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The Role of AALCO in Transnational Crime Asset Recovery: A Legal Perspective on Asia-Africa Cooperation

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Abstract

The Asia-African Legal Consultative Organization (AALCO), as an intergovernmental organization in Asia and Africa, possesses significant potential to facilitate cooperation among member states in combating transnational crimes and recovering assets. The objective of this study is to explore and analyze the role of the Asia-African Legal Consultative Organization (AALCO) in the international legal framework governing asset recovery of assets arising from criminal activities. The research method used is normative-dogmatic juridical with statutory, conceptual, and comparative approaches. This research uses primary legal sources, such as laws and international treaties, as well as secondary legal sources, such as journals, articles, books, and comments on judges' decisions. The findings of this study indicate that AALCO has an important role in facilitating cooperation among its member states for the recovery of assets derived from criminal activities. AALCO has developed mechanisms such as conventions and guidelines to guide member states in asset recovery. However, this research also found limitations, such as the lack of harmonization of laws among the member states and limited institutional capacity in some states. In addition, there are still challenges in cross-jurisdictional coordination and a lack of public awareness on the importance of asset recovery. In light of these findings, this research recommends AALCO to strengthen a uniform legal framework and improve training and capacity building for law enforcement. In addition, AALCO also needs to strengthen information networks among member states and build partnerships with international organizations. By implementing these recommendations, AALCO can be more effective in supporting efforts to recover assets derived from criminal conducts in the Asia and Africa region.

1. Introduction

The Asia-African Legal Consultative Organization (AALCO) was established as a manifestation of the solidarity of Asian and African nations.[1,2] The organization was born out of the Asia-Africa Summit in Bandung in 1955 and has been officially operational since 1956. Since its establishment, AALCO has become an important forum for its member states to discuss various issues of international law,[3] including the law of the sea and commercial law. In accordance with Article 1 of its statute, one of AALCO's principal functions is to consider and discuss matters of international law referred to it by Member States and to make

1 Marina Abdul Majid, "The New Asia-Africa Strategic Partnership (NAASP): An Informal Intergovernmental Organisation (IIGO) To Address Wildlife Trafficking And Bioprinting," *Journal of Islamic* 4, no. 26 (2019): 1–23.
2 Asian African Legal Consultative Organization, "About AALCO," n.d.
3 Carissa Amanda Siswanto and Dian Parluhutan, "The Strategic Roles of the AALCO in Accelerating the Regulatory Developments and Solving the Regulatory Problems for Implementing the Green Finance in Indonesia Pursuant to the UNFCCC Paris Agreement," *LITERATUS* 5, no. 2 (2023): 348–58.

recommendations as necessary.[4] In this capacity, AALCO plays a pivotal role in shaping international legal policies that accommodate the interests of Asian and African states. The forum serves as a conduit for Indonesia and other member states to articulate their perspectives and interests on the global stage, thereby facilitating their capacity to influence the shaping of international law. This is particularly crucial considering the evolving dynamics of global politics and economics, where Asian and African states frequently encounter obstacles in articulating their interests. It is therefore of the utmost importance for AALCO to act as an equal partner with other global organizations that have a strong bargaining position. Through effective cooperation and diplomacy, AALCO can increase the bargaining power of its member states at the international level. Such bargaining power is of the utmost importance to ensure that international policy frameworks do not prejudice or undermine the sovereign rights, developmental interests, and legal positions of Asian and African states.

In accordance with the 61st AALCO forum, which took place in Bali in October 2023, the Government of the Republic of Indonesia proposed the establishment of an Asset Recovery Forum for member states.[5] This initiative is expected to assist Asian and African states, particularly those adversely affected by corruption and money laundering. The establishment of this forum is of great importance, given the complexity of asset forfeiture issues that frequently cross international legal jurisdictions. The flight of illicit assets abroad presents a significant challenge due to the differing legal and procedural frameworks that exist in each country.[6] The process of recovering assets derived from corruption or money laundering that have been transferred to another country becomes even more complex due to the differences in legal systems, judicial practices, and the complexities of cross-border legal cooperation. This highlights the crucial role of a specialized forum such as the Asset Recovery Forum under AALCO in addressing these challenges. It is anticipated that this forum will facilitate the exchange of information, experiences, and best practices between among member states in dealing with asset forfeiture issues.

Asset forfeiture is an important legal mechanism in the context of national law and economic governance, especially considering the proliferation of criminal acts motivated by the pursuit of illicit financial gain.[7] Such crimes not only damage the national economic order but also threaten social justice. In the Indonesian context, such economic crime has the potential to reduce the Government's ability to realize public welfare, considering that resources that should be allocated for for national development and the advancement of societal well-being are instead misappropriated for the personal enrichment of individuals or specific groups, as exemplified by assets derived from corrupt practices.[8] A compelling illustration of economic losses due to this criminal offense can be seen from the data of the Investment Alert Task Force in Indonesia. In a period of 10 years, public losses due to fraudulent investments reached Rp 117 trillion.[9] This number shows the profound negative impact illegal practices have on the economy and state finances.

Another example of a corruption case is Jiwasraya. The Jiwasraya corruption case also serves to illustrate the significance of asset forfeiture. Over the 10-year period between 2008 and 2018, assets seized by prosecutors from those engaged in corrupt practices reached a total value of IDR 18.4 trillion. The amount seized represents a significant sum for state financial recovery.[10] In addition, the Directorate of Drugs from the Criminal Investigation Department in the Indonesian National Police succeeded in confiscating assets which were identified belonging to Fredy Pratama, an international drug kingpin, totaling IDR 273 billion.[11] Another case relating to transnational

4 AALCO, "STATUTES OF AALCO" (2004), https://www.aalco.int/STATUTES.pdf.

5 Direktorat Jenderal Administrasi Hukum Umum Manusia Kementerian Hukum Dan Hak Asasi Republik Indonesia, "AALCO Akan Terus Suarakan Kepentingan Negara-Negara Asia – Afrika Di Tingkat Global," 2023.

6 Muhammad Wildan Rekssaputra and Syahrul Fauzul Kabir, "The Analisis Terhadap Prosesrecovery Asset Di Indonesia Berdasarkan United Nation Convention Against Corruption (Uncac) Tahun 2003," in *Bandung Conference Series: Law Studies*, vol. 4, 2024.

7 Tania Irwan, "Implementasi Upaya Pemulihan Aset Korban Tindak Pidana Penipuan Dan Pencucian Uang Dalam Kasus First Travel," *JISIP: Jurnal Ilmu Sosial Dan Pendidikan* 5, no. 4 (2021): 698–719, https://doi.org/10.36312/jisip.v5i4.2223.

8 Sylvi Fitria Dewi, "Tinjauan Yuridis Perampasan Aset Sebagai Upaya Pengembalian Kerugian Negara Dalam Tindak Pidana Korupsi Di Indonesia" (UNS (Sebelas Maret University), 2024), https://digilib.uns.ac.id/dokumen/detail/112020/.

9 Rizki Wijaya Kusuma and Efrida Ratnawati Gultom, "Investasi Bodong Berkedok Robot Trading Dengan Skema Ponzi," *UNES Law Review* 5, no. 4 (2023): 1843–60.

