

PREVENTING MONEY LAUNDERING THROUGH ILLICIT ENRICHMENT POLICY REGULATORY: AN INDONESIA-MALAYSIA COMPARISON

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Abstract

This research explores the urgency of regulating illicit enrichment within Indonesia's Money Laundering Law and identifies the ideal evidentiary mechanism to support its enforcement through a comparative analysis with Malaysia. Despite Indonesia's ratification of the United Nations Convention against Corruption (UNCAC), the absence of explicit provisions on illicit enrichment weakens the country's capacity to address disproportionate wealth among public officials. Law enforcement remains dependent on proving predicate offenses, which limits asset recovery and the deterrent effect of anti-money laundering efforts. Conversely, Malaysia, through the Malaysian Anti-Corruption Commission Act (MACC Act) 2009, has adopted a more progressive framework that integrates asset declaration, verification of wealth sources, and investigative authority, even without directly criminalizing illicit enrichment. Using a normative juridical approach combined with comparative and case analysis, this research finds that Indonesia requires a hybrid evidentiary model integrating the principles of legal certainty and responsive law. Such a system would establish clear statutory standards, an asset forfeiture framework, and adaptive mechanisms that enhance transparency, public participation, and accountability. Strengthening Indonesia's anti-money laundering regime through the integration of illicit enrichment provisions would not only ensure early detection of unexplained wealth but also advance asset recovery and institutional integrity.

Keywords: *Illicit Enrichment, Money Laundering, Indonesia, Malaysia.*

INTRODUCTION

The regulation of illicit enrichment in Indonesia has become increasingly important in efforts to combat money laundering, particularly in cases where state assets are misused for personal illegal gain. One of the main indicators in money laundering cases is the accumulation of wealth by public officials that is inconsistent with their legitimate sources of income, including a luxurious lifestyle that does not correspond to their earnings and a sudden surge in asset ownership during their term of office. The criminal process begins when there is an indication that an official possesses wealth disproportionate to their legal income. Such indications may arise from asset declaration reports, public complaints, suspicious financial transactions, or the findings of investigations related to money laundering offenses. If irregularities are detected, law enforcement agencies or relevant authorities will conduct examinations by summoning the official to explain the origin of their assets. Should the official fail to provide valid evidence regarding the legitimate source of their wealth, the legal process will proceed to prosecution and asset confiscation in order to prevent the destruction of evidence or the concealment of assets (Rahma 2022:119).

The concept of illicit enrichment can serve as an important preliminary indicator in detecting potential money laundering, particularly when public officials are found to possess wealth disproportionate to their legitimate income. Thus far, the enforcement of money laundering laws in Indonesia has generally been carried out only after actual state losses have been proven. However, through the illicit enrichment approach, legal proceedings can begin earlier as a form of detection of the early symptoms of abnormal wealth accumulation, before the state suffers real financial damage. Therefore, the establishment of a legal framework for illicit enrichment represents a logical progression in strengthening the effectiveness of the enforcement of both the Money Laundering Law and the Anti-Corruption Law. Indonesia's situation regarding the application of the concept of illicit enrichment in the context of money laundering differs from that of Malaysia, a country with similar legal and social characteristics. Malaysia has long adopted policies on illicit enrichment into its national legal system through progressive legislation in the areas of anti-corruption and money laundering. Through the MACC Act 2009, Malaysia grants the Anti-Corruption Commission

the authority to investigate and confiscate assets of officials that are inconsistent with their income profile and implement a reverse burden of proof mechanism as a means of verifying the legality of assets. From this comparison, it is evident that the regulation of illicit enrichment could serve as an effective strategy to strengthen Indonesia's legal system, as it allows for earlier intervention before state losses occur. This concept holds significant importance as an early detection mechanism for identifying disproportionate wealth and can function as an evidentiary tool during the investigation process. Therefore, illicit enrichment should not be positioned as an independent criminal offense, but rather as a complementary offense that supports the implementation of Article 69 of the Money Laundering Law. Within this framework, illicit enrichment serves as a normatively legitimate preliminary indicator to initiate investigations into suspicious wealth, ultimately reinforcing the prosecution of money laundering cases and expediting the recovery of state assets more effectively.

