The Role of Criminal Law in Providing Restitution for Victims of Money Laundering: Problems and Prospects

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Abstract

This article examines the role of criminal law in granting restitution to victims of Money Laundering offenses within Indonesia's criminal justice system, focusing on implementation challenges and future prospects under recent legal reforms. Although restitution is legally recognized as a victim's right, its realization has been significantly delayed, as reflected in finalized court decisions in the Indosurya and Viralblast cases, where restitution has not yet been effectively distributed. This study analyzes juridical and institutional factors contributing to these delays and evaluates prospects for strengthening restitution enforcement under Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Procedure Code. Using a normative-conceptual legal approach based on statutory regulations, court judgments, and Lawrence Friedman's legal system theory, the study identifies weak coordination between law enforcement authorities and the Witness and Victim Protection Agency, as well as the absence of clear coordination mechanisms in the previous procedural framework, as central obstacles. The findings indicate that recognizing restitution as an additional penalty and introducing coordination provisions in the new procedural regime provide a stronger normative basis for enforcement. The article concludes that effective restitution depends on harmonizing legal substance, institutional structure, and legal culture.

***Keywords**: Criminal Law Reform; Money Laundering; Restitution; Victim Protection; Criminal Justice System.*

A. INTRODUCTION

The development of money laundering crimes at the global level shows a paradigm shift from simply prosecuting perpetrators to an approach that places victim recovery as an integral part of modern criminal justice. Anti-money laundering regimes in various countries increasingly emphasize the importance of asset recovery and victim compensation as indicators of the effectiveness of the legal system (Zolkaflil et al., 2023). This approach is in line with the principle of victim-oriented justice, which places the victim not only as a witness in the evidentiary process but as a subject who is entitled to concrete recovery for the losses experienced (Gour, 2026). This perspective has also been reflected in Indonesian legal discourse, which emphasizes that the true "independence" of victims lies in the realization of their substantive rights within the criminal justice system (Antonius, 2023). In this context, restitution is a strategic legal instrument because it connects the repressive function of criminal law with its reparative dimension. Therefore, the discussion of the role of criminal law in providing restitution for money laundering victims has significant theoretical and practical relevance.

At the international level, restitution has been formally recognized since the adoption of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly Resolution 40/34, 1985), which affirms the obligation of offenders to compensate victims for harm caused by criminal acts (A. P. S. Wibowo, 2022). In the Indonesian context, restitution has been recognized as a victim's right through Law Number 13 of 2006 as amended by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, and strengthened through various implementing regulations. However, under the old Criminal Code regime, restitution was not recognized as a criminal type, so its implementation was highly dependent on sectoral arrangements and judicial practices. This condition raises the problem of coordination and certainty of implementation in the criminal justice system. This phenomenon can be seen in the cases of Indosurya and Viralblast, which have had permanent legal force since 2023, but restitution for the victims has not been fully realized. The situation demonstrates a tension between normative recognition of victims' rights and the effectiveness of implementation in the institutional structure of law enforcement, a problem that often arises in legal system reform in developing countries.

The selection of the Indosurya and Viralblast cases in this study is based on specific methodological considerations. First, both cases involve large-scale financial crimes with significant numbers of victims and substantial economic losses, thereby reflecting the structural complexity typical of money laundering-related offenses in Indonesia. Second, both cases have obtained final and binding court decisions (inkracht), which allow for an objective assessment of the post-conviction execution phase, particularly concerning restitution. Third, in both judgments, restitution-related orders were explicitly articulated within the criminal verdicts, making them suitable for examining the relationship between normative recognition and practical implementation.

These cases are not presented as statistical representations of all money laundering cases in Indonesia; rather, they function as analytical case studies that illustrate systemic challenges in coordinating restitution execution within the criminal justice framework. Their relevance lies in demonstrating how delays can occur even in high-profile cases where legal substance appears formally complete. Therefore, the two cases are treated as indicative of structural and procedural vulnerabilities in the restitution enforcement mechanism, rather than as isolated anomalies.

A number of international studies highlight that the effectiveness of compensation for victims of economic crime is strongly influenced by the integration of substantive regulation and clear procedural mechanisms (Laufer, 2025). Other studies confirm that without a firm inter-agency coordination design, asset recovery and restitution are likely to be hampered by the fragmentation of authority (Fahmi et al., 2025). However, most previous research has focused more on anti-money laundering policies or the confiscation of state assets, rather than restitution as a victim's right within the framework of national criminal law. In the Indonesian

context, a comparative study between the old Criminal Code regime and the new regime after Law Number 1 of 2023 and its implications for the provision of restitution has not been analyzed in depth. It is this research gap that puts this study in a strategic position in the development of criminal law literature and victim protection.

Criminal law reform through Law Number 1 of 2023 concerning the Criminal Code brings fundamental changes by recognizing restitution as an additional crime. The change was then associated with Law Number 20 of 2025 concerning the Criminal Procedure Code, which regulates coordination between law enforcement officials and the Witness and Victim Protection Agency, including in Article 179. From the perspective of Lawrence Friedman's legal system theory, the effectiveness of a norm is determined not only by the substance of the law but also by the institutional structure and legal culture that support its implementation (Yunita et al., 2025). Normative reform without strengthening the structure and culture of inter-institutional cooperation has the potential to repeat the same problems in the previous regime (Hofmann & Yeo, 2024). Thus, the analysis of the prospects for restitution cannot be separated from a comprehensive systemic approach.

