

## BIBLIOGRAPHY

### Books

- Banerjee, Abhijit, Rema Hanna, et al. 2012. *The Handbook of Organizational Economics*. Princeton University Press. Princeton.
- Beirne, Piers and James W. Messerschmidt. 2014. *Criminology: A Sociological Approach*. Oxford University Press. Oxford.
- Djaja, Ermansyah. 2010. *Memberantas Korupsi Bersama KPK*. Sinar Grafika. Jakarta
- Edwards, Djony. 2010. *BLBI Extraordinary Crime: Satu Analisis Historis dan Kebijakan*. LkiS. Yogyakarta.
- Ferguson, Gerry. 2018. *Global Corruption: Law, Theory, and Practice*, University of Victoria. Victoria.
- Fleming, Matthew H. 2005. *Asset Recovery and Its Impact on Criminal Behavior, an Economic Taxonomy: Drafts for Comments*. University College. London.
- Harahap, Yahya. 1993. *Pembahasan Permasalahan dan Penerapan KUHAP*. Pustaka Kartini. Jakarta.
- Jowitt, Anita and Tess Newton Cain. 2010. *Passage of Change: Law, Society, and Governance in the Pacific*. ANU Press. Canberra.
- Karjadi, M and R. Soesilo. 1997. *Kitab Undang-Undang Hukum Acara Pidana dengan Penjelasan Resmi dan Komentar*. Politeia. Bogor.
- Lopa, Baharrudin. 1987. *Undang-Undang Pemberantasan Tindak Pidana Korupsi: Pembahasan dan Penerapan dalam Praktek*. Alumni. Bandung.
- Lubis, M and J.C. Scott. 1993. *Korupsi Politik*. Yayasan Obor Indonesia. Jakarta.

- Moiseienko, Anton. 2019. *Corruption and Targeted Sanctions: Law and Policy of Anti-Corruption Entry Bans*. Brill Nijhoff. Boston.
- Semma, Mansyur. 2008. *Negara Dan Korupsi: Pemikiran Mochtar Lubis atas Negara, Manusia Indonesia, dan Perilaku Politik*. Yayasan Obor Indonesia. Jakarta.
- Soekanto, Soerjono and Sri Mamudji. 2006. *Penelitian Hukum Normatif: Suatu Tujuan Singkat*. Rajawali Pers. Jakarta.
- Soekanto, Soerjono. 2005. *Pengantar Penelitian Hukum*. UI Press. Jakarta.
- Suparni, Niniek, Sri Humana, et al. 2017. *Optimalisasi Peran Pusat Pemulihan Aset (PPA) Kejaksaan Agung dalam Mendorong Satker Wilayan, untuk Menyelesaikan Benda Sitaan dan Barang Rampasan*. Miswar. Jakarta.
- Tickner, Jonathan, Sarah Gabriel, et al. 2018. *Getting the Deal Through: Asset Recovery 2018*. Law Business Research Ltd 2017. London.
- Underkuffler, Laura S. 2013. *Captured by Evil: The Idea of Corruption in Law*. Yale University Press. London.
- Walliman, Nicholas. 2004. *Your Undergraduate Dissertation*. Sage Publication. London.
- Yanuar, Purwaning M. 2007. *Pengembalian Aset Hasil Korupsi*. Alumni. Bandung.
- Yepes, R. Rodrigo. 2002. *Treaty Enforcement and International Cooperation in Criminal Matters*. T-M. C. Asser Press. The Hague.
- Zachrie, Wijayanto Ridwan. 2009. *Korupsi Mengorupsi Indonesia: Sebab, akibat, dan prospek*. Gramedia Pustaka Utama. Jakarta.

### **Journals**

- Argandoña, Antonio. 2003. *Private-to-Private Corruption*. Journal of Business Ethics. Vol. 47.

- Arjaya, B.G.M. Widipradnyana. 2016. *Peran Vital Penelusuran Aset Guna Mementukan Besaran Pidana Tambahan Pidana Tambahan Uang Pengganti Terhadap Koruptor*. Jurnal Cita Hukum. Jakarta.
- Borlini, Leonardo. 2014. *International Asset Recovery: Origins, Evolution and Current Challenges*. SSRN Electronic Journal xxviii.
- Cornelius, Allison A. (1994) *Civil Forfeiture under 21 U.S.C.881(a)(7): The Problem of the Innocent Owner Spouse*. Villanova Law Review. Vol. 39.
- Davis, Pablo J. 2016. *To Return the Funds at All: Global Anticorruption, Forfeiture, and Legal Frameworks for Asset Return*. The University of Memphis Law Review. Vol. 47
- Garretson, Heather J. 2008. *Federal Criminal Forfeiture: A Royal Pain in the Assets*. Review of Law and Social Justice. Vol. 18.
- Ginting, Jamin. 2012. *Faktor Hukum dan Non Hukum dalam Putusan Tindak Pidana Korupsi di Indonesia*. Jurnal Media Hukum. Vol. 19.
- Gopinath, C. 2008. *Recognizing and Justifying Private Corruption*. Journal of Business Ethics. Vol. 82
- Hiariej, Eddy O.S. 2013. *Pengembalian Aset Kejahatan*. Opinio Juris Vol. 13
- Hiariej, Eddy O.S. 2019. *United Nations Convention against Corruption dalam Sistem Hukum Indonesia*. Mimbar Hukum. Vol. 31 [Online] Available at: <https://jurnal.ugm.ac.id/jmh/article/view/43968>
- Ismansyah. 2007. *Penerapan dan Pelaksanaan Pidana Uang Pengganti Dalam Tindak Pidana Korupsi*. Demokrasi. Vol. VI No.2
- Naftalis, Gary P. and Alan R. 2002. *Fugitive Disentitlement in Civil Forfeiture Proceedings*. New York Law Journal. Vol. 228.