This difference highlights the gap between the ideal and the actual conditions in handling money laundering cases in Indonesia. Normatively, Indonesia should integrate the concept of illicit enrichment into its national legal system to fulfill international obligations and enhance the effectiveness of money laundering prevention efforts. However, in practice, limitations in both regulation and implementation have prevented these efforts from achieving optimal results. This research focuses on a comparative analysis of the policy framework governing illicit enrichment in Indonesia and Malaysia. The selection of Malaysia as a comparative reference is based on the similarity of its legal system characteristics, the shared challenges of corruption, and Malaysia's more advanced experience in explicitly implementing illicit enrichment policies within its national legal framework. The purpose of this research is to examine the differences in regulation and implementation between Indonesia and Malaysia, as well as to assess how these policies influence the effectiveness of money laundering prevention efforts in each country. Based on the foregoing explanation, this study examines two main issues: (1) the urgency of regulating illicit enrichment within the framework of the Money Laundering Law, and (2) the ideal mechanism for proving illicit enrichment in the enforcement of money laundering laws in Indonesia, based on a comparative analysis with Malaysia.

LITERATURE REVIEW

Illicit Enrichment Concept

The concept of illicit enrichment appears to have been excessively adopted by various jurisdictions, as though it were an inherent component of each legal system, despite ongoing concerns among legal scholars regarding its interpretation and application. This situation is understandable, as there is still no universally accepted normative standard governing its implementation. Consequently, the principles of illicit enrichment differ across countries, both in their formulation and in their practical application. In 2003, the notion of unexplained wealth that is disproportionate to legitimate income was introduced through Article 20 of the United Nations Convention against Corruption (UNCAC). This provision defines illicit enrichment as the possession of assets that are disproportionate to the lawful income of a public official, which may serve as an initial indicator for establishing suspicion in efforts to combat corruption (Istiqomah 2016:4). In addition to the UNCAC, a similar definition is provided in Article 9 of the Inter-American Convention Against Corruption (IACAC), where illicit enrichment is interpreted as an offense characterized by a significant increase in the assets of a government official that cannot be reasonably justified based on the lawful income earned during the performance of their official duties (Sari 2022:35). Article 8 of the African Union Convention on Preventing and Combating Corruption (AUCPCC) describes illicit enrichment as a substantial increase in the wealth of a public official or any other individual that is disproportionate to, or cannot be reasonably justified by, their official income.

Criminal Justice System

The criminal justice system constitutes the entirety of institutional structures and legal mechanisms designed to address, manage, and respond to all forms of criminal offenses. This system comprises key components such as the police, the prosecution service, the courts, and correctional institutions, each of which plays an interconnected role within the unified process of criminal law enforcement (Piternalis 2024:150). According to Barda Nawawi Arief, the criminal justice system is not only responsible for imposing criminal sanctions on offenders but also for ensuring that the legal process operates fairly, transparently, and with accountability, while upholding human rights (Akbar 2022:204). The system is grounded in the principle of due process of law, which guarantees every individual the right to undergo fair and transparent legal procedures from the stages of investigation and inquiry to prosecution and execution of judgment. Within this framework, the effectiveness of the criminal justice system largely depends on the integration of functions among institutions and the precision of criminal procedural law in accommodating the need for fair and efficient law enforcement. The evolution of modern crime, particularly transnational offenses such as money laundering, demands a transformation of the criminal justice system. Money laundering crimes, which often employ complex and cross-border financial mechanisms to conceal the origins of illicit funds, are frequently

difficult to trace using conventional criminal procedural approaches. This presents a significant challenge in evidentiary processes, especially when the predicate offense is not easily identifiable or has not yet been legally proven (Nurhuda 2024:31). Furthermore, the criminal justice system faces limitations in its adaptability to incorporate mechanisms such as the reverse burden of proof, asset recovery, and the integration of non-conventional instruments like wealth profile-based verification. In many cases, financial offenders exploit systemic weaknesses to evade prosecution, particularly when the evidentiary process relies excessively on the formal legality of criminal acts while neglecting the substantive aspect of disproportionate wealth held by public officials or perpetrators.

