Enforcement of Transnational Criminal Law

Indonesia's 2026 Criminal Justice Framework and the Imperative of Interoperable Justice.



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CURRICULUM VITAE

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Prosecutor
Corruption Eradication Commission (CEC) Republic of Indonesia



Education

Master Degree - Faculty of Law, University of Indonesia (2011)
Bachelor Degree - Faculty of Law, University of Indonesia (2006)

Tour of Duty

- Prosecutor at CEC Republic of Indonesia (2022 until now)
- Head of General Affair at Gorontalo DA Office (2021-2022)
- Head of Intelligence Section at East Kutai DA Office (2020-2021)
- Head of General Crime Section at West Kutai DA Office (2017-2020)
- Prosecutor for Special Crime at Dumai District Attorney Office (2012-2017)

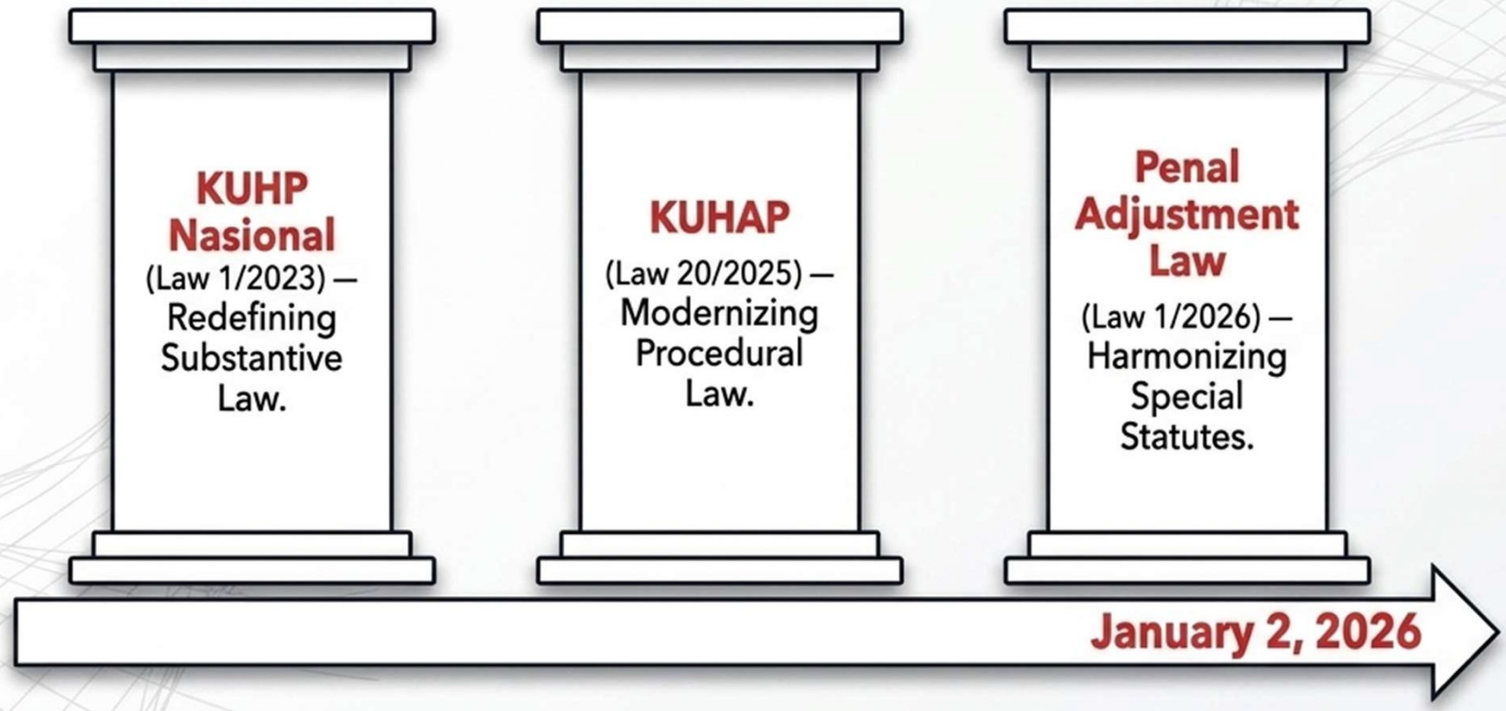
Certification/Achievement

- 1st Rank of Cybercrime AGO Training (2019)
- 1st Rank of Forestry AGO Training (2018)
- 2nd Rank of Special Crimes AGO Training (2015)
- Malaysian Anti Corruption Academy (2023)
- UNODC Financial Investigations (2023)
- Anti-Corruption Education and Training Instructor (2025)
- Echelon IV Leadership Training (2020)
- Government Procurement Training (2010)
- Runner up General Crime Section in East Borneo (2019)
- OPDAT Protecting The Environmental through Regulatory Enforcement and Criminal Prosecution (2014)