- Prakarsa, Aliyth and Rena Yulia. 2017. *Model Pengembalian Aset (Asset Recovery) Sebagai Alternatif Memulihkan Kerugian Negara dalam Perkara Tindak Pidana Korupsi*. Jurnal Hukum Prioris. Vol.6.
- Prehi, Tomas. 2018. *International Law, Sovereignty and the Responsibility to Protect: an Overview*. Journal of Politics and Law. Vol. 11.
- Rahmayanti. 2018. *Urgensi Civil Forfeiture untuk Meningkatkan Pengembalian Kerugian Keuangan Negara*. Jurnal Ilmu Hukum Prima Indonesia. Vol. 1.
- Choky R. Ramadhan. 2018. *Konvergensi Civil Law dan Common Law di Indonesia dalam Penemuan Pembentukan Hukum*. Mimbar Hukum Vol. 30.
- Shleifer, Andrei and Robert W. Vishny. 1993. *Corruption*. The Quarterly Journal of Economics. Vol. 108.
- Sibuea, Deypend Tommy, R.B. Sularto, et. al. 2016. *Kebijakan Hukum Pidana dalam Perampasan Aset Hasil Tindak Pidana Korupsi di Indonesia*. Diponegoro Law Review. Vol. 5.
- Stolley, Martha B. 1997. *Sword or Shield: Due Process and the Fugitive Disentitlement Doctrine*, Journal of Criminal Law and Criminology. Vol. 87.\_
- Susanti, Laras. 2015. *Criminal Liability of Public Officials for Illicit Enrichment: Comparing Approaches of the Use of Indirect Methods of Proof in Investigating Illicit Enrichment in Indonesia and the U.S.* Jurnal Hukum Internasional. Vol. 13
- Topan, Adnan. 2010. *Catatan Kritis atas Usaha Pengembalian Aset Hasil Tindak Pidana Korupsi” dalam Perampasan Aset Hasil Tindak Pidana*. Jurnal Legislasi Indonesia. Vol. 7.
- Tavits, Margit. 2010. *Why Do People Engage in Corruption? The Case of Estonia*. Social Forces. Vol. 88.\_

Weld, Jean. B. 2009. *Forfeiture Laws and Procedures in the United States of America*.  
146<sup>th</sup> International Training Course Visiting Experts' Papers.

### **Legal Researches and Reports**

Muhammad Aldyva. 2019. *Pembagian Hasil Kejahatan Sebagai Akibat dari Perampasan Aset Hasil Tindak Pidana Korupsi yang Disimpan di Luar Negeri*. Thesis. Faculty of Law Universitas Katolik Parahyangan. Bandung.

Atika, Riani. 2011. *Pengembalian Aset Hasil Tindak Pidana Korupsi Sebagai Salah Satu Bentuk Penerapan Keadilan Restoratif (Restorative Justice)*. Thesis. Faculty of Law Universitas Indonesia. Depok.

Atmasasmita, Romli. 2006. *Makalah Seminar Tentang Implikasi Konvensi Anti Korupsi 2003 Terhadap Sistem Hukum Nasional*

BPHN and Ministry of Law and Human Rights. 2015. *Laporan Hasil Penyelarasan Naskah Akademik Rancangan Undang-Undang tentang Perampasan Aset Tindak Pidana*.

Hafiludin, Wahyudi. 2010. *Implikasi Perampasan Aset Terhadap Pihak Ketiga yang Terkait dengan Tindak Pidana Korupsi*. Thesis. Faculty of Law Universitas Indonesia. Jakarta.

Harefa, Beniharmoni. 2011. *Upaya Pengembalian Aset (Asset Recovery) Hasil Tindak Pidana Korupsi yang Berada di Luar Negeri*. Dissertation. Faculty of Law Universitas Gadjah Mada, Yogyakarta.

