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The Missing Asset Recovery Practitioner: Comparative Lessons for Indonesia's Asset Forfeiture Law

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Abstract

Background: Indonesia's Draft Asset Forfeiture Law authorizes the Attorney General's Body for Asset Recovery (BPA) to trace, manage, and liquidate criminal assets. Despite generating Rp19.6 trillion in non-tax state revenue in 2025 under Article 30A of Law No. 11 of 2021, the draft's three proposed practitioner categories—Asset Recovery Prosecutor, Government Assessor Official, and Evidence Custodian—lack functional-position status under Law No. 20 of 2023. The Civil Curator under PermenPAN-RB No. 15 of 2020 remains an uncertain institutional analogue.
Objective: This study assesses whether the Civil Curator framework accommodates the *pro justitia* functions of the BPA and identifies relevant comparative lessons from the United States, Australia, France, and the United Kingdom.
Methods: Using a qualitative comparative socio-legal approach, this study examines legislation, the Draft Law, the BPHN Academic Paper, and the BPA's 2026 institutional position paper. Statutory, conceptual, and comparative analyses apply *Ambtenleer*, Gulick's specialization theory, and Friedman's legal-system framework to evaluate institutional mandates, investigative and custodial roles, functional positions, and accountability mechanisms.
Results: The Civil Curator is designed for reactive, court-ordered civil functions under the Ministry of Law and Human Rights, rendering it structurally incompatible with the BPA's proactive asset recovery mandate. All four comparator jurisdictions separate investigative functions from custodial and asset management responsibilities.
Conclusion: The separation of investigative and curatorship functions is an institutional necessity. The Draft Law should include a *lex specialis* provision establishing Asset Recovery Practitioner functional positions within the Attorney General's Office to address this *rechtsleemte*.

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INTRODUCTION

Law No. 11 of 2021 amending Law No. 16 of 2004 on the Attorney General's Office introduced Article 30A, vesting the Prosecution Service with the authority to trace, confiscate, and return criminally derived assets to the state, victims, or other entitled parties of Law No. 11 of

2021 (Nida, 2022; Permen RI, 2021). This provision serves as the legal basis for the Body for Asset Recovery (*Badan Pemulihan Aset*, BPA), which recorded non-tax state revenue amounting to Rp19.6 trillion in 2025 (Kuntadi, 2026) and now operates as a full echelon-I body under Perpres RI No. 15 of 2024 (Peraturan Presiden Republik Indonesia Nomor 15 Tahun 2024 Tentang Perubahan Ketiga Atas Peraturan Presiden Nomor 38 Tahun 2010 Tentang Organisasi Dan Tata Kerja Kejaksaan Republik Indonesia, 2024).

Indonesia's Draft Asset Forfeiture Law (*Rancangan Undang-Undang tentang Perampasan Aset Terkait Tindak Pidana*, Surat Presiden No. R-22/Pres/05/2023, hereinafter the Draft Law) seeks to consolidate this capacity through a *Single Gate Policy*, designating BPA as the sole authority empowered to petition courts for *in rem* forfeiture proceedings. The Draft Law also introduces a cluster of specialised practitioners under the term *Asset Recovery Practitioners* (*Praktisi Pemulihan Aset*): the Asset Recovery Prosecutor (*Jaksa Pemulihan Aset*), who possesses legal standing to initiate *in rem* actions; the Government Assessor Official (*Pejabat Fungsional Penilai Pemerintah*, PFPP), who conducts independent asset valuations; and the Evidence Custodian (*Pranata Barang Bukti*), who maintains chain-of-custody integrity within state evidence storage facilities (*Rumah Penyimpanan Benda Sitaan Negara*, Rupbasan) (Kuntadi, 2026; Prastowo & Rasyid, 2019). Such structural friction between Indonesia's procedural principles and the practical realities of asset recovery is not a new phenomenon (Mohas et al., 2022; Nelson & Santoso, 2021; Yoserwan, 2024).