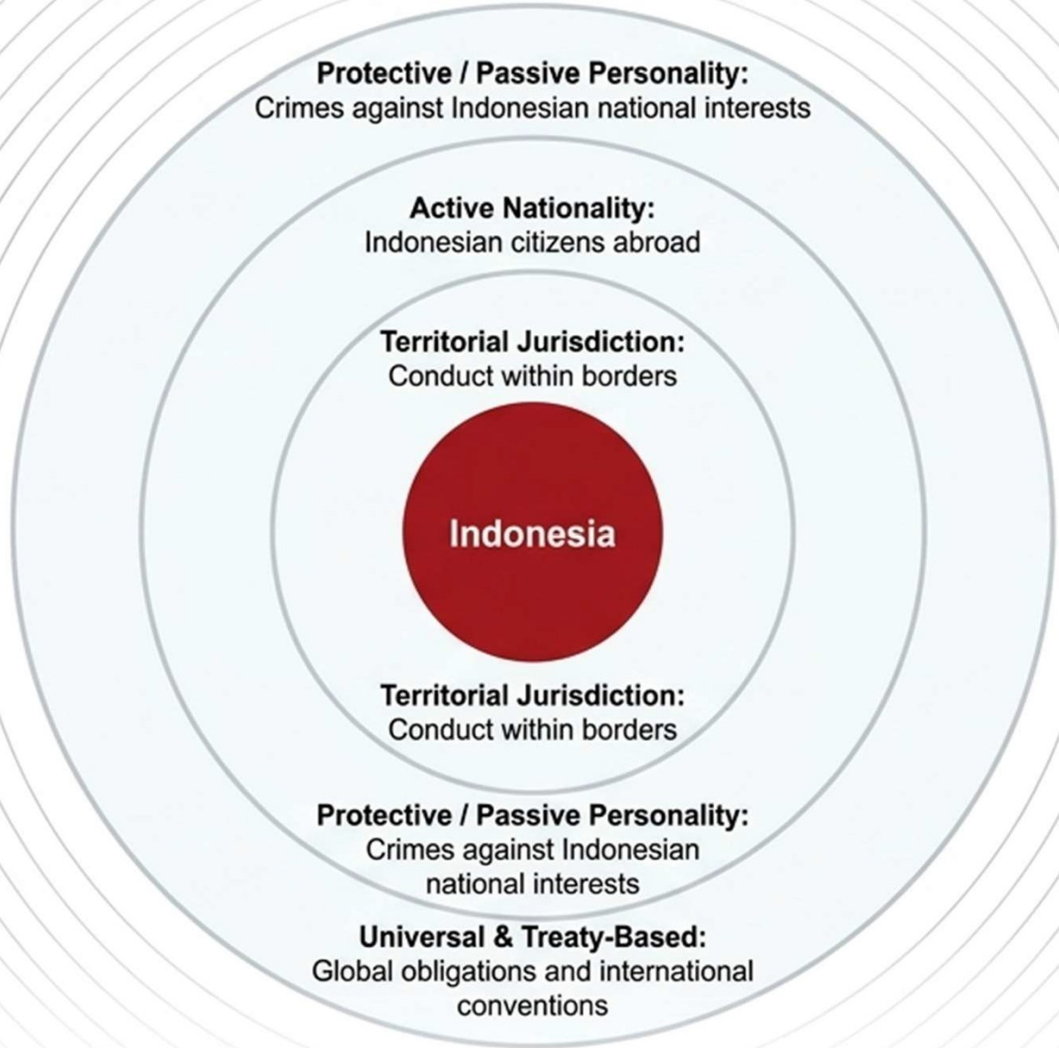
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Indonesia at a Criminal Law Crossroads

A definitive transition from the colonial-era framework to a modern, national system anchored in legality, human rights, and contemporary justice needs.