10 Nidya Waras Sayekti, "Permasalahan PT Asuransi Jiwasraya: Pembubaran Atau Penyelamatan," *Bidang Ekonomi Dan Kebijakan Publik Info Singkat* XII, no. 2 (2020): 19–24.

11 Nanda Aulia Mardika et al., "Kejahatan Transnasional Terhadap Peredaran Narkoba Internasional Ditinjau Dari Kasus Fredy Pratama," *Justicia Sains: Jurnal Ilmu Hukum* 8, no. 2 (2023): 278–88, https://doi.org/10.24967/jcs.v8i2.2560.

crime was in 2024, the Swiss Federal Criminal Court convicted two PetroSaudi executives, Patrick Mahony and Tarek Obaid, of defrauding Malaysia's state investment fund, 1Malaysia Development Berhad (1MDB), of more than US$1.8 billion. They were sentenced to prison terms of six and seven years respectively and ordered to return US$1.75 billion.[12] In February 2016, hackers allegedly linked to North Korea's Lazarus group stole US$81 million from the Central Bank of Bangladesh's account at the Federal Reserve Bank of New York via the SWIFT system. The funds were then laundered through casinos operation in the Philippines.[13]

The success of this asset forfeiture is portrayed as a sharp tool that has prevented these illicit financial flows and impeded organized crime activities — demonstrating the strategic and immediate necessity of asset forfeiture in such cases. Given that economic crimes often result in substantial losses at both economic and societal levels, there exists a compelling imperative for the establishment of laws designed under effective regulatory frameworks which facilitate asset seizure even if it has been transferred across state jurisdiction. The regulations should ensure— after identification — these assets are repatriated and reintegrated into the domestic economy to support public welfare objectives and promote social justice

Efforts to retrieve assets related to transnational crimes can be like piecing together a jigsaw puzzle.[14] Imagine corruption taking place in one country, with its ill-gotten gains stashed away in another. Consider a scenario where a company bribes officials in a completely different jurisdiction from where they operate. Visualize the complexity: the flow of dirty money weaving through various nations' financial systems. Indeed, without inter-jurisdictional cooperation, an effective asset search or investigation is akin to finding a needle in a haystack. The challenges that many states face — in terms of identifying, freezing and confiscating criminal assets — often stem from these jurisdictional boundaries which are further fortified by national laws acting as barriers.[15,16,17] Therefore, the contribution of international organizations such as AALCO is important in assisting member states to develop provisions that can be adopted and ratified - including Indonesia as mandated by Article 1 of the statutes of AALCO. It is widely acknowledged among Member States that AALCO is well-positioned to serve as a pivotal platform for facilitating substantive dialogue on cross-jurisdictional asset forfeiture challenges and for fostering the negotiation and conclusion of mutually beneficial agreements. It is proposed that through AALCO, the collaboration among the member states should craft a uniform and pragmatic legal regime on transnational money laundering and corruption cases, with assets located in multiple jurisdictions.

Expanding on Sosiawan's (2020) study, this research explores asset recovery through criminal law under the UNCAC 2003. The findings reveal a four-stage process: asset tracing, freezing, seizure, and return/handover. Indonesia's implementation of UNCAC principles for asset recovery encompasses preventive measures, criminalization, law enforcement, international cooperation, technical assistance, illicit enrichment, and asset recovery. These measures are widely recognized as a UNCAC cornerstone.[18]

Next, Kusnadi's research in 2020 examined the formulation of asset recovery provisions in the future. It suggests that the concept of confiscating assets derived from corruption without a criminal conviction can be applied, in accordance with Article 54 paragraph (1) letter c of the UNCAC 2003. Through in-depth legal research, Kusnadi found that current asset recovery regulations primarily focus on asset confiscation after a final and binding court decision. However, Kusnadi suggests that these regulations should be expanded in the future. He proposes that we learn from the Netherlands, which recovers assets derived from corruption in a faster and

12 John Revill, "Swiss Court Convicts Two Executives over $1.8 Billion 1MDB Fraud," Reuters, 2024, https://www.reuters.com/legal/government/swiss-court-convicts-two-executives-over-18-billion-1mdb-fraud-2024-08-28/.

13 Kim Zetter, "That Insane, $81M Bangladesh Bank Heist? Here's What We Know," WIRED, 2016, https://www.wired.com/2016/05/insane-81m-bangladesh-bank-heist-heres-know/.

14 Dannie Chaeruddin and Zainal Arifin Hoesein, "Recovery of State Losses from Corruption Proceeds," *Cognitionis Civitatis et Politicae* 1, no. 5 (2024): 382–96.

15 Keval Govardhan Ukey and Mr Ramgopal Aiyer, "Legal Imperatives In Combatting Money Laundering: Enhancing Enforcement Mechanisms Through International Cooperation," *Educational Administration: Theory and Practice* 30, no. 4 (2024): 2110–25.

16 Victoria Koutsoupia, "Challenges of the Use of Virtual Assets in Money Laundering," *Nordic Journal of European Law* 6, no. 4 (2023): 53–78.

17 Idoreyin Eyo and Glory Charles Okebugwu, "Analysis of Fundamental Challenges in the Combat of Transnational Crimes," *International Journal of Research and Innovation in Social Science* 8, no. 4 (2024): 1297–1318.

18 Ulang Mangun Sosiawan, "Penanganan Pengembalian Aset Negara Hasil Tindak Pidana Korupsi Dan Penerapan Konvensi PBB Anti Korupsi Di Indonesia," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 587–604, https://doi.org/10.30641/dejure.2020.V20.587-604.

more effective method. This can be done by confiscating assets derived from criminal acts and even confiscating them through civil procedures without the necessity of securing the completion of criminal proceedings. Kusnadi recommends that the government and the House of Representatives immediately harmonize existing laws on money laundering and corruption with international asset recovery concepts. Additionally, there needs to be a revision of the corruption crime law to accommodate a broader concept of asset confiscation. In this way, efforts to recover assets derived from corruption can be more effective.[19]

In his 2022 research, Refi examined the extent to which international law, particularly Article 51 of the UNCAC, regulates the mechanism for the return of assets derived from corruption and analyzed the manner in which these international obligations have been incorporated into and operationalized within the **Indonesian legal framework**. The research results show that although Law Number 31 of 1999 concerning the Eradication of Corruption Crimes has regulated the return of assets, in practice, law enforcement in Indonesia still focuses more on imposing criminal sanctions in the form of imprisonment on corruptors. Meanwhile, the main purpose of eradicating corruption is to recover state losses caused by corruption, namely by returning state assets that have been lost due to corruption.[20]

A review of existing research reveals a significant gap in scholarly research within the field of international law concerning the effectiveness of the Asia-African Legal Consultative Organization (AALCO) in addressing the issue of asset forfeiture. To date, existing studies have tended to focus on either the theoretical aspects of international cooperation or on specific cases of asset forfeiture in various states. Furthermore, studies that examine the potential of AALCO as an international organization to overcome jurisdictional and legal barriers in asset forfeiture cases are also scarce.

