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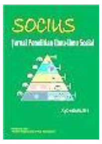

Konstruksi Hukum Kewenangan Penyidik terhadap Aset Debitur Pailit dalam Perkara Tindak Pidana Pencucian Uang

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A B S T R A C T

Abstract: Conflicts of jurisdiction between investigators and trustees frequently arise when assets that have become part of the bankruptcy estate are suspected of being derived from money laundering offences and are subject to seizure in criminal proceedings. Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering grants investigators the authority to trace and seize assets derived from criminal offences through a 'follow the money' approach. At the same time, Law No. 37 of 2004 on Bankruptcy and the Suspension of Debt Payment Obligations places all the assets of a bankrupt debtor under general attachment, which are under the control and administration of the trustee. These differing provisions give rise to a lack of harmonisation of legal norms and legal uncertainty regarding the limits of investigators' authority over the assets of a debtor who has been declared bankrupt. This study aims to analyse the legal framework of the investigator's authority over the assets of a bankrupt debtor in money laundering criminal cases. The research method employed is normative legal research using a statutory approach, a conceptual approach, and a case approach. The legal material was analysed qualitatively using legal interpretation methods to identify the relationship between the criminal law regime and bankruptcy law. The research findings indicate that the investigator's authority to seize assets derived from criminal offences is an attributive power conferred by law; however, its application to the bankruptcy estate has not been explicitly regulated, thereby potentially giving rise to conflicts of authority with the trustee. An ideal legal framework would allow criminal seizure to continue to be carried out against assets suspected of being