KUHP 2023 Redefines Substantive Jurisdiction



The substantive framework provides the legal basis to criminalize transnational conduct, balanced by strict jurisdictional limits and safeguards.

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KUHAP 2025 Introduces a Modern Procedural Architecture

The Shift

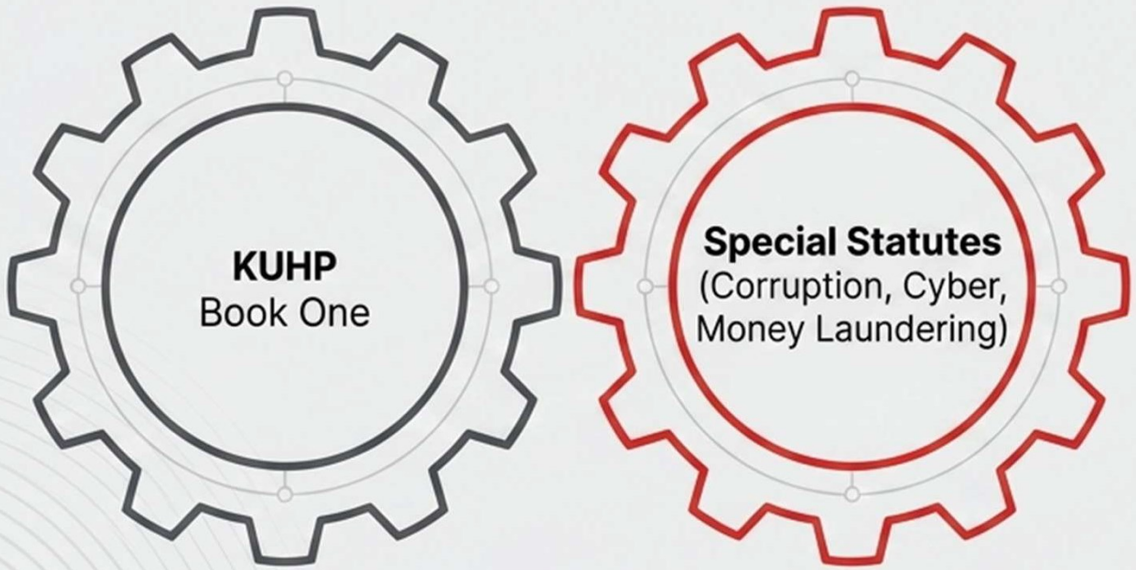
Moving from traditional coercion to a modern due process and asset-focused paradigm (Law No. 20 of 2025).

Key Advancements

- ✓ Modernizes coercive measures and pretrial mechanisms.
- ✓ Strengthens the rights of suspects, defendants, victims, and witnesses.
- ✓ Introduces advanced mechanisms like Deferred Prosecution Agreements (DPA) and Plea Bargaining.

Law No. 1 of 2026 Acts as the Harmonization Engine

The Penal Adjustment Law ensures that special criminal provisions are perfectly synchronized with the new national code before enforcement day.