Based on this background, this study aims to critically analyze the problems of the application of criminal law in providing restitution for victims of money laundering crimes in the old legal regime, as well as assess the prospects of providing restitution through the implementation of Law Number 1 of 2023, which is associated with Law Number 20 of 2025. This purpose is formulated to answer questions about the factors that cause delays or obstacles to the implementation of restitution and the extent to which criminal law reform is able to improve these conditions. This research also seeks to examine the relationship between legal norms, judicial practices, and institutional coordination in the criminal justice system. Thus, this article not only describes regulatory changes but also analyzes their structural and cultural implications for the effectiveness of victim protection.

Theoretically, this research contributes to the development of criminal law reform studies by placing restitution as a concrete indicator of the success of the victim-oriented criminal justice system. This study enriches the discourse on the application of legal system theory in the context of recovery of victims of economic crime in developing countries (Khan, Shah, et al., 2023). In practical terms, this article provides a conceptual framework for strengthening coordination between law enforcement officials and the Witness and Victim Protection Agency so that the implementation of restitution is faster and more effective.

Thus, criminal law reform through the new Criminal Code and the Criminal Procedure Code is expected not to stop at the normative level, but will have a real impact on the fulfillment of the rights of victims of money laundering. This approach confirms that the legitimacy of the modern criminal justice system is largely determined by its ability to guarantee substantive justice for victims. In this regard, the fulfillment of restitution cannot be viewed merely as a procedural matter, but as part of the state's broader human rights obligation to protect victims from secondary victimization and ensure their dignity within the justice process (Antonius, 2024).

Although the issue of victim compensation has been widely discussed in global legal scholarship, most existing studies concentrate on normative recognition of victims' rights, access to compensation schemes, or the effectiveness of asset confiscation mechanisms within anti-money laundering regimes. The prevailing literature tends to examine compensation either from a human rights perspective or from a financial crime enforcement perspective, without systematically integrating the two within a unified criminal law framework. In particular, limited attention has been given to the structural relationship between restitution orders in criminal judgments and the institutional mechanisms that determine their post-decision implementation. As a result, the gap between judicial recognition and actual realization of restitution remains under-theorized in comparative and international discourse.

Furthermore, previous studies rarely analyze restitution through a systemic legal reform lens that connects substantive criminal law reform with procedural coordination design. The integration of restitution as an additional penalty within the Criminal Code and the simultaneous restructuring of inter-agency coordination within criminal procedural law have not been sufficiently explored as a coherent reform model. This study addresses that gap by examining how the transformation of restitution from a sectoral victim-right regime into a core component of the penal system alters the dynamics of enforcement, execution, and institutional accountability.

The unique intellectual contribution of this article lies in three interrelated aspects. First, it reconceptualizes restitution not merely as a victim protection mechanism, but as an indicator of the functional coherence of the criminal justice system in combating financial crimes. Second, by employing Lawrence Friedman's legal system theory, this study provides a systemic analytical framework that connects legal substance, institutional structure, and legal culture in assessing the effectiveness of victim recovery. Third, by using the Indonesian reform experience as a case study, this article contributes to global legal discourse by offering a model for evaluating post-conviction restitution effectiveness through measurable indicators, particularly the time gap between a final and binding judgment (inkracht) and the actual distribution of restitution. In doing so, the study moves beyond descriptive regulatory analysis and advances a conceptual approach to understanding restitution as a benchmark of victim-oriented criminal justice in the context of anti-money laundering regimes.

B. METHOD

This study employs a normative-conceptual legal research approach. The analysis is based on statutory regulations, court decisions, and relevant scholarly literature concerning restitution, anti-money laundering enforcement, and victim-oriented criminal justice. Primary legal materials include Law Number 1 of 2023 concerning the Criminal Code, Law Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 31 of 2014 on Witness and Victim Protection, related implementing regulations, and final court judgments in the Indosurya and Viralblast

cases. Secondary materials consist of academic writings, journal articles, and international anti-money laundering scholarship that discuss asset recovery, restitution mechanisms, and institutional coordination. The study adopts Lawrence Friedman's legal system theory as an analytical framework to examine the interaction between legal substance, legal structure, and legal culture in the implementation of restitution. The research does not aim to produce statistical generalizations, but rather to provide a systemic and doctrinal analysis of structural and procedural challenges in post-conviction restitution enforcement within Indonesia's criminal justice system.

