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Optimization of Prosecutorial Authority in Asset Tracing of Human Trafficking Crimes for Victim Recovery

Koswara

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: bang.koswara@gmail.com

Abstract. *The Crime of Human Trafficking (TPPO) is an extraordinary crime with a transnational economic dimension, driven by organized syndicates seeking massive financial profits from human exploitation. Unfortunately, Indonesia's law enforcement system has long remained trapped in a retributive punishment paradigm focused on the physical imprisonment of perpetrators, while victims' rights to recovery through restitution payments are often neglected. Bureaucratic obstacles in penetrating banking secrecy, perpetrators' sophistication in disguising criminal proceeds, and legal loopholes in the form of substitute imprisonment (subsidiary sanctions) for unpaid restitution frequently render compensation rulings illusory. As a result, victims fail to obtain restorative justice and experience revictimization. This study aims to analyze the urgency of a legal paradigm shift and the optimization of prosecutorial authority in tracing and confiscating assets belonging to human traffickers. This research employs a normative legal research method emphasizing statutory and conceptual approaches. The findings indicate that, as dominus litis (controller of criminal proceedings), the Prosecutor's Office must redefine prosecution toward restorative justice and Dignified Justice by prioritizing a follow-the-money approach from the earliest stage of investigation. Such optimization requires the application of cumulative indictments combining Human Trafficking offenses and Money Laundering offenses (TPPU) in order to reverse the burden of proof regarding perpetrators' wealth. Furthermore, stronger real-time financial intelligence synergy with the Financial Transaction Reports and Analysis Center (PPATK), utilization of cross-border legal cooperation through Mutual Legal Assistance, and close collaboration with the Witness and Victim Protection Agency (LPSK) are necessary to ensure reasonable restitution amounts. In conclusion, aggressive confiscation of criminal assets by the Prosecutor's Office is not merely an instrument for impoverishing syndicates and cutting off their financial lifelines, but also a tangible manifestation of the state's presence in ensuring the execution of* *restitution to restore the human dignity of victims that has been taken from them.*

Keywords: *Asset Tracing; Human Trafficking Crime; Prosecutor's Office; Restitution; Restorative Justice.*

1. Introduction

Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) constitute the philosophical pillars and constitutional foundation that firmly place the protection of human dignity at the core of state life. The second principle of Pancasila, "Just and Civilized Humanity," mandates that every individual in Indonesia possesses an inherent right to be treated with dignity, free from all forms of oppression and slavery. This philosophical mandate is juridically concretized in Article 28G paragraph (1) and Article 28I paragraph (1) of the 1945 Constitution, which guarantee every person's right to personal protection, honor, dignity, and freedom from torture or degradation of human dignity. Through this constitution, the state holds an absolute mandate and responsibility to act as protector (parens patriae) for all citizens, ensuring that no individual's fundamental rights may be taken away by others for any purpose.

However, these noble constitutional ideals collide sharply with the grim reality of modern slavery. Human Trafficking (TPPO) emerges as an extraordinary crime that brutally tears apart humanitarian values and undermines the foundations of civilization. Unlike conventional crimes that are often local in scale, human trafficking constitutes a highly lucrative transnational business for organized criminal syndicates. The intellectual actors behind these dark networks have lost their conscience; they no longer view human beings especially women and children from vulnerable groups as living subjects, but merely as commodities to be continuously exploited for substantial financial gain.

Unlike most criminal offenses, which are often triggered by temporary emotions, revenge motives, or sporadic economic pressures, human trafficking is conducted through careful planning, systematic execution, and a singular focus on financial profit. These syndicates invest heavily in manipulative recruitment, cross-border document forgery, bribery of corrupt officials, confinement, and both sexual and labor exploitation. The circulation of illicit funds generated from this business of human suffering reaches trillions of rupiah annually. These massive profits serve as the "lifeblood" of criminal organizations, enabling them to survive, operate, and expand their networks across national jurisdictions.

Therefore, a law enforcement approach focused solely on physical prosecution is no longer adequate. The most effective and rational way to permanently dismantle these syndicates is not merely to arrest and imprison operational actors or low-level recruiters, but to sever their financial lifelines. As long as criminal proceeds and the wealth accumulated by these syndicates remain intact, they can easily recruit new members from behind bars and continue their operations. The impoverishment of criminal enterprises through asset recovery mechanisms must become a primary strategy in combating human trafficking so that the economic motive underpinning this crime can be eradicated at its roots.

