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The Impact of Statute of Limitations on Efforts to Recover Corruption Assets and Public Perceptions of Justice

[1]Anastasia Tio Sekar Uli Simbolon, [2]Sulistyanta
[1]Magister of Laws, Universitas Sebelas Maret, [2]Universitas Sebelas Maret
[1]anastasiatio21@gmail.com, [2]anastasiatio21@gmail.com

Correspodence Email/WA: anastasiatio21@gmail.com

Abstract: *Corruption eradication efforts in Indonesia not only focus on punishing offenders but also on restoring state financial losses through asset recovery. However, these efforts face numerous challenges, one of which is the existence of a statute of limitations under the Indonesian Criminal Code (KUHP), which also applies to corruption offenses. As an extraordinary crime that is often uncovered only years after its commission, the application of a statute of limitations creates a potential legal loophole that undermines the objectives of law enforcement itself. This study aims to analyze the juridical and sociological impacts of the statute of limitations in two crucial aspects: the effectiveness of corruption asset recovery and public perceptions of justice. This research employs a socio-legal methodology with a qualitative approach. Primary data were obtained from in-depth normative materials, including academic literature and insights from anti-corruption practitioners. Secondary data were collected from statutory and regulatory analysis, court decisions, scientific journals, and media reports related to corruption cases discontinued due to the statute of limitations. Data were analyzed descriptively and analytically to map the correlation between the statute of limitations, asset recovery failures, and public responses. The findings indicate that the statute of limitations significantly impedes asset recovery efforts, particularly in complex corruption cases involving money laundering and offshore asset concealment, which require lengthy investigative processes. The statutory time limit provides a semblance of legal certainty for perpetrators while hindering the state's ability to pursue diverted assets. From a sociological perspective, the discontinuation of corruption cases due to the statute of limitations erodes public trust in the judicial system. The public perceives such outcomes as forms of impunity and injustice, whereby the law fails to address crimes that inflict substantial harm on public interests. This study recommends a review or even abolition of the statute of limitations for corruption offenses as a strategic measure to strengthen the anti-corruption regime, maximize state asset recovery, and restore societal perceptions of justice.*

Keywords: *Statute of Limitations, Asset Recovery, Perception of Justice, Corruption Crimes, Corruption Eradication*

INTRODUCTION

Corruption has long been recognized as a common enemy of the Indonesian nation. This crime not only causes massive financial losses to the state but also undermines the very foundations of national governance(Fakhrizy 2021). Its impacts permeate various aspects of public life, including crippling economic performance, hindering development, and eroding public trust in governmental institutions. Due to its systemic and destructive nature, corruption is categorized as an extraordinary crime. This designation necessitates extraordinary measures in its eradication, encompassing law enforcement, prevention strategies, and asset recovery efforts.

Ideally, Indonesia's anti-corruption agenda rests on two complementary objectives. First, it seeks to create a deterrent effect through the imposition of proportionate and just punishment on offenders(Bakrie and Sodikin 2025). Second, and equally important, is the recovery of state losses through effective asset recovery mechanisms. Asset recovery constitutes a fundamental component of corruption law enforcement, as it is through this process that the state can restore the economic and social rights of citizens that have been compromised by corrupt practices. Without optimal asset recovery, custodial sentences alone often appear insufficient and fail to deliver substantive justice.

However, amid the widely proclaimed commitment to eradicating corruption, Indonesia's legal system still retains a problematic juridical paradox, namely the application of statutes of limitation in prosecution. The statute of limitation, as regulated in the Indonesian Criminal Code (KUHP), is intended to ensure legal certainty by preventing individuals from being prosecuted indefinitely for a criminal act. Nevertheless, the rigid application of this principle to corruption offences may prove counterproductive. The inherently latent nature of corruption often carried out discreetly, systematically, through organized networks of power, and only uncovered years later renders the limitation period a legal loophole that may be exploited by perpetrators(Deddy Candra 2018).