C. RESULTS AND DISCUSSION

1. Problems of the Application of Criminal Law in Providing Restitution for Victims of Money Laundering Crimes

a. Restitution Arrangements in Existing Regulations

The rule of law and access to justice are two variables that affect each other. The rule of law is a fundamental prerequisite for access to justice, while effective access to justice is an indicator of the upholding of the rule of law (Beqiraj & Mojham, 2022). In the context of witness and victim protection, the presence of the Witness and Victim Protection Agency is intended as a state instrument to ensure that victims can access their rights in the criminal justice process (A. Wibowo & Windari, 2019). One of these rights is restitution, which is the payment of compensation charged to the perpetrator or a third party based on a determination or court decision that has permanent legal force for material and/or immaterial losses suffered by the victim or his heirs (Chalil et al., 2025). This definition is affirmed in Article 1, point 11 of Law Number 31 of 2014 on the Amendment to Law Number 13 of 2006 on Witness and Victim Protection. Normatively, this provision indicates an explicit recognition that victims of criminal acts, including money laundering, have the right to recovery.

The right to restitution is further affirmed in Article 7A, paragraph (1) and paragraph (2) of Law Number 31 of 2014, which states that victims of criminal acts are entitled to restitution, and the types of criminal acts that can be given restitution are determined through the decision of the Witness and Victim Protection Agency. This norm shows that restitution is not a discretionary policy, but the victim's legal right. However, systemically, such arrangements are in the victim protection regime, not in the general penal regime. Within the framework of victim-oriented justice theory, the recognition of victims' rights is a progressive step, but its effectiveness depends heavily on the integration between substantive norms and procedural mechanisms (Handoko & Santoso, 2025; Mujisulistyo et al., 2024). Gilmour (2023) affirms that in the crime of money laundering, the effectiveness of victim recovery is largely determined by the design of a system that links the norm of rights with the execution procedure. In the context of Indonesia, before the enactment of Law Number 1 of 2023 on the Criminal Code, restitution has not been integrated into the national criminal design, thus causing implementation gaps.

The strengthening of the linkage between restitution and criminal proceedings is seen in Article 7A paragraph (4) of Law Number 31 of 2014, which stipulates that if

the application for restitution is filed before the verdict acquires permanent legal force, the Witness and Victim Protection Agency may submit restitution to the public prosecutor to be included in its demands. This provision explicitly places restitution within the scope of the criminal justice system, as the public prosecutor is the main actor in the prosecution process. Thus, the provision of restitution cannot be separated from the application of criminal law and criminal procedural law. However, the effectiveness of this norm depends heavily on coordination between investigators, public prosecutors, courts, and the Witness and Victim Protection Agency (Aziz, 2025). Goldbarsht & Benson (2024) suggest that in anti-money laundering regimes, weak procedural coordination often leads to delayed recovery of victims even when a legal framework is available. This condition is relevant to practice in Indonesia.

Implementing regulations such as Government Regulation Number 7 of 2018, updated through Government Regulation Number 35 of 2020, and Supreme Court Regulation Number 1 of 2022, provide technical guidelines regarding the procedures for submitting and implementing restitution. However, because the old Criminal Code did not recognize restitution as a type of crime, all of these regulations stood outside the general criminal framework. Bondarenko et al. (2024) affirm that in the crime of money laundering, the coherence between material law and procedural law greatly determines the effectiveness of enforcement. The disintegration between the victim protection regime and the penal regime causes restitution to be more sectoral than systemic. Thus, the problem of existing regulations does not lie in the absence of norms, but in the non-integration of these norms in the design of the criminal justice system as a whole.

From the perspective of Lawrence Friedman's theory of the legal system, this condition suggests that the element of substance is available, but the elements of structure and culture have not been optimally supported (Fuchs, 2022). The substance of the law has recognized the victim's right to restitution, but the coordination structure between law enforcement officials and the Witness and Victim Protection Agency does not yet have a firm procedural legal basis. The culture of cooperation has also not been systematically institutionalized in procedures. Ohinok & Kopylchak (2024) emphasized that anti-money laundering regulatory reform is only effective if it is accompanied by strengthening institutional coordination. In the context of pre-reform Indonesia, the gap between norms and implementation became the root of the problem of the application of criminal law in providing restitution for victims of money laundering crimes.

b. Restitution through the Application of Criminal Law in the Criminal Justice System

The provision of restitution for victims of Money Laundering Crimes is factually carried out through the criminal justice system. This can be seen from the practice of court decisions that impose criminal sentences on the defendant as well as contain warnings related to the recovery of victims. In the Viral case, the verdict on page 444 of 474 stated that the evidence was submitted to the Witness and Victim Protection Institute of the Republic of Indonesia to be distributed proportionately to

905 restitution applicants. The ruling shows that restitution does not stand as an administrative mechanism, but is part of a criminal defense. Thus, restitution is given through the direct application of criminal law and criminal procedure law.

The judicial process in the case uses references **to Law** Number 8 of 1981 on the Criminal Procedure Code, which was the basis of criminal proceedings before the reform. References to the old Criminal Procedure Code appear in the legal considerations section, for example, on page 418 of 420 pages of Decision Number 44/PID. SUS/2023/PT SBY, as well as on pages 251–252 of 253 pages of Decision Number 2113 K/Pid.Sus/2023. This fact shows that the restitution mechanism runs within the framework of the old criminal procedure law, which has not yet regulated explicit coordination with the Witness and Victim Protection Agency. Fathan et al. (2025) emphasized that without an explicit coordination design in procedural law, the recovery of victims is vulnerable to obstacles. This condition is reflected in post-decision implementation practices.