The formulation of the problem raised in this study concerns the role of AALCO in facilitating the process of recovering assets derived from corruption crimes in its member states. In light of the identified research gap, the objective of this study is to address this gap by exploring and analyzing the role of AALCO in the context of asset recovery. This study seeks a more insightful approach to AALCO's cooperation among member states in fostering solutions for the challenges of cross-jurisdictional asset forfeiture. It further investigates how AALCO deals with the legal and political issues: thus, it aims to identify the strategies adopted by AALCO, and assess these strategies on a basis of their workability. Consequently, the research findings are anticipated to furnish AALCO member states with pragmatic and efficacious counsel in addressing asset forfeiture concerns and enhancing the efficacy of international legal collaboration.

2. Method

This research applies the normative-dogmatic juridical method that tries to interpret legislation, books and principles where its applicability is utilized in addressing asset recovery of crime related assets under AALCO jurisdiction. This approach requires the learner to grasp a comprehension of some legal language and interpretation, which they then can apply in relation to an analyzed case. The research adopted a combination of statutes approach to examine the different AALCO members asset recovery regulations, conceptual and comparison approaches employing legal concept raider than theories across several member states where applicable.[21] The Legal Sources used in this research are Primary and secondary legal sources. In addition to the laws of different AALCO member states, UNCAC other relevant international conventions and agreements are considered as the primary legal sources. Secondary Legal Sources: These are unofficial law publications like journals, writings, books reviews of court decisions and another citation which provides additional analysis and information on the topic of research. In the initial stage, researchers collected primary legal materials, such as applicable laws and international treaties, including the United Nations Convention Against Corruption (UNCAC) and AALCO Statutes. Furthermore, secondary legal materials in the form of journals, books, and previous research results were reviewed to enrich the theoretical perspective and assess the implementation of the law in the field. The researcher then conducted a systematic qualitative analysis by combining descriptive and evaluative methods, to present objective facts and formulate relevant recommendations.

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19 Kusnadi, "Policy on the Formulation of Provisions for Returning the Proceeds of Corruption Crimes," *Corruptio* 1, no. 2 (2020): 105–16, https://doi.org/10.25041/corruptio.v1i2.2097.

20 Refi Meidiantama Cholfia Aldamia, "Pengembalian Aset Pelaku Tindak Pidana Korupsi Dalam Hukum Internasional Dan Implementasinya Pada Hukum Nasional Indonesia," *Muhammadiyah Law Review* 6, no. 1 (2022): 54–68, https://doi.org/10.24127/lr.v6i1.1847.

21 Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenda Media, 2017).

3. Findings and Discussion

3.1 AALCO's Role and Contribution

AALCO was formally established in 1956 as a tangible outcome of the 1955 Bandung Conference, with the main objective of providing a consultative forum for Asian and African states in the field of international law. AALCO acts as an advisory body that assists its member states in understanding and developing international law in accordance with their interests and needs, especially in the post-colonial context that demands a more inclusive and equitable adjustment of international legal norms. In carrying out its role, AALCO has undertaken significant activities for its member states.[22] The organization holds annual sessions that provide a forum for jurists and diplomats from member states to discuss and formulate common views on emerging international law issues. In addition, AALCO also established six Regional Arbitration Centers in Cairo, Kuala Lumpur, Lagos, Tehran, Nairobi, and Hong Kong, which serve to facilitate the settlement of international commercial disputes in the Asian and African regions.[23]

AALCO is also active in providing training and capacity building for legal officials from its member states through its Research and Training Center established in 2002. The Center provides short-term training programs and courses designed to enhance understanding and skills in the field of international law. Furthermore, AALCO has contributed to the development of principles of international law, such as the adoption of the Bangkok Principles on the Status and Treatment of Refugees in 1966, which provide a broader and more inclusive definition of refugees than the 1951 UN Refugee Convention.[24] The organization also plays a role in supporting its member states in the drafting and negotiation of international treaties, including the 1969 Vienna Convention on the Law of Treaties and the 1982 UN Convention on the Law of the Sea. Through the provision of legal analysis and coordination of common positions, AALCO helps Asian and African states to more effectively voice their interests in international forums.

3.2 Recovery and Forfeiture of Proceeds of Crime Assets

Proceeds of crime are defined as property derived because of commission of a criminal offence.[25] This can include a wide range of assets, such as money, property, valuables and more. The crimes that generate these assets can be diverse, including corruption, money laundering, fraud, drug trafficking and terrorism. The terms "looted assets" and "recovery of assets from crime" have different definitions and meanings. Spoiled assets are generally understood to refer to objects or goods derived from criminal offenses and seized by the state through legal proceedings. These assets can be tangible or intangible objects that have economic value. In contrast, the concept of recovery of assets from crime focuses on returning assets to victims of crime.[26] This concept aims to minimize the losses suffered by victims due to criminal acts. The main difference lies in the purpose. Forfeited assets are taken over by the state, whereas asset recovery aims to return assets to victims. It should be noted that Indonesian laws and regulations generally require proof of an asset's link to a criminal offence before it can be confiscated. This contrasts with asset recovery, which focuses on returning assets to victims, without always requiring proof of linkage to the criminal offence.

In accordance with Article 1, point 16 of the Criminal Procedure Code, confiscation is defined as the investigator's effort to take over and store movable or immovable objects for the purpose of evidence in the investigation, appointment, and trial. However, the provisions in the Criminal Code and Criminal Procedure Code do not specifically regulate the treatment of final disposition of confiscated property or assets that cannot be returned in full to the rightful victim. This may occur for two reasons: firstly, because the perpetrator has enjoyed some or all the property or assets; and secondly, because the value of the property or assets has diminished due to the prolonged legal process. Therefore, a limitative arrangement is needed to overcome this situation.[27] Currently,

22 AIAC, "AALCO," 2024, https://www.aiac.world/AALCO.

23 AALCO, "AALCO Factsheet," 2024, https://www.aalco.int/aalcofactsheet.

24 S. Pandiaraj, "The Establishment of AALCO and Its Contributions," 2024, https://www.aalco.int/Establishment of AALCO and Its Contributions%2520 PANDIARAJ.pdf.

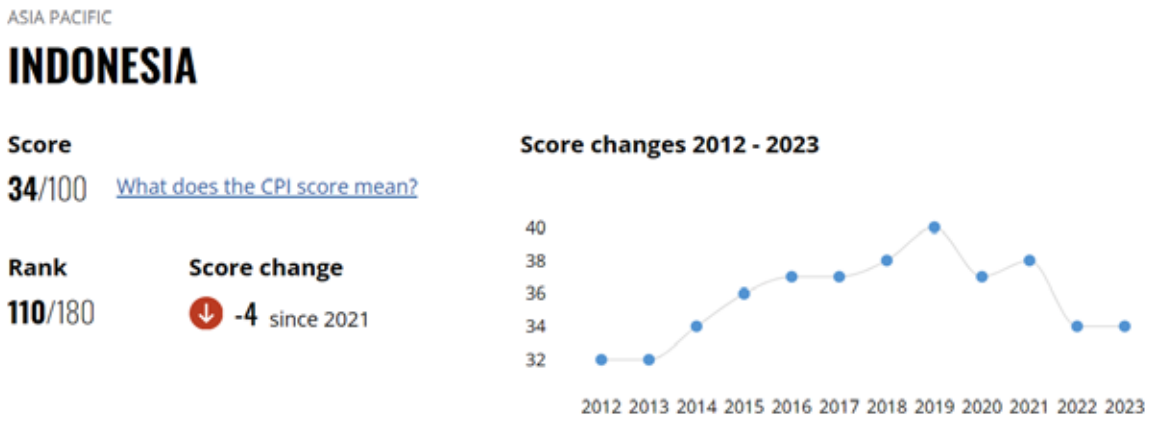
25 Muhammad Fathra Fahasta, "Pengaturan Pencegahan Uang Hasil Kejahatan Dalam Kegiatan Investasi Usaha," *Journal Equitable* 5, no. 2 (2020): 1–11, https://doi.org/10.37859/jeq.v5i2.2481.

