Contemporary Readings in Law and Social Justice
ISSN: 1948-9137, e-ISSN: 2162-2752
Vol 18 (01), 2026
pp. 81- 100

Asset Recovery Regulation in Corruption Cases: Comparative Legal Frameworks in Southeast Asia under the UNCAC Perspective

Rouli Dame Marbun[1], Prof. Dr. Prasetijo Rijadi[2], Dr. Jonaedi Efendi[3]

[1]rouli2076@gmail.com, [2]pras@ubhara.ac.id, [3]jonaediefendi@gmail.com

Universitas Bhayangkara Surabaya

ABSTRACT

Asset recovery is a critical yet underdeveloped pillar in the global fight against corruption, particularly in regions with complex transnational illicit flows such as Southeast Asia. This study analyzes the asset recovery frameworks of five ASEAN member states—Indonesia, Malaysia, Singapore, the Philippines, and Thailand—through the normative lens of the United Nations Convention against Corruption (UNCAC), with a focus on Chapters IV and V. Employing a comparative legal methodology supported by doctrinal analysis and policy review, the research reveals significant asymmetries in the adoption of non-conviction-based asset forfeiture (NCBAF), institutional mandates, and the effectiveness of mutual legal assistance (MLA). While Singapore and Malaysia exhibit relatively advanced and well-coordinated mechanisms, Indonesia, the Philippines, and Thailand face legal, procedural, and political constraints that hinder the efficient recovery of stolen assets. The absence of a regional coordination mechanism, such as a dedicated ASEAN Asset Recovery Office or platform, exacerbates these limitations. Drawing from the legal gaps and institutional fragmentation identified, this paper proposes the establishment of an ASEAN Asset Recovery Mechanism (AARM) to enhance cross-border cooperation, standardize procedural frameworks, and promote regional harmonization aligned with UNCAC principles. The findings contribute to the evolving discourse on transnational anti-corruption strategies and highlight the urgency of institutional innovation in the Global South.

Keywords: ASEAN, Asset Recovery, Corruption, Institutional Reform, Mutual Legal Assistance, Non-Conviction-Based Forfeiture, Regional Legal Harmonization, Southeast Asia, Transnational Crime, UNCAC

Received: 15 November 2025 **Revised:** 22 December 2025 **Accepted:** 04 January 2026

INTRODUCTION

Corruption, particularly in the public sector, continues to pose a severe threat to good governance, economic justice, and legal integrity across Southeast Asia. The misappropriation of public funds through bribery, embezzlement, and abuse of office not only drains national wealth but erodes the rule of law and citizens' trust in state institutions. Among the most crucial, yet under-implemented, mechanisms in the fight against corruption is asset recovery—the legal process through which illicitly acquired assets are identified, traced, frozen, confiscated, and returned to the rightful owners.[1]

To address the transnational nature of corruption, the United Nations Convention against Corruption (UNCAC), adopted in 2003 and ratified by all ASEAN member states, provides a comprehensive legal framework for asset recovery under Chapter V (Articles 51–59). The Convention declares in Article 51

[1] D Goetstouwers, *Asset Recovery in the Face of Kleptocracy* (Masaryk University, 2022).

that "the return of assets… is a fundamental principle of this Convention."[2] Accordingly, States Parties are obligated to adopt measures that allow competent authorities to cooperate in tracing and returning assets derived from corruption and related offences.

Despite formal ratification, the actual implementation of asset recovery mechanisms under UNCAC remains fragmented and underperforming in most Southeast Asian countries. This gap becomes especially visible when comparing the estimated corruption-related losses with the actual assets recovered in practice. As shown in the table below, countries like Indonesia, the Philippines, and Vietnam suffer estimated losses ranging from USD 2.8 billion to over USD 6.7 billion annually due to corruption. However, their asset recovery figures remain disproportionately low, with recovery rates often falling below 1% of the total estimated losses.[3]

In contrast, Singapore stands out as a positive anomaly, having both the highest UNCAC compliance score (90%) and the most efficient asset recovery rate (approximately 8%)—a reflection of its strong legal infrastructure and political commitment to anti-corruption.[4] Meanwhile, Malaysia and Thailand have moderate recovery capacities but still fall short of international best practices.

Table 1: Asset Recovery Performance in Selected ASEAN Countries

Country	Estimated Corruption Losses (USD Billion)	Assets Recovered (USD Million)	UNCAC Compliance Level (%)	Recovery Efficiency (%)
Singapore	0.5	400	90	8.00%
Malaysia	2.5	180	78	0.72%
Thailand	3.2	140	63	0.44%
Indonesia	6.7	220	60	0.33%
Vietnam	2.8	60	49	0.21%

Sources: UNODC Reports, National Anti-Corruption Agencies, STAR Initiative

This data starkly illustrates the inefficiency of existing asset recovery mechanisms in the region, particularly when juxtaposed with their legal obligations under UNCAC. The figures further expose deep-rooted challenges such as procedural delays, lack of international cooperation frameworks, insufficient use of non-conviction-based asset forfeiture (NCBAF), and institutional fragmentation.

Moreover, Southeast Asia exhibits legal diversity—common law systems in Singapore and Malaysia, civil law traditions in Vietnam and Indonesia, and hybrid systems elsewhere—further complicating regional harmonization. The implementation of key asset recovery tools (e.g., reversal of burden of proof, extended confiscation, MLA frameworks) varies widely, both in form and enforcement.

Despite these complexities, there has been no unified scholarly framework for evaluating asset recovery performance across ASEAN through the lens of UNCAC compliance. Existing studies are often siloed by jurisdiction or limited in scope, with little attention to cross-country legal comparison or empirical enforcement analysis.[5] Consequently, the development of a standardized compliance matrix and a proposed ASEAN Asset Recovery Mechanism (AARM)would not only fill a significant research gap but also provide practical pathways for institutional reform and legal alignment.

In sum, this research addresses an urgent regional need. The disparity between legal commitments and actual recovery outcomes demands a comprehensive legal and institutional assessment. Only through an

[2] United Nations Office on Drugs and Crime, "Nited Nations Convention against Corruption, Chapter V," 2004.
[3] UNODC and World Bank, *Stolen Asset Recovery (StAR) Initiative – Global Report*, 2nd Editio, 2020.
[4] MACC Annual Report, "Singapore Corruption Reporting Statistics," 2023.
[5] I Carr and R Jago, "Corruption, the United Nations Convention against Corruption (UNCAC) and Asset Recovery," in *Regulation of Criminal and Terrorist Assets*, 2014.

integrated approach can ASEAN countries move toward a coherent and cooperative regime for the repatriation of stolen public assets.

LITERATURE REVIEW

Theoretical and Legal Concepts

The legal foundation for asset recovery is firmly established in Chapter V of the United Nations Convention against Corruption (UNCAC), which sets out a globally recognized framework for tracing, freezing, confiscating, and returning proceeds of corruption. Articles 51–59 of UNCAC mandate state parties to take proactive measures to prevent illicit asset transfers, facilitate mutual legal assistance (MLA), and allow for both conviction-based and non-conviction-based asset forfeiture (NCBAF) when necessary.[6] These provisions reflect the evolving nature of transnational corruption and the need for legal innovation to address gaps in enforcement.

Three principal asset recovery mechanisms emerge in international law: criminal confiscation, where asset forfeiture follows a criminal conviction; civil forfeiture, typically pursued through in rem proceedings; and NCBAF, which allows asset seizure without requiring a criminal conviction—a vital tool in jurisdictions with limited prosecutorial success.[7] These instruments are supplemented by legal doctrines such as reverse burden of proof, unexplained wealth orders, and international cooperation clauses, which facilitate recovery in cross-border contexts.

In the context of Southeast Asia, legal diversity poses structural obstacles to harmonization. Common law jurisdictions such as Singapore and Malaysia have incorporated comprehensive asset forfeiture statutes, while civil law countries like Indonesia and Vietnam exhibit more fragmented or underdeveloped frameworks.[8] Despite their differences, all ASEAN countries have committed to UNCAC principles, albeit with varying levels of compliance and enforcement success.

Previous Empirical Studies

Empirical studies on asset recovery in Southeast Asia remain relatively sparse. Goetstouwers (2022), in his seminal thesis on kleptocracy, provides a conceptual framework for evaluating asset recovery through the lens of global governance, highlighting the gap between legal obligations and political realities.[9] His analysis notes that while treaties like UNCAC impose duties, they often lack enforcement leverage, especially in authoritarian or hybrid regimes.

Haswandi and Sobandi (2023) assess Indonesia's civil law mechanisms for asset recovery and identify institutional weaknesses, such as poor inter-agency coordination and limited capacity in tracing illicit wealth.[10] Their study recommends the adoption of non-conviction-based confiscation laws, similar to those used in common law systems, to enhance Indonesia's asset recovery effectiveness.

Carr and Jago (2014) offer a broader legal critique of UNCAC's asset recovery provisions, arguing that the Convention's emphasis on voluntary cooperation and national discretion results in inconsistent implementation and loopholes.[11] They emphasize the need for standardized procedures and compliance benchmarks at the regional level.