In the Indosurya case, the Supreme Court's Cassation Decision Number 2113 K/Pid.Sus/2023 dated May 16, 2023, stated that the defendant was proven to have committed the crime of collecting funds without a permit and the crime of money laundering, as well as imposing a prison sentence and fine. Although the case has been in court, restitution has not been effectively realized until a significant time after the verdict. This phenomenon shows that the finality of the verdict is not synonymous with the recovery of the victim. Prayitno et al. (2024) emphasize that the effectiveness of asset recovery is highly dependent on an integrated execution design from the early stages of criminal proceedings. Without this design, the recovery has the potential to be declarative.

Referring to the Annual Report of the Witness and Victim Protection Agency, the restitution application process can be started from the investigation stage by Police investigators. This fact strengthens the argument that restitution is integrated into the criminal justice system from the earliest stages. However, the integration has not been supported by a binding coordination mechanism between institutions. Bociga et al. (2025) explained that the complexity of money laundering requires strict coordination between law enforcement actors to ensure the success of recovery. Without systemic coordination, the assets that have been determined in the verdict cannot be immediately distributed to the victim.

Theoretically, this condition indicates a weakness in the structural elements of Friedman's theory. Restitution norms are in place, but the implementation structure has not been able to guarantee the speed and effectiveness of recovery. From the perspective of access to justice, the delay reflects the suboptimal function of the state in guaranteeing the rights of victims. Olujobi & Yebisi (2023) emphasize that the success indicators of the anti-money laundering regime are not enough to be measured by the number of claimants an, but also from the success of the victim's recovery. Thus, the criminal justice system needs to integrate the recovery dimension as an indicator of institutional performance.

c. Facts of Late Restitution in Cases A-quo 1 and 2

The delay in restitution in the Indosurya and Viralblast cases shows the gap between norms and implementation. Both cases have had permanent legal force since 2023, but until a significant time after the verdict, victims have not received effective recovery. In the theory of legal implementation, the execution phase is the main indicator of the effectiveness of the norm. Zafarullah & Haque (2023) show that in the case of money laundering, failures in the execution phase are often due to poor coordination and asset governance. These empirical findings are consistent with the conditions in both cases.

Late restitution is also contrary to the principle of speedy, simple, and low-cost justice. From the perspective of the rule of law, access to justice does not only mean a court decision, but also the realization of real rights (Baraggia & Bonelli, 2022). When the victim waits for a long time after the inkracht, the state's protective function has not been fulfilled. The urgency of accelerating victim recovery has also been emphasized in Indonesian legal commentary, which argues that prolonged delays may undermine the credibility and moral authority of the justice system (Antonius, 2023). Hermanto (2023) emphasized that regulatory reform must have a direct impact on public protection. In this context, the fact that victims have not received restitution suggests that previous reforms have not touched on the root of implementation problems.

The root of the problem lies in the lack of a firm cooperation arrangement between law enforcement officials and the Witness and Victim Protection Agency in the old criminal procedure law. Each institution carries out its respective mandates without a binding procedural integration mechanism. Liang et al. (2025) emphasize that the complexity of money laundering demands systematic and standardized cross-agency coordination. Without strong coordination, the management of evidence and the distribution of recovery will be hampered. Thus, the problems that arise are not just administrative, but structural and systemic. This is the basis for the urgency of renewal in Law Number 1 of 2023 on the Criminal Code and Law Number 20 of 2025 on the Criminal Procedure Code.

2. Prospects for Providing Restitution through Law Number 1 of 2023

a. Restitution Arrangements in Law Number 1 of 2023 on the Criminal Code

The prospect of strengthening restitution for victims of money laundering crimes mainly arises because restitution is no longer solely placed as a "victim's right" in the sectoral regime of witness and victim protection, but rather gains a strengthened position within the national criminal framework. When the restitution is positioned as Additional Penalties in Law Number 1 of 2023 on the Criminal Code, restitution acquires a more "coercive weight" in the logic of criminal law, because it is not only the victim's claim, but the criminal consequences inherent in the imposition of the sentence. Systemically, this change is important because it corrects the weakness of the previous regime that did not recognize restitution as a type of crime in the old Criminal Code, so that the implementation of restitution depends on sectoral

apparatus and judicial practices. These changes also reinforce a sentencing orientation that does not stop at the punishment of the perpetrator, but moves towards the recovery of the victim's losses as part of substantive justice. In the financial crime literature, the integration of recovery within the criminal framework is seen as increasing the chances of recovery going more effectively because recovery is no longer on the fringes of the process (Khan, Nisar, et al., 2023).