26 Irwan, "Implementasi Upaya Pemulihan Aset Korban Tindak Pidana Penipuan Dan Pencucian Uang Dalam Kasus First Travel."

27 Heri Jerman, "Pemulihan ASet Hasil Kejahatan Sebagai Bentuk Perlindungan Hukum Terhadap Korban Kejahatan," *DIH: Jurnal Ilmu Hukum* 13, no. 25 (17AD): 149–61.

there is no regulation regarding the return of confiscated property or assets in an incomplete condition to the rightful victim. Forfeiture of Proceeds of Crime plays a pivotal role in law enforcement and crime fighting. By depriving criminals of the proceeds of their crimes, forfeiture can deter them from committing further offences, encourage them to consider the consequences of their actions, and facilitate the recovery of losses suffered by victims of crime. Furthermore, forfeiture provides a valuable source of funding for crime-fighting programs.

Picture 1. Corruption Perceptions Index in Indonesia 2023



Source: https://www.transparency.org/en/cpi/2022/index/idn , 1 May 2024

Despite sustained efforts to combat and eradicate corruption, Indonesia is on a downward trajectory, as evidenced by the Corruption Perception Index (CPI) issued by Transparency International (TI). Currently, Indonesia is ranked 110 out of 180 countries in the world with a score of 34, four points lower than the score in 2022.[28] One of the obstacles to the eradication of corruption is the inability of the criminal justice system to seize assets that are suspected of originating from criminal acts that have harmed state finances. Such assets are often difficult to recover due to the evidentiary challenges or are not explicitly proven as proceeds of crime in judicial proceedings. The solution to this problem is the implementation of civil forfeiture or non-conviction-based forfeiture (NCB Forfeiture). This mechanism allows the seizure of the perpetrator's assets without the need to wait for a court decision. NCB Forfeiture differs from criminal forfeiture in its concept.[29] In NCB Forfeiture, authorities can seize assets through civil proceedings in a civil court. This is distinct from criminal forfeiture, which is predicated on a robust suspicion that the asset in question was derived from a criminal offence and its confiscation is conducted through criminal proceedings in the criminal court.[30]

Indonesia has signed the United Nations (UN) Convention Against Corruption ("UNCAC") which mandates the establishment of a mechanism to implement NCB Forfeiture throughout the national legal system. In accordance with Article 54 of UNCAC on Mechanisms for Recovery of Property Through International Cooperation in Forfeiture:

"1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;

b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and

c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

28 Transperancy International, "Corruption Perceptions Index," n.d.

29 Stephen Schneider, "Civil Forfeiture," Britannica Money, n.d.

30 Schneider.

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

   a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

   b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

   c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property."

The United Nations Convention Against Corruption (UNCAC) is an international treaty that aims to eradicate corruption through the prevention, enforcement, and monitoring of corruption between states. Indonesia signed the UNCAC on 18 December 2003 and ratified it on 19 September 2006.[31] The UNCAC requires each State Party to ensure the existence of an anti-corruption body specializing in preventing and combating corruption through law enforcement. This body must be given the necessary independence and be able to perform its functions effectively and without undue influence. Indonesia has made significant progress in implementing the UNCAC into domestic law. The first and second review cycles have been completed, resulting in 53 recommendations. Of these, 32 were made in the first cycle and 21 in the second.[32] The review cycles facilitate the implementation of UNCAC into domestic law by identifying critical areas and recommendations through a peer-review process. Each State Party is reviewed by two peers. In collaboration with the Corruption Supervisory Commission (KPK) and Bappenas, the United Nations Office on Drugs and Crime (UNODC) organized an event in Indonesia to review UNCAC implementation.[33] Indonesia reaffirmed its commitment to combating corruption in a comprehensive manner, underscoring the necessity of enhancing measures to facilitate asset recovery through the forthcoming Asset Recovery Bill.

Although Indonesia has signed the UNCAC, the current legal framework in Indonesia governing Asset forfeiture for certain criminal offenses has not incorporate provisions for NCB Forfeiture. The legal framework includes the following instruments:

1) Criminal Code (KUHP): The Criminal Code regulates criminal offenses and their legal consequences, including forfeiture of the proceeds of crime. Article 39 of the Criminal Code states that "Whoever intentionally and unlawfully takes, steals, extorts, embezzles, defrauds, deceives, or otherwise enriches himself or another person to whom another is entitled, shall be punished by imprisonment for a term not exceeding seven years and a fine not exceeding forty million rupiahs."
2) Law Number 31 Year 1999 on the Eradication of Corruption (Anti-Corruption Law): The Anti-Corruption Law regulates corruption offenses and the mechanism for confiscation of assets resulting from corruption. Article 39 of the Anti-Corruption Law states that "The defendant may be sentenced to an additional fine in the form of confiscation of all or part of the property derived from the proceeds of corruption."
3) Law No. 8/2010 on the Prevention and Eradication of Money Laundering Crimes (Anti-Money Laundering Law): The Anti-Money Laundering Law regulates the crime of money laundering and the mechanism for confiscation and forfeiture of assets resulting from money laundering. Article 12 of the Anti-Money Laundering Law states that "Investigators and public prosecutors are authorized to confiscate objects suspected of being the proceeds of money laundering crimes."

In addition to these laws and regulations, other regulatory instruments address proceeds of crime within specific contexts. These include Law No. 36 of 2009 on Health (in the case of proceeds of crime assets related to

31 UNCAC Coalition, "UNCAC Coalition Statement on Threats to the Independence of Indonesia's Corruption Eradication Commission KPK," n.d.

32 Stolen Asset Recovery Initiative, "UNCAC," The World Bank, n.d.

33 United Nation, "Indonesia Commits to Anti-Corruption Drive," UNODC Regional Office for Southeast Asia and the Pacific, 2023.

the illegal drug trade) and Law No. 5 of 2018 on the Amendment to Law No. 15 of 2002 on Terrorism (in the case of proceeds of crime assets related to terrorism). To address this issue, the government is currently developing a draft law on criminal asset forfeiture (the bill). The latest version of the bill (published in April 2023) comprises 68 articles and 17 chapters that delineate the conditions for NCB forfeiture.[34] The latest bill defines "forfeiture" as the compulsory acquisition of rights to property or profits derived from criminal acts, whether in Indonesia or abroad. Conversely, "criminal forfeiture" refers to the act of the state expropriating assets through a court judgment in a criminal case. Although the bill employs the term "forfeiture," this concept is not explicitly found in Supreme Court Regulation No. 1/2013 on the Procedure for Settling Requests for Handling Assets in the Crime of Money Laundering or Other Crimes (Perma 1/2013). In lieu of the term "forfeiture," Perma 1/2013 employs the phrase "handling of assets" as a substitute.