Within Indonesia's criminal justice system, the Prosecutor's Office of the Republic of Indonesia occupies a central and vital position as dominus litis, the sole authority controlling criminal proceedings. The Prosecutor's Office not only acts downstream as a public prosecutor presenting charges in court but also possesses strategic authority extending from pre-prosecution, courtroom proof, and ultimately the execution of court judgments. This position doctrinally imposes significant responsibility upon prosecutors to conduct comprehensive tracing, seizure, freezing, confiscation, and execution of offenders' assets in order to recover state losses and compensate individual victims of exploitation.

Unfortunately, in practice, prosecutorial authority in conducting asset tracing in human trafficking cases is often obstructed by substantial structural and bureaucratic barriers. Prosecutors frequently face limitations in investigative instruments and restricted access to banking data or real-time financial transaction information. Lengthy bureaucratic procedures for penetrating banking secrecy often provide perpetrators with a critical window of time to eliminate evidence. Consequently, law enforcement agencies frequently remain one step behind sophisticated white-collar criminal syndicates capable of rapidly concealing illicit financial flows derived from exploitation.

It is often the case that by the time a human trafficking case is uncovered and enters the investigation stage, the financial assets derived from the crime have already been transferred to third parties. Through sophisticated money laundering schemes, syndicates disguise assets by establishing shell companies, converting them into anonymous digital assets (cryptocurrency), or transferring them to offshore tax haven accounts abroad long before prosecutors have the opportunity to freeze or seize them. This situation creates a severe investigative deadlock that greatly harms victims awaiting restorative justice.

The failure to trace and freeze assets at an early stage carries tragic judicial consequences for victims. Court decisions requiring offenders to pay compensation or restitution become ineffective and meaningless during execution. Judges may order perpetrators to pay hundreds of millions of rupiah in restitution for victim recovery costs, but when prosecutors attempt enforcement, the perpetrators' assets have disappeared, been exhausted, or deliberately concealed. Ultimately, victims receive only a court judgment on paper without obtaining any of the compensation they desperately need to rebuild their shattered lives.

This irony is further exacerbated by the fact that law enforcement against human trafficking in Indonesia has historically remained trapped within a retributive paradigm emphasizing imprisonment over victim recovery. When perpetrators claim bankruptcy or inability to pay restitution, positive law frequently provides an alternative in the form of substitute imprisonment. Such a subsidiary punishment paradigm is clearly unjust and injurious to women and children who are victims, as they require actual, tangible, and immediate financial resources to fund physical surgeries, treatment for communicable diseases, long-term psychological trauma therapy, and reintegration into society.

Therefore, in light of this deadlock, the Prosecutor's Office must undertake a paradigm revolution from merely functioning as an "executioner of punishment" satisfied with imprisoning offenders to becoming an institution that proactively guarantees restorative justice and Dignified Justice. Victims' economic recovery must be elevated as a primary prosecutorial objective through the optimization of aggressive and progressive asset confiscation mechanisms. Optimizing prosecutorial authority to trace offenders' financial flows from the very first day of investigation is a crucial and revolutionary step toward strengthening victims' bargaining position. This article is specifically designed to examine and analyze how prosecutorial authority can be optimized so that it not only pursues imprisonment but genuinely restores victims' dignity through effective asset tracing and restitution execution, thereby manifesting the state's presence in providing noble legal protection to individuals whose rights have been forcibly taken away.

2. Research Methods

The following is an enhanced version of the research method section, incorporating detailed references to specific legislation, including statute numbers and years, related to prosecutorial authority, human trafficking, money laundering, and restitution:

This study employs a normative legal research method with a doctrinal approach, focusing on the analysis of legislation, legal principles, and legal doctrines operating within the positive legal system. The approaches utilized include a

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statutory approach to analyze the scope and limitations of prosecutorial institutional authority, as well as a conceptual approach to examine asset recovery doctrine as an instrument for realizing the values of restorative justice and Dignified Justice.