The Draft Law nevertheless contains a consequential omission: it identifies these practitioner categories without mandating the establishment of their respective functional positions (*jabatan fungsional*) under Law No. 20 of 2023 on the State Civil Apparatus. Under Indonesia's civil service architecture, a functional position obtains legal recognition only after being formally established through a Ministerial Regulation issued by the Ministry of State Apparatus Empowerment and Bureaucratic Reform (*Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi*), following job analysis, workload analysis, and competency standard formulation (MenpanRB, 2023; Saputri & Fithriyyah, 2022). Without such regulatory foundations, the practitioners designated by the Draft Law would remain merely nominal categories without a defined career structure, credit-point system, competency development framework, or promotion pathway.

The only existing functional position with apparent similarities is the Functional Position of Civil Curator (*Jabatan Fungsional Kurator Keperdataan*) established under PermenPAN-RB No. 15 of 2020. This position manages civil law-related assets, including guardianship, administration of persons under legal incapacity, inheritance matters, and bankruptcy curatorship, through the State Estate Agency (*Balai Harta Peninggalan*, BHP) under the Ministry of Law and Human Rights. However, access to this position is restricted to personnel within that ministry (HULU, 2025; Peraturan Menteri PANRB Nomor 15 Tahun 2020 Tentang Jabatan Fungsional Kurator Keperdataan, 2020). Article 21 letter c of Law No. 16 of 2004, which prohibits the Attorney General from simultaneously serving as a guardian, curator, or trustee, creates an additional layer of normative complexity that this study examines directly (Emirsya et al., 2025; Undang-Undang Republik Indonesia Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia, 2004).

This study examines two research questions: first, whether the Functional Position of Civil Curator under PermenPAN-RB No. 15 of 2020 is adequate to accommodate the *pro-justitia* character of BPA's asset recovery functions under Law No. 11 of 2021; and second, what institutional design lessons can be derived from the asset recovery regimes of the United States, Australia, France, and the United Kingdom to address the functional position gap within Indonesia's Draft Law.

Three theoretical frameworks guide the analysis and are integrated throughout the study rather than presented as a separate literature review section. The *Ambtenleer* doctrine, a theory of public office developed by J.H.A. Logemann and applied in Indonesian administrative law scholarship by S.F. Marbun, provides the primary analytical lens (Marbun, 2012; Panjaitan, 2026). Under this doctrine, a *jabatan* represents a legal position whose delegated powers (*bevoegdheid*) and accountability obligations (*verantwoordelijkheid*) must correspond with the function it performs; otherwise, the institutional arrangement lacks normative validity. Gulick's organisational specialisation theory provides the organisational logic, arguing that work should be grouped according to shared purposes, processes, persons or objects dealt with, and locations, while the conflation of functionally distinct mandates within a single position may produce accountability diffusion (Cheon, 2022; Gulick, 1937). Friedman's legal systems framework, which distinguishes structure, substance, and legal culture, together with the doctrinal concept of *rechtsleemte* (legal vacuum), provides the contextual lens through which the absence of a functional position is diagnosed as a deficiency within Indonesian civil service law. This deficiency subsequently affects BPA's institutional structure and professional culture (Friedman, 1975; Nasional, 2022). Existing scholarship has examined asset recovery procedures and non-conviction-based forfeiture; however, it has not determined whether Indonesian civil service law provides a legally congruent functional-position framework for BPA's three proposed practitioner roles. Furthermore, existing studies have not compared this personnel-design challenge with jurisdictions that structurally separate investigative authority from asset custody functions. This unresolved institutional issue constitutes the specific research gap addressed by this study.

Indonesia's engagement with the Financial Action Task Force requires, under Immediate Outcome 8, that asset recovery processes operate through effective institutional arrangements supported by adequate resources (Force, 2022; Zolkaflil et al., 2023) A BPA operating without formally established functional positions may therefore face limitations in fully satisfying this criterion, creating a structural risk to Indonesia's compliance trajectory. The discussion that follows demonstrates why a *lex specialis* provision within the Draft Law represents the appropriate legislative remedy and why such a remedy must be founded on functional positions calibrated to a *pro-justitia* mandate rather than a merely civil-administrative one.