Hasanuddin. 2013. *Pelaporan Harta Kekayaan Penyelenggara Negara (Asset Declaration) Sebagai Salah Satu Instrumen Pemberantasan Korupsi*. Thesis. Faculty of Law Universitas Indonesia.

Hassane Cissé, Sam Muller, et al. 2013. *Legal Innovation and Empowerment for Development*, The World Bank Legal Review. Vol. 4.

Ramelan. 2012. *Laporan Akhir Naskah Akademik Rancangan Undang-Undang tentang Perampasan Aset Tindak Pidana*

Sitompoe, Hotma PD. 2016. *Pelaksanaan Asset Recovery dalam Perkara Tindak Pidana Korupsi Menurut Hukum Pidana dan Hukum Perdata Indonesia*. Dissertation. Universitas Gadjah Mada. Yogyakarta.

Sukardi, Irma. 2012. *Mekanisme Bantuan Timbal Balik dalam Masalah Pidana (Mutual Legal Assistance) dalam Perampasan Aset Hasil Tindak Pidana Korupsi Berdasarkan Undang-Undang Nomor 1 Tahun 2006 tentang Bantuan Timbal Balik Dalam Masalah Pidana*. Thesis. Faculty of Law Universitas Indonesia. Jakarta.

Tanzi, Vito. 1998. *Corruption Around the World: Causes, Consequences, Scope, and Cures*. IMF Working Paper. [Online] Available at: [imf.org/external/pubs/ft/wp/wp9863.pdf](http://imf.org/external/pubs/ft/wp/wp9863.pdf)

United Nations. 2009. *Technical Guide to the United Nations Convention Against Corruption*. United Nations. New York.

UNODC. 2015. *Country Review Report of the United States of America*

Inge Amundsen (1999) *Political Corruption: An Introduction to the Issues*. Chr Michelsen Institute. Bergen.

### **Internet**

Ardisasmita, M. Syamsa. 2006. *Definisi Korupsi Menurut Perspektif Hukum dan E-announcement untuk Tata Kelola Pemerintahan yang Lebih Terbuka, Transparan dan Akuntabel* [Online] Available at: <https://www.kppu.go.id/docs/Artikel/Seminar%20PBJ.pdf> Accessed on 13 May 2020

BBC News Indonesia. 2019. *KPK Sebut Potensi Kerugian Rp 200 Triliun pada 2019, apakah OTT akan lebih sering?* [Online] Available at: <https://www.bbc.com/indonesia/indonesia-46728691>\_Accessed on 10 April 2020

Brian Martin. 1998. *Information Liberation* [Online] Available at: <https://documents.uow.edu.au/~/bmartin/pubs/98il/il01.pdf>\_Accessed on 24 April 2020

Brun, Jean-Pierre, Larissa Gray, et al. 2011. *Asset Recovery Handbook: A Guide for Practitioners* [Online] Available at: [https://www.unodc.org/documents/corruption/Publications/StAR/StAR\\_Publication\\_-\\_Asset\\_Recovery\\_Handbook.pdf](https://www.unodc.org/documents/corruption/Publications/StAR/StAR_Publication_-_Asset_Recovery_Handbook.pdf)\_Accessed on 22 April 2020

Bureau of International Narcotics and Law Enforcement Affairs. 2012. *2012 International Narcotics Control Strategy Report (INCSR)* [Online] Available at: <https://2009-2017.state.gov/j/inl/rls/nrcrpt/2012/vol2/184110.htm>\_Accessed on 22 May 2020

Burhani, Ruslan. 2008. *Penyitaan Aset Hendra Rahardja Terganjil Uang Komisi*, ANTARA News. [Online] Available at: <https://www.antaraneews.com/berita/127994/penyitaan-aset-hendra-rahardja-terganjal-uang-komisi> Accessed on 28 May 2020

Cassella, Stefan D. 2016. *Asset Forfeiture Law in the United States* [Online] Available at: <http://assetforfeiturelaw.us/wp-content/uploads/2016/10/Chapter-for-Colin-King.pdf>\_Accessed on 21 May 2020

DetikNEWS. 2007. *Asal Muasal Uang Tommy Soeharto di BNP Paribas, Inggris* [Online] Available at: <https://news.detik.com/berita/d-750159/asal-muasal-uang-tommy--soeharto-di-bnp-paribas-inggris->\_Accessed on 27 May 2020

Doyle, Charles. 2015. *Crime and Forfeiture* [Online] Available at: <https://fas.org/sgp/crs/misc/97-139.pdf>\_Accessed on 21 May 2020

Hikmawati, Puteri. 2016. *Kepatuhan Penyampaian LHKPN* [Online] Available at:  
[http://berkas.dpr.go.id/puslit/files/info\\_singkat/Info%20Singkat-VIII-7-I-P3DI-April-2016-9.pdf](http://berkas.dpr.go.id/puslit/files/info_singkat/Info%20Singkat-VIII-7-I-P3DI-April-2016-9.pdf) Accessed on 11 June 2020