3. Results and Discussion

3.1. The Position of the Prosecutor's Office as *Dominus Litis* and Obstacles to Asset Tracing in Human Trafficking Cases

Within the architecture of Indonesia's criminal justice system, the Prosecutor's Office holds a central and highly crucial position as *dominus litis*, namely the sole authority and full controller of the course of a criminal case. This principle grants absolute legal legitimacy to the Prosecutor's Office to determine whether a criminal case is worthy of being brought before the court and how the indictment should be constructed. This position places prosecutors not merely as passive "mouthpieces of the law" waiting for files from the police, but as the state's intellectual actors responsible for weaving together legal facts from the pre-prosecution stage through proof in court. In the context of complex organized crime, this authority requires the Prosecutor's Office to possess a sharp and comprehensive law-enforcement vision.

The role of the Prosecutor's Office becomes even more vital when dealing with the Crime of Human Trafficking (TPPO), which is essentially not merely a crime of physical violence but fundamentally a crime with an economic (financial) dimension. Human trafficking is a transnational underground business driven by a single motive: the massive accumulation of capital through human exploitation. Given its highly financial nature, an evidentiary approach focused solely on conventional evidence such as witness testimony or visum et repertum results is insufficient. As dominus litis, the Prosecutor's Office is required to employ a follow the money approach to uncover the intellectual masterminds and principal financiers who typically remain behind the scenes, beyond the reach of field arrests.

To implement this follow the money approach, the most crucial instrument that law-enforcement officers must use is asset tracing. Asset tracing is a series of systematic investigative processes aimed at tracking, identifying, and mapping the origin, flow, movement, and final location of assets strongly suspected of originating from or being used to finance human trafficking crimes. In practice, this asset-tracing effort seeks to secure the syndicate's wealth through temporary freezing mechanisms so that the assets cannot be transferred and can ultimately be confiscated by the state for use as a source of restitution payments to victims.

However, the implementation of asset tracing in practice often encounters significant barriers in the form of bureaucracy and rigid banking regulations. One of the greatest obstacles faced by investigators and prosecutors is the strict bank secrecy provisions regulated under national banking laws. Although regulations provide exceptions for the disclosure of bank secrecy in the interests of criminal justice, the administrative procedures required to obtain authorization for access to account transaction records from the Financial Services Authority (OJK) or Bank Indonesia are often lengthy and cumbersome. This administrative delay frequently becomes a "golden window" exploited by white-collar criminal syndicates to move and protect their funds.

On the other hand, modern human-trafficking syndicates no longer store their profits in cash under mattresses or in conventional accounts under their own names. They collaborate with corrupt financial experts to conduct sophisticated and layered money laundering schemes. Assets derived from the blood and sweat of victims are rapidly disguised through shell companies, real-estate purchases under third-party names wives, relatives, or nominees, and conversion into borderless digital assets such as cryptocurrency. The movement of these illicit assets occurs in real time, often within seconds, creating a stark contrast with the pace of law-enforcement bureaucracy.

Furthermore, human trafficking frequently involves cross-border operations, meaning that syndicate funds often end up in secret offshore tax-haven accounts. Indonesia's legal jurisdiction has absolute limitations in seizing assets located within another country's sovereign territory. Efforts to freeze foreign accounts require the Prosecutor's Office to use the Mutual Legal Assistance (MLA) in Criminal Matters mechanism. Unfortunately, this process of legal diplomacy can take months or even years, depending on bilateral agreements and the political will of the country where the assets are hidden, significantly reducing the effectiveness of asset recovery.

Another equally crucial obstacle is sectoral ego and the lack of integrated real-time data synergy among law-enforcement institutions. Financial intelligence analyses possessed by the Financial Transaction Reports and Analysis Center (PPATK) are often not maximized from the beginning of police investigations. Sometimes asset tracing is treated as an afterthought only when the case is about to be transferred to court or even after a judicial decision has been rendered. The failure to proactively freeze assets from the first day of arrest constitutes a strategic failure that makes the goal of impoverishing offenders nearly impossible to achieve.

As a result of weak asset-tracing execution, the criminal justice system often produces only a "symbolic victory" in the courtroom. Judges may convict syndicate leaders with maximum prison sentences and impose additional penalties requiring them to pay billions of rupiah in restitution to victims. However, without assets having been previously seized and secured by the Prosecutor's Office, such restitution orders become nothing more than worthless pieces of paper. Failure to trace and seize criminal assets not only benefits offenders but also constitutes a denial of victims' human rights to obtain real economic justice.