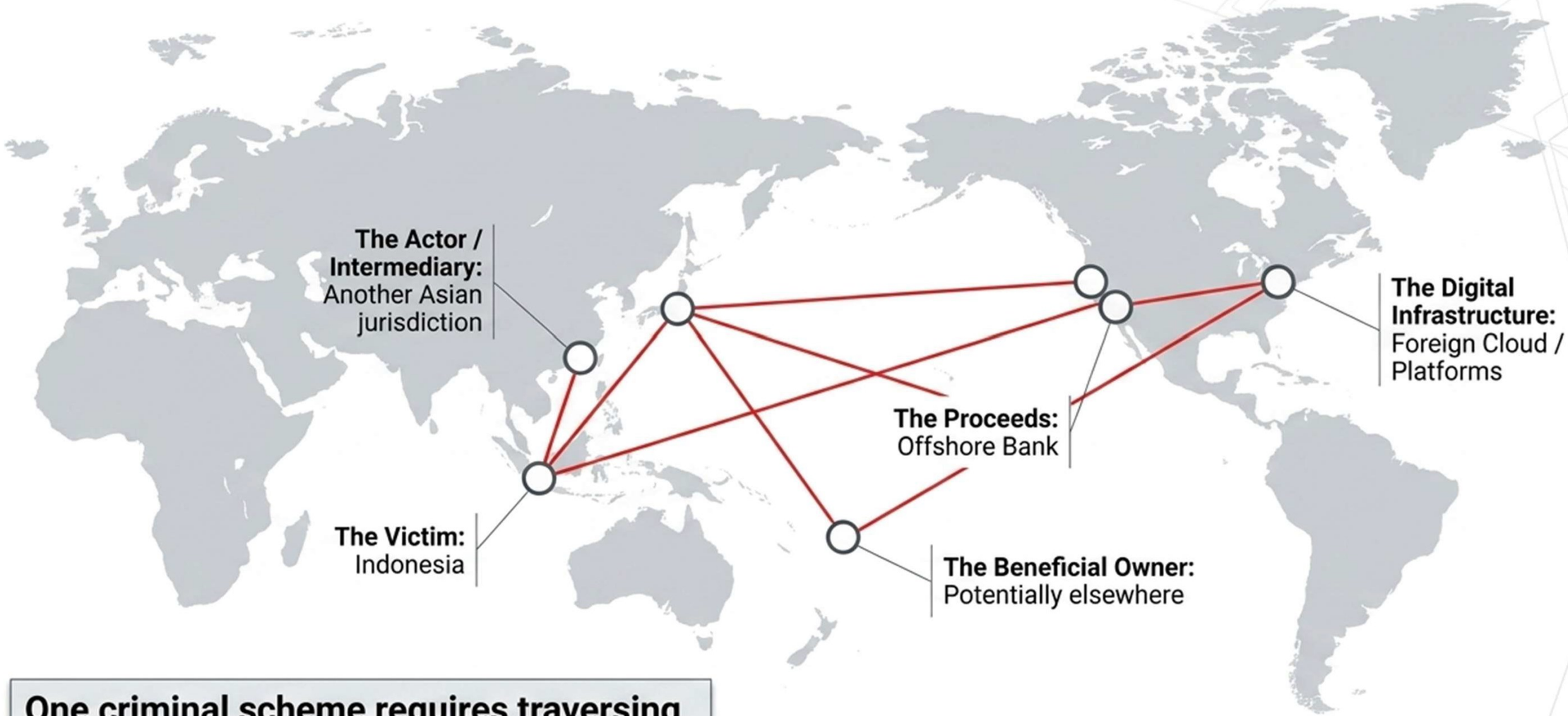


Impact Points

- Prevents enforcement disparities.
- Eliminates duplication of penal regulations.
- Guarantees consistency of sanctions and terminology across complex, multi-statute transnational offenses.

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The Fragmented Reality of Transnational Crime



One criminal scheme requires traversing multiple unique legal jurisdictions.

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The Digital Evidence Imperative

The crime may be physical, but the evidence is entirely digital.



Foreign Cloud Storage → **Authentication** → **Indonesian Court**

Legal Framework: Governed by Arts. 235 & 242 KUHAP 2025 (Electronic Information & Documents).

The Prosecutorial Challenge: How do we ensure foreign-obtained electronic evidence is lawfully acquired, authenticated, and fully admissible domestically? Evidence is only useful when it is both obtainable and admissible.

New Tools for Corporate Crime: Deferred Prosecution Agreements

Under Article 328, Law No. 20 of 2025



Focus shifts from drawn-out litigation to immediate corporate restructuring.

Deferral requires full payment of restitution to victims and implementation of strict internal anti-corruption compliance.

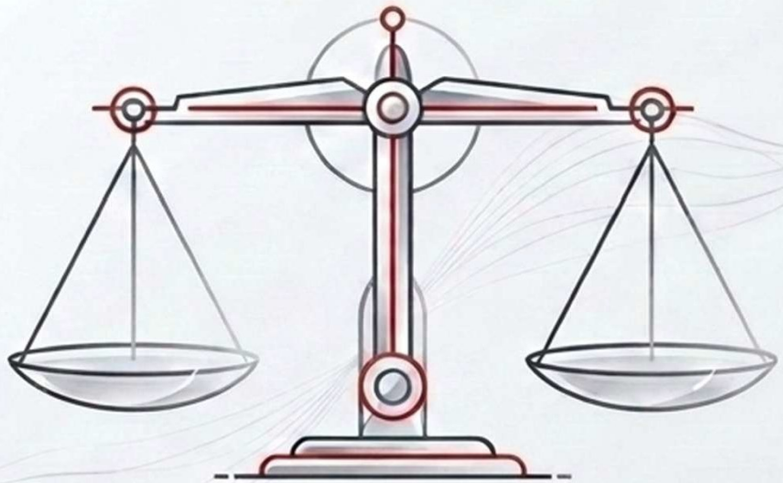
Prosecution is deferred and eventually dropped if all compliance and corrective actions are fully verified by the court.