3.3 International Cooperation in the Recovery of Proceeds of Crime

International cooperation in the recovery of criminal assets is a crucial aspect of combating transnational organized crime and corruption.[35,36,37,38] Several international conventions and collaborations play a pivotal role in facilitating the repatriation of illicitly obtained assets to their rightful owners. The United Nations Convention Against Transnational Organized Crime and the UN Convention against Corruption have established two heads of treaties to provide a legal base for states when setting standards on taking actions that will support recovering the criminal assets.[39] Such legal frameworks help states to work more closely on tracking, freezing and returning assets derived from crime. International cooperation is lacking due to jurisdictional discrepancies and multi-layered national laws, which often thwart asset recovery efforts. Assets, for example, that have been stolen in one country are often secreted away and a different jurisdiction will need to track them down before they can be subject to seizure.

World Bank Group and United Nations Office on Drugs and Crime, Stolen Asset Recovery (StAR) current initiatives are therefore working to co-ordinate international efforts for the eradication of safe havens for corrupt funds, as well as Additional measures which enable more effective restitution of assets illicitly taken from affected states.[40] The initiative highlights the importance of international cooperation in tackling the difficulties related to asset recovery, such as the intricacies of cross-border investigations and judicial action[41] Such coordination enables nations to exchange information, allocate resources, and utilize knowledge necessary to identify and retrieve assets concealed in many legal jurisdictions. In addition, the project also supports the development of institutional capabilities in nations affected by asset recovery, thereby enhancing their ability to address the legal and administrative obstacles involved effectively. Through the promotion of efficient and well-coordinated international coordination, asset recovery initiatives can effectively curtail opportunities for criminals to conceal the proceeds of their illicit activities. The StAR initiative showcases that by implementing a methodical and organized strategy, the global community can make substantial advancements in eliminating corruption and reinstating justice in states that have been impacted.

Within the European Union, initiatives implementing a "no safe haven" strategy towards criminal proceeds prioritize coordinating efforts to address cross-border crimes through preventive measures, financial investigations, and freezing and confiscating assets. This technique is specifically formulated to establish an unwelcoming atmosphere for criminals who make efforts to conceal their assets in several states. Effective coordination is essential in the fight against money laundering and the global effort to recover illegal assets. Coordinated action

34 "Naskah Akademik Rancangan Undang-Undang Tentang Perampasan Aset Tindak Pidana," 2022.

35 Syed Hammad Khan et al., "The Role of International Law in Addressing Transnational Organized Crime," *Journal of Asian Development Studies* 13, no. 1 (2024): 283–94.

36 Ihor Voronov and Mykhailo Hribov, "Legal Aspects of International Cooperation in Combating Organised Crime," *SCIENTIFIC JOURNAL* 29, no. 1 (n.d.): 20.

37 Ridwan Arifin, Sigit Riyanto, and Akbar Kurnia Putra, "Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 329–43.

38 Aftab Haider, "Beyond Borders and Bars: Exploring the Transformative Influence of the UN Convention against Transnational Organized Crime," *Pakistan JL Analysis & Wisdom* 2 (2023): 1.

39 Nicolous PrayGod Amani, "Informal Amnesties in Asset Recovery Practices in Tanzania: Examining Criminal Justice Challenges," *The Eastern African Law Review* 48, no. 1 (2022).

40 Agaptus Nwozor and Oladiran Afolabi, "Keeping up Appearance? Nigeria's Anti-Corruption Crusade and Image Dilemma in the Global Arena," *Journal of Financial Crime* 30, no. 3 (2023): 813–27.

41 Ari Wibowo, "Barriers and Solutions to Cross-Border Asset Recovery," *Journal of Money Laundering Control* 26, no. 4 (2023): 739–50, https://doi.org/10.1108/JMLC-01-2022-0022.

allows authorities in several states to quickly and effectively trace and seize assets gained illegally. Moreover, coordinating these endeavors strengthens the global legal structure, making it more difficult for criminals to exploit legal gaps in other nations. Implementing precautionary measures, thorough investigations, and stringent legal actions, such as the immobilization and confiscation of assets, combined enhance the effectiveness of this method. The EU's implementation of a comprehensive strategy enhances safeguarding the financial system while also serving as a model for other nations in the worldwide battle against financial misconduct. This technique exemplifies that by engaging in close international collaboration and synchronized efforts, nations may successfully address the difficulties presented by transnational criminal activities and guarantee the restitution of unlawfully acquired assets to their rightful owners.

Illicitly obtained assets are often concealed overseas, requiring the collaboration of numerous States to trace, seize, and repatriate these riches to the victims or the government. International cooperation can be attained through several forms of collaboration, such as sharing information regarding the gains from criminal activities. This may entail data exchange, including the geographical coordinates of assets, their proprietors, and the movement of financial resources. Furthermore, states might engage in mutual legal aid, which involves supporting one another in legal proceedings aimed at identifying, confiscating, and taking control of the profits derived via criminal activities. Moreover, nations collaborate to immobilize the profits generated from illegal activities, ensuring that they are inaccessible and unusable by those involved in illicit behavior. Nations confiscate the profits of illegal activities to guarantee their accessibility for subsequent legal actions. Ultimately, the illicit gains are restored to either the rightfull-aggrieved victim or the originating State. This is in accordance with international cooperation instruments such as:

(a) The United Nations Convention Against Corruption (UNCAC): UNCAC requires states parties to undertake international cooperation in the recovery of proceeds of crime.

(b) G20 Anti-Corruption Action Framework (G20 ACF): The G20 ACF promotes international cooperation in the recovery of proceeds of crime, including through information sharing and mutual legal assistance.

(c) Global Asset Recovery Network (GARAN): GARAN is an online platform that connects law enforcement authorities and asset recovery agencies from around the world to facilitate cooperation in the recovery of assets from crime.

Nevertheless, disparities persist among national legislative frameworks, underscoring the imperative for harmonization to enhance international collaboration. The lack of transparency about information about assets and the movement of funds might impede recovering those assets. In addition, certain nations possess limited capabilities to monitor, confiscate, and repatriate illicitly obtained assets. Moreover, the significance of prosecutors in the asset recovery process cannot be overstated, as they employ criminal and civil measures to expedite the restitution of assets derived through fraudulent activities.[42] Prosecutors have the power to confiscate and protect assets that are believed to be connected to criminal activity. This is an important action to prevent the movement of illegal money. To ensure the successful recovery of assets derived through illegal means, it is crucial to have the participation of legal authorities and the establishment of specialized organizations, such as Asset Recovery Centers. These entities have a crucial function in facilitating cross-border collaboration and assuring the efficient execution of legal procedures. The establishment of a specialized agency dedicated to asset recovery would enable the state to consolidate its efforts on asset recovery cases, thereby guaranteeing that all essential legal measures are undertaken to restore assets to their rightful owners. In addition, an asset recovery center facilitates more organized global collaboration, which is essential for addressing the intricacies of cases involving multiple jurisdictions. Therefore, the collaborative efforts of prosecutors and specialized agencies guarantee that the asset recovery process is efficient and effective in repatriating embezzled funds. The coordinated approach is crucial in combating corruption and financial crime, as they often entail complex money laundering tactics and worldwide networks. The absence of proactive involvement from prosecutors and specialized agencies would present significant challenges to asset recovery endeavors, particularly in regard to coordinating and enforcing actions across several jurisdictions.

