THE JURIDICIAL REVIEW TOWARDS THE EFFORTS TO FINANCIAL RETURNS THE STATE UPON CORRUPTION RELATED TO THE LAW NO 20 YEAR 2001 ABOUT CORRUPTION ERADICATION

ABSTRACT

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Many countries consider that corruption is very detrimental to the country's financial and retard development in a country, for example Indonesia. There are a lot of corruption actors in Indonesia and it is hard to be eradicated. Process of state financial return upon corruption influence the process of state development in a country, Indonesia does not have the law yet to rule the state financial return upon corruption. The appeared problem related to the law implementation on state financial return upon corruption. Related to this case, the state financial return should get stronger law attention. The problem is how to implement the law and the efforts of state financial return upon corruption reviewed from the law No 20 year 2001 about the law amendment no 31 year 1999 about corruption eradication.

This study is conducted in analytic descriptive, namely that gives the description about the facts either secondary data of primary law material such as the law no 31 year 1999 about corruption eradication, the law no 20 year 2001 about the law amendment of the law no 31 year 1999 about corruption eradication, secondary of secondary law material in form of doctrine, experts legal opinion or the result from law and tertiary law material in form of data from article and internet related to this study. This study applies juridical normative approach, data is obtained from analyze of qualitative jurisdiction.

According to data analysis, it can be concluded that the law no 31 year 1999 about corruption eradication, the law no 20 year 2001 about the law amendment of the law no 31 year 1999 about corruption eradication has not totally able to overcome the state financial return upon corruption. There are several obstacles such as there is no a clear the law to rule the state financial return upon corruption, the hoarding wealth from corruption beyond the Indonesian territory. In the process of state financial return upon corruption is not easy, because the need of restorative approach namely the state action to take the financial as a result of corruption through court decision in civil case based on stronger evidence, that those assets are assumed from corruption or used for the actor of corruption, and if the financial from corruption is in abroad, it should be an international cooperation in legal feedback.