Meanwhile, Tromme (2018) contextualizes asset recovery within the rule of law discourse, particularly in developing countries. His findings suggest that even when legal instruments are present, political will and

[6] UNCAC, *United Nations Convention Against Corruption, Articles 51–59* (UNODC, n.d.).
[7] UNODC World Bank, "Stolen Asset Recovery Handbook: A Guide for Practitioners," 2020.
[8] ASEAN Legal Study Group, "Legal Diversity in Southeast Asia: Implications for Asset Recovery Cooperation," 2021.
[9] Goetstouwers, *Asset Recovery in the Face of Kleptocracy*.
[10] H Haswandi and S Sobandi, "Enhancing Civil Law Mechanisms for Asset Recovery," *Russian Law Journal*, 2023.
[11] Carr and Jago, "Corruption, the United Nations Convention against Corruption (UNCAC) and Asset Recovery."

judicial independenceare often lacking, rendering the laws ineffective in practice.[12] This is especially relevant in Southeast Asia, where corruption is frequently entrenched in political elites.

Regionally focused studies have also emerged. Wibisana and Hasbullah (2024) explore the role of prosecutors in advancing asset recovery efforts in Indonesia and underscore the importance of specialized training and prosecutorial independence.[13] Komalasari and Mustafa (2024) evaluate the performance of Indonesian asset recovery efforts post-KPK Law revision, noting a decline in institutional authority and effectivenes.[14]

A comparative approach is attempted by Putri and Silviani (2025), who contrast Singapore's advanced confiscation regime with Indonesia's fragmented legal framework. They argue that Singapore's high recovery efficiency is enabled by clear procedural rules, centralized asset recovery institutions, and strong judicial enforcement.[15]

Gaps in the Literature

While these studies contribute important insights, the literature still suffers from several critical deficiencies. First, there is a notable absence of region-wide comparative legal analysis. Most works are focused on single jurisdictions, making it difficult to assess systemic trends or benchmark performance. Second, few studies evaluate actual compliance with UNCAC provisions using structured legal or institutional matrices. The literature often assumes that ratification equals implementation, which is demonstrably untrue based on recovery data and enforcement outcomes.

Third, there is a dearth of empirical performance indicators used to measure the success or failure of asset recovery frameworks. Metrics such as recovery efficiency, duration of enforcement, or number of successful cross-border cooperation cases are rarely included. Finally, there has been limited discussion on the potential for regional mechanisms within ASEAN to harmonize asset recovery processes, share intelligence, or create joint task forces.

Novelty of This Study

This research seeks to address the above gaps by offering a comparative legal study of six Southeast Asian countriesthrough the lens of UNCAC compliance. By developing a compliance matrix based on Articles 51–59 of UNCAC, this study provides a structured evaluation of national laws and enforcement mechanisms. Furthermore, it introduces the concept of an ASEAN Asset Recovery Cooperation Mechanism (AARM)—a proposed regional platform for coordination, capacity-building, and harmonized procedures.

Unlike previous works, this article integrates qualitative legal analysis with quantitative performance data, including corruption loss estimates, asset recovery values, and recovery efficiency ratios. In doing so, it not only advances academic understanding but also offers policy-relevant recommendations for governments, prosecutors, and anti-corruption agencies in the region.

RESEARCH METHODOLOGY

This research adopts a normative juridical approach that is predominantly doctrinal in nature, with its analytical core grounded in comparative legal methodology.[16] As the objective of this study is to evaluate how various Southeast Asian countries regulate and implement asset recovery measures in accordance with the United Nations Convention against Corruption (UNCAC), the comparative approach enables a

[12] M Tromme, "Waging War Against Corruption: Asset Recovery and the Rule of Law," *Duke Journal of Comparative and International Law*, 2018.
[13] A W Wibisana and H Hasbullah, "The Role of Prosecutors in Asset Recovery," *Beijing Law Review*, 2024.
[14] R Komalasari and C Mustafa, *Strengthening Asset Recovery Frameworks in Indonesia* (Jurnal Integritas KPK, 2024).
[15] N Z Silviani and E E Putri, *Mutual Legal Assistance in Corruption Offenses' Asset Recovery: A Comparative Study between Indonesia and Singapore* (Uti Possidetis: Journal of International Law, 2025).
[16] Dr. Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Bayu Media, 2013).

systematic examination of both normative legal texts and their operational frameworks. This methodology is particularly suitable given the diversity of legal systems within ASEAN, which includes both civil law and common law traditions, as well as hybrid regulatory structures.

Legal research in this context is directed at interpreting statutory provisions, international treaty obligations, administrative procedures, and judicial decisions relating to asset recovery. Accordingly, this study relies primarily on secondary legal materials, including: (a) international legal instruments such as UNCAC (especially Chapter V on asset recovery), (b) domestic laws related to anti-corruption, money laundering, and mutual legal assistance from selected countries, and (c) institutional documents, government reports, and academic commentary that contextualize both legal implementation and enforcement dynamics. Access to authoritative legal databases—such as HeinOnline, JSTOR, the UNODC Legal Library, and national legislative repositories—ensures the credibility and comprehensiveness of the source materials analyzed.

Jurisdictions selected for comparison include Indonesia, Malaysia, Singapore, Thailand, Vietnam, and the Philippines. The selection is purposive and grounded in the logic of maximum legal variation, which allows for rich comparative insights across differing models of legal institutionalization and levels of UNCAC compliance. Indonesia and the Philippines are examined for their prominent anti-corruption institutions (e.g., the KPK and the PCGG, respectively), Malaysia and Singapore for their relatively robust asset recovery frameworks rooted in common law systems, and Thailand and Vietnam for their evolving legal responses under civil law traditions. This multi-jurisdictional approach permits the identification of both structural convergence and divergence in legal and procedural mechanisms for asset recovery across the region.

Analytical techniques employed in this study include qualitative content analysis and comparative matrix construction. Legal instruments from each jurisdiction are systematically examined and evaluated based on their alignment with UNCAC Articles 51 to 59. The evaluation is not limited to the presence of enabling legislation but extends to examining the procedural operability and institutional mandates established under such laws. A compliance matrix is constructed to facilitate comparative assessment, allowing the classification of each jurisdiction's legal framework as fully compliant, partially compliant, or non-compliant with respect to specific UNCAC provisions. These classifications are based on internationally recognized criteria drawn from the Stolen Asset Recovery Initiative (StAR)and UNODC Technical Guide to Asset Recovery.

While this methodological framework provides a robust foundation for legal and policy analysis, several limitations are acknowledged. First, access to empirical enforcement data—such as confidential case files, ongoing mutual legal assistance (MLA) proceedings, or asset repatriation agreements—is limited due to the sensitive nature of cross-border asset recovery. Second, variability in legal transparency and data availability across jurisdictions, particularly in Vietnam and Thailand, presents challenges in achieving analytical parity. Third, the absence of field-based institutional interviews—due to the normative focus of this study—means that insights into bureaucratic culture and informal enforcement practices are necessarily inferred from secondary data.

Despite these limitations, the chosen methodology offers clear advantages for transnational legal research. By comparing normative legal structures and enforcement architectures through a structured UNCAC lens, this study contributes a detailed understanding of regional gaps, best practices, and potential avenues for legal harmonization. Moreover, the qualitative orientation allows for deeper interpretation of legal texts, institutional mandates, and intergovernmental obligations, providing valuable insight not only into what laws exist, but how effectively they function in practice. As such, this methodological design is particularly well-suited to support both descriptive legal mapping and prescriptive policy recommendations within the field of anti-corruption and international asset recovery.

UNCAC and the Conceptual Foundations of Asset Recovery

The inclusion of asset recovery as a legal and moral imperative in international anti-corruption efforts marked a turning point in the development of global governance. This transformation is most explicitly embodied in the United Nations Convention against Corruption (UNCAC), which, upon its adoption in 2003, became the first international treaty to elevate asset recovery to the status of a fundamental principle. Article 51 of the Convention unequivocally declares: "The return of assets is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard" (UNCAC, 2003, Art. 51). This provision does more than impose a legal obligation—it introduces a normative realignment in the global response to corruption: that stolen assets do not simply disappear into the global financial system, but are traceable, recoverable, and returnable to their rightful owners—the people of the victimized states.

Asset recovery under UNCAC is not conceived as a single event but as a complex, multistage legal and investigative process that spans jurisdictions. It encompasses the identification, tracing, freezing, confiscation, and return of proceeds derived from corruption and other predicate offences. Notably, UNCAC distinguishes itself by accommodating multiple legal traditions, permitting both criminal-based and non-conviction-based asset forfeiture (NCBAF). This flexibility is crucial, especially in cases where the offender cannot be prosecuted due to death, diplomatic immunity, or political interference. Article 54(1)(c) of UNCAC specifically calls on states to consider allowing asset confiscation without a criminal conviction, a clause that has proven pivotal in jurisdictions where traditional criminal prosecution is insufficient to recover stolen wealth.[17]

The Convention's procedural architecture is laid out in Articles 53 to 57, detailing various pathways for recovery. It allows, among others, the initiation of civil actions in the courts of the requested state (Art. 53), direct enforcement of foreign confiscation orders (Art. 54), and international cooperation for purposes of confiscation (Art. 55). These provisions represent a deliberate departure from the more conservative frameworks found in earlier mutual legal assistance treaties, which often left cooperation to the discretion of the requested state and required strict adherence to principles such as dual criminality. UNCAC, by contrast, encourages flexibility and good faith in international cooperation, urging states to adopt measures that do not make assistance "unduly restrictive" (UNCAC, 2003, Art. 46).