3.4 Legal Framework for Proceeds of Crime Asset Recovery

The recovery of assets derived from criminal activities presents a multifaceted challenge that encompasses legal, procedural, and international dimensions. This literature review synthesizes empirical findings from various studies to elucidate the complexities involved in asset recovery, particularly in the context of corruption and

42 Midian Hosiholan Rumahorbo, Risa Mahdewi, and Desia Rakhma Banjarani, "The Role of Prosecutors in The Effort For Assets Recovery From Corruption Crimes," *Ius Poenale* 3, no. 2 (2022): 81–92.

organized crime. One of the primary challenges in asset recovery is the inefficacy of existing legal frameworks. Zolkaflil et al. highlight that the management of recovered assets, from tracing to disposal, is often hindered by inadequate practices and legal ambiguities within the asset recovery processes in the Asia-Pacific region.[43] Similarly, Chistyakova et al. argue that the effectiveness of asset recovery measures against organized crime remains questionable, with limited evidence supporting their deterrent impact.[44] This sentiment is echoed by Pavlidis, who notes that despite legislative innovations in Switzerland aimed at enhancing asset recovery, significant weaknesses persist, undermining the overall efficacy of these measures.[45]

Moreover, the procedural aspects of asset recovery often led to prolonged timelines and inefficiencies. Yatmoko's research indicates that the confiscation of assets derived from corruption can take an extensive amount of time, often spanning months or years before a binding court decision is reached.[46] This delay is compounded by the complexities of international cooperation, as highlighted by Widyastuty et al., who emphasize the need for robust bilateral agreements to facilitate cross-border asset recovery, particularly in the ASEAN region.[47] The lack of binding international legal frameworks further complicates the recovery process, as states may have differing interpretations and implementations of asset recovery laws.[48] The role of law enforcement agencies is also critical in addressing these challenges. Brown and Gillespie discuss how the capacity of UK law enforcement to conduct financial investigations has improved, yet limitations in asset recovery remain evident, particularly in tackling organized crime.[49] This is further supported by the findings of Handayani et al., who point out that identifying instances of corruption is fraught with technological and procedural barriers, which significantly impede effective asset recovery.[50] The involvement of prosecutors is crucial, as they play a pivotal role in navigating the legal landscape to facilitate asset recovery through both criminal and civil remedies.[51]

To create a strong and effective legal structure for retrieving assets derived through criminal activities, it is crucial to consider several factors that have been emphasized in the existing literature. Asset recovery is a crucial component in the fight against crimes, including corruption, money laundering, and organized crime. Its purpose is to seize and restore unlawfully obtained assets to their lawful owners or utilize them for public welfare. Asset recovery serves the dual purpose of combatting criminal acts and bolstering public trust in law enforcement organizations while promoting accountability and curbing corruption.[52] Through confiscation of unlawfully obtained assets, the government can reduce the incentive for individuals to participate in criminal behavior. Moreover, returning assets to society or using them for public purposes can yield concrete advantages for social and economic progress. Moreover, these steps aim to showcase the government's dedication to maintaining the principles of legal governance and executing fair legal processes. Consequently, this can enhance credibility and popular backing for endeavors to combat crime.

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43 Salwa Zolkaflil, Sharifah Nazatul Faiza Syed Mustapha Nazri, and Normah Omar, "Asset Recovery Practices in Combating Money Laundering: Evidence From FATF Mutual Evaluation Report of FATF Member Countries of Asia Pacific Region," *Journal of Money Laundering Control* 26, no. 1 (2022): 24–34, https://doi.org/10.1108/jmlc-11-2021-0127.

44 Yulia Chistyakova, David S Wall, and Stefano Bonino, "The Back-Door Governance of Crime: Confiscating Criminal Assets in the UK," *European Journal on Criminal Policy and Research* 27, no. 4 (2019): 495–515, https://doi.org/10.1007/s10610-019-09423-5.

45 George Pavlidis, "Asset Recovery: A Swiss Leap Forward?," *Journal of Money Laundering Control* 20, no. 2 (2017): 150–58.

46 Tri Yatmoko, "Confiscation of Assets for the Crime Corruption Used as Guarantee Mortgage," *Corruptio* 3, no. 2 (2022): 75–86, https://doi.org/10.25041/corruptio.v3i2.2728.

47 Sylvana A W Widyastuty, Rina S Shahrullah, and Elza Syarief, "Pengembalian Aset Tindak Pidana Korupsi Berdasarkan United Nation Convention Against Corruption Di Kawasan ASEAN," *Legal Spirit* 6, no. 2 (2022): 165, https://doi.org/10.31328/ls.v6i2.3849.

48 Widyastuty, Shahrullah, and Syarief.

49 Rick Brown and Samantha Gillespie, "Overseas Financial Investigation of Organised Crime," *Journal of Money Laundering Control* 18, no. 3 (2015): 371–81, https://doi.org/10.1108/jmlc-03-2014-0010.

50 I Gusti Ayu Ketut Rachmi Handayani et al., "The Recovery of State Assets Due to Bankruptcy in State-Owned Enterprises," *Kne Social Sciences*, 2024, https://doi.org/10.18502/kss.v8i21.14759.

51 Rumahorbo, Mahdewi, and Banjarani, "The Role of Prosecutors in The Effort For Assets Recovery From Corruption Crimes."

52 Hanita Azrica, Rahmad Safitri, and Muhammad Riza Muarrif, "Multiplier Effect Pemulihan Aset Di Kejaksaan," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 15, no. 2 (2023): 360–72.

An essential factor to consider in the asset recovery process is the legal framework that governs confiscating assets derived from or associated with illegal activities. A comprehensive and well-defined legal framework is fundamental to ensuring that asset forfeiture is executed in accordance with the principles of legality, fairness, and due process of laws. In conventional criminal asset forfeiture proceedings, it is generally incumbent upon the prosecuting authorities require the prosecuting authorities to establish that the assets in question are derived from or used in connection with criminal activity. This underscores the importance of having a sound legal basis for asset forfeiture.[53] It is, therefore, imperative to establish strong evidence and rigorous legal protocols to guard against violating human rights and principles of justice during the confiscation process. In jurisdictions, such as Indonesia, the prevailing legal framework governs that asset forfeiture in corruption-related cases be conducted through the criminal justice process. In such circumstances, assets may only be confiscated upon a final and binding judgment of conviction rendered by a competent court of law .[54] This suggests that asset confiscation serves not only as a method of recovering state losses but also as an integral part of a prosecution process that upholds the ideal of innocent until proven guilty. This approach ensures that only those who have been proven guilty through a fair and impartial legal process can have their assets confiscated, thereby enhancing the legitimacy and fairness of the legal system.