However, the strengthening of norms in Law Number 1 of 2023 on the Criminal Code does not automatically solve the problem seen in the Indosurya and Viralblast cases, namely, the length of post-inkracht restitution. These two cases show that the restitution order in the judgment can "exist", but its realization is still held back in the execution and inter-institutional governance phases. Therefore, the power of additional criminal norms only means that from the beginning of the criminal process, the authorities place restitution as part of the purpose of handling the case, not additional matters after the main crime is decided. In money laundering crimes, the direction of recovery is largely determined by how assets are tracked, frozen, managed as evidence, and then diverted for recovery. Baronak-Atkins (2025) emphasizes that the character of money laundering is indeed designed to break the asset trail, so recovery requires a strict and integrated procedural design. Thus, the prospect at the level of "criminal substance" must be tied to the renewal of "procedural substance" in procedural law.

The relationship with access to justice is also important. If restitution becomes an additional crime, then the state conceptually emphasizes that victim recovery is part of the output of the criminal justice system, not just an additional service. In the framework of the rule of law and access to justice, the measure of success is not only the final verdict, but the rights of the victim that can be truly accessed and fulfilled. The Viralblast case shows that the verdict has ordered evidence to be handed over to LPSK to be distributed proportionally to 905 restitution applicants, but the realization still faces speed problems. This situation confirms that updating the Criminal Code alone is not enough; It requires the design of criminal events that force the integration of work between institutions. Sultan & Mohamed (2023) show that the success of anti-money laundering regimes is highly dependent on the ability of the legal system to facilitate the exchange of information and enforcement coordination for recovery purposes. Therefore, the prospect of Law Number 1 of 2023 on the Criminal Code should be read as an opportunity to strengthen the "position" of restitution so that it is no longer easily marginalized in practice.

Thus, the main added value of Law Number 1 of 2023 on the Criminal Code is to strengthen the legitimacy of victim recovery in the language of the penalty. What distinguishes the old regime is not just the recognition of rights (because the right already exists in the law on the protection of witnesses and victims), but the "placement" of restitution at the heart of the criminal regime. This reinforces your argument that restitution is inseparable from the application of criminal law.

However, a critical practical question arises when the convicted defendant lacks sufficient assets to fulfill the restitution order. The transformation of restitution

into an additional penalty strengthens its normative status within the criminal law framework, but it does not automatically resolve the problem of insolvency. In money laundering cases, assets may have been dissipated, transferred to third parties, concealed through layered transactions, or already subjected to competing legal claims. In such circumstances, the formal imposition of restitution as an additional penalty may remain declarative if no executable assets are available.

The designation of restitution as an additional penalty primarily affects the legal positioning of restitution within sentencing logic. It obliges the court to treat victim recovery as part of penal consequences rather than as an external civil claim. This shift enhances prosecutorial responsibility to pursue asset tracing and freezing from the early stages of investigation, thereby increasing the probability that assets will be preserved for restitution purposes. In this sense, the reform operates preventively by encouraging earlier integration of recovery strategies within criminal proceedings. Nevertheless, once assets are proven nonexistent or insufficient, the additional penalty classification alone does not create an alternative compensation source.

This raises a broader policy question regarding the residual responsibility of the state in situations of offender insolvency. Without a complementary mechanism—such as a state-funded compensation scheme, guarantee fund, or substitute liability arrangement—the burden of insolvency ultimately falls on the victims. Therefore, while Law Number 1 of 2023 improves the doctrinal coherence of restitution within criminal law, it does not fully eliminate the structural vulnerability faced by victims in cases of asset depletion. The effectiveness of restitution in insolvency scenarios depends on robust asset recovery mechanisms, early financial investigation integration, and potential policy innovation beyond punitive design.

Consequently, making restitution an additional penalty should be understood as a necessary but not sufficient condition for ensuring effective victim recovery. It strengthens the enforceability of restitution within the criminal judgment, but it cannot substitute for its existence. Addressing insolvency requires systemic integration between criminal enforcement, financial intelligence mechanisms, and possibly state-backed recovery frameworks. Without such complementary measures, the practical hurdle of offender insolvency may continue to limit the restorative capacity of the criminal justice system.

However, the measure of success must still be drawn to the level of implementation: whether the time gap between inkracht and restitution payment is getting shorter than in previous cases. In the study of financial crime regulation reform, new normative changes are valuable if they are followed by adequate implementation tools and measurable output indicators (Naghi et al., 2023). Therefore, the prospect of a Criminal Code must be continued with the prospect of a new Criminal Code.

b. Coordination Arrangements in Law Number 20 of 2025 on the Criminal Procedure Code

The biggest problem seen from the Indosurya and Viralblast cases is that cross-agency coordination in the post-decision phase is not strong, so that the recovery of victims is held back. Therefore, the coordination arrangements in Law Number 20 of 2025 on the Criminal Procedure Code, especially Article 179, become a prospective point that directly targets the root of the problem. If, in the old regime, the coordination between law enforcement officials and the Witness and Victim Protection Agency tended to stand on institutional practice, then the new arrangement provides a more explicit and binding procedural legal basis. In procedural law, the norm of coordination is important because it determines "when" and "how" obligations between actors should be carried out, so that it does not depend only on informal relations or personal goodwill. Baptist-Beauchesne (2022) emphasizes that cross-agency coordination on financial crime demands a clear mandate so that it does not become an optional procedure. Thus, Article 179 can be read as a shift from custom-based coordination to coordination based on procedural obligations.