This condition directly affects the effectiveness of efforts to recover state assets. Major corruption cases often involve complex money laundering schemes and cross-border asset tracing. The investigative and evidentiary processes may require time that exceeds the statutory limitations imposed by law. As a result, by the time sufficient evidence is established, the state loses its right to prosecute and, simultaneously, its ability to confiscate the proceeds of crime. The statute of limitations effectively provides a "safe zone" for corrupt actors to enjoy the illicit gains once a certain period has elapsed an outcome clearly at odds with the spirit of anti-corruption efforts.

On the other hand, the impact of applying statutory limitations extends beyond financial losses to the state; it also touches upon fundamental sociological dimensions, particularly the public's sense of justice. When society witnesses high-profile corruption suspects evade legal accountability not because they are proven innocent, but because their cases are extinguished by operation of law due to prescription, the public's sense of justice is deeply violated. This phenomenon reinforces the perception that the law is harsh toward the powerless yet lenient toward the powerful, thereby fostering impunity for white-collar offenders. The erosion of public trust in the rule of law may ultimately provoke cynicism and apathy, weakening societal engagement in anti-corruption initiatives.

Given the tension between the philosophical foundation of statutory limitations and the nature of corruption as an extraordinary crime along with its tangible impact on asset recovery efforts and the public's sense of justice this research seeks to conduct a deeper examination. Such study is essential to reassess the relevance of statutory limitation provisions within the context of corruption eradication in Indonesia.Problem formulation of this research are first,To what extent does the statute of limitations on prosecution constitute a legal barrier to the state's efforts in tracing and recovering assets derived from corruption offenses that have been concealed for an extended period of time? And second, How does the statute of limitations on prosecution in major corruption cases affect public trust and perceptions of justice

METHOD

1. Type and Research Approach

This study employs a socio-legal research methodology, which integrates normative legal analysis with an examination of how legal norms operate in practice. This approach is selected because the research does not only investigate the positive legal norms governing the statute of limitations in legislation, but also seeks to understand how these norms function in real-world legal processes and their broader social implications. A qualitative approach is adopted, as it enables an in-depth and comprehensive exploration of the complex obstacles to asset recovery and the dynamic public perceptions of justice elements that cannot be adequately captured through quantitative measurement.

2. Nature of the Research

The nature of this research is descriptive-analytical.

a) Descriptive: The study aims to present a systematic, factual, and accurate account of empirical conditions. This includes descriptions of the handling of corruption cases approaching expiration of prosecution, challenges in asset tracing, as well as perspectives from the public and law enforcement officials.

b) Analytical: Beyond presenting empirical findings, the research conducts a substantive analysis to explain causal relationships between the application of statutes of limitation, the effectiveness of asset recovery, and the formation of societal perceptions of justice.

3. Data Sources

To address the research questions, this study relies on two types of data:

a) Primary Data: Primary data consist of materials obtained directly from normative legal literature and scholarly journals.

b) Secondary Data: Secondary data are sourced from library research and relevant documents. These include:

1) Primary Legal Materials: Legislation such as the Indonesian Criminal Code (KUHP), the Law on the Eradication of Corruption, and relevant judicial decisions (jurisprudence).

2) Secondary Legal Materials: Legal literature including textbooks, academic journals, prior research, articles, and papers discussing statutes of limitation, asset recovery, and justice.

3) Tertiary Legal Materials: Legal dictionaries, encyclopedias, and credible mass media reports covering corruption cases that were discontinued due to expiration of prosecution.

RESULT AND DISCUSSION

1. Analysis of the Statute of Limitations as a Juridical Barrier to Asset Recovery in Corruption Case

Efforts to combat corruption in the modern era have undergone a fundamental paradigmatic shift from a traditional focus on punishing offenders (follow the suspect) to a more holistic, asset-oriented strategy emphasizing the tracing and recovery of illicit gains (follow the money). The philosophy underlying this shift is unequivocal: punishing corrupt actors without confiscating the proceeds of their crimes amounts to an empty victory(Brolin 2025). Assets derived from corruption that remain unrecovered constitute a permanent loss to the state, the consequences of which continue to burden the public through reduced access to healthcare, education, and infrastructure. Hence, asset recovery stands as the crown jewel of anti-corruption law enforcement.