A comprehensive legislative framework for asset recovery must integrate various actions, such as preventive measures, criminal prosecutions, financial investigations, and asset freeze and confiscation. These measures should be executed consistently and in a way that complements each other. This comprehensive strategy guarantees the practical identification and retrieval of assets derived through illegal activities, even in situations involving many states within the European Union. Therefore, an effective legal system focuses not only on seizing assets after a crime has been committed but also includes preventive measures that can deter criminal behavior before it happens. This approach is crucial, as it establishes a clear and cohesive legal basis for all member nations to work together in addressing transnational crime. Moreover, the legal framework should be able to tackle difficulties such as attrition, which refers to the difference between the estimated profits derived from criminal activities and the actual quantity of money that is successfully seized or recovered. This disparity underscores the need for improved and streamlined methods of reclaiming assets. To effectively mitigate attrition, states must enhance their financial investigative capacities and foster international collaboration. This includes training law enforcement officials and prosecutors, employing advanced technology to trace assets, and aligning legislative frameworks across different states. By improving the effectiveness of asset recovery systems, states can significantly diminish the gains derived from criminal behavior and, consequently, reduce individuals' motivations to commit such crimes.

3.5 AALCO's Role in Criminal Asset Recovery

Global collaboration in retrieving illicit funds is crucial in the fight against corruption and other criminal activities. Despite encountering certain obstacles, ongoing endeavors persist in enhancing global collaboration and asset recovery efficiency. AALCO plays a significant part in retrieving assets from criminal activities in Indonesia. The 61st Annual Session of AALCO, which took place in Bali, Republic of Indonesia, featured discussions on the "Asset Recovery Expert Forum" suggested by the Government of the Republic of Indonesia.[55]

This proposal emphasized the significance of asset recovery as a component in the broader fight against corruption. It highlights the necessity of creating a collaborative expert forum within AALCO, given the seriousness and intricacy of the asset recovery process. The discussion emphasized the significance of creating an Asset Recovery Expert Forum comprising high-ranking officials, scholars, and other pertinent stakeholders with knowledge and proficiency in retrieving assets derived from criminal activities committed across jurisdictions. The proposed Asset Recovery Experts Forum would serve as a strategic platform for facilitating coordination and collaboration across inter-agency and ministries among member states with in diverse jurisdictions with distinct legal systems and procedures, particularly regarding specialized investigation techniques. The Forum's objective is to tackle the competencies needed to trace financial transactions across international boundaries and the capacity to promptly intervene to hinder the concealment of assets, a crucial aspect for achieving effective asset recovery. Indonesia aggressively promotes the engagement of AALCO member states in tackling

53 Anastasia Suhartati Lukito, "Revealing the Unexplained Wealth in Indonesian Corporation: A Revolutionary Pattern in Non-Conviction-Based Asset Forfeiture," *Journal of Financial Crime* 27, no. 1 (2020): 29–42.

54 Rudi Margono et al., "The Urgency of Asset Confiscation Sanction in Tax Crimes," *International Journal of Research in Business and Social Science (2147-4478)* 9, no. 5 (2020): 285–93.

55 AALCO, "Summary Repoart of The Sixty-First Annual Session of The Asian-African Legal Consultative Organization," 2023.

transnational organized crime matters, such as the illicit trade of wildlife and unlawful fishing. This exemplifies the organization's engagement in tackling diverse illegal activities.[56] This demonstrates how AALCO is crucial in promoting cooperation and dialogue among its member states to address transnational criminal activities, such as asset recovery, in Indonesia and other regions. In summary, AALCO's involvement in recovering illicitly obtained funds in Indonesia is demonstrated by its initiatives to establish an Asset Recovery Expert Forum and promote dialogue on matters related to transnational organized crime. This exemplifies AALCO's dedication to combatting corruption and reclaiming misappropriated assets.

AALCO should actively contribute to recovering illicitly acquired assets, given its capacity to enhance legal cooperation among its member states. As a representative body of Asian and African countries, AALCO provides a valuable platform for developing joint strategies and exchanging best practices in asset recovery. Cooperation is essential due to the complex nature of asset recovery matters, which often involve the jurisdictions of several countries. The lack of effective coordination will hamper asset recovery efforts due to different legal frameworks and procedural differences between countries. In addition, AALCO can play a pivotal role in addressing regulatory deficiencies among member states. Through the promotion of legal harmonization and the alignment their laws and regulations, countries can improve their ability to monitor, freeze and confiscate illicitly acquired assets. AALCO can also significantly contribute to improving member states' institutional capacity through training and human resource development. This will enhance the ability of States to deal with complex and cross-border asset recovery situations. Based on the previous literature review, there are 10 recommendations for AALCO to enhance its role in the recovery of assets from crime:

1) Develop a Uniform Legal Framework: AALCO should advocate for standardizing asset recovery rules and regulations among member states to enhance collaboration across different jurisdictions.

   AALCO should advocate for standardizing asset recovery rules and regulations across member nations to enhance collaboration across different jurisdictions. Harmonization of laws and procedures among jurisdiction are crucial in facilitating the effective asset recovery attempts that involving multiple states, as discrepancies in these aspects can pose significant obstacles. By adopting standardized legislative framework, member nations can enhance their ability to effectively and efficiently track, immobilize, and confiscate unlawfully acquired assets. Furthermore, the harmonization process will help boost trust and collaboration among member nations in exchanging information and resources. Thus, this step will enhance the combined capability of AALCO member states in combating transnational crime and corruption.

2) **Establish Asset Recovery Centers:** AALCO should establish a dedicated center that serves as a coordination hub for member states in tracking, freezing and confiscating proceeds of crime assets.

   AALCO can create an Asset Recovery Centre that will act as a central hub for member states to track, immobilize, and confiscate assets derived via criminal activities. The center will promote collaboration across different jurisdictions by establishing a consolidated platform for sharing information and resources. This center enables member governments to promptly and efficiently detect and seize illicit assets dispersed across various countries. Furthermore, the center can provide training and technical assistance to member-state law enforcement agencies to strengthen their ability to manage intricate asset recovery situations. Hence, constructing the Asset Recovery Centre will enhance AALCO's framework in combating organized crime and corruption at the regional level.

3) **Training and Capacity Building:** AALCO should provide regular training programs for law enforcement and prosecutors in member states on financial investigation and asset recovery techniques.

   AALCO should organize frequent training programs for law enforcement and prosecutors in member nations, focusing on financial investigation and asset recovery procedures. This initiative aims to improve law enforcement personnel's abilities and expertise in identifying, immobilizing, and confiscating unlawfully acquired assets. Through continuous training, prosecutors and investigators will enhance their readiness to confront intricate issues in cases that involve many jurisdictions. Furthermore, this capacity-building initiative will enhance collaboration among member nations in exchange for optimal methodologies and tactics. Thus, this program will enhance AALCO's efficacy in facilitating the retrieval of illicit assets at the regional level.