METHOD

This study adopted a qualitative approach grounded in documentary and secondary legal data rather than data generated through human or animal participation. The research design combined three complementary techniques applied to the same body of documentary data: a statute technique, involving systematic examination of Law No. 16 of 2004, Law No. 11 of 2021, Law No. 20 of 2023, Law No. 37 of 2004, PermenPAN-RB No. 15 of 2020, PermenPAN-RB No. 1 of 2023, the Draft Law, and the Academic Paper prepared by the National Law Development Agency (*Badan Pembinaan Hukum Nasional*, BPHN) in 2022 (Peraturan Menteri PANRB Nomor 15 Tahun 2020 Tentang Jabatan Fungsional Kurator Keperdataan, 2020; Nasional, 2022; Presiden Republik Indonesia, 2004) a conceptual technique, in which the three theoretical frameworks introduced above were each applied to a specific analytical task, with *Ambtenleer* used to diagnose the positional mismatch, Gulick's specialization theory applied to explain the organizational necessity of separation, and Friedman's framework used to situate the missing functional position as a systemic deficiency in legal substance; and a comparative technique, examining institutional asset recovery designs in four jurisdictions through primary international reference sources. This statute-conceptual-comparative design followed precedents for normative-juridical legal research published in this journal (Laoemoery & Dananjaya, 2026). For the comparative stage, the materials were examined through a common functional matrix covering institutional location, the actor responsible for investigation or petitioning, the actor responsible for custody or litigation, and the relevant competency and accountability architecture. This matrix was used to assess the transferability of each design element to BPA within Indonesia's civil service framework.

The primary data source for the Indonesian institutional context was BPA's institutional position paper of May 2026, authored by the head of BPA, which outlined the body's proposed normative architecture for the Draft Law (Kuntadi, 2026). Secondary data were drawn from peer-reviewed journal articles published in Scopus-indexed and nationally accredited journals, World Bank and Stolen Asset Recovery (*StAR*) practitioner handbooks, and legislative texts from the four comparative jurisdictions. The unit of analysis was the congruence or incongruence between the normative character of BPA's asset recovery function and the existing and proposed functional position frameworks within Indonesian civil service law.

The four comparative jurisdictions were selected based on their documented institutional designs rather than arbitrarily. The United States and Australia shared a common-law tradition, and each operated a dedicated federal asset forfeiture program with functionally distinct institutional roles extensively described in comparative literature. France represented a civil-law system directly relevant to Indonesia's own civil-law heritage, and its asset management agency was among the most extensively documented autonomous models in comparative scholarship. The United Kingdom combined common-law procedures with a multi-actor architecture under its proceeds-of-crime legislation, including a purpose-built incentivization scheme with direct relevance to BPA's proposed trust fund. The Netherlands, South Korea, and Malaysia, although included in the BPHN Academic Paper's survey, were excluded: the Dutch materials used in this study addressed prosecutorial organization for a different analytical purpose, and the Netherlands lacked a dedicated asset management office of the relevant type; South Korea's asset recovery division was situated within the prosecution service and did not demonstrate the investigator–custodian separation that constituted this study's central variable; and Malaysia did not yet operate a purpose-built non-conviction-based forfeiture statute comparable in institutional architecture to those of the four selected jurisdictions.

As documentary research, this study's claims rested on the documentary record of legislation, policy manuals, and published scholarship rather than on observations of day-to-day implementation; the methodological and contextual limitations arising from this approach were addressed in the Discussion section. This study did not involve human or animal participants and therefore did not require ethical approval. All documentary sources used were publicly available legal, institutional, and scholarly materials and were treated in accordance with academic citation standards. The first author served as a prosecutor at the Attorney General's Office of the Republic of Indonesia and wrote in an academic capacity as a doctoral candidate in law, while the remaining authors served as his dissertation promotor and co-promotors. This study did not represent the official position of the Attorney General's Office, and all substantive analytical claims were based on the documentary sources cited.