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New Tools: Crown Witness

Under Article 73-74, Law No. 20 of 2025

Defendant Cooperation & Admission of Guilt



Recommended Sentence Reduction

Strategic Value
Designed to penetrate complex, multi-jurisdictional networks (human trafficking, foreign bribery).

Mechanics
A legal mechanism for defendants to admit guilt and actively cooperate in evidence-gathering in exchange for a recommended reduction in sentence, accelerating justice and uncovering higher-level beneficial owners.

The Cooperation Matrix: Matching Mechanism to Objective

Extradition	Mutual Legal Assistance (MLA)	Agency Cooperation (Prosecutor-to-Prosecutor)
✓	✓	✓
Target: The Person.	**Target:** The Evidence.	**Target:** The Intelligence.
Function: Bringing fugitives into domestic procedural jurisdiction.	**Function:** Securing lawful, admissible investigative assistance and asset recovery.	**Function:** Rapid information exchange to build the operational picture before formal requests.

Translating Intelligence into Admissible Evidence

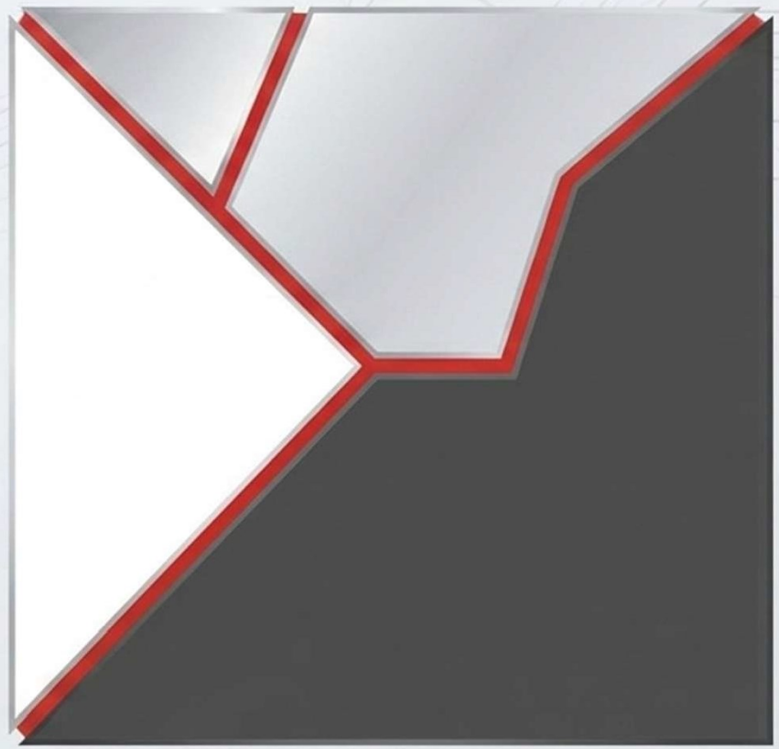


Key Insight:
International cooperation is the core of evidence-building, not merely diplomatic paperwork. A failure at any choke point renders the evidence inadmissible.

Interoperable Justice, Not Identical Systems

Challenge:
Asian jurisdictions have different evidentiary standards, procedural safeguards, and timelines.

The Solution:
We do not need identical laws. We need compatible **substantive** offenses, reliable communication channels, and **interoperable** procedures that allow systems to work together without erasing legal diversity.



Integrating Cooperation into Case Strategy

01

Early Assessment

Identify the foreign nexus (digital, financial, physical) on day one.

02

Asset & Evidence Mapping

Trace exactly where data and beneficial owners reside.