At the normative core of UNCAC's asset recovery provisions lies the principle that proceeds of corruption belong to the victim state, and that their return is not merely discretionary, but a form of restitution and restorative justice. This vision reflects the evolution of legal thinking from a state-centric model of sovereignty to a model of transnational legal responsibility, where states are collectively obligated to assist each other in undoing the harm caused by corrupt practices.[18] Scholars such as Moiseienko (2018) have argued that the legal basis for asset recovery under UNCAC amounts to a new form of qualified restitution—balancing the sovereignty of requested states with the ownership rights of requesting states and, ultimately, the citizens who were deprived of public resources.[19]

Despite this progressive legal framework, operational challenges remain significant. The implementation of UNCAC's asset recovery provisions requires extensive domestic legislation, competent institutions, and inter-agency coordination, all of which vary considerably between countries. For instance, Article 54's reference to NCBAF mechanisms is not automatically self-executing; states must incorporate enabling provisions in their national laws, which some have been slow or reluctant to do. In practice, dual criminality requirements, differing evidentiary standards, and bank secrecy rules continue to obstruct international cooperation. Moreover, political will often determines the effectiveness of asset recovery more than legal tools themselves.[20]

---

[17] UNCAC, *United Nations Convention Against Corruption, Articles 51–59*.

[18] Rose, "The Progressive Development of International Law on the Return of Stolen Assets: Mapping the Paths Forward," *European Journal of International Law* 35, no. 3 (2024): 701–738.

[19] Moiseienko, A. (2018). The ownership of confiscated proceeds of corruption under the UNCAC. International and Comparative Law Quarterly, 67(3), 613–642. https://doi.org/10.1017/S002058931800021X

[20] Stephenson, K., Gray, L., & Power, R. (2011). Barriers to Asset Recovery. Washington DC: World Bank.

To address these barriers, the UNODC and World Bank launched the Stolen Asset Recovery (StAR) Initiative, which offers technical assistance, model legislation, and best practice guidance to help states build capacity. The StAR Handbook (2020 edition) provides a practical roadmap for tracing assets, securing MLA, litigating cross-border claims, and managing repatriated assets. Although the handbook is not binding, it has become a quasi-authoritative referencefor policymakers and practitioners seeking to operationalize the Convention's broad mandates.[21]

UNCAC's Implementation Review Mechanism (IRM) also plays a key role in assessing compliance. Through a peer-review process, states receive recommendations and ratings based on their fulfillment of obligations under Chapters III (criminalization and law enforcement) and V (asset recovery). However, the IRM has faced criticism for its limited transparency, political sensitivity, and the non-binding nature of its outcomes. Many countries publish only summaries of their self-assessments, limiting civil society's ability to monitor progress or hold governments accountable.[22]

In the context of Southeast Asia, UNCAC's asset recovery framework holds both immense promise and profound challenges. All ten ASEAN countries have ratified the Convention, and several—including Indonesia, Malaysia, and Singapore—have taken steps to incorporate its principles into domestic law. Indonesia's Komisi Pemberantasan Korupsi (KPK), Malaysia's Malaysian Anti-Corruption Commission (MACC), and Singapore's Corrupt Practices Investigation Bureau (CPIB) are examples of institutional innovations partially inspired by UNCAC norms. However, compliance remains uneven. Vietnam and the Philippines, for instance, lack comprehensive NCBAF frameworks and face difficulties in cross-border enforcement. Even where legal tools exist, institutional fragmentation, judicial corruption, and lack of prosecutorial independence limit the effectiveness of asset recovery.

A further complicating factor is the absence of a regional legal infrastructure specifically dedicated to asset recovery. ASEAN has a Mutual Legal Assistance Treaty (2004), but it lacks implementation mechanisms tailored to corruption or asset recovery cases. As such, Southeast Asia remains heavily reliant on bilateral MLA treaties, which are often hindered by procedural incompatibilities and political sensitivities. In this legal vacuum, UNCAC serves as a default framework, but without deeper regional alignment, its potential remains underutilized.[23]

In conclusion, the UNCAC framework on asset recovery represents a landmark achievement in international anti-corruption law, combining normative innovation with procedural diversity. It introduces asset recovery not as a peripheral measure but as a central pillar of the fight against corruption. Nevertheless, its success is contingent upon domestic translation, institutional robustness, and genuine cooperation among states. For Southeast Asia, where corruption is both entrenched and transnational, UNCAC provides a legal template for reform—but its transformative potential depends on sustained commitment to implementation, regional coordination, and the closing of legal and institutional gaps.

1. Indonesia

Indonesia occupies a pivotal role in Southeast Asia's anti-corruption landscape due to the scale of its governance challenges and the complexity of its legal infrastructure. Having ratified the United Nations Convention against Corruption (UNCAC) through Law No. 7/2006, Indonesia is legally bound to implement the asset recovery mechanisms outlined in Chapter V of the Convention. These include provisions related to non-conviction-based asset forfeiture (NCBAF), international cooperation, and the fundamental principle that stolen assets must be returned to their country of origin. Nevertheless, the

[21] UNODC & World Bank. (2020). Stolen Asset Recovery Handbook: A Guide for Practitioners (2nd ed.). Washington DC: StAR Initiative.

[22] Hechler, H., & Tisné, M. (2017). UNCAC in practice: From norms to impact. U4 Anti-Corruption Resource Centre.

[23] Nessi, G. (2015). International Cooperation to Tackle Transnational Corruption: Issues and Trends in MLA, Extradition and Asset Recovery. Bocconi University. https://iris.unibocconi.it

domestic implementation of these norms reveals several structural, normative, and institutional obstacles that continue to undermine the effectiveness of asset recovery efforts.

From a normative standpoint, Indonesia possesses a fragmented legal framework that addresses asset recovery through multiple statutes, including the Anti-Corruption Law (Law No. 31/1999, as amended by Law No. 20/2001), the Anti-Money Laundering Law (Law No. 8/2010), and the Law on the Corruption Eradication Commission (Law No. 19/2019). While each of these laws addresses aspects of asset recovery, they lack full alignment and coordination, often leading to overlaps in jurisdiction and ambiguity in enforcement. Moreover, despite ongoing discussions, Indonesia has yet to enact a dedicated law on asset forfeiture, such as the long-delayed Draft Law on Asset Seizure (RUU Perampasan Aset), which is widely regarded as crucial for implementing UNCAC-compliant NCBAF mechanisms.[24]

Institutionally, the Corruption Eradication Commission (KPK) is granted broad authority to investigate and prosecute corruption cases, but it lacks the unilateral capacity to manage international asset recovery independently. Instead, the KPK must coordinate with other state institutions, including the Attorney General's Office, the National Police, and the Financial Transaction Reports and Analysis Centre (PPATK). This multi-agency dependency often leads to institutional friction, delays, and fragmented responses in high-stakes cases involving cross-border asset tracing and freezing.[25] Moreover, empirical data suggests that between 2004 and 2021, Indonesia succeeded in repatriating only a limited portion of illicit assets stashed abroad, owing largely to the lack of effective bilateral Mutual Legal Assistance (MLA) treaties with key financial jurisdictions.[26]

The implementation of non-conviction-based asset forfeiture remains underdeveloped in Indonesia. While the Anti-Money Laundering Law recognizes a form of reverse burden of proof in confiscation proceedings, actual application remains contingent upon proving the predicate criminal offence. This reliance on conviction-based forfeiture hampers Indonesia's ability to act in cases where suspects have absconded, died, or are shielded by political immunity—scenarios frequently encountered in high-profile corruption cases.[27] As Effendi (2025) argues, Indonesia's legal system lacks a conceptual separation between criminal and civil asset forfeiture, a gap that continues to impede the operationalization of NCBAF in accordance with UNCAC Article 54(1)(c).[28]

In terms of capacity, law enforcement and prosecutorial institutions in Indonesia suffer from limited technical training and expertise in financial investigations, forensic accounting, and international cooperation mechanisms. This institutional weakness becomes especially problematic when dealing with transnational corruption cases involving shell companies, offshore accounts, and complex money laundering schemes.[29] A strategic national framework for asset recovery—one that includes risk mapping, institutional reform, and inter-agency data sharing—is urgently needed to align domestic capacities with international expectations. Such efforts would also benefit from closer engagement with global platforms

[24] Sugiharti, D. K., Wibisono, A., & Mahendra, Y. (2019). Asset recovery of detrimental to the finances of the state from proceeds of corruption. *Jurnal Dinamika Hukum*. Retrieved from https://www.academia.edu/download/106811360/651.pdf

[25] Ramadani, R., & Latif, S. (2022). The recovery of state losses through corruption asset confiscation: Policies and obstacles. *IAPA Proceedings*. Retrieved from https://www.jurnal.iapa.or.id/proceedings/article/download/703/359

[26] Achmad Aulia, A. (2025). Disruption in corruption eradication in Indonesia. *Public Integrity*, Taylor & Francis.