Strengthening coordination also needs to be read as strengthening access to justice. In the logic of access to justice, victims not only need recognition of rights on paper, but also require procedural paths that ensure that rights can be realized on time. The Viralblast case, for example, has included a warning on the distribution of evidence through the Witness and Victim Protection Institute to 905 restitution applicants, so the main issue is not the legitimacy of the verdict, but the mechanism for implementing and coordinating victim data, asset status, and distribution procedures. This is where the role of procedural law becomes decisive: the procedural law must provide a workflow design that forces synchronization between institutions. Valvi (2023) highlighted that information exchange and integration of procedures between authorities are prerequisites for effective recovery in anti-money laundering regimes. Thus, Law Number 20 of 2025 on the Criminal Procedure Code provides the prospect of reducing implementation "bottlenecks".

Nevertheless, a more critical reading of Article 179 reveals several institutional risks that may affect its practical implementation. First, the formalization of coordination obligations does not automatically eliminate overlapping mandates between investigators, prosecutors, courts, and the Witness and Victim Protection Agency (LPSK). Without a clear delineation of decision-making authority in the execution phase, coordination norms may generate ambiguity regarding which institution bears ultimate responsibility for initiating and supervising restitution distribution. Such ambiguity may lead to institutional caution, delayed action, or mutual reliance, thereby reproducing the very delays the reform seeks to overcome.

Second, the introduction of procedural coordination requirements may increase administrative burdens within an already complex criminal justice bureaucracy. Restitution in money laundering cases often involves extensive victim verification, asset tracing, asset valuation, and proportional distribution mechanisms. If Article 179 is implemented without standardized timelines, digital integration

systems, and clear documentation protocols, coordination may become document-driven rather than outcome-driven. In this scenario, compliance with procedural formalities could overshadow the substantive goal of timely victim recovery.

Third, there is a potential risk of symbolic compliance. In bureaucratic environments where performance indicators remain centered on conviction rates and imprisonment, coordination regarding restitution may be treated as an ancillary obligation rather than a primary enforcement objective. Even with a formal coordination mandate, institutional culture and resource allocation priorities could limit proactive engagement. As a result, Article 179 may function declaratively unless accompanied by accountability mechanisms that measure and evaluate the timeliness and effectiveness of restitution execution.

Finally, the effectiveness of Article 179 is highly dependent on the issuance of implementing regulations that clarify workflow design, inter-agency data sharing mechanisms, and enforcement deadlines. In the absence of detailed implementing instruments, coordination norms risk being interpreted flexibly across regions, leading to uneven application and potential disparities in victim recovery outcomes. Therefore, while Article 179 represents significant normative progress, its transformative capacity remains contingent upon institutional readiness, regulatory precision, and sustained oversight mechanisms.

In addition to Article 179, the definition of restitution in Article 1, point 43 of Law Number 20 of 2025 on the Criminal Procedure Code provides conceptual consistency at the procedural level. Consistency of definitions is important to avoid differences in interpretation between institutions, especially when implementation concerns victim verification, loss verification, and the distribution basis. In money laundering crimes, issues of definition and scope often have a direct impact on operational decisions about assets and recovery. Castelao-López et al. (2025) emphasize the importance of coherence of definitions and legal tools in money laundering crimes so that implementation is not fragmented. Therefore, strengthening procedural definitions can reduce the space for tug-of-war that slows down implementation.

However, the prospects for coordination arrangements still have to be tested at the "operationalization" level. Coordination norms have the potential to become declarative if they are not accompanied by implementing rules that explain document standards, deadlines, division of authority, and achievement indicators. The experience of the Indosurya and Viralblast cases teaches that the final decision does not automatically move to recovery, because the execution phase requires a detailed administrative and legal machine. Pontes et al. (2022) show that procedural weaknesses in the implementation phase are often the main cause of the failure of anti-money laundering regimes in providing a quick recovery output. Therefore, the prospective value of Article 179 will be maximized if it follows an operational mechanism that binds all actors.

Thus, what distinguishes Law Number 20 of 2025 on the Criminal Procedure Code from the old regime is not just "there is coordination", but coordination is

positioned as a procedural norm that can close the cooperation gap that you previously identified as the main problem. This also answers the first problem you wrote: the legal vacuum about cooperation between Law Enforcement Officers and Witness and Victim Protection Agencies. At this point, the new procedural law can be a bridge between the additional penalty of restitution in the new Criminal Code and the realization of victim recovery in practice. However, this prospect remains conditional: there must be rules of implementation and institutional readiness, which will be discussed in the next subsection.

c. Analysis of the Prospects for the Implementation of APH-LPSK Coordination Based on the Three Elements of Lawrence Friedman's Legal System

From Lawrence Friedman's perspective, the effectiveness of reform depends not only on the substance of the law but also on the legal structure and legal culture. As a systemic concept, criminal law enforcement must be understood as an interaction between legal substance, legal structure, and legal culture, each of which plays an equally decisive role in achieving justice, legal certainty, and utility (A. P. S. Wibowo, 2025). On the element of substance, Law Number 1 of 2023 on the Criminal Code and Law Number 20 of 2025 on the Criminal Procedure Code provide a stronger normative basis: restitution gains a stronger position in the criminal regime, and coordination gains a procedural basis. However, the substance of the law still requires implementation rules so that it can be operational.