The Concept of Money Laundering Crime

Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering (TPPU) provides criminal provisions for any person who intentionally conducts actions involving assets known or reasonably suspected to have originated from a criminal act, with the purpose of concealing or disguising their origin. In addition, the law extends its scope to include Indonesian citizens and corporations abroad that assist or provide means for money laundering activities. However, it does not explicitly regulate foreign individuals or entities outside Indonesia, even though such offenses are often transnational in nature. The Money Laundering Law (TPPU) also requires financial service providers to report suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK) and imposes fines on those who fail to comply. Any person who brings cash into or out of the country in amounts exceeding the prescribed limit without an official report is subject to a financial penalty (Wardhana and Sularto 2022:239). Officials or parties granted access to documents or information in the course of implementation are obliged to maintain confidentiality; violations of this obligation may result in imprisonment, with heavier penalties if committed intentionally. If the convicted person is unable to pay the fine, it may be substituted with imprisonment in accordance with the court's decision. These provisions collectively underscore the complexity of money laundering offenses and the importance of a comprehensive legal framework to effectively address them (Mohede and Gerungan 2024:3).

METHOD

The type of research conducted in this thesis is normative legal research, which focuses on the study of existing laws and regulations. The research aims to analyze statutory provisions, legal principles and concepts, theories, and judicial decisions relevant to the topic. These legal instruments are viewed as binding norms, making the examination of legal documents the primary foundation for addressing the research questions. The approaches applied in this study include the statute approach, the case approach, and the comparative approach. The statute approach is employed to conduct an in-depth analysis of various legal instruments relevant to the research issue by examining the coherence and consistency among interrelated regulations. Through the review of laws, government regulations, and implementing rules, this approach seeks to assess the effectiveness of legal norms and to identify potential overlaps that require further harmonization (Nasution 2008:92). The case approach is applied by analyzing legal cases, both adjudicated and pending, to identify precedents or legal practices that are significant to the research subject. By examining concrete cases, this approach provides an empirical foundation to strengthen legal reasoning and to evaluate the effectiveness of legal norms in real context (Marzuki 2008:93). Meanwhile, the comparative approach is used to compare legal systems across countries that address similar issues, either specifically or generally, with the objective of identifying similarities, differences, and best practices that may serve as references for the development of Indonesia's national legal framework (Nurhayati, Ifrani, and Said 2021:12).

RESULTS AND DISCUSSION

The Urgency of Regulating Illicit Enrichment in the Law on the Prevention and Eradication of Money Laundering

The eradication of money laundering crimes in Indonesia faces a fundamental challenge in the form of limited legal instruments to prosecute offenders who acquire disproportionate or unexplained wealth. This challenge arises from the absence of explicit provisions concerning illicit enrichment in Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering (Jannah et al. 2025:892). The concept of illicit enrichment, which is generally understood as a condition in which a person possesses wealth that is disproportionate to their legitimate income and is unable to provide a satisfactory explanation for its origin, has long been recognized in international legal practice as an effective mechanism to close evidentiary gaps in proving predicate offenses. The urgency of regulating illicit enrichment becomes increasingly evident when connected to the primary objectives of combating money laundering, namely ensuring legal certainty, recovering assets derived from criminal activities, and safeguarding public interests. The current heavy reliance on the proof of predicate offenses, as maintained under Indonesia's legal framework, often results in difficulties for law enforcement in establishing a direct link between wealth and the underlying crime.

Consequently, many illicit assets remain under the control of offenders, while the preventive and repressive purposes of the Money Laundering Law become less effective. Therefore, the inclusion of illicit enrichment provisions in the Money Laundering Law would not only strengthen the technical instruments of law enforcement but also uphold the fundamental principles of law such as legal certainty, justice, and utility as emphasized in modern legal theory. By incorporating the norm of illicit enrichment into the Money Laundering Law, Indonesia can enhance its national legal system to become more adaptive to the evolving global landscape of money laundering practices, while ensuring that the law serves as an effective instrument for protecting the interests of the state and society from the destructive impacts of financial crime.