03

Mechanism Selection

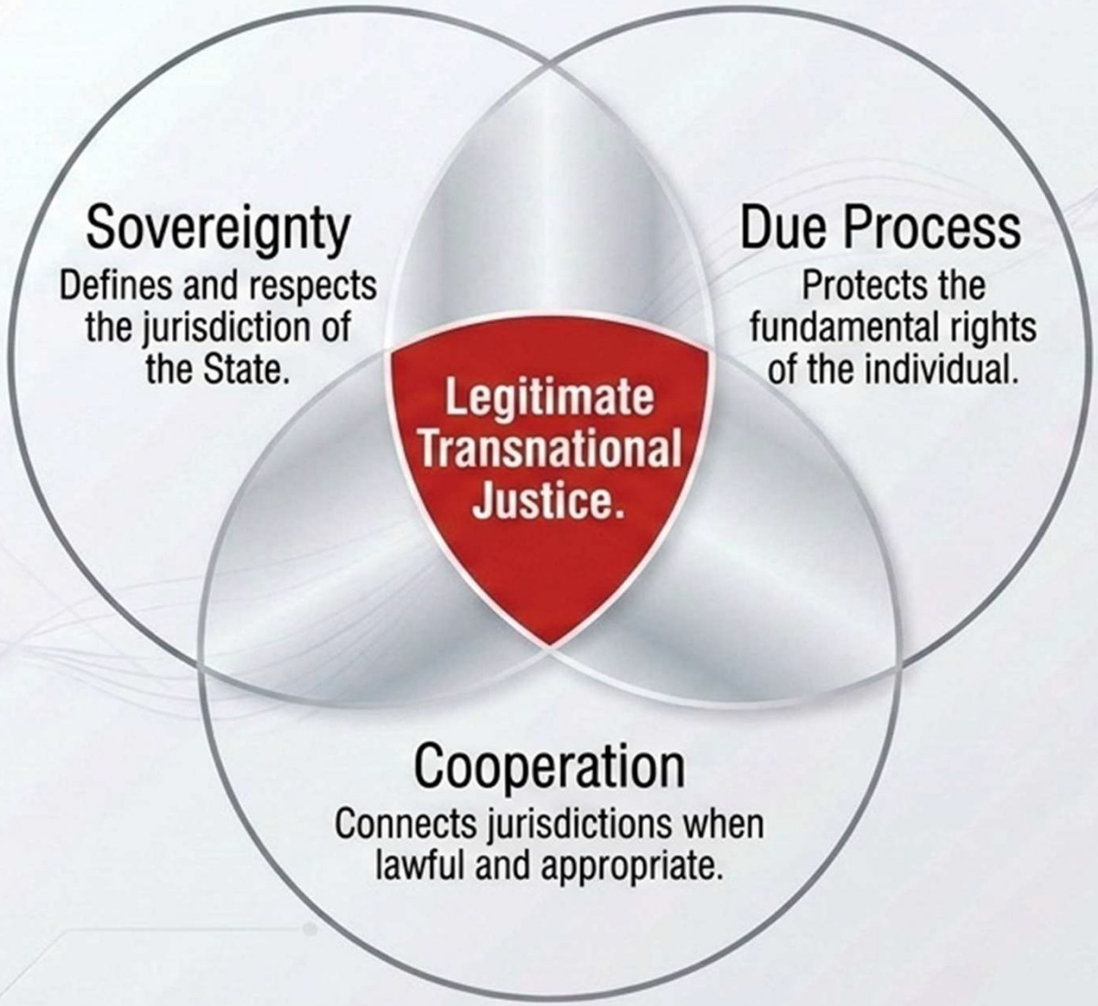
Choose between formal MLA, Extradition, or informal intelligence sharing early in the process.

04

Prosecution Narrative

Seamlessly weave authenticated foreign evidence into the domestic trial strategy.

The Transnational Triad



Conclusion: Effective enforcement must exist perfectly at the intersection of all three.

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Strengthening Asian Regional Cooperation

Key Initiatives:

- Prosecutor-to-Prosecutor networks and secure information exchange.
- Joint training on cybercrime, corruption, and asset recovery.
- Development of best-practice protocols and common MLA templates for cross-border evidence.
- Collaboration with regional Bar Associations.



The Crucial Role of the Legal Profession



The defense lawyer is not an obstacle to transnational enforcement.

A strong defense bar guarantees the legitimacy of the justice system.

Strictly safeguarding counsel rights and fair-trial standards ensures that cross-border cooperation survives international scrutiny.

Comparative jurisprudence dialogues improve mutual trust between jurisdictions.



SOVEREIGNTY defines our jurisdiction
COOPERATION connects our jurisdictions
COMMUNICATION makes transnational justice possible

Thank You.