Yet despite this normative ideal, Indonesia's criminal justice system retains a classical legal doctrine that often proves antithetical to the goals of asset recovery: the statute of limitations on prosecution (daluwarsa penuntutan). Originally intended to promote legal certainty for individuals, the statute of limitations has ironically transformed into one of the most effective juridical shields for sophisticated corrupt actors seeking to preserve the fruits of their crimes. This obstacle is not merely procedural but constitutes a structural barrier that systematically weakens the state's capacity to recover losses in corruption cases concealed for long periods(Wedha and Darma 2018).

The latent nature and complexity of corruption schemes significantly amplify the detrimental impact of the statute of limitations(Sommersguter-Reichmann and Reichmann 2024). Major corruption offenses, particularly those involving massive state losses, are rarely executed in simple forms. Such crimes are meticulously engineered, involving intricate financial layering, shell corporations, nominee accounts, and the assistance of professional intermediaries such as lawyers, accountants, and financial consultants. The objective of these sophisticated techniques is to obscure the origin and movement of illicit funds, thereby complicating detection by law enforcement agencies. As a result, large-scale corruption cases may only come to light many years after the criminal act—often following political transitions, whistleblower disclosures, or lengthy investigative audits by the Audit Board of Indonesia (BPK).

By the time such offenses surface, the statute of limitations under Article 78 of the Indonesian Penal Code (KUHP) has already been running inexorably. The statutory deadlines of 12 or 18 years, which may appear long in the context of conventional crimes, become exceedingly short when juxtaposed with the complexities of financial crime investigations. Law enforcement officials are compelled to race against time—not only to prove criminal elements (actus reus and mens rea) but also to trace the flow of funds that may have passed through numerous hands and jurisdictions(Gurning and Tambun 2024).

The transnational dimension of modern corruption further underscores the inadequacy of applying a strict statute of limitations(Jubaer 2025). Corrupt actors are acutely aware that transferring assets abroad especially to tax-haven jurisdictions with strict banking secrecy laws is one of the most effective strategies for safeguarding illicit proceeds. Once assets are moved overseas, their tracing and recovery fall outside

Indonesia's unilateral control, requiring international cooperation through Mutual Legal Assistance (MLA). MLA processes are notoriously slow, bureaucratic, and fraught with diplomatic complexity. Requests must pass through diplomatic channels, undergo translation, and comply with the legal standards of the requested state. Delays or rejections frequently occur due to political considerations or differences in legal systems—particularly concerning reverse burden of proof or the absence of non-conviction-based asset forfeiture regimes.

While these lengthy MLA processes unfold, the statute of limitations under Indonesian law continues to run regardless of international impediments. Consequently, a tragic scenario may arise in which law enforcement successfully locates billions of rupiah in stolen assets abroad, only to find that prosecution of the suspect is barred by the statute of limitations automatically foreclosing criminal asset recovery avenues(Sosiawan and others 2020a).

Legally, the expiration of the statute of limitations produces absolute and irreversible consequences: the state's authority to prosecute is extinguished. Article 78 KUHP explicitly stipulates that prosecutorial powers lapse upon the expiration of the statutory period. This means that even where law enforcement possesses strong evidence, credible witnesses, and has located the corresponding illicit assets, such evidence becomes legally meaningless. The state loses its right to bring the case before the court, and with it, the primary pathway to asset confiscation. Indonesia's legal framework for confiscating proceeds of corruption remains heavily dependent on conviction-based asset forfeiture, which requires a final criminal conviction. Without prosecution and adjudication, no conviction can be issued; and without a conviction, courts lack lawful grounds to order confiscation.