Table 1. Absence of Illicit Enrichment in Indonesia Regulation

No.	Element	Decision	The Impact of the Absence of Illicit Enrichment Regulations	The Urgency of Explicitly Regulating Illicit Enrichment
1.	There is no explicit provision regarding illicit enrichment.	Putusan MA No. 1261 K/Pid.Sus/2015 (Akil Mochtar)	The judge cannot seize all assets because only those proven to be related to the predicate crime can be used as a basis. Unfair assets remain in the defendant's possession.	The norm of illicit enrichment is needed so that judges can use the unfairness of wealth as a legal basis for confiscation, even if the underlying crime is not proven.
2.	Law Enforcement's Reliance on Proof of Predicate Crime	Putusan MA No. 1195 K/Pid.Sus/2014 (Muhammad Nazaruddin)	Law enforcement relies on proving the predicate crime. Assets that cannot be directly linked to the crime cannot be seized, even if they are clearly unlawful.	The urgency of regulating illicit enrichment lies in providing alternative forms of evidence, so that authorities do not rely entirely on the predicate crime.
3.	Impact on Investigation Effectiveness and Asset Recovery	Putusan MA No. 537 K/Pid.Sus/2014 (Luthfi Hasan Ishaq)	Investigators face obstacles in seizing assets due to limited evidence of the predicate offense. This reduces the effectiveness of investigations, and asset recovery is suboptimal.	The urgency of regulating illicit enrichment will strengthen the function of TPPU as an asset recovery instrument, while increasing the deterrent effect for perpetrators.

The table above demonstrates that the absence of explicit regulation on illicit enrichment in the Money Laundering Law directly affects judicial decisions. Judges remain bound by the logic of proving a predicate offense, which limits both the verdict and the confiscation of assets. In many cases, however, court proceedings reveal substantial accumulations of unexplained wealth that the defendant cannot lawfully justify. This dependency reduces the effectiveness of investigations and results in suboptimal asset recovery. Consequently, the primary objectives of the Money Laundering Law, namely to protect the financial system and to return illicit assets to the state, are not fully achieved. Furthermore, the table also highlights the urgency of regulating illicit enrichment. With the inclusion of such a provision, judges would have a clear legal basis to treat disproportionate wealth as an indicator of a criminal act, law enforcement authorities would no longer be entirely dependent on proving the predicate offense, and both investigation and asset recovery processes could be conducted more effectively. In this way, the law would not only ensure formal legal certainty but also promote substantive justice and greater social utility.

The Relevance of the Malaysian Model in Strengthening Indonesian Law

This subsection elaborates on the relevance of Malaysia's legal model in strengthening Indonesia's legal framework, particularly in relation to the regulation and implementation of the concept of illicit enrichment. The selection of Malaysia as a comparative reference stems from both contextual and substantive considerations. From a historical and legal standpoint, Indonesia and Malaysia share similar mixed legal traditions rooted in common law, which have been adapted to suit local contexts. This distinguishes them from Singapore, which, despite having a highly robust anti-corruption framework, operates within a city-state context characterized by a simpler bureaucratic structure, smaller population, and more centralized governance compared to Indonesia.

Moreover, Malaysia's social structure, ethnic diversity, political culture, and population size are relatively comparable to those of Indonesia, making its experience more relevant as a reference in designing effective anti-corruption policies. The complexity of Malaysia's bureaucracy, the involvement of public officials across multiple sectors, and the dynamics of wealth declaration and oversight practices by the Malaysian Anti-Corruption Commission (MACC) also mirror the challenges faced by Indonesia. Thus, comparing Indonesia with Malaysia offers a more realistic learning framework, as both countries share similar socio-cultural and governance characteristics, even though Singapore is often regarded as a normative ideal. Based on these considerations, Malaysia is deemed a more appropriate role model for developing a progressive and responsive legal framework to address the issue of illicit enrichment in Indonesia.

