeiture policy in the National Criminal Code is generic and has not been *tailor-made* to reach the typical modus operandi of marine and fisheries crimes, such as *logbook* manipulation, the use of double flags of ships, and cross-jurisdictional catch transactions.

The Effectiveness of the Asset Forfeiture Policy as an Instrument for Recovering State Losses

In terms of effectiveness, this study found that the problem of recovering state losses does not solely lie in the absence of norms, but in the weak standards of proof and consistency in the application of asset forfeiture mechanisms. Studies on the protection of third parties in good faith show that the absence of clear standards regarding the element of good faith causes judges to decide cases in a cassatic manner, as seen in Decision Number 362/Pid.Sus/2025/PN Jkt.Sel, thus creating legal uncertainty and potentially hindering the process of asset forfeiture itself.[14] The absence of this norm also includes the disharmony of regulations regarding *non-conviction-based asset forfeiture* or asset forfeiture without criminal penalty, which is conceptually considered important because it allows faster confiscation without waiting for a criminal verdict with permanent legal force.[15] Unfortunately, regulations regarding this concept in Indonesia are still inadequate to be fully accommodated in the national criminal law system.

Comparison with the study of justice on asset forfeiture further confirms this. It was found that Indonesia has actually recognized *criminal forfeiture* based on the Criminal Code and the Criminal Code, as well as *civil forfeiture* and *administrative forfeiture* based on the regime of the Antiquities Law, but its implementation still leaves a legal loophole that perpetrators use to hide the proceeds of crimes, so that it has not provided a sense of justice for the state and society as victims. The *follow the money* approach , which should be the key to recovering state losses, also requires expanding the scope of *civil* or *in rem forfeiture regulations* so that they are not limited to assets in the financial service provider's accounts, but include all assets related to crime.[16] A case study of Decision No. 1221/Pid.B/2020/PN Jkt.Sel regarding fraud and money laundering also strengthens this argument, by showing that the practical challenges of asset confiscation lie in the valid evidentiary process, efforts to conceal and transfer assets by perpetrators, as well as limited resources and cooperation between law enforcement agencies.[17]

Based on this series of findings, it can be concluded that the asset forfeiture policy in the National Criminal Code has not been fully effective as an instrument to recover state losses from marine and fisheries crimes, not because of the absence of a legal basis, but because of the weak standard of proof of good faith, the lack of accommodation for *non-conviction-based forfeiture* in its entirety, and the lack of institutional synergy in the tracing and seizure of assets across sectors. This finding differs from previous studies that tend to examine asset forfeiture in general in corruption or fraud offenses, while this study specifically links the problem with the characteristics of marine and fisheries crimes as *predicate crimes* that have their own jurisdictional and evidentiary complexities.

CONCLUSION

The asset forfeiture policy in the national criminal code has integrated money laundering, including those originating from maritime and fishery crimes, into the general criminal codification, but the formulation is still generic and has not yet reached the typical characteristics of the crime, such as the manipulation of ship documents and cross-jurisdictional transactions. As an instrument for recovering state losses, its effectiveness is still constrained by the weak standard of proof of good faith of third parties and the *lack of full non-conviction-based forfeiture*. Therefore, it is necessary to strengthen technical regulations that link the norms of the Criminal Code with the provisions of the marine and fisheries sector, the preparation of standard guidelines for proving good faith, and the strengthening of institutional synergy between the PPATK, the Ministry of Maritime Affairs and Fisheries, and law enforcement officials to optimize the tracing and seizure of assets resulting from crime.