RESULTS AND DISCUSSION

Result

The Civil Curator Position under PermenPAN-RB No. 15 of 2020

The Functional Position of Civil Curator was established by PermenPAN-RB No. 15 of 2020 as an expert-level functional position within the law and judiciary occupational cluster. Article 2(1) of the regulation defines its mandate as performing civil technical duties related to the management of the legal interests of legal subjects in the execution of court judgments or orders and in matters arising by operation of law in the field of inheritance (*hukum waris*) (HULU, 2025; Peraturan Menteri PANRB Nomor 15 Tahun 2020 Tentang Jabatan Fungsional Kurator Keperdataan, 2020). The supervising institution is the Ministry of Law and Human Rights through the Directorate General of General Legal Administration, and the position is restricted to personnel within that ministry (Direktorat Jenderal Administrasi Hukum Umum).

The substantive functions of this position include guardianship, administration of persons declared legally incompetent, management of property belonging to absent persons, administration of unclaimed inheritance, registration of wills, issuance of inheritance certificates, and curatorial duties in bankruptcy and debt payment suspension proceedings under Law No. 37 of 2004 (BPK RI, 2004; Peraturan Menteri PANRB Nomor 15 Tahun 2020 Tentang Jabatan Fungsional Kurator Keperdataan, 2020; Widhianto et al., 2025). Each function shares a defining structural characteristic: the Civil Curator acts based on a prior court order or by operation of law and does not possess independent investigative authority. The position was established to replace the Technical Law Member at Echelon IIIb within the State Estate Agency as part of an internal administrative reorganization of the Ministry of Law's estate administration branch, without any intended function as a law enforcement instrument (Kuntadi, 2026).

The Pro-Justitia Scope of BPA's Asset Recovery Function

Article 30A of Law No. 11 of 2021 grants the Prosecution Service authority to trace, confiscate, and return assets derived from criminal acts. BPA's institutional position paper elaborates the operational scope of Article 30A through six functional elements: financial intelligence-based tracing; *ex parte* account freezing; legal standing to petition courts for *in rem* forfeiture proceedings; pre-seizure planning and cost-benefit analysis; management of seized business entities as going concerns; and pre-judgment sale of depreciating assets (Kuntadi, 2026). Each element reflects a proactive, coercive, and investigative orientation that is fundamentally absent from the Civil Curator's mandate.

BPA's proposed framework is based on a Tripartite Doctrine of Asset Responsibility: juridical responsibility for evidence collection remains with investigators and public prosecutors; administrative responsibility for chain-of-custody management, account blocking, and license suspension is assigned to BPA; and physical responsibility for custody, maintenance, and pre-judgment liquidation is exercised by BPA through Rupbasan (Undang-Undang Republik Indonesia Nomor 37 Tahun 2004 Tentang Kepailitan Dan Penundaan Kewajiban Pembayaran Utang, 2004; Kuntadi, 2026). This tripartite structure is grounded in the Attorney General's position as the highest public prosecutor under the principle of *een en ondeelbaar* (*one and indivisible*) as stipulated in Article 18(1) of Law No. 11 of 2021 (Nida, 2022; Permen RI, 2021). World Bank guidance on asset management confirms that these functions require cross-disciplinary technical competencies that are not ordinarily possessed by conventional criminal investigators or prosecutors. Therefore, it recommends that authorities obtain such expertise by establishing a dedicated specialized asset management office rather than assigning these responsibilities by default to existing institutions (Brun et al., 2011; Thompson & Moss, 2026).