[27] Khaliq, M. N. (2025). Legal politics of instruments for punishing corruptors. *al-Afkar Journal*. Retrieved from https://al-afkar.com/index.php/Afkar_Journal/article/download/1651/1349

[28] Effendi, T. (2025). The concept of non-conviction-based asset forfeiture. *Jurnal Integritas KPK*. Retrieved from https://jurnal.kpk.go.id/index.php/integritas/article/download/1386/305

[29] Santiago, F., Wardana, P., & Hamid, M. (2023). Reform of corruption criminal law: A study of corruptor asset application law in Indonesia. *International Journal of Social Research*. Retrieved from https://ijsr.internationaljournallabs.com/index.php/ijsr/article/download/1346/868

like the Stolen Asset Recovery Initiative (StAR), a joint project of the UNODC and the World Bank that provides practical guidance on asset tracing, seizure, and repatriation.[30]

The absence of a comprehensive and enforceable Asset Seizure Law further exacerbates Indonesia's inability to recover assets efficiently. The Draft Law on Asset Seizure, first proposed more than a decade ago, remains mired in political inertia. Without such legislation, Indonesia remains overly reliant on traditional conviction-based proceedings, which are often protracted, vulnerable to political interference, and ill-suited to cases involving fugitive defendants. Comparative studies indicate that countries with dedicated NCBAF laws, such as Singapore and Malaysia, exhibit significantly higher asset recovery rates, underscoring the urgent need for legal reform in Indonesia.[31]

In conclusion, while Indonesia has made significant strides in establishing anti-corruption institutions and adopting relevant international norms, its asset recovery regime remains constrained by legal fragmentation, institutional coordination challenges, and underdeveloped procedural tools. Without a coherent and fully UNCAC-compliant framework—anchored in a robust NCBAF law, empowered institutions, and reciprocal international cooperation—Indonesia risks losing not only stolen public funds but also public trust in its commitment to justice and accountability.

2. Malaysia

Malaysia presents a compelling case in the regional architecture of anti-corruption and asset recovery, particularly in the wake of the 1Malaysia Development Berhad (1MDB) scandal, which exposed significant institutional vulnerabilities while simultaneously catalyzing legal and enforcement reforms. As a State Party to UNCAC since 2008, Malaysia has progressively expanded its legal and institutional arsenal, especially through amendments to the Malaysian Anti-Corruption Commission Act 2009 (MACC Act), the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA), and the introduction of corporate liability provisions under Section 17A of the MACC Act.[32] These measures, while robust in design, continue to encounter implementation constraints and require deeper alignment with UNCAC's asset recovery framework.

The Malaysian Anti-Corruption Commission (MACC) is the country's principal anti-corruption agency, endowed with broad investigative and prosecutorial powers, including the authority to freeze and seize assets suspected to be linked to corrupt activities. The MACC has, in several instances, conducted independent financial investigations and filed civil forfeiture suits against politically exposed persons and corporations. Notably, in the aftermath of the 1MDB case, the MACC worked with international partners including the U.S. Department of Justice under the Kleptocracy Asset Recovery Initiative, successfully recovering over US$1.2 billion in assets misappropriated through the 1MDB fund.[33] This remains one of the largest cross-border asset recovery operations in modern financial crime history and serves as an empirical benchmark for international cooperation envisioned under UNCAC Chapter V.

Legally, Malaysia has operationalized many elements of non-conviction-based asset forfeiture (NCBAF) through AMLA. Under Section 56 of the Act, Malaysian authorities may seize property suspected to be proceeds of crime without the need for a prior criminal conviction. The burden of proof in such proceedings effectively shifts to the respondent, requiring them to demonstrate the lawful origin of their assets—a mechanism aligned with Article 54(1)(c) of UNCAC.[34] However, some scholars have critiqued

---

[30] UNODC & World Bank. (2020). *Stolen Asset Recovery Handbook: A Guide for Practitioners* (2nd ed.). StAR Initiative

[31] Mustofa, M., Azizah, N., & Faiz, M. (2025). Reconstruction of asset forfeiture law through NCB mechanism. *Asian Journal of Social and Humanities*. Retrieved from https://ajosh.org/index.php/jsh/article/download/586/755

[32] Mendelsohn, M. F. (2018). *Anti-Bribery and Anti-Corruption: Malaysia Chapter*. The Law Reviews (7th ed.). Retrieved from https://lh-ag.com/wp-content/uploads/2022/11/The-Law-Reviews-The-Anti-Bribery-and-Anti-Corruption-Review-7th-Edition-Malaysia-Chapter-18.pdf

[33] Graycar, A. et al. (2018). *Combating Corruption toward Clean Governance in Asia: Country Cases*. EAI Special Report. Retrieved from https://www.dbpia.co.kr/Journal/articleDetail?nodeId=NODE07414204

[34] Anusha, A. & Aurasu, P. (2020). *Anti-Money Laundering Law as a Legal Mechanism to Combat Corruption in Malaysia* [Master's thesis, Universiti Utara Malaysia]. UUM ETD. Retrieved from https://etd.uum.edu.my/8980/1/S900562_01.pdf

this regime as being procedurally underutilized due to judicial conservatism, limited prosecutorial capacity, and the politically sensitive nature of high-level cases.[35]

Another critical development is the inclusion of corporate liability for corruption under Section 17A of the MACC Act, introduced in 2020. This provision holds commercial organizations liable if any person associated with them commits a corrupt act with intent to secure business advantage. Companies are required to demonstrate "adequate procedures" to prevent corruption, and failure to do so may result in asset seizures. This aligns with UNCAC's preventive framework and strengthens Malaysia's capacity to recover corporate assets gained through corruption.[36]

From an institutional perspective, Malaysia has demonstrated willingness to engage in mutual legal assistance (MLA)and to repatriate recovered assets to countries of origin, notably Indonesia and the United States. Nevertheless, bureaucratic inertia, lack of a centralized asset recovery office, and inter-agency rivalries often hamper effective coordination. According to Anusha & Aurasu (2020), enforcement officers themselves report ambiguities regarding institutional mandates, inconsistencies in asset tracing procedures, and delays in freezing illicit assets, especially when multiple agencies are involved.[37]

Malaysia's asset recovery capacity also depends heavily on its judiciary, which plays a central role in granting freezing, forfeiture, and repatriation orders. Judicial independence, while constitutionally guaranteed, has in past cases been undermined by executive interference, as seen during the Najib Razak administration. Although post-2018 reforms have improved judicial transparency, challenges remain in ensuring that politically sensitive cases do not stall during adjudication.[38] Additionally, Malaysia lacks specialized anti-corruption courts, unlike Indonesia's Tipikorcourts, which limits the judicial specialization required for handling complex cross-border asset cases.

In terms of UNCAC compliance, Malaysia performs relatively well on provisions related to criminalization, prevention, and international cooperation. However, reviews under the Implementation Review Mechanism (IRM)note gaps in institutional capacity for managing seized assets, lack of transparency in asset disposition, and insufficient reporting to the public regarding recovered sums.[39] Moreover, civil society participation in monitoring and oversight remains limited, despite growing calls for a more transparent and inclusive anti-corruption ecosystem.

The 1MDB case, while a watershed moment, also exposed the systemic enablers of kleptocracy, such as financial secrecy, the role of offshore financial centers, and political patronage networks. While Malaysia cooperated with the U.S., Switzerland, and Singapore in tracing and repatriating assets, efforts to recover the full scope of stolen funds—estimated at over US$4.5 billion—remain ongoing. The case has led to valuable institutional introspection and legislative amendments, but experts argue that Malaysia must adopt a more systematic and permanent infrastructure for asset recovery, including an autonomous asset recovery agency, integrated databases, and enhanced due diligence protocols in the financial sector.[40]

In conclusion, Malaysia has made commendable legal and operational progress in aligning with UNCAC's asset recovery framework, especially through its AMLA provisions, MACC's expanded mandate, and international cooperation. However, full realization of its asset recovery potential requires legal refinements, institutional specialization, and political commitment to sustain reforms beyond high-profile scandals. The Malaysian experience illustrates how asset recovery, when effectively pursued, can become a symbol of justice and institutional renewal, rather than merely a reactive response to elite corruption.

3. Singapore

---

[35] Noor, M. M., & Harun, M. (2021). *Challenges in asset recovery enforcement in Malaysia*. *Journal of Maritime and Legal Studies*, Academia.edu. https://www.academia.edu/download/83732570/5-17-PB.pdf

[36] Mohamed, N., Sultan, N., & Husin, S. J. M. (2023). *Section 17A of the Malaysian Anti-Corruption Act: The Corporate Implementation Perspectives*. *European Proceedings of Social and Behavioural Sciences*. Retrieved from https://www.europeanproceedings.com/article/10.15405/epsbs.2023.11.67

[37] Anusha & Aurasu, supra note 3

[38] Ibid

[39] UNODC (2022). *UNCAC Implementation Review Mechanism: Malaysia Country Report Summary*

[40] Silviani, N. Z., & Putri, E. E. (2025). *Mutual Legal Assistance in Corruption Offenses' Asset Recovery: A Comparative Study between Indonesia and Singapore*. *Uti Possidetis: Journal of International Law*. https://mail.online-journal.unja.ac.id/Utipossidetis/article/view/40835

Singapore has gained international recognition for its stringent anti-corruption framework and exemplary enforcement record, reflected in consistently high scores on the Corruption Perceptions Index and strong compliance with international obligations, including the United Nations Convention against Corruption (UNCAC). Its approach to asset recovery is embedded within a broader architecture of anti-money laundering (AML), mutual legal assistance (MLA), and financial integrity, which collectively enhance the state's ability to identify, restrain, and repatriate illicit assets.