[13] *Alif Arhanda Putra, "CRIMINAL SANCTIONS AGAINST CRIMINAL ACTS IN THE MARINE AND FISHERIES SECTOR IN BORDER AREAS," 2023, 144–60.*

[14] *Beniharmoni Harefa, "Asset Forfeiture for Money Laundering: Protection of Third Parties in Indonesian Legal Perspectives" 21, no. 1 (2025): 135–49.*

[15] *Muhammad Ghulam Reza, "The Criminal Law Policy of Asset Forfeiture 'Non-Conviction Based Asset Forfeiture' in the Crime of Money Laundering" 8, no. 1 (2024): 1167–81.*

[16] *Gumilang Fuadi et al., "A Review of Asset Forfeiture in Money Laundering Crimes from a Justice Perspective" 5, no. 1 (2024): 53–68, https://doi.org/10.18196/jphk.v5i1.19163.*

[17] *Aldi Raharjo, Suriadi Bangun, and Hasudungan Sinaga, "The Crime of Fraud and Money Laundering in Decision Number: 1221 / PID . B / 2020 / PN JKT . SEL Tama Jagakarsa University, Indonesia" 2, no. 5 (2024).*

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REFERENCES

Ahmad, Ahmad, Muhammad Fachrurrazy, Mia Amalia, Engrina Fauzi, Selamat Lumban Gaol, Dirah Nurmila Siliwadi, and Takdir Takdir. *Buku Ajar Metode Penelitian & Penulisan Hukum*. PT. Sonpedia Publishing Indonesia, 2024.

Armia, Muhammad Siddiq. "Penentuan Metode Dan Pendekatan Penelitian Hukum." *Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI)*, 2022.

Fuadi, Gumilang, Windy Virdinia, Trisno Raharjo, Kerja Sama, Badan Riset, Magister Ilmu Hukum, and Universitas Muhammadiyah Yogyakarta. "Tinjauan Perampasan Aset Dalam Tindak Pidana Pencucian Uang Dari Perspektif Keadilan" 5, no. 1 (2024): 53–68. https://doi.org/10.18196/jphk.v5i1.19163.

Harefa, Beniharmoni. "Perampasan Aset Tindak Pidana Pencucian Uang : Perlindungan Pihak Ke8ga Beri8kad Baik Dalam Perspek8f Hukum Indonesia" 21, no. 1 (2025): 135–49.

Kristanto, Beny. "Penegakan Hukum Tindak Pidana Illegal Fishing Dengan Penenggelaman Kapal Dalam Perspektif Pertahanan Nasional Indonesia," 2023, 97–108.

Lubis, Fahrul Azmi, R Juli Moertiono, and Agusta Ridha Minin. "Penegakan Hukum Tindak Pidana Perikanan Di Zona Ekonomi Eksklusif Indonesia (Studi Kasus Pada Kejaksaan Negeri Belawan)" 6 (2025): 157–62.

Nasution, Rahma Sari, Riska Wulandari, Deaf Wahyuni, and Febrina Annisa. "Komparasi Hukum Tindak Pidana Pencucian Uang Dalam Perspektif Indonesia Dan Singapura Abstrak Kata Kunci Keywords Pendahuluan" 2, no. 2 (2025).

"PERATURAN PEMERINTAH REPUBLIK INDONESIA NOMOR 27 TAHUN 2O2I TENTANG PENYELENGGARAAN BIDANG KELAUTAN DAN PERIKANAN," no. 086274 (2021).

Putra, Alif Arhanda. "SANKSI PIDANA TERHADAP TINDAK PIDANA BIDANG KELAUTAN DAN PERIKANAN DI KAWASAN PERBATASAN," 2023, 144–60.

Raharjo, Aldi, Suriadi Bangun, and Hasudungan Sinaga. "Tindak Pidana Penipuan Dan Pencucian Uang Dalam Putusan Nomor : 1221 / Pid . B / 2020 / PN JKT . SEL Universitas Tama Jagakarsa , Indonesia" 2, no. 5 (2024).

Reza, Muhammad Ghulam. "Kebijakan Hukum Pidana Perampasan Aset ' Non-Conviction Based Asset Forfeiture ' Dalam Tindak Pidana Pencucian Uang" 8, no. 1 (2024): 1167–81.

Susetyo, Mariano Adhyka. "Perampasan Aset Tindak Pidana Pencucian Uang Hasil Korupsi" 12, no. 1 (2023): 80–90.

Syakur, Syahrijal. "Law Enforcement Strategies and Policies for Money Laundering from Predicate Crime in Fisheries" 02, no. 01 (2023): 19–34.

RULES

"Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code," no. 16100 (2023).

"Law of the Republic of Indonesia No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering," No. 1 (2010).