The Practitioner Nomenclature and the Gap in the Draft Law

BPA's institutional position paper provides the most detailed articulation of the body's proposed design under the Draft Law. Within this framework, Asset Recovery Practitioners are proposed as an umbrella category integrating four distinct roles: the Asset Recovery Prosecutor, who possesses legal standing to initiate *in rem* proceedings and conduct *pro-justitia* enforcement; the Government Assessor Official, who performs independent asset valuation; the Evidence Custodian, who ensures the integrity of the chain of custody within Rupbasan facilities; and independent supporting professionals, such as forensic accountants and cyber forensic specialists, who are engaged on a case-by-case basis (Kuntadi, 2026).

This design addresses limitations in the earlier proposal contained in the 2022 BPHN Academic Paper, which recommended granting single-gate petitioning authority to the State Attorney (*Jaksa Pengacara Negara*, JPN) based on the literal translation of civil forfeiture as a conventional civil-law action (Nasional, 2022). The JPN institution is primarily designed to handle conventional civil disputes requiring formal proof of actual state financial losses, a standard that is incompatible with non-conviction-based forfeiture mechanisms, which require a reversed burden of proof, active financial intelligence capabilities, and *pro-justitia* physical enforcement measures (Fauzia & Hamdani, 2022; Wahyudi et al., 2025). The Academic Paper's own stated principle, that authority to petition for asset forfeiture should be vested in a single designated authority, supports delegation to specialized BPA practitioners rather than to the JPN institution (Nasional, 2022).

Law No. 20 of 2023 and PermenPAN-RB No. 1 of 2023 require that every functional position be formally established through a PermenPAN-RB regulation following job analysis, workload analysis, position mapping, and the formulation of competency standards (Peraturan Menteri PANRB Nomor 1 Tahun 2023 Tentang Jabatan Fungsional, 2023; Presiden Republik Indonesia, 2023). A functional position that has not undergone this formal establishment process lacks legal recognition under civil service law. However, the Draft Law in its current form does not contain provisions requiring the establishment of functional positions for the Asset Recovery Prosecutor, the PFPP, or the Evidence Custodian through such a mechanism.

The contrast with the Civil Curator position is instructive. PermenPAN-RB No. 15 of 2020 establishes four career levels, specialized training curricula in inheritance and bankruptcy law, a credit-point evaluation system, and a competency assessment framework, all administered by the Ministry of Law as the supervising institution (HULU, 2025; Peraturan Menteri PANRB Nomor 15 Tahun 2020 Tentang Jabatan Fungsional Kurator Keperdataan, 2020). No equivalent institutional framework currently exists for BPA's proposed asset recovery practitioners.

Comparative Institutional Designs in Four Jurisdictions

The United States distributes asset forfeiture functions among three distinct institutional actors. Federal investigative agencies conduct financial investigations and develop forfeiture cases; the Money Laundering and Asset Recovery Section (MLARS) of the Department of Justice's Criminal Division possesses legal standing to file *in rem* forfeiture petitions and is staffed by dedicated asset forfeiture specialists rather than general civil attorneys; and the United States Marshals Service (USMS) maintains primary authority over the management and disposal of seized and forfeited assets, including the pre-judgment sale of rapidly depreciating property (Justice, 2025; Kuntadi, 2026).

Australia's *Proceeds of Crime Act 2002* establishes mandatory transfer of asset management responsibility at the point of seizure (Proceeds of Crime Act 2002, 2002a; Perry, 2025). The Criminal Assets Confiscation Taskforce of the Australian Federal Police holds investigative and forfeiture petition authority. Once assets are seized, management responsibility is transferred by law to the Official Trustee in Bankruptcy, a statutory officer operating under the Australian Financial Security Authority. This institution does not investigate criminal conduct but functions exclusively as a curator and liquidator of assets placed under its control by court order. The World Bank describes the predecessor institution as providing specialized asset management services supporting Australian federal confiscation efforts, a model identified within BPA's institutional framework as the direct inspiration for its proposed designation as Special State Curator for Criminal Assets (Kuntadi, 2026).