Although there have been attempts to introduce non-conviction-based asset forfeiture, its legal foundation remains weak. As a result, the statute of limitations functions not only as a barrier to prosecuting offenders but also as a mechanism that effectively "legalizes" the continued possession of illicit assets by corrupt actors and their heirs. Assets that should serve the public interest are permanently lost, facilitated by the law itself. In this sense, the statute of limitations operates as a form of legal absolution granting full immunity to corrupt actors and legitimizing their criminal gains once the statutory period lapses, a concept starkly inconsistent with corruption's status as an extraordinary crime(Rambe et al. 2024).

The United Nations Convention Against Corruption (UNCAC) 2003, ratified by Indonesia through Law No. 7 of 2006, provides a comprehensive international legal framework governing the recovery of assets derived from corruption. Chapter V, Articles 51–59 of UNCAC, establish asset recovery as a fundamental principle. Article 51 explicitly declares asset return as a foundational principle, emphasizing that proceeds of corruption must be restored to the victim state rather than enjoyed by perpetrators. This provision serves as both a moral and legal imperative for states to collaborate in detecting, freezing, seizing, and repatriating illicit assets.

Articles 52–55 delineate technical mechanisms for tracing, freezing, and confiscating assets across borders. States parties are required to adopt preventive measures such as monitoring accounts of public officials, strengthening financial oversight, and implementing due diligence obligations within financial institutions. These provisions also mandate Mutual Legal Assistance to enable states to seek assistance in freezing and confiscating assets. Article 53 empowers victim states to initiate civil or criminal claims in foreign jurisdictions to assert ownership over stolen assets. Articles 54 and 55 introduce mechanisms for non-conviction-based confiscation, permitting asset forfeiture even in the absence of a criminal conviction—for instance, where offenders have absconded or died.

The apex of UNCAC's asset recovery framework lies in Article 57, which mandates the return of recovered assets to the country of origin. This reflects UNCAC's philosophy of international restorative justice: the restoration of stolen wealth to the society from which it was taken.

In Indonesia, the implementation of UNCAC Chapter V remains partial and faces serious obstacles—especially due to the absence of a strong legal basis for non-conviction-based asset forfeiture. The Draft Law on Asset Forfeiture (RUU Perampasan Aset) was designed precisely to address this gap, enabling confiscation even when prosecution is

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impossible due to death, flight, or expiration of the statute of limitations. However, the bill remains stalled in the legislature, leaving Indonesia dependent on conviction-based mechanisms.

This legal vacuum creates a stark inconsistency between Indonesia's international commitments under UNCAC and its domestic legal framework. The inability to confiscate assets when prosecution is time-barred undermines UNCAC's fundamental principle that illicit wealth must be returned to the state irrespective of the perpetrator's prosecution status.

Normatively, integrating UNCAC's Chapter V principles into national law is essential to strengthening public trust and ensuring substantive justice. With a robust non-conviction-based asset forfeiture system, the state can still recover assets derived from corruption even when offenders evade prosecution due to death or statutory expiration. Such alignment not only affirms Article 57 UNCAC but also restores public confidence in the rule of law.

In conclusion, harmonizing Indonesia's domestic legal framework with UNCAC's asset recovery principles is both a juridical and moral necessity. Without the enactment of the Asset Forfeiture Bill, Indonesia will continue to face a legal paradox: strong commitments to asset recovery on the international stage, yet insufficient domestic legal tools to fulfill those commitments.

2. The Impact of Statutes of Limitation in Corruption Prosecutions on Public Trust and the Public Sense of Justice

Law does not operate in a vacuum; it functions within a dynamic social context and is ultimately assessed by its capacity to reflect and fulfill the values embedded in society, particularly the value of justice. The public sense of justice constitutes the most vital barometer for the legitimacy and effectiveness of any legal system. When legal norms and judicial decisions resonate with the moral conscience of society, public trust in legal institutions is strengthened. Conversely, when legal outcomes substantially undermine collective notions of justice, trust in the legal system deteriorates, fostering cynicism and, eventually, delegitimization of state institutions. Within this framework, the application of statutes of limitation in major corruption cases produces profoundly damaging social effects. The termination of a corruption case involving state losses amounting to trillions of rupiah on the basis of technical–procedural grounds—such as the expiration of the prosecution period—appears to the general public as incontrovertible evidence of the legal system's failure to uphold its fundamental function of enforcing substantive truth and justice(Mulkan and Aprita 2023).