At the heart of Singapore's asset recovery regime is the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (CDSA), first enacted in 1992 and amended several times to align with evolving global standards. The CDSA allows for both conviction-based and non-conviction-based asset forfeiture (NCBAF). Under Sections 4 and 5, courts are empowered to issue confiscation orders following conviction. However, Part III of the Act provides for civil forfeiture of assets if the prosecution can establish that property represents the proceeds of crime, regardless of whether a criminal conviction has been obtained.[41] This flexible structure ensures that Singapore complies with UNCAC Article 54(1)(c), which encourages states to consider forfeiture mechanisms independent of criminal conviction.

Singapore's anti-corruption agency, the Corrupt Practices Investigation Bureau (CPIB), functions under the direct purview of the Prime Minister's Office and is vested with wide-ranging investigatory powers. While the CPIB does not prosecute cases, it refers matters to the Attorney-General's Chambers for prosecution, ensuring separation of powers. The CPIB has consistently demonstrated capacity in investigating high-profile cases, including transnational cases with complex asset structures.[42]

In addition to the CDSA, Singapore's commitment to international cooperation is codified in the Mutual Assistance in Criminal Matters Act (MACMA), which enables the country to assist foreign jurisdictions in matters related to asset tracing, freezing, and repatriation. Singapore has concluded MLA treaties with numerous countries and is also a participant in the ASEAN Mutual Legal Assistance Treaty (2004). Importantly, MACMA also allows for cooperation in the absence of a formal treaty through the principle of reciprocity, thereby enhancing the scope of legal assistance it can provide.[43]

Singapore's financial sector regulation is also central to its asset recovery efforts. The Monetary Authority of Singapore (MAS) plays a crucial role in enforcing AML standards, including rigorous customer due diligence, beneficial ownership transparency, and suspicious transaction reporting (STR) obligations for financial institutions. These measures facilitate the early detection of illicit assets and are aligned with Financial Action Task Force (FATF) standards.[44] Furthermore, Singapore has been responsive to evolving threats in the digital financial space by extending regulatory oversight to virtual asset service providers (VASPs) under the Payment Services Act 2019.

Singapore's practical implementation of asset recovery was tested and affirmed during the 1MDB scandal, in which the city-state played a key enforcement role. Singapore froze and confiscated over SGD 240 million in assets linked to the scandal, including real estate, bank accounts, and luxury goods. In 2016, it became the first country to convict bankersinvolved in laundering 1MDB-related funds, demonstrating a rare willingness to hold financial intermediaries accountable.[45] Singapore subsequently repatriated recovered assets to Malaysia, thereby fulfilling its obligations under UNCAC Article 57, which mandates the return of assets to the requesting state.

Scholars have highlighted that Singapore's dual-track asset recovery framework—which leverages both criminal and civil procedures—provides a model of institutional clarity and procedural flexibility.

---

[41] L. Ang (2008). *Effective measures against corporate crime and corporate liability in Singapore*. UNAFEI Resource Material Series. https://unafei.or.jp/publications/pdf/RS_No76/No76_06VE_Ang.pdf

[42] CPIB. (2022). *Annual Report 2021: Clean Governance, United Nation's Commitments*. Retrieved from https://www.cpib.gov.sg

[43] Silviani, N. Z., & Putri, E. E. (2025). *Mutual Legal Assistance in Corruption Offenses' Asset Recovery: A Comparative Study between Indonesia and Singapore*. *Uti Possidetis: Journal of International Law*. https://mail.online-journal.unja.ac.id/Utipossidetis/article/view/40835

[44] MAS. (2021). *Guidelines on AML/CFT Requirements and Controls*. Monetary Authority of Singapore. https://www.mas.gov.sg

[45] Graycar, A. (2020). *The 1MDB case and cross-border asset recovery*. *Asian Journal of Law and Society*, 7(1), 56–74

However, critiques remain. Arifin et al. (2023) argue that Singapore's discretionary approach to asset repatriation, particularly in the absence of court orders from the requesting state, may raise questions regarding transparency and consistency in international cooperation.[46] Additionally, the absence of a centralized asset recovery agency may pose challenges in coordinating between enforcement bodies, particularly in complex multi-jurisdictional cases.[47]

From a normative perspective, Singapore's legal system embodies the principles of proportionality, due process, and judicial oversight, which are essential to ensuring that asset recovery efforts do not violate individual rights. All forfeiture actions are subject to judicial review, and affected parties have the right to challenge confiscation proceedings. This legal safeguard balances the state's interest in combating corruption with the rights of individuals and entities whose assets may be implicated.

Overall, Singapore stands as a regional leader in asset recovery, having successfully operationalized the legal, institutional, and procedural dimensions required under UNCAC. Its approach demonstrates that a well-integrated system—combining strong laws, capable institutions, and a transparent financial system—can result in effective deterrence, punishment, and restitution in corruption cases.

4. The Philippines: Between Institutional Resilience and Political Hindrance in Asset Recovery

The Philippines represents one of the most illustrative and complex examples of asset recovery efforts in Southeast Asia, particularly in relation to the case of former President Ferdinand Marcos and his associates. Following the 1986 People Power Revolution, the Philippine government established the Presidential Commission on Good Government (PCGG) with a primary mandate to recover the so-called "ill-gotten wealth" amassed during the Marcos regime.[48] Over the decades, the PCGG has pursued over 180 civil and criminal cases, domestically and internationally, resulting in the recovery of approximately USD 3.6 billion worth of assets.[49] A central legal mechanism utilized in these efforts has been mutual legal assistance (MLA), particularly under bilateral treaties and the UNCAC framework.[50]

Despite these recoveries, the asset recovery process has been fraught with legal, institutional, and political obstacles. For instance, the initial request for MLA to the Swiss government in 1986 was delayed for several years due to challenges in meeting the evidentiary standards required by Swiss courts, reflecting a clash between Philippine civil law procedures and the expectations of European judicial systems.[51] Eventually, following the Swiss Federal Tribunal's ruling in 1997, USD 684 million of Marcos-linked Swiss bank deposits were transferred to an escrow account in the Philippines, contingent upon a final Philippine court ruling on their illicit origin.[52] This process underscores both the potential and limits of MLA under UNCAC, particularly Articles 43 and 46, which promote international cooperation but rely heavily on domestic court capabilities and political will.[53]

Moreover, the Philippine Supreme Court's 2003 decision in Republic v. Sandiganbayan (G.R. No. 152154) affirmed that the funds were presumptively ill-gotten under Republic Act No. 1379, thereby enabling their forfeiture without a full criminal conviction, using the civil forfeiture standard of proof — a

---

[46] Arifin, R., Riyanto, S., & Putra, A. K. (2023). *Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era*. *Legality: Jurnal Ilmiah Hukum*. https://ejournal.umm.ac.id/index.php/legality/article/view/29381

[47] Durrieu, R. (2012). *Rethinking Money Laundering Offences: A Global Comparative Analysis*. Oxford University. https://ora.ox.ac.uk/objects/uuid:a9511b88-fec2-40ce-86ec-e5ef380cb0ca

[48] Carranza, R. (2022). *Transitional Justice, Corruption and Mutually Reinforcing Accountability*. Oxford University Press.

[49] Bolongaita, E. (2010). *An Exception to the Rule? Why Indonesia's Anti-Corruption Commission Succeeds Where Others Don't*. U4 Anti-Corruption Resource Centre.

[50] Wang, S. J. (2021). "Tackling Suspect Wealth: Towards an Accountable and Transparent Future?" *Journal of Money Laundering Control*, 24(3).

[51] Kingah, S., et al. (2011). "The Effectiveness of International and Regional Measures in Recovering Assets." *University of Botswana Law Journal*, 13, pp. 3–26

[52] Chaikin, D. (2006). "The Impact of Swiss Principles of Mutual Assistance on Financial and Fiscal Crimes." *Revenue Law Journal*, 16(1).

[53] United Nations Office on Drugs and Crime (UNODC). (2007). *Stolen Asset Recovery (StAR) Initiative: Challenges, Opportunities, and Action Plan*

significant precedent in asset recovery jurisprudence.[54] However, scholars have noted that despite this legal success, the PCGG has often operated under political interference, limited resources, and bureaucratic inertia, which have compromised the sustainability and expansion of its mandate.[55] In 2023, the Philippine Congress debated dissolving the PCGG and transferring its functions to the Office of the Solicitor General, raising concerns about the erosion of institutional memory and expertise built over decades.[56]

International observers, such as the Stolen Asset Recovery (StAR) Initiative of the World Bank and UNODC, have highlighted the Philippine experience as a "cautionary tale" in asset recovery, balancing between momentous achievements and systemic fragilities.[57] While the Marcos case has become a global benchmark for successful high-profile asset recovery, it also illustrates the structural dependence on domestic legal coherence, political independence, and cross-border cooperation that UNCAC envisages but does not fully operationalize on its own.[58] Therefore, while the Philippines demonstrates that asset recovery is indeed feasible, it simultaneously reveals the fragile interplay between law, politics, and global cooperation in realizing UNCAC's full potential.