3.2. The Shift in Sentencing Paradigms From Retributive Justice to Restorative Justice for Victims of Human Trafficking

Throughout the history of criminal law in Indonesia, law enforcement has been overwhelmingly dominated by the paradigm of retributive justice. This paradigm views the primary purpose of legal proceedings as retaliating against wrongdoing by imposing proportional suffering on offenders, generally in the form of imprisonment. The primary focus of the retributive perspective is on the offender and the state; the state acts as an imagined victim whose sovereignty has been violated, while actual human victims of exploitation are often marginalized and treated merely as tools of proof. As long as the offender is imprisoned, the state considers justice to have been served.

However, when this retributive paradigm is rigidly applied to human-trafficking cases, it reveals a fundamental weakness. Imprisoning a pimp or illegal labor recruiter for ten or fifteen years may create a deterrent effect and satisfy society's desire for punishment. Yet behind prison walls, incarceration contributes not a single cent toward improving the victim's life. The offender's imprisonment does not magically heal the psychological trauma suffered by a child victim of sexual exploitation, cover the costs of surgery for damaged organs, or compensate for years of life lost to unpaid forced labor abroad.

Therefore, the criminal justice system urgently requires a revolutionary paradigm shift from a punishment-oriented approach (retributive) to a recovery-oriented approach, namely Restorative Justice. Unlike conventional justice concepts, restorative justice places the repair of harm and restoration of social balance disrupted by crime at the center of the judicial process. In the context of human-trafficking victims, the most concrete manifestation of restorative justice is not forgiveness (because human trafficking, as an extraordinary crime, cannot be resolved through restorative justice mechanisms aimed at terminating prosecution), but rather the absolute fulfillment of restitution rights for both material and immaterial losses.

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Restitution is not merely a form of social assistance or state charity; it is the embodiment of genuine dignified justice. It is economic compensation imposed directly on the offender’s assets as a form of strict liability for the exploitation they committed. Restitution restores victims’ bargaining power and independence in tangible ways; the funds can be used to rebuild businesses, pay for medical treatment, and ensure victims do not fall back into poverty and become targets of future victimization by other syndicates.

However, this ideal of restorative justice is often legally undermined by loopholes deliberately embedded in positive law. Human-trafficking legislation and the Criminal Code provide an alternative whereby, if offenders claim they are unable to pay court-ordered restitution, the financial obligation may be substituted with additional imprisonment (subsidiary imprisonment). This provision represents one of the most harmful legal loopholes in the history of victim protection. Frequently, the substitute imprisonment is relatively light—for example, six months to one year in prison in lieu of paying billions of rupiah in compensation.

This subsidiary imprisonment mechanism effectively serves as a shield protecting criminal wealth. Through the lens of the economic analysis of law, rational offenders are likely to prefer spending several additional months in prison rather than surrendering hidden criminal assets. The moment an offender claims to be “bankrupt” before the court and chooses substitute imprisonment, the justice system effectively assists in preserving their wealth. This is a troubling irony in which state law becomes a mechanism legitimizing avoidance of moral and financial responsibility toward victims.

The psychological impact of this subsidiary penalty on victims is profoundly damaging. When a woman or child trafficking victim appears in court seeking justice and ultimately discovers that they receive no financial compensation because the offender chose imprisonment instead, they experience secondary victimization (institutional revictimization). Their hopes are betrayed by a justice system incapable of compelling offenders to take responsibility. Victims are left with the realization that their dignity and suffering are valued less than the protection of the offender’s wealth.

To end this injustice, a radical shift in mindset is required among all law-enforcement actors, from police investigators and public prosecutors to judges of the Supreme Court. Restitution enforcement must be viewed as an imperative obligation rather than an optional supplement to a judgment. Prosecutors should not accept claims of bankruptcy at face value. Judges should be encouraged to develop jurisprudence prohibiting substitute imprisonment where offender assets remain available for compulsory seizure. Restorative justice can only truly be achieved when the state, through its coercive authority, is able to break open the vaults of criminal syndicates and return every cent of exploitative profits to the victims.

3.3. Strategies for Optimizing Prosecutorial Authority in Asset Forfeiture and Restitution Enforcement

In confronting the complexity and sophistication of human-trafficking syndicates, the Prosecutor’s Office must transform itself from a passive and reactive institution into an aggressive, proactive, and tactical *dominus litis* capable of dismantling the economic foundations of crime. This optimization strategy must begin from the moment the Notification of Commencement of Investigation (SPDP) is received from the police. The Prosecutor’s Office should not merely wait for case files to arrive on its desk; it must immediately issue binding instructions (P-19) requiring investigators to simultaneously pursue offenders and assets through a follow the money strategy without delay.