Without implementation rules, the apparatus can have a variety of interpretations about the coordination flow, the type of documents needed, and when the restitution must be processed, so that the potential for delays remains open. Korejo et al. (2023) affirm that procedural details are a determining factor in the effectiveness of recovery in financial crimes, as recovery always involves complex administrative and legal stages. Therefore, the prospect of legal substance should be directed at the establishment of detailed and binding implementation instruments.

In terms of structural elements, the implementers of the rules are concrete institutions consisting of the Witness and Victim Protection Agency, the police, the prosecutor's office, and the court. In the context of combating organized crimes such as trafficking in persons, the criminal justice system operates across multiple legal domains, including substantive criminal law, criminal procedure law, victim protection law, and human rights law. This multi-dimensional configuration confirms that structural effectiveness cannot be assessed merely by the existence of institutions, but by the degree of coordination and integration among these interconnected legal domains (A. P. S. Wibowo, 2025).

Structure means not only the existence of an institution, but the capacity of the institution to reach out to victims and manage the process effectively. You emphasize that the institutional structure must be strong down to the district or city level, as victims and evidence of harm are not always central. If the capacity of the structure is uneven, then the process of victim verification, loss validation, and distribution administration will be stalled. Coimbra (2022) emphasized that the success of anti-money laundering reforms is greatly influenced by institutional capacity, including

the ability to consistently implement mandates across regions. Thus, the prospect of post-reform restitution is highly dependent on strengthening work structures and service standards up to the regional level.

The structure also concerns the chain of work between institutions from the early stages of the criminal process. The Viralblast case shows a verdict that directly ordered the submission of evidence to LPSK to be distributed proportionally to 905 restitution applicants, but the implementation still requires synergy of victim data, asset status, and distribution flow. In money laundering crimes, delays in one node of the structure can thwart recovery because assets can deform, move, or become the object of another dispute. Coimbra (2022) emphasizes that money laundering is part of a "modern criminal system" that deliberately makes assets difficult to trace, so structural coordination must be designed as an unbroken chain. Therefore, a strong structure means a structure that is able to connect the stages of investigation, prosecution, verdict, and execution in an integrated manner.

In the element of legal culture, the biggest problem is usually not just "no rules", but work habits and institutional priorities. If law enforcement officials still place restitution as a secondary matter, then even if there is Article 179, coordination can be minimalist and slow. Here, the existence of a memorandum of understanding or cooperation agreement between institutions can be the initial capital for the formation of a culture of cooperation, but the culture cannot be built by documents. Culture requires leadership that encourages coordination as a shared obligation and monitors achievements in an accountable manner. Onyekachi et al. (2026) emphasize that interagency collaboration in financial crime requires institutional leadership and evaluation mechanisms so that cooperation does not stop at the level of formality. Thus, the prospect of post-reform restitution demands leadership that places victim recovery as a tangible indicator of law enforcement success.

In the Indonesian bureaucratic context, legal culture is strongly influenced by hierarchical administrative traditions and formalistic compliance orientation. Law enforcement institutions often operate within rigid chains of command and procedural compartmentalization, where responsibilities are interpreted narrowly according to institutional mandates. As a consequence, restitution execution may be perceived not as a shared systemic responsibility, but as a peripheral administrative consequence of criminal adjudication. When institutional actors prioritize conviction rates, imprisonment, and evidentiary success as primary performance indicators, victim recovery risks being treated as a secondary or post-script obligation rather than an integral objective of criminal justice.

This cultural orientation also manifests in what may be described as a “silo mentality” within the bureaucracy. Investigators, prosecutors, courts, and the Witness and Victim Protection Agency (LPSK) operate under separate administrative structures, budgetary frameworks, and reporting systems. Even when legal substance mandates coordination, the absence of an ingrained collaborative culture can slow the flow of information, verification of victim data, and asset management processes. In practice, coordination may depend on informal communication or personal initiative

rather than institutionalized procedural reflexes. Such dependency increases the likelihood of delay once a judgment has reached final and binding force (inkracht), because no single institution perceives restitution execution as a core performance mandate.

Moreover, legal culture affects the interpretation of restitution's normative status. Under the previous regime, where restitution was not explicitly recognized as an additional penalty in the Criminal Code, many practitioners internalized the perception that restitution belonged primarily to the domain of victim protection rather than criminal enforcement. This perception shaped bureaucratic behavior, limiting proactive engagement in asset tracing and early-stage integration of victim recovery strategies. Even with the enactment of Law Number 1 of 2023 and Law Number 20 of 2025, the transformation of legal substance into effective implementation will depend on whether institutional actors internalize restitution as a central component of law enforcement legitimacy. Without such cultural internalization, coordination norms risk remaining formally complied with but substantively under-optimized.