For society, major corruption cases, especially those involving high-ranking officials or public figures, are not merely ordinary legal events. They constitute moral dramas that test the integrity of the nation and the state. Corrupt actors are not viewed simply as criminals who steal money, but as betrayers of public trust. Accordingly, public expectations of law enforcement in such cases are exceedingly high. The public demands full accountability and proportionate punishment. When legal proceedings that have captured public attention are abruptly halted due to statutory limitation, the initial reaction is confusion, followed by profound anger and disappointment. Ordinary citizens do not perceive such outcomes as a principled application of legal certainty; rather, they interpret them as shortcuts or "backdoor exits" deliberately provided by the system to allow powerful corrupt actors to evade responsibility. The term "statute of limitation" in public discourse thus becomes synonymous with impunity. This fosters a dangerous narrative: that Indonesian law possesses two faces—strict and uncompromising toward ordinary citizens, yet lenient and replete with loopholes for the political and economic elite(Pahlevi 2022).

This perception of impunity directly erodes the foundation of public trust in all law-enforcement institutions. When a major corruption case is discontinued due to the statute of limitation, the blame is not directed solely at the statutory provision but at the entire legal apparatus. Suspicions arise that investigative processes were intentionally delayed to ensure the lapse of the prosecution period. The Attorney General's Office and the Corruption Eradication Commission (KPK)—institutions that should stand at the forefront of anti-corruption efforts—risk losing credibility in the eyes of the public. The judiciary itself becomes subject to cynical scrutiny, perceived as prioritizing procedural formalism over the substantive pursuit of justice. Yet trust is the most fundamental social capital for effective law enforcement. Without trust, society becomes reluctant to participate in anti-corruption efforts. This reluctance may manifest in various ways: public apathy toward corruption issues, diminished willingness of potential whistleblowers to come forward due to fear that their reports will be futile or place them at risk, and the gradual disappearance of much-needed public support for anti-corruption institutions whose work inherently carries significant political and personal risks. In this regard, statutes of limitation do more than free one or two corrupt individuals—they poison the collective spirit of the nation in its struggle against corruption(Folara and Yusuf 2024).

Furthermore, the psychological effects of terminating corruption cases due to statutory limitation contribute to the normalization of injustice and the cultivation of widespread cynicism. Younger generations raised amid constant reports of corrupt actors escaping accountability due to the passage of time internalize the belief that corruption is not a crime that necessarily results in punishment, but rather a high-risk game with a realistic chance of winning. This undermines public moral and ethical sensibilities. When the law repeatedly fails to impose meaningful consequences for morally reprehensible conduct, the boundary between right and wrong becomes blurred in the societal consciousness. A damaging assumption takes root: "everyone is corrupt," and "the key is not to get caught—or if caught, simply delay the process until the case expires." Such permissive attitudes toward corruption constitute the most destructive legacy of a legal system that consistently fails to deliver justice(Sosiawan and others 2020b).

Feelings of frustration and powerlessness in the face of a system perceived as corrupt may trigger broader social instability, as citizens may resort to extralegal measures (vigilantism) or completely withdraw their trust from the government's promises of legal reform. For these reasons, the impact of statutes of limitation in corruption prosecutions extends far beyond the courtroom. It infiltrates the family sphere, public discussions in cafés, and online conversations across social media, shaping a collective consciousness in which justice is perceived as a luxury good, inaccessible to ordinary people. The law

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becomes regarded merely as an instrument of the powerful to preserve their dominance—a deeply dangerous condition for the future of democracy and the rule of law in Indonesia.