5. Thailand

Thailand's approach to asset recovery in corruption cases reflects a complex interplay of national legal mechanisms, institutional mandates, and international cooperation frameworks, particularly under the umbrella of the UNCAC. The cornerstone of Thailand's domestic anti-corruption architecture is the National Anti-Corruption Commission (NACC), an independent body constitutionally mandated to investigate and prosecute corruption offenses, including tracing and recovering illicit assets from both domestic and transnational cases.[59]

The legal framework for asset recovery is governed primarily by the Organic Act on Anti-Corruption B.E. 2561 (2018), which empowers the NACC to conduct inquiries, freeze assets, and refer cases for criminal prosecution. Under Section 32 of the Act, the NACC is authorized to trace assets suspected of being unlawfully acquired and submit them for judicial confiscation. The NACC also maintains asset disclosure records from public officials and is empowered to initiate proceedings if unexplained wealth is discovered.[60]

One of Thailand's strengths lies in the procedural synergy between the Office of the Attorney General (OAG) and the NACC, particularly in matters related to Mutual Legal Assistance (MLA) and international cooperation. Thailand is a party to several bilateral and multilateral treaties that support cross-border asset recovery, including the ASEAN Mutual Legal Assistance Treaty (AMLAT) and has also enacted the Mutual Legal Assistance in Criminal Matters Act B.E. 2535 (1992), which facilitates cooperation with foreign jurisdictions in asset tracing, freezing, seizure, and repatriation.[61]

However, despite a relatively robust institutional and legal structure, Thailand faces critical challenges in actual asset recovery performance. The lack of specialized judicial mechanisms, delays in court proceedings, and limited enforcement capacity hinder efficient implementation. Moreover, political

---

[54] Lasslett, K., et al. (2017). *A Dance with the Cobra: Confronting Grand Corruption in Uzbekistan*. Ulster University.

[55] Supreme Court of the Philippines. (2003). *Republic v. Sandiganbayan*, G.R. No. 152154.

[56] Mariano, D. D. J., et al. (2001). "Statutory Jurisprudential Barriers to the Recovery of Ill-Gotten Wealth." *Philippine Law Journal*, 76(2).

[57] Mondez, T. E. A., & Cruz, J. P. (2024). *Corruption and Illegality in Asian Investment Arbitration: The Philippines*. Springer.

[58] UNODC & World Bank. (2011). *Stolen Asset Recovery Initiative: Barriers to Asset Recovery.*

[59] Vudthithornnatirak, V. (2010). *Effective Legal and Practical Measures for Combating Corruption*. Resource Material Series No. 80, UNAFEI. https://unafei.or.jp/publications/pdf/RS_No80/No80_24PA_Vudthithornnatirak.pdf

[60] Chin Chin Hong. (2016). *Reforming the System of Asset Declaration in Malaysia as a Strategy to Combat Corruption*. Master's Thesis, IACA. https://iaca.int/media/attachments/2018/07/24/chin_chin_hong_masters_thesis.pdf

[61] Arifin, R. (2019). *Combating Corruption under ASEAN Cooperation: The Emerging Issues*. ICONAS Proceedings, UGM. https://asc.fisipol.ugm.ac.id/wp-content/uploads/sites/741/2019/10/ICONAS-PROC-POLSEC.pdf#page=30

interference and the absence of a comprehensive framework for Non-Conviction-Based (NCB) asset forfeiture remain significant barriers.[62]

In notable high-profile cases, such as the investigation into wealth amassed by former Prime Minister Thaksin Shinawatra, the NACC was able to secure court orders to freeze and ultimately confiscate substantial amounts of assets. In 2008, the Thai Supreme Court ordered the confiscation of over 46 billion baht (approximately USD 1.4 billion) of Thaksin's assets, citing abuse of power and corruption during his tenure.[63] However, such outcomes are more the exception than the norm.

Thailand's implementation of Chapter V of the UNCAC (Asset Recovery) was reviewed in the second cycle of the UNCAC Implementation Review Mechanism (IRM). The country review report identified several positive developments, including the adoption of MLA procedures and collaboration with foreign jurisdictions, but also highlighted persistent deficiencies in proactive asset tracing, reliance on conviction-based recovery, and underutilization of preventive mechanisms.[64]

The NACC has recently launched public engagement strategies and digital platforms to enhance transparency in asset declaration, but scholars argue that these efforts are insufficient without judicial reform and enhanced prosecutorial independence.[65] Furthermore, Thailand has not yet adopted a centralized Asset Recovery Office (ARO) as recommended by international best practices, which results in fragmented coordination among enforcement agencies.

In conclusion, while Thailand exhibits a reasonably structured legal and institutional framework to support asset recovery, the implementation remains uneven. For Thailand to fully realize its asset recovery potential under the UNCAC, reforms should focus on institutional capacity-building, legislative alignment with international standards (particularly concerning NCB forfeiture), and minimizing political interference in enforcement agencies.

Toward Regional Coherence: Challenges, Opportunities, and Synthesis

Efforts to recover stolen assets across Southeast Asia are shaped by a growing recognition that corruption is increasingly transnational in nature, involving intricate networks of financial secrecy, shell companies, and cross-border transactions. While the United Nations Convention against Corruption (UNCAC) provides a global framework for asset recovery, its effective implementation in the ASEAN region is challenged by legal, institutional, and geopolitical asymmetries. The comparative findings from Indonesia, Malaysia, Singapore, the Philippines, and Thailand reveal both promising developments and persistent limitations in constructing a coherent regional asset recovery strategy.

Legal and Institutional Divergence: The Core Challenge

One of the central barriers to regional harmonization is the legal diversity within ASEAN. The region encompasses countries with civil law systems (e.g., Indonesia, Thailand), common law traditions (e.g., Malaysia, Singapore), and hybrid or transitional legal frameworks (e.g., the Philippines). These divergent legal architectures affect how asset forfeiture, evidentiary thresholds, and international legal assistance are interpreted and applied. For instance, while Singapore and Malaysia have incorporated non-conviction-based asset forfeiture (NCBAF) into their laws, countries like Indonesia and Thailand still rely

[62] Wahyuningsih, S. E., & Ma'ruf, U. (2023). *Law Enforcement of Corruption in the Business Framework of State-Owned Enterprises*. IJMSSSR. https://www.ijmsssr.org/paper/IJMSSSR00912.pdf

[63] Rama, M. J., Lester, M. E., & Staples, W. (2022). *The Challenges of Political Corruption in Australia and the Application of the APUNCAC*. *Laws*, 11(1), 7. https://www.mdpi.com/2075-471X/11/1/7

[64] United Nations Office on Drugs and Crime. (2017). *Country Review Report of Thailand – UNCAC Second Cycle*. Retrieved from [UNODC Database]

[65] Johansson, S. (2023). *Is There a Proper Way to Combat Corruption? A Comparison of Anti-Corruption Strategies in Iran, Thailand, Denmark, and Singapore*. DiVA Portal. https://www.diva-portal.org/smash/get/diva2:1829529/FULLTEXT01.pdf

primarily on conviction-based models, delaying or preventing action when criminal trials are protracted or politically constrained.[66]

Additionally, the institutional mandates for asset recovery are distributed unevenly across countries. Some states maintain centralized agencies like Singapore's Corrupt Practices Investigation Bureau (CPIB), while others operate with overlapping mandates between anti-corruption commissions, financial intelligence units (FIUs), and attorney general offices. This institutional fragmentation contributes to operational inefficiencies and weakens cross-border cooperation.[67]

Limitations of Mutual Legal Assistance and MLA Treaties

The effectiveness of asset recovery is closely tied to Mutual Legal Assistance (MLA) mechanisms. However, despite the existence of the ASEAN Mutual Legal Assistance Treaty (AMLAT), challenges persist. First, differences in procedural laws often delay asset tracing and freezing. Second, the lack of trust and political will among ASEAN countries hampers timely response to MLA requests.[68] Third, there is an absence of standardized protocols for spontaneous information exchange, something UNCAC encourages under Article 46(4).

While some bilateral MLA treaties exist (e.g., between Indonesia and Singapore, or Malaysia and Thailand), they are not comprehensive or consistently utilized. For example, delays in the repatriation of 1MDB-related assets demonstrated how cross-border cooperation, while possible, often depends on case-specific political pressure rather than systemic mechanisms.[69]

ASEAN's Missed Opportunity: No Asset Recovery Coordination Body

Unlike the European Union, which operates a network of Asset Recovery Offices (AROs) and shares data via CARIN and EUROPOL, ASEAN lacks a permanent regional platform dedicated to asset recovery. This absence means there is no central repository for asset information, no coordination body for transnational confiscation orders, and no unified response unit for corruption cases involving multiple jurisdictions.[70] Several scholars have suggested the creation of an ASEAN Asset Recovery Mechanism (AARM) to fill this gap.[71]

Strategic Leverage: UNCAC and Regional Norm Entrepreneurship

UNCAC, especially Chapter V, offers ASEAN a legal and moral anchor for regional harmonization. All ASEAN states are parties to the Convention, and the Review Mechanism (IRM) has already conducted state reviews in most of them. These findings could serve as a blueprint for harmonized reform, especially regarding:

1. Adoption of NCBAF standards.
2. Establishing clear beneficial ownership registries.
3. Creating regional training modules for prosecutors and financial investigators.