The first and most crucial strategic step is the consistent application of cumulative or combined indictments. Every human-trafficking case should be integrated with provisions of the Anti-Money Laundering Law (TPPU). The TPPU framework provides broader and more extraordinary powers, including the reversal of the burden of proof in court. Through this instrument, defendants are required to prove that their luxurious assets were obtained legally; if they fail to do so, those assets may be immediately confiscated by the state and used to satisfy victims’ restitution claims.

The next strategy requires structured utilization of financial-intelligence instruments. The Prosecutor’s Office must strengthen strategic collaboration with PPATK. Suspicious Transaction Reports should serve as the foundation of the indictment rather than merely supporting attachments. With PPATK’s analytical support, prosecutors can map money-laundering networks, instantly block financial flows, and trace concealed assets, including the involvement of corporations or public officials who may have received illicit funds from trafficking syndicates.

In addition to external collaboration, optimization requires institutional reform within the Prosecutor’s Office itself. The Asset Recovery Center (PPA) of the Republic of Indonesia’s Prosecutor’s Office must be granted stronger authority, advanced digital asset-tracing technology, and human resources specializing in forensic accounting and banking law. This body should be involved not only during post-conviction enforcement but also from the earliest stages of investigation to design legally secure seizure strategies that prevent asset dissipation before trial.

To address the globalization of crime, whereby trafficking profits are transferred abroad, the Prosecutor's Office must become more adept at cross-border legal diplomacy. The use of Mutual Legal Assistance (MLA), extradition treaties, and collaboration with international institutions such as INTERPOL and the Egmont Group should be intensified. Prosecutors must proactively pursue assets concealed in luxury properties in Singapore, investment funds in Hong Kong, or shell companies in tax-haven jurisdictions, ensuring that no safe haven remains for money derived from the suffering of exploited victims.

To overcome situations where offenders cannot be physically prosecuted for example, if they are fugitives, deceased, or hiding in countries lacking extradition treaties Indonesia should accelerate the adoption of Non-Conviction Based (NCB) Asset Forfeiture through dedicated asset-forfeiture legislation. Pending full adoption, prosecutors should pursue innovative legal approaches through civil actions against corporations or third parties controlling trafficking-related assets. The state must not surrender simply because the principal offender has escaped; the assets still exist and should remain subject to recovery for victim compensation.

Furthermore, restitution recovery cannot be accurately calculated without intensive involvement from the Witness and Victim Protection Agency (LPSK). The Prosecutor's Office must establish close cooperation with LPSK to calculate and project victims' losses in a realistic, holistic, and comprehensive manner. Restitution calculations should not be limited to lost wages but should also include projected long-term psychological treatment costs, lost educational opportunities, and compensation for the loss of dignity. The restitution amount proposed in prosecutorial demands must reflect actual losses sufficient to guarantee victims' recovery with dignity.

In conclusion, optimizing asset tracing and confiscation in human-trafficking cases represents the true embodiment of human-centered law enforcement. By impoverishing trafficking syndicates, law-enforcement agencies accomplish two noble objectives simultaneously: permanently destroying the economic capacity of trafficking networks to prevent future victims and using recovered assets to fully rehabilitate past victims. Effective and certain restitution enforcement through asset recovery is not merely a paper-based legal resolution but a tangible manifestation of state sovereignty in embracing, restoring, and returning dignity to those whose freedom has been taken away.

4. Conclusion

Optimizing prosecutorial authority in asset tracing is a progressive step toward shifting the focus of human-trafficking law enforcement from merely imprisoning offenders to prioritizing victim recovery. By positioning the Prosecutor's Office at the forefront of asset tracing, the state can disrupt the economic foundations of trafficking syndicates while ensuring the availability of funds for victim restitution. Dignified legal protection requires that every drop of sweat and every suffering endured by victims be compensated through real financial justice achieved by confiscating syndicate assets. Going forward, stronger regulatory support is needed to grant prosecutors broader authority to pursue assets to their deepest roots, ensuring that justice for women and children who are victims of human trafficking no longer remains an unpaid debt of the state.

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