Therefore, within the framework of Friedman's theory, legal culture functions as the mediating variable that determines whether strengthened legal substance can effectively operate within the institutional structure. In the Indonesian setting, reform success will depend not only on regulatory clarity but also on bureaucratic reorientation toward victim-centered performance indicators, inter-agency accountability mechanisms, and leadership commitment that frames restitution as an essential output of criminal justice rather than a supplementary administrative task.

From a global perspective, the Indonesian reform can also be situated within broader international anti-money laundering and asset recovery frameworks. The Financial Action Task Force (FATF) emphasizes in its Recommendations—particularly those concerning confiscation and provisional measures (Recommendation 4) and international cooperation (Recommendations 36–40)—that effective asset recovery is a core indicator of an operational AML regime. However, FATF assessments tend to focus on confiscation performance and cross-border cooperation, while less attention is explicitly directed toward the timeliness and effectiveness of restitution distribution to victims. In this regard, the Indonesian reform contributes an important dimension by explicitly linking criminal sentencing, coordination mechanisms, and victim recovery as measurable outcomes of AML effectiveness.

Comparatively, several jurisdictions have developed complementary mechanisms to address similar challenges. For example, some European countries combine confiscation-based recovery with structured victim compensation schemes or centralized asset management offices to ensure that recovered assets can be redistributed efficiently. In the United States, asset forfeiture frameworks are institutionally integrated with federal restitution orders, supported by enforcement agencies that actively monitor payment compliance. These comparative models demonstrate that successful victim recovery depends not only on confiscation

authority but also on structured execution mechanisms and performance accountability.

The Indonesian experience reflects a transitional phase in which restitution is being repositioned from a peripheral victim-protection mechanism to a central element of criminal enforcement. By integrating restitution as an additional penalty and codifying coordination obligations within procedural law, Indonesia aligns itself with global trends emphasizing asset recovery effectiveness. Nevertheless, the comparative experience of other jurisdictions indicates that normative alignment alone is insufficient; measurable performance standards, asset management infrastructure, and inter-agency data integration are critical to ensuring that confiscated or recovered assets are translated into timely restitution for victims. Thus, the Indonesian reform can be read both as part of a global convergence toward recovery-oriented justice and as an ongoing institutional experiment in operationalizing that convergence.

If Friedman's three elements are read together, then the prospect Law Number 1 of 2023 on the Criminal Code and Law Number 20 of 2025 on the Criminal Procedure Code can close the two main problems you formulated. First, the vacancy in coordination arrangements in the old regime was answered through Article 179. Second, the problem of the speed of post-inkracht recovery has an opportunity to improve because restitution is strengthened in its position and coordination is given a procedural basis. However, the success of reform remains conditional: implementation rules must exist, structural capacity must be strong in the regions, and a culture of cooperation must be built through leadership. Dote-Pardo & Severino-González (2025) emphasized that system coherence and consistent implementation are key to the effectiveness of the anti-money laundering regime. Therefore, the most objective indicator to assess the prospects is the shrinking time gap between the inkracht ruling and the realization of restitution, so that cases such as Indosurya and Viralblast do not recur in the new regime.

D. CONCLUSION

The problem of the application of criminal law in providing restitution for victims of money laundering crimes lies not in the absence of normative arrangements, but in the weak coordination between law enforcement officials and the Witness and Victim Protection Agency within the framework of the previous criminal procedural law, so that the restitution that has been ordered in the decision has permanent legal force, as seen in the cases of Indosurya and Viralblast, has not been realized effectively. This condition shows that there is a gap between the recognition of victims' rights and their implementation in the criminal justice system. The update through Law Number 1 of 2023 on the Criminal Code, which places restitution as an additional criminal offence, and coordination arrangements in Law Number 20 of 2025 on the Criminal Procedure Code, provide a stronger normative basis for accelerating the implementation of restitution. However, the prospect of the success of the reform depends heavily on the harmonization of the three elements of

the legal system according to Lawrence Friedman, namely strengthening the substance of the law through operational implementation rules, strengthening institutional structures to the regional level, and establishing an effective culture of cooperation between law enforcement officials and LPSK, so that victim recovery is truly a real indicator of victim-oriented criminal justice.

To ensure that the normative reforms introduced by Law Number 1 of 2023 and Law Number 20 of 2025 produce tangible results, detailed implementing regulations in the form of a Government Regulation or Presidential Regulation are urgently required. Such regulations should clearly define inter-agency responsibilities in restitution execution, establish standardized coordination workflows from investigation to post-judgment enforcement, impose mandatory timelines to prevent delays after a judgment becomes final and binding, and introduce measurable performance indicators for restitution enforcement. In addition, digital data integration between law enforcement institutions and the Witness and Victim Protection Agency should be institutionalized to facilitate real-time coordination, particularly in large-scale financial crime cases. Consideration should also be given to mechanisms addressing offender insolvency, including structured asset management or limited state-supported recovery alternatives. Without these concrete regulatory instruments, the reform risks remaining declarative; with them, restitution can function as a credible and measurable indicator of a victim-oriented criminal justice system.

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