Maskell, Jack. 2012. *Financial Disclosure by Federal Officials and Publication of Disclosure Reports Legislative Attorne.*, [Online] Available at:  
<http://www.fas.org/sgp/crs/misc/R43186.pdf> Accessed on 11 June 2020

PwC. 2013. *Tax Filling Obligations for US Citizens and Residents Living outside the US – Are you Up to Date?* [Online] Available at:  
[https://www.pwc.com/mt/en/publications/tax-legal/us\\_tax\\_filing\\_obligations.pdf](https://www.pwc.com/mt/en/publications/tax-legal/us_tax_filing_obligations.pdf) Accessed on 11 June 2020

U.S Department of Justice. 2019. *Asset Forfeiture Policy Manual* [Online] Available at: <https://www.justice.gov/criminal-afmls/file/839521/download> Accessed on 11 June 2020

UNCAC Civil Society Coalition. 2017. *Draft the United States Performance in International Asset Recovery: an Assessment* [Online] Available at:  
<https://uncaccoalition.org/files/Asset-Recovery-US-Full-Report.pdf>. Accessed on 11 June 2020

### **Treaties, Law, and Regulation**

Attorney General Regulation No. PER-013/A/JA/06/2014 regarding Asset Recovery

Attorney General Decision No. KEP-518/J/A/11/2001 regarding the Amendment of  
Attorney General Decision No. KEP-132/JA/11/1994

Bill of Kleptocracy Asset Recovery Rewards

Civil Asset Forfeiture Reform Act of 2000

Crimes and Criminal Procedure Code Title 18 of United States Code of 1948

Commerce and Trade Code Title 15 United States Code of 2003

Eradication of Corruption Commission Decision No. KEP.07/IKPK/02/2005 regarding  
the Procedure on Registering, Announcement, and Examination of Public  
Official Financial Disclosure Report

Federal Food and Drugs Act Title 21 of United States Code of 1906

Foreign Account Tax Compliance Act 2010

Foreign Assistance Act of 1961

Foreign Corrupt Practices Act of 1997

Government Organization and Employees Title 5 United States Code

International Covenant on Civil and Political Rights, 23 March 1976.

Internal Revenue Code Title 26 United States Code

Law No. 20 of 2001 regarding the Amendment of Law No. 31 of 1999 regarding  
Eradication of Corruption (State Gazette of the Republic of Indonesia Number:  
134 and additional State Gazette of the Republic of Indonesia Number: 4150)

Law No. 28 of 1999 regarding Law on Clean State Free from Corruption, Collusion,  
and Nepotism (State Gazette of the Republic of Indonesia Number: 3852)

Law No. 28 of 2007 regarding General Provision and Taxation Procedure (State  
Gazette of the Republic of Indonesia Number: 85)

Law No. 31 of 1999 regarding Eradication of Corruption (State Gazette of the Republic  
of Indonesia Number: 140 and additional State Gazette of the Republic of  
Indonesia Number: 3874)

Law No. 1 of 2006 regarding Mutual Legal Assistance on Criminal Matters (State  
Gazette of the Republic of Indonesia Number: 18 and additional State Gazette of  
the Republic of Indonesia Number: 4607)

Ministry for Political, Legal, and Security Affairs decision No. Kep-  
54/Menko/Polhukam/12/2004

Supreme Court Regulation No. 5 of 2014 regarding Replacement Money Policy

United Nations Convention against Transnational Organized Crime. 29 September  
2003.

United Nations Convention against Corruption. 14 December 2005.

USA Patriot Act of 2001

### **Case Law**

Central Jakarta District Court Decision No. 06/Pid.B/TPK/2007/PN.JKT.PST on 18  
September 2007

Bangli District Court Decision No. 75/Pid.Sus/2011/Pn/Bli on 23 April 2012

Supreme Court Decision No. 575 K/Pid.Sus/2008 on 4 June 2008

United States v. \$506.069.09 seized from First Merit Bank (2014)

United States v. \$7,679,00 U.S Currency (2015)

United States v. Capoccia 503 F.3d 103 (2<sup>nd</sup> Circuit: 2009)

United States v. Casey (9<sup>th</sup> Cir. 2006)

United States Court of Appeal In re Assets of Billman 977 F.2d 571 (4th  
Circuit:1992)

United States v. Hall (1<sup>st</sup> Cir. 2006)

United States v. Kennedys. 225 F.3d 1187 (10<sup>th</sup> Circuit: 2000)

United States v. One Gulfstream G-V Jet Aircraft (D.D.C:2014)

United States v. One Parcel (Lot 41, Berryhill Farm) (10<sup>th</sup> Cir. 1997)