---

[66] Arifin, R., Riyanto, S., & Putra, A. K. (2023). *Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era*. Legality: Jurnal Ilmiah Hukum. https://ejournal.umm.ac.id/index.php/legality/article/view/29381

[67] Bayuaji, R., & Hadi, F. (2025). *Asset Recovery in Corruption Cases in Indonesia: A Human Rights Perspective*. Fiat Justisia. https://jurnal.fh.unila.ac.id/index.php/fiat/article/view/4024

[68] Amrullah, R., & Natamiharja, R. N. (2020). *Asset Recovery in the Criminal Act of Corruption in ASEAN*. Simbur Cahaya. http://repository.lppm.unila.ac.id/26788/

[69] UNODC & World Bank. (2011). *Stolen Asset Recovery: Barriers to Asset Recovery*. Retrieved from https://star.worldbank.org

[70] Martinez, J. P. (2017). *Tackling Illegal Economy: Comparative Models in Asset Recovery*. ResearchGate. https://www.researchgate.net/publication/317102310_Tackling_Illegal_Economy

[71] Amrullah, R., & Natamiharja, R. (2019). *Asset Recovery in Corruption Offences and ASEAN Regional Cooperation*. Unila Repository. http://repository.lppm.unila.ac.id/15949

4. Developing common indicators for illicit asset risk mapping.[72]

The ASEAN Political-Security Community Blueprint 2025 and ASEAN Convention Against Trafficking in Persons (ACTIP) show that ASEAN is capable of legal harmonization under political consensus. A similar approach is needed for asset recovery.

Proposal: ASEAN Asset Recovery Mechanism (AARM)

Based on these challenges and opportunities, we propose the formation of a dedicated ASEAN Asset Recovery Mechanism (AARM), which could take the form of a specialized task force or permanent technical unit under the ASEAN Secretariat or ASEANAPOL. Its main functions would include:

1. Coordinating MLA and repatriation efforts.
2. Facilitating joint investigations and asset tracing.
3. Providing training and forensic expertise.
4. Harmonizing domestic NCBAF frameworks.
5. Operating a secure regional database of frozen/confiscated assets.

AARM could work in parallel with existing UNCAC bodies, as well as with external partners such as the Stolen Asset Recovery Initiative (StAR), FATF, and Interpol.

Synthesis of Findings and Regional Implications

Drawing from the comparative analysis, we identify five key insights:

1. Legal asymmetry remains a barrier to cross-border action and must be addressed through model legislation.
2. Political will and prosecutorial independence are the greatest predictors of successful recovery, more than legal technicalities.
3. Countries with centralized AROs and NCBAF laws recover assets faster and more transparently.
4. ASEAN currently lacks the institutional infrastructure to respond to complex transnational corruption cases.
5. The UNCAC framework is underutilized; more proactive regional engagement is needed, beyond minimum compliance.

Ultimately, achieving a coherent asset recovery framework in Southeast Asia requires moving beyond rhetoric toward binding commitments, shared institutions, and legal harmonization. The window of opportunity remains open — particularly with rising public awareness and international attention to kleptocracy in the region. ASEAN can either lead this transformation or risk remaining reactive in the face of evolving global financial crime.

CONCLUSION AND SUGGESTIONS

Asset recovery in corruption cases remains one of the most complex, yet indispensable, components of the global anti-corruption regime, particularly within the Southeast Asian context. This study has demonstrated that while all five ASEAN countries analyzed—Indonesia, Malaysia, Singapore, the Philippines, and Thailand—have ratified and domesticated the United Nations Convention against Corruption (UNCAC), their approaches to implementing Chapter V on asset recovery vary significantly. These differences are evident in both the design and application of legal mechanisms, institutional capacity, and levels of international cooperation. In general, Singapore and Malaysia have made more consistent strides in developing robust, non-conviction-based asset forfeiture (NCBAF) laws and in creating centralized, empowered anti-corruption agencies that are capable of tracing and seizing illicit wealth efficiently. In contrast, countries like Indonesia and Thailand continue to rely predominantly on conviction-based models and often struggle with overlapping institutional mandates, delays in mutual legal assistance (MLA), and inconsistent prosecutorial independence.

[72] UNODC. (2023). *UNCAC Country Reports and Legislative Guides*. https://www.unodc.org/unodc/en/corruption/uncac.html

At the regional level, the absence of a coordinated framework for asset recovery within ASEAN presents a major gap in responding effectively to cross-border corruption. While the ASEAN Mutual Legal Assistance Treaty (AMLAT) provides a legal foundation for cooperation, its practical utility is often undermined by procedural discrepancies, lack of trust among jurisdictions, and a notable absence of centralized information-sharing mechanisms. The lack of a permanent regional asset recovery entity—similar to the Asset Recovery Offices (AROs) operating within the European Union—significantly hinders the region's ability to respond promptly and collaboratively to complex cases involving transnational kleptocracy. Although the ASEAN Political-Security Community Blueprint promotes legal cooperation, asset recovery remains marginal in regional dialogues and institutional agendas.

Nevertheless, the challenges identified also offer strategic opportunities. All ASEAN countries are parties to UNCAC and are thus bound by a shared normative framework that could serve as the basis for greater harmonization. The comparative findings of this study suggest that ASEAN can benefit from establishing a dedicated regional mechanism, such as an ASEAN Asset Recovery Mechanism (AARM), to facilitate technical coordination, joint investigations, and standardized legal procedures. AARM could also act as a liaison between national agencies and global partners, such as the Stolen Asset Recovery (StAR) Initiative, FATF, and INTERPOL. Further, harmonized guidelines on NCBAF implementation, MLA protocols, and beneficial ownership disclosure would significantly strengthen regional coherence.

This study contributes to both academic and policy discourses by providing one of the first comparative legal mappings of asset recovery in the ASEAN context, offering insights into what works, what does not, and what must change. While each country operates within its own legal tradition, political economy, and institutional culture, regional cooperation must transcend these differences if corruption is to be addressed holistically. The recommendations proposed—from legal harmonization and institutional reform to regional coordination—are not merely aspirational. They are practical necessities if ASEAN is to close the gap between formal commitments and actual results in asset recovery.

Ultimately, this paper reaffirms that asset recovery is more than a technical or legal process—it is a matter of justice, accountability, and restoring public trust. As grand corruption increasingly exploits cross-border financial structures, a fragmented regional response is no longer sustainable. ASEAN must leverage its shared commitments under UNCAC and its growing institutional maturity to transition from reactive, state-centric efforts to a collective, principled, and regionally coordinated model of asset recovery. Only then can the return of stolen wealth become not only possible, but inevitable.

REFERENCES

1. Achmad Aulia, A. 2025. "Disruption in Corruption Eradication in Indonesia." *Public Integrity*. Taylor & Francis.
2. Amrullah, R., and R. Natamiharja. 2019. "Asset Recovery in Corruption Offences and ASEAN Regional Cooperation." *Unila Repository*. http://repository.lppm.unila.ac.id/15949.
3. Amrullah, R., and R. N. Natamiharja. 2020. "Asset Recovery in the Criminal Act of Corruption in ASEAN." *Simbur Cahaya*. http://repository.lppm.unila.ac.id/26788/.
4. Ang, L. 2008. "Effective Measures Against Corporate Crime and Corporate Liability in Singapore." *UNAFEI Resource Material Series*, No. 76. https://unafei.or.jp/publications/pdf/RS_No76/No76_06VE_Ang.pdf.
5. Anusha, A., and P. Aurasu. 2020. "Anti-Money Laundering Law as a Legal Mechanism to Combat Corruption in Malaysia." Master's thesis, Universiti Utara Malaysia. https://etd.uum.edu.my/8980/1/S900562_01.pdf.
6. Arifin, R. 2019. "Combating Corruption under ASEAN Cooperation: The Emerging Issues." *ICONAS Proceedings*. UGM. https://asc.fisipol.ugm.ac.id/wp-content/uploads/sites/741/2019/10/ICONAS-PROC-POLSEC.pdf#page=30.
7. Arifin, R., S. Riyanto, and A. K. Putra. 2023. "Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era." *Legality: Jurnal Ilmiah Hukum*. https://ejournal.umm.ac.id/index.php/legality/article/view/29381.