CONCLUSION

Based on the analysis and discussion elaborated in the preceding chapters, two principal conclusions can be drawn that directly address the research questions of this study..

1. First, this research concludes that the statute of limitations on prosecution, both factually and juridically, constitutes a fundamental barrier that systematically weakens the State's ability to trace and recover assets derived from corruption. The fixed and rigid temporal limits imposed by the statute of limitations are demonstrably incompatible with the characteristics of modern corruption, which is latent, organized, complex, and frequently transnational in nature. Investigating financial crimes, tracing assets through slow Mutual Legal Assistance (MLA) mechanisms, and dismantling intricate money-laundering schemes are inherently time-consuming processes. The operation of the statute of limitations therefore creates an unfair "race against time" for law enforcement agencies while providing legal shields and incentives for corrupt actors to conceal their illicit gains as effectively as possible while awaiting the expiration of the State's prosecutorial authority. Consequently, the statute of limitations directly severs the principal avenue for asset forfeiture, which relies on a criminal conviction, resulting in irreversible financial losses to the State and preventing the recovery of proceeds of crime.

2. Second, the study also finds that the application of the statute of limitations in major corruption cases significantly undermines the public's sense of justice and erodes societal trust in the legal system. For the public, the termination of prosecution based on procedural-technical grounds such as the expiration of the limitation period is perceived not as an expression of legal certainty, but as the legalization of impunity. This phenomenon fuels a damaging narrative that law in Indonesia is powerless against political and economic elites, thereby widening the gap between formal-procedural justice and the substantive justice experienced by society. The social ramifications are multidimensional, ranging from the rise of public cynicism and apathy toward anti-corruption efforts, the weakening of community

participation (such as whistleblowers' reluctance to report), to the delegitimization of law-enforcement institutions in the eyes of the people. Ultimately, the statute of limitations does not merely hinder the resolution of individual cases; it corrodes the broader social climate and erodes the essential trust capital required for upholding the rule of law.

From all of the explanation, the author suggesting two recommedations, as follows, First, a fundamental recommendation is addressed to the President and the House of Representatives (DPR) of the Republic of Indonesia as legislative policymakers. Given that the statute of limitations has proven to be a juridical barrier that debilitates asset recovery efforts and violates the public sense of justice, urgent legislative reform concerning its application in corruption cases is imperative. The most ideal policy option is to amend the Anti-Corruption Law to explicitly abolish the statute of limitations for corruption offenses involving substantial State losses or high-ranking officials. This reform would align the legal treatment of corruption—recognized as an extraordinary crime—with that of serious human rights violations, which are not subject to limitation periods. However, if complete abolition is deemed too radical, a comprehensive modification of the existing statute of limitations should be considered, such as redefining the starting point of the limitation period (commencing when the crime is discovered by law-enforcement authorities rather than when it is committed), significantly extending the time limit, or stipulating that international legal processes such as Mutual Legal Assistance (MLA) automatically suspend the running of the limitation period.

Second, a more practical and institutional recommendation is directed toward law-enforcement agencies (KPK, the Attorney General's Office, and the National Police) as well as the Supreme Court. While awaiting legislative reform, law-enforcement institutions should enhance transparency and public accountability in handling corruption cases at risk of prescription. Proactive communication with the public is essential to explain the complexity and duration of investigations, particularly those involving foreign-based assets, in order to manage public expectations and counter perceptions that case handling is intentionally delayed. At the same time, the Supreme Court is encouraged to promote a more progressive and substantively just approach among judges. Through judicial training, jurisprudence development, and circular letters, judges may be guided not to rigidly adhere to formal legal technicalities alone, but to consider broader social impacts and the public's sense of justice when reaching decisions. Civil society actors and the academic community also play a crucial role in continuously monitoring this issue, conducting sustained advocacy, and educating the public to ensure consistent political pressure for reforming the statute of limitations in corruption cases.

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