Table 2. Malaysia's Element of Illicit Enrichment Enforcement

Element of Comparison	Malaysian Legal Framework	Base and Origins of Adoption	Adoption Type and Implementation
Definition of Illicit Enrichment	Not explicitly mentioned in the MACC Act 2009; only implied through Article 36 regarding the authority to obtain information	UNCAC (Art. 20)	Adopting the UNCAC approach but not yet establishing IE as a direct criminal offence
Investigative Authority	Article 36 authorizes MACC to request declaration of assets and their sources of acquisition.	Hong Kong (PBO Cap. 201, Sec. 10)	Similar to Hong Kong's ICAC, but limited to only those relating to alleged offences under the MACC Act
Proving Illegal Assets	There is no mechanism for reversing the burden of proof; the public prosecutor still demands proof.	Hong Kong & Singapore	Not yet fully adopted the "reasonable explanation" mechanism as in Hong Kong
Policy Orientation	Emphasizes investigation and prevention of corruption in general; has not yet made IE a stand-alone crime	ICAC of Hong Kong & CPIB of Singapore	Institutional and investigative models were adopted, but not all substantive norms were implemented.

Based on the table 2, although Malaysia has not explicitly established illicit enrichment as a standalone offense under the Malaysian Anti-Corruption Commission Act (MACC Act) 2009, its existing legal framework demonstrates a progressive orientation in strengthening anti-corruption instruments. Through Section 36, the MACC is vested with the authority to obtain asset declarations and investigate the sources of wealth, which in practice serves as an early monitoring mechanism for detecting potential accumulation of unexplained assets. This approach aligns with international best practices, particularly those developed in Hong Kong and Singapore, while remaining adapted to Malaysia's national legal context. By adopting a strong institutional structure for anti-corruption enforcement and implementing legal instruments emphasizing transparency in public officials' assets, Malaysia has built a foundation that can serve as a valuable reference for Indonesia. This model illustrates that even without a direct criminalization of illicit enrichment, the existing legal and policy strategies are effective in enhancing both preventive and enforcement measures against corruption, while opening opportunities for further strengthening through responsive legislative reform.

The construction of this legal norm reflects a shift in Malaysia's legal system from a purely repressive model toward one that is adaptive and responsive. By incorporating a mechanism of reversed burden of proof, the MACC Act 2009 not only enhances the effectiveness of corruption eradication efforts but also establishes a preventive system that limits the possibility of public officials benefitting from unjustified wealth. Furthermore, the existence of this provision reflects a societal demand in Malaysia for greater transparency, integrity, and accountability in governance. Therefore, the MACC Act 2009 can serve as a critical reference for Indonesia in developing illicit enrichment regulations that are not only repressive but also responsive to public expectations for justice and clean government.

The Ideal Mechanism for Proving Illicit Enrichment in Money Laundering Enforcement in Indonesia Based on Comparison with Malaysia

The limitations of the Wealth Report of State Officials or *Laporan Harta Kekayaan Penyelenggara Negara* (LHKPN) as an instrument for monitoring public officials' assets indicate that Indonesia still requires a more

comprehensive legal framework to address the practice of illicit enrichment. In contrast, Malaysia, although not explicitly referring to the term illicit enrichment in its legislation, has effectively incorporated its substance through stringent asset declaration requirements and the investigative authority of the Malaysian Anti-Corruption Commission (MACC). This difference in approach provides an opportunity for comparative analysis between the regulatory frameworks of both countries to assess how Indonesia's legal system could be strengthened by adopting aspects of the Malaysian model. Accordingly, this comparative examination is essential to evaluate the weaknesses and potential reforms within Indonesia's legal framework in responding to the challenges of corruption eradication based on the concept of illicit enrichment.