8. ASEAN Legal Study Group. 2021. *Legal Diversity in Southeast Asia: Implications for Asset Recovery Cooperation.*
9. Bayuaji, R., and F. Hadi. 2025. "Asset Recovery in Corruption Cases in Indonesia: A Human Rights Perspective." *Fiat Justisia*. https://jurnal.fh.unila.ac.id/index.php/fiat/article/view/4024.
10. Bolongaita, E. 2010. "An Exception to the Rule? Why Indonesia's Anti-Corruption Commission Succeeds Where Others Don't." *U4 Anti-Corruption Resource Centre.*
11. Carr, I., and R. Jago. 2014. "Corruption, the UNCAC, and Asset Recovery." In *The Regulation of Criminal and Terrorist Assets.*
12. Carranza, R. 2022. *Transitional Justice, Corruption and Mutually Reinforcing Accountability.* Oxford: Oxford University Press.
13. Chaikin, D. 2006. "The Impact of Swiss Principles of Mutual Assistance on Financial and Fiscal Crimes." *Revenue Law Journal* 16(1).
14. Chin Chin Hong. 2016. "Reforming the System of Asset Declaration in Malaysia as a Strategy to Combat Corruption." Master's thesis, IACA. https://iaca.int/media/attachments/2018/07/24/chin_chin_hong_masters_thesis.pdf.
15. CPIB. 2022. *Annual Report 2021: Clean Governance, United Nation's Commitments.* https://www.cpib.gov.sg.
16. Durrieu, R. 2012. *Rethinking Money Laundering Offences: A Global Comparative Analysis.* Oxford University. https://ora.ox.ac.uk/objects/uuid:a9511b88-fec2-40ce-86ec-e5ef380cb0ca.
17. Effendi, T. 2025. "The Concept of Non-Conviction-Based Asset Forfeiture." *Jurnal Integritas KPK.* https://jurnal.kpk.go.id/index.php/integritas/article/download/1386/305.
18. Goetstouwers, D. 2022. *Asset Recovery in the Face of Kleptocracy.* Masaryk University.
19. Graycar, A. 2020. "The 1MDB Case and Cross-Border Asset Recovery." *Asian Journal of Law and Society* 7(1): 56–74.
20. Graycar, A. et al. 2018. *Combating Corruption toward Clean Governance in Asia: Country Cases. EAI Special Report.* https://www.dbpia.co.kr/Journal/articleDetail?nodeId=NODE07414204.
21. Haswandi, H., and S. Sobandi. 2023. "Enhancing Civil Law Mechanisms for Asset Recovery." *Russian Law Journal.*
22. Hechler, H., and M. Tisné. 2017. *UNCAC in Practice: From Norms to Impact.* U4 Anti-Corruption Resource Centre.
23. Ibrahim, Dr. Johnny. *Teori & Metodologi Penelitian Hukum Normatif*. Bayu Media, 2013.
24. Johansson, S. 2023. "Is There a Proper Way to Combat Corruption? A Comparison of Anti-Corruption Strategies in Iran, Thailand, Denmark, and Singapore." *DiVA Portal.* https://www.diva-portal.org/smash/get/diva2:1829529/FULLTEXT01.pdf.
25. Khaliq, M. N. 2025. "Legal Politics of Instruments for Punishing Corruptors." *Al-Afkar Journal.* https://al-afkar.com/index.php/Afkar_Journal/article/download/1651/1349.
26. Kingah, S., et al. 2011. "The Effectiveness of International and Regional Measures in Recovering Assets." *University of Botswana Law Journal* 13: 3–26.
27. Komalasari, R., and C. Mustafa. 2024. "Strengthening Asset Recovery Frameworks in Indonesia." *Jurnal Integritas KPK.*
28. Lasslett, K., et al. 2017. *A Dance with the Cobra: Confronting Grand Corruption in Uzbekistan.* Ulster University.
29. Martinez, J. P. 2017. "Tackling Illegal Economy: Comparative Models in Asset Recovery." *ResearchGate.* https://www.researchgate.net/publication/317102310_Tackling_Illegal_Economy.
30. MAS. 2021. *Guidelines on AML/CFT Requirements and Controls.* Monetary Authority of Singapore. https://www.mas.gov.sg.
31. Mariano, D. D. J., et al. 2001. "Statutory Jurisprudential Barriers to the Recovery of Ill-Gotten Wealth." *Philippine Law Journal* 76(2).
32. Mendelsohn, M. F. 2018. *Anti-Bribery and Anti-Corruption: Malaysia Chapter. The Law Reviews* (7th ed.). https://lh-ag.com/wp-content/uploads/2022/11/The-Law-Reviews-The-Anti-Bribery-and-Anti-Corruption-Review-7th-Edition-Malaysia-Chapter-18.pdf.

33. Mohamed, N., N. Sultan, and S. J. M. Husin. 2023. "Section 17A of the Malaysian Anti-Corruption Act: The Corporate Implementation Perspectives." *European Proceedings of Social and Behavioural Sciences.* https://www.europeanproceedings.com/article/10.15405/epsbs.2023.11.67.
34. Moiseienko, A. 2018. "The Ownership of Confiscated Proceeds of Corruption under the UNCAC." *International and Comparative Law Quarterly* 67(3): 613–642. https://doi.org/10.1017/S002058931800021X.
35. Mondez, T. E. A., and J. P. Cruz. 2024. *Corruption and Illegality in Asian Investment Arbitration: The Philippines.* Springer.
36. Mustofa, M., N. Azizah, and M. Faiz. 2025. "Reconstruction of Asset Forfeiture Law through NCB Mechanism." *Asian Journal of Social and Humanities.* https://ajosh.org/index.php/jsh/article/download/586/755.
37. Nessi, G. 2015. "International Cooperation to Tackle Transnational Corruption: Issues and Trends in MLA, Extradition and Asset Recovery." Bocconi University. https://iris.unibocconi.it.
38. Noor, M. M., and M. Harun. 2021. "Challenges in Asset Recovery Enforcement in Malaysia." *Journal of Maritime and Legal Studies.* https://www.academia.edu/download/83732570/5-17-PB.pdf.
39. Putri, E. E., and N. Z. Silviani. 2025. "Mutual Legal Assistance and Asset Recovery: A Comparative Study." *Uti Possidetis Journal of International Law.*
40. Ramadani, R., and S. Latif. 2022. "The Recovery of State Losses through Corruption Asset Confiscation: Policies and Obstacles." *IAPA Proceedings.* https://www.jurnal.iapa.or.id/proceedings/article/download/703/359.
41. Rose, C. 2024. "The Progressive Development of International Law on the Return of Stolen Assets: Mapping the Paths Forward." *European Journal of International Law* 35(3): 701–738. https://doi.org/10.1093/ejil/chae042.
42. Rama, M. J., M. E. Lester, and W. Staples. 2022. "The Challenges of Political Corruption in Australia and the Application of the APUNCAC." *Laws* 11(1): 7. https://www.mdpi.com/2075-471X/11/1/7.
43. Santiago, F., P. Wardana, and M. Hamid. 2023. "Reform of Corruption Criminal Law: A Study of Corruptor Asset Application Law in Indonesia." *International Journal of Social Research.* https://ijsr.internationaljournallabs.com/index.php/ijsr/article/download/1346/868.
44. Silviani, N. Z., and E. E. Putri. 2025. "Mutual Legal Assistance in Corruption Offenses' Asset Recovery: A Comparative Study between Indonesia and Singapore." *Uti Possidetis: Journal of International Law.* https://mail.online-journal.unja.ac.id/Utipossidetis/article/view/40835.
45. Stephenson, K., L. Gray, and R. Power. 2011. *Barriers to Asset Recovery.* Washington, DC: World Bank.
46. Sugiharti, D. K., A. Wibisono, and Y. Mahendra. 2019. "Asset Recovery of Detrimental to the Finances of the State from Proceeds of Corruption." *Jurnal Dinamika Hukum.* https://www.academia.edu/download/106811360/651.pdf.
47. Tromme, M. 2018. "Waging War Against Corruption: Asset Recovery and the Rule of Law." *Duke Journal of Comparative and International Law.*
48. UNODC. 2004. *United Nations Convention Against Corruption, Chapter V.*
49. UNODC. 2007. *Stolen Asset Recovery (StAR) Initiative: Challenges, Opportunities, and Action Plan.*
50. UNODC. 2017. *Country Review Report of Thailand – UNCAC Second Cycle.*
51. UNODC. 2023. *UNCAC Country Reports and Legislative Guides.* https://www.unodc.org/unodc/en/corruption/uncac.html.
52. UNODC & World Bank. 2011. *Stolen Asset Recovery Initiative: Barriers to Asset Recovery.* Washington, DC: StAR Initiative.
53. UNODC & World Bank. 2020. *Stolen Asset Recovery Handbook: A Guide for Practitioners.* 2nd ed. Washington, DC: StAR Initiative.
54. United Nations Office on Drugs and Crime. 2022. *UNCAC Implementation Review Mechanism: Malaysia Country Report Summary.*
55. United Nations Office on Drugs and Crime. 2004. *United Nations Convention Against Corruption.*
56. Vudthithornnatirak, V. 2010. "Effective Legal and Practical Measures for Combating Corruption." *Resource Material Series No. 80.* UNAFEI.

57. Wahyuningsih, S. E., and U. Ma'ruf. 2023. "Law Enforcement of Corruption in the Business Framework of State-Owned Enterprises." *IJMSSSR*. https://www.ijmsssr.org/paper/IJMSSSR00912.pdf.
58. Wang, S. J. 2021. "Tackling Suspect Wealth: Towards an Accountable and Transparent Future?" *Journal of Money Laundering Control* 24(3).
59. Wibisana, A. W., and H. Hasbullah. 2024. "The Role of Prosecutors in Asset Recovery." *Beijing Law Review.*