France established the Agency for the Management and Recovery of Seized and Confiscated Assets (AGRASC) through the Law of 9 July 2010 as an administrative public institution under the dual supervision of the Ministries of Justice and Budget. Its mandate focuses on centralized management of seized assets pending final judgment, pretrial sale of movable property vulnerable to depreciation, and administration of assets requiring management after confiscation. Since 2012, AGRASC has achieved financial self-sustainability through interest generated from deposited seized funds rather than through direct budgetary allocations (Brun et al., 2021; Kuntadi, 2026). BPA's institutional position paper identifies the AGRASC model as directly relevant to the proposed Asset Recovery Trust Fund framework (Kuntadi, 2026).

The United Kingdom's *Proceeds of Crime Act 2002* distributes asset recovery responsibilities across three institutional channels (Proceeds of Crime Act 2002, 2002b; Perry, 2025). The National Crime Agency exercises investigative authority, including account-monitoring and customer-information orders that require real-time financial disclosure. The Crown Prosecution Service's Proceeds of Crime Division petitions the High Court for civil recovery orders under Part 5, requiring specialized expertise in forfeiture law, financial crime methodologies, and the balance-of-probabilities standard applicable to *in rem* proceedings. Meanwhile, the Asset Recovery Incentivisation Scheme, established in 2006, enables participating agencies to retain a defined proportion of recovered asset values, thereby allowing recovery operations to become partially self-financing (Brun et al., 2021; Kuntadi, 2026).

Table 1

Functional separation of investigative and custodial roles in four jurisdictions

Jurisdiction	Investigator / Petitioner	Custodian / Litigator
United States	Federal investigators (FBI/DEA); MLARS as in rem petitioner	USMS as asset custodian; three separate institutional layers
Australia	AFP/CACT as investigator and forfeiture petitioner	AFSA/Official Trustee as curator and liquidator; mandatory transfer at seizure
France	All law enforcement agencies as investigators	AGRASC as autonomous custodian; single mandatory transfer point
United Kingdom	NCA as investigator; CPS Proceeds of Crime Division as civil recovery petitioner	ARIS as incentive financing scheme across three distinct functions

Note. Compiled by the authors from Kuntadi (2026), Brun et al. (2021), Parliament of Australia (2002), and Parliament of the United Kingdom (2002).

Discussion

The Positional Mismatch: Ambtenleer and Friedman

The *ambtenleer* framework diagnoses the mismatch between the Civil Curator position and BPA's mandate at three levels. At the level of normative character, the Civil Curator is constituted for civil-reactive functions: it responds to prior court action and manages private-law estates for legal subjects who are unable to manage their own affairs. BPA's function is constituted for a criminal-proactive mandate: it initiates tracing operations, freezes accounts before proceedings commence, petitions courts for *in rem* orders, manages seized businesses as going concerns, and liquidates assets before final judgment. These are not variations of the same function but categorically distinct legal domains, and the *ambtenleer* requires that the *bevoegdheid* conferred upon a position correspond to the domain in which it is to be exercised; a position designed for private estate administration cannot confer the *pro justitia* powers required by BPA's mandate.

At the level of institutional placement, the Civil Curator answers to the Ministry of Law's Directorate General for General Legal Administration, which determines its competency standards, training curriculum, credit-point system, and career pathway. Any functional position for BPA practitioners would instead require the Attorney General's Office as the supervising institution, since the Attorney General holds the mandate under Article 30A, and the two supervising institutions cannot be reconciled within a single functional position. At the level of prohibition interpretation, Article 21 letter c of Law No. 16 of 2004 prohibits the Attorney General from simultaneously serving as guardian, curator, or trustee. This provision aims to prevent the state's chief legal officer from administering private civil estates, a conflict-of-interest concern rooted in civil law principles (Emirsya et al., 2025; Undang-Undang Republik Indonesia Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia, 2004). That purpose does not extend to the creation of a specialized functional cadre within BPA for managing criminally derived assets under a *pro justitia* mandate; extending the prohibition by analogy to prevent such a position would conflate two legally distinct institutional roles.