Table 3 Comparison of Illicit Enrichment Regulations between Indonesia and Malaysia

Aspect	Indonesia	Malaysia	Comparison
Legal Basis	There are no direct provisions regarding IE; related issues have only emerged in the discourse on the Asset Confiscation Bill and discussions on revisions to the Corruption Law.	MACC Act 2009 Section 36 gives the MACC the authority to request asset declarations, even though IE is not defined as a separate offence (Raof et al. 2025:89).	Malaysia is more advanced in integrating the concept of IE although implicitly
Wealth Declaration Report	LHKPN (Law 28/1999, KPK Law, KPK Regulation No. 2/2020) is administrative in nature	Statutory Declaration Act 1960, Public Officers' Regulations 1993, MACC Act 2009: are formal laws with direct consequences	The declaration in Malaysia is stronger legally, in Indonesia it is more administrative.
Subject	State administrators (executive, legislative, judiciary, certain BUMN/BUMD ¹)	Members of the administration (PM, ministers, etc.), judges, parliament, public officials; includes spouse and children	Malaysia is broader and more comprehensive
Legal Consequence	Administrative sanctions (reprimand, postponement of promotion, ethical sanctions)	Disciplinary sanctions up to dismissal from office, and can be the basis for an MACC investigation.	Malaysia is more effective because there is a direct connection to the office and criminal process.
Function towards IE	Cannot be used as a basis for proof of IE, only for administrative control	Can be used as an entry point for proving irregularities in assets and investigating alleged corruption.	Malaysia is more progressive in making asset declarations part of law enforcement.

Based on the discussion of Malaysia's experience, it can be concluded that the country provides valuable insights for Indonesia in developing a more comprehensive legal foundation concerning illicit enrichment. Several key aspects merit adoption, including the mandatory declaration of assets encompassing public officials, their spouses, and children, thereby offering a complete overview of family wealth; the authority of the Malaysian Anti-Corruption Commission (MACC) to request clarification regarding the origin of assets as an entry point for examining disproportionate wealth; the implementation of statutory declarations that strengthen legal legitimacy and impose consequences on non-compliant officials; public accessibility to the asset declarations of administrative and parliamentary officials, which fosters civic participation; and the direct linkage between compliance with asset declaration requirements and eligibility for office or promotion, which reinforces the normative strength of the law. By incorporating these principles, Indonesia can close existing legal gaps and reinforce its anti-corruption system through a more progressive and responsive mechanism. For Indonesia, this lesson underscores the necessity of reforming the Wealth Report of State Officials (LHKPN) so that it functions not merely as a formal obligation but as a substantive instrument for eradicating corruption. By adopting these principles, Indonesia can strengthen its legal framework in line with the mandate of the United Nations Convention against Corruption (UNCAC) and advance toward a more progressive and responsive anti-corruption system. Recommendations for establishing an ideal evidentiary mechanism in Indonesia emerge from the urgent need to strengthen the legal system in addressing the complexity of corruption and money laundering crimes. The current evidentiary framework continues to face

¹ BUMN/BUMD is *Badan Usaha Milik Negara/Daerah* or State/Regional Owned Enterprises

numerous challenges, both in regulatory limitations and in the effectiveness of its implementation. The absence of a dedicated asset forfeiture law, the lack of clear regulation concerning non-conviction-based asset forfeiture, and inconsistencies in evidentiary standards across judicial decisions all undermine the effectiveness of state asset recovery efforts. In this context, the formulation of an ideal evidentiary mechanism becomes a crucial agenda, not only to ensure legal certainty for law enforcement agencies and the public but also to guarantee that Indonesia's legal system can effectively respond to the increasingly sophisticated and transnational nature of financial crimes.

Therefore, the discussion on recommendations for an ideal evidentiary mechanism will be structured using two main frameworks. The first is based on the theory of legal certainty, which emphasizes the necessity of clear written rules, procedural standards, and a strong legal basis through the enactment of an asset forfeiture law. The second draws from the theory of responsive law, which highlights the law's ability to adapt to social needs, encourage public participation, and enhance the effectiveness of crime prevention. These two approaches will then be integrated into a formulation of an evidentiary mechanism suited to Indonesia's current needs, thereby creating a balanced legal system that upholds both certainty and responsiveness. Based on the above discussion, the ideal evidentiary mechanism for Indonesia should be an integrated system that combines legal certainty through clear written rules and defined standards with responsive law characterized by flexibility, adaptability, and an orientation toward substantive justice. This formulation is expected to enhance the effectiveness of efforts to eradicate corruption and money laundering while simultaneously ensuring the protection of citizens' constitutional rights.