4) **Strengthening Information Networks:** AALCO should strengthen information networks between member states to facilitate the exchange of data on assets of suspected criminal origin.

   AALCO shall enhance the information network between member nations to simplify the exchange of data

56 AALCO, "Asset Recovery Expert Forum," n.d.

on assets suspected of being generated from illicit activities. Expanding this network will empower member states to communicate information more efficiently and speedily, which is of the utmost importance in tracking and freezing unlawful assets. With better access to data, countries will be able to identify and seize assets distributed across many jurisdictions more effectively. Furthermore, constructing a comprehensive information network will enhance transparency and coordination among member nations, bolstering collective efforts to combat organized crime and corruption. Therefore, expanding the information network constitutes a vital technique for AALCO to boost the efficacy of asset recovery from criminals.

5) **Encourage the Use of Advanced Technology:** AALCO should encourage member states to use advanced technology in the tracking and analysis of proceeds of crime assets.

   AALCO shall promote the adoption of cutting-edge technology by member states to track and analyze assets derived from criminal activities. Artificial intelligence, data analytics, and asset tracking software can improve efficiency and precision in detecting and monitoring illegal assets. This sophisticated technology enables law enforcement to evaluate intricate transaction patterns and identify suspected activity that could be missed using conventional approaches. Moreover, technology can streamline the immobilization and confiscation of assets in several jurisdictions. Therefore, adopting cutting-edge technology will strengthen efforts to recover assets and enhance member nations' ability to combat organized crime and corruption.

6) **Organize Expert Forums:** AALCO can periodically organize expert forums that bring together legal experts, academics, and practitioners to discuss and share experiences on asset recovery.

   AALCO occasionally arranges expert forums that convene legal professionals, academics, and practitioners to discuss and exchange insights on asset recovery. This meeting will be a crucial platform for member states to exchange information and share best practices. By engaging in dialogue and cooperation, participants can formulate novel tactics and inventive resolutions to tackle obstacles in asset recovery. Furthermore, the forum has the potential to enhance professional connections and enable collaboration across international borders. Therefore, the systematic arrangement of the expert forum will enhance member states' understanding and capacities in retrieving assets from criminal activities while reinforcing AALCO's position in promoting worldwide endeavors to combat organized crime and corruption.

7) **Building Partnerships with International Organizations:** AALCO should build strong partnerships with international organizations such as UNODC and World Bank to support the asset recovery initiative (StAR Initiative).

   AALCO should establish robust collaborations with global entities such as UNODC and the World Bank to bolster efforts in asset recovery, including the StAR Initiative. These collaborations will allow AALCO and its member nations to access broader resources, specialized knowledge, and technical assistance to recover assets. By collaborating, AALCO can enhance its member states' institutional and operational capabilities in tracking, immobilizing, and confiscating unlawfully obtained assets. Furthermore, collaborating with international organizations might assist in overcoming legal and administrative obstacles that frequently hinder the retrieval of assets across national borders. This strategic cooperation will bolster AALCO's efficacy in aiding worldwide combatting corruption and organized crime.

8) **Promote Public Awareness:** AALCO should organize public awareness campaigns in member states on the importance of asset recovery of proceeds of crime and the mechanisms available for reporting suspected proceeds of crime..

   AALCO shall coordinate and implement public awareness programs in member states to educate the public on the significance of asset recovery from criminal activities and provide guidance on reporting such incidents. This campaign aims to enhance public awareness of the detrimental effects of financial crime and the significance of public involvement in the asset recovery process. Through adequate education, the general population will better understand the indicators of dubious transactions and be inclined to notify the appropriate authorities about illicit operations promptly. Furthermore, public awareness programs can enhance societal backing for the government's combating corruption and organized crime. This project will enhance cooperation between the public and the government in the fight against financial crime and the retrieval of stolen assets.

9) **Integrate Asset Recovery in National Policies:** AALCO should encourage member states to integrate asset recovery policies into national anti-corruption and anti-money laundering strategies.

   AALCO should promote incorporating asset recovery policies into the national strategies of its member states, specifically about combating corruption and money laundering. Integrating asset recovery activities is crucial to guarantee that they are included as a fundamental component of a complete strategy to combat

financial crime. Member states can enhance their coordination of critical agencies and optimize resources by integrating asset recovery into their national policy. Furthermore, adopting an integrated approach will bolster the existing national legal frameworks and institutions, augmenting the efficacy of law enforcement and crime prevention. Hence, including asset recovery policies in national programs is crucial to enhancing member states' capacity to combat corruption and money laundering.

10) **Optimizing Mutual Legal Assistance:** AALCO should ensure that member states have efficient mutual legal assistance mechanisms to support cross-border asset recovery processes.

AALCO should guarantee that member states establish effective mutual legal aid structures to facilitate cross-border asset recovery procedures. Efficient mutual legal aid is crucial for overcoming jurisdictional obstacles that frequently hinder the retrieval of unlawfully acquired assets. This technique enables governments to collaborate in identifying, immobilizing, and confiscating assets dispersed across multiple countries. Furthermore, practical mutual legal assistance will expedite the legal proceedings and enhance the synchronization among member nations. Accordingly, the enhancement of mutual legal assistance mechanisms constitutes a fundamental measure to strengthen international collaboration in retrieving illicitly obtained assets and enhance worldwide justice.

4. Conclusion

This research has investigated and assessed the function of AALCOs in facilitating the recovery of assets derived from transnational criminal activities. The findings suggest that the retrieval and confiscation of illicit assets are crucial in law enforcement and the restitution of losses suffered by crime victims. Frequently, assets derived from criminal activities are concealed in foreign countries, requiring the implementation of international solid collaboration to track and confiscate them. AALCO can promote collaboration among its member nations to recover assets. This is accomplished by implementing a unified legal structure and facilitating the creation of asset recovery centers. AALCO can boost the effectiveness of the asset recovery process by promoting the adoption of cutting-edge technologies and bolstering information networks. In doing so, AALCO well-placed to play a pivotal role in the fight against transnational crime and corruption and in the restitution of illicit proceeds to the appropriate state or rightful victims.

It is important to note **the limitations inherent in** this research. First, this study primarily focuses analyzing the role of AALCO in the context of asset recovery without conducting a comprehensive analysis of policy implementation in each member state. Second, the data used in this study is largely derived from secondary sources, which may result in limitations in data validity. **Accordingly, future research would benefit from** empirical study involving direct interviews with experts and practitioners in the field of international law, as well as representatives of AALCO member states. This research contributes to the existing literature on the role of international organizations, particularly AALCO, in the recovery of assets from crime. It also enriches the academic discussion on the importance of legal harmonization among Asian and African countries in cross-border asset recovery efforts. In practice, this research provides concrete recommendations for AALCO and its member states on how to enhance cooperation and effectiveness in asset recovery. These include the establishment of asset recovery centers and the use of advanced technology. Thus, this research not only provides new insights into the development of international legal theory but also offers practical guidance for policy makers and law enforcement in addressing the **complexities** of recovering assets derived from criminal activities.

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