Friedman's framework locates the deficiency precisely in the substance of Indonesian civil service law: no existing rule, norm, or behavioral pattern within that system currently accommodates a functional position calibrated to BPA's mandate (Friedman, 1975; Nasional, 2022). This substantive gap is not neutral; it generates pathologies in both institutional structure and legal culture. Structurally, BPA cannot systematically recruit, train, or promote practitioners through a career pathway designed around asset recovery competencies, leaving it dependent on ad hoc secondments. Culturally, career uncertainty discourages investment in specialized expertise, since practitioners without a defined professional identity and advancement trajectory are unlikely to develop the depth of specialization required for financial intelligence work. This constitutes the *rechtsleemte* identified in this study: a legal vacuum whose effects are systemic rather than merely technical and which cannot be remedied through interpretation alone (Nasional, 2022).

The Organizational Specialization Imperative

Gulick's analysis establishes that specialization based on function is foundational to administrative design (Cheon, 2022; Gulick, 1937). Applied to BPA's mandate, investigative and curatorial functions differ across all four of Gulick's bases for the division of work. They differ in purpose: investigation aims to establish criminal liability, whereas curatorship aims to preserve and realize asset value. They differ in process: investigation relies on intelligence collection, surveillance, and evidence gathering, while curatorship relies on commercial asset management, valuation, auction procedures, and chain-of-custody protocols. They differ in the objects addressed: investigation focuses on persons and conduct, while curatorship focuses on assets and their economic characteristics. They differ in institutional setting: investigation operates under criminal procedure law, whereas curatorship operates under asset management frameworks and, where businesses are involved, commercial law. Assigning both functions to the same actor or a single functional position produces the accountability diffusion that Gulick identifies as an organizational pathology arising from boundary confusion.

The confusion in the BPHN Academic Paper between the JPN's civil function and BPA's *pro justitia* function illustrates this pathology in practice, with petitioning authority assigned to a civil attorney based on superficial verbal similarity rather than substantive differences in purpose, process, and legal domain. A comparable pathology has been documented in the Dutch Public Prosecution Service, where prosecution assistants were authorized to decide cases independently from prosecutors, causing accountability to erode. Errors were subsequently treated by prosecutors as routine operational matters rather than professional failures requiring correction; the remedy identified for such boundary ambiguity was the establishment of formal professional standards for the personnel involved (Goudswaard et al., 2025; Holvast & Lindeman, 2020). In BPA's higher-stakes environment, where asset values may reach hundreds of billions of rupiah and depreciating assets lose value daily, the institutional costs of comparable ambiguity are correspondingly greater. The appropriate remedy therefore translates directly into the need for a formally constituted functional position with clearly defined competency standards.

Comparative Lessons and Their Transferability to Indonesia

Across the four jurisdictions examined, a single design principle operates consistently: investigative functions and custodial or litigative functions are assigned to separate institutional actors with distinct mandates, competency frameworks, and accountability structures. This convergence reflects Gulick's organizational principle operating at the inter-jurisdictional level; combining investigative and custodial functions within the same actor creates incentive misalignment, diffuses accountability, and generates skill-set misalignment because financial investigation and commercial asset management require different professional training and career trajectories. FATF Immediate Outcome 8 provides this convergence with international normative significance (Force, 2022; Pavlidis, 2021).

The comparative findings permit a more precise recommendation than the general principle of separation alone. The most appropriate design reference for the Asset Recovery Prosecutor is the MLARS and CPS Proceeds of Crime Division model: a specialist litigator embedded within the prosecution structure with dedicated *in rem* authority, distinct from general prosecutorial practice, and requiring specialized competency in forfeiture law and financial intelligence. The most appropriate design reference for the physical curatorship function, covering the Evidence Custodian and the PFPP, is the AFSA Official Trustee model: a specialized cadre whose competency standards are calibrated toward asset administration, valuation, and liquidation rather than criminal investigation. The AGRASC model provides the institutional rationale for BPA's Single Gate Policy and trust fund design, demonstrating that functional separation does not require establishing an entirely new institution within every agency but may instead rely on a single mandatory transfer point. The Draft Law should therefore include a provision expressly mandating the establishment, through the PermenPAN-RB mechanism, of functional positions for Asset Recovery Practitioners, with the Attorney General's Office designated as the supervising institution. Such a provision would constitute the *lex specialis* that the existing civil service framework cannot independently provide.