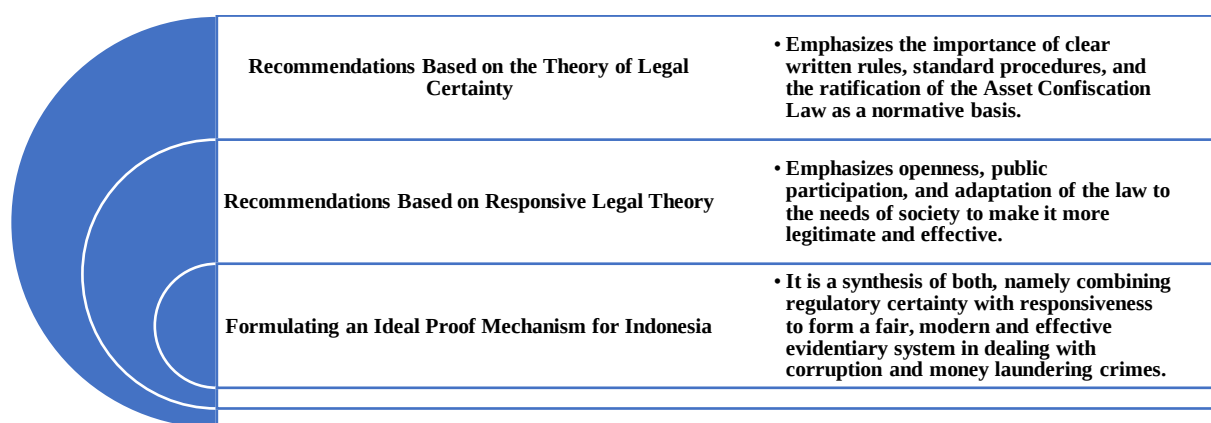


Figure 1. Strategy to Form Ideal Evidence for Indonesia

The figure above illustrates that the recommendation based on the theory of legal certainty emphasizes the importance of clear written rules, standardized procedures, and the enactment of an Asset Forfeiture Law as a normative foundation. This aspect is crucial because one of the main weaknesses of Indonesia's legal system lies in regulatory uncertainty, which often hampers law enforcement agencies from effectively pursuing corruption and money laundering cases. With a firm legal basis in place, every process of asset confiscation can be carried out lawfully and accountably, minimizing the potential for abuse of authority. Within this framework, the inclusion of provisions on illicit enrichment or unjustified wealth is also essential. This concept provides the state with a legal basis to hold public officials accountable when they cannot reasonably explain the origin of assets disproportionate to their income profile, even when the predicate offense is difficult to prove.

Conversely, the recommendation based on the theory of responsive law emphasizes openness, public participation, and the adaptability of law to social needs. The fundamental distinction between the two theories lies in their orientation. While legal certainty focuses on the text of the law and procedural consistency, responsive law prioritizes social legitimacy, accountability, and public acceptance of legal mechanisms. This perspective is particularly relevant in the Indonesian context, where the public's trust in legal institutions remains fragile. Through a responsive approach, the evidentiary mechanism functions not only as a formal legal instrument but also as a means of building public confidence in the state's commitment to combating corruption and money laundering. In this regard, the application of the illicit enrichment concept enhances social legitimacy, as it demonstrates the state's genuine effort to hold public officials accountable when they fail to justify the sources of their wealth in a reasonable manner.

CONCLUSION

The research concludes that regulating illicit enrichment within the framework of the Money Laundering Law is crucial for closing evidentiary gaps, enhancing asset recovery, and reinforcing legal certainty. Incorporating this

concept provides law enforcement with a normative basis to investigate unexplained wealth without full reliance on predicate crimes. The ideal evidentiary mechanism for Indonesia is an integrated model combining legal certainty through codified procedures and responsive law emphasizing flexibility, transparency, and social legitimacy. Drawing from Malaysia's experience, Indonesia should reform its asset declaration system and establish a dedicated asset forfeiture law, enabling the legal system to balance enforcement effectiveness with constitutional protection and public trust.

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