International Relevance, Implications, and Limitations

These findings carry relevance beyond Indonesia's domestic civil service architecture. FATF's mutual evaluation methodology applies Immediate Outcome 8 across all member jurisdictions; therefore, the alignment between an asset recovery agency's mandate and its personnel architecture constitutes a criterion of international rather than merely national significance (Force, 2022). For jurisdictions outside the four examined here, particularly other multi-investigator systems in Southeast Asia that are developing dedicated asset recovery bodies, the *Ambtenleer*-Gulick-Friedman diagnostic framework proposed in this study provides a transferable analytical sequence: first, identify the normative character of the asset recovery mandate; second, examine whether existing personnel frameworks were designed for a congruent purpose; and third, determine whether any resulting institutional vacuum requires a dedicated *lex specialis* rather than an analogical extension of an unrelated position.

In theoretical terms, this study extends *ambtenleer* scholarship, which has traditionally been applied to disputes concerning the status of individual offices, toward the comparative diagnosis of a functional position vacuum spanning multiple proposed roles within a single institution. It also extends Gulick's specialization theory beyond intra-agency division of labor toward the design of inter-agency asset recovery architecture. In practical terms, the findings translate into a specific legislative recommendation rather than a general policy aspiration, namely the adoption of a *lex specialis*clause designating the Attorney General's Office as *instansi pembina* for the Asset Recovery Practitioner cluster.

Two limitations should be acknowledged. First, as documentary research, this study cannot observe how the recommended functional positions would perform once operational; its claims describe institutional design requirements rather than predicted implementation outcomes. Second, the four comparative jurisdictions emerged from distinct legal, political, and budgetary environments, and the lessons drawn represent principles rather than templates for wholesale transplantation. Indonesia's multi-investigator system, involving the Prosecution Service, the police, the Corruption Eradication Commission, and the financial intelligence unit, presents coordination challenges that none of the four jurisdictions replicates in identical form. Future research using implementation data after the establishment of the relevant functional positions would therefore be valuable in testing the propositions advanced in this study.

CONCLUSION

The Civil Curator position cannot accommodate BPA's *pro-justitia* mandate because its civil-reactive functions and institutional placement are incompatible with BPA's criminal-proactive asset recovery role; Article 21(c) of Law No. 16 of 2004 does not preclude the establishment of a purpose-built BPA position.

Regarding the second question, the institutional designs of the United States, Australia, France, and the United Kingdom consistently demonstrate that the separation of investigative and custodial functions is an institutional requirement rather than merely a design preference. Each jurisdiction assigns these functions to distinct actors with separate competency frameworks and accountability structures, consistent with Gulick's principle of specialization and reinforced by FATF Immediate Outcome 8.

The Draft Law should therefore require, through the *PermenPAN-RB* mechanism, dedicated functional positions for the Asset Recovery Prosecutor, Government Assessor Official, and Evidence Custodian within the Attorney General's Office, with competencies and career pathways distinct from those of the Civil Curator.

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AUTHOR CONTRIBUTION STATEMENT

Johannes Ronald Elyeser Roparulian Hutagalung was responsible for conceptualization, documentary data collection, formal analysis, and preparation of the original draft. Hulman Panjaitan, as promotor, supervised the overall conceptual framework and validated the theoretical argument. Tomson Situmeang, as co-promotor, supervised the statute and comparative analysis and reviewed the methodological design. Inri Januar, as co-promotor, supervised the doctrinal argumentation and reviewed and edited the manuscript. All authors read and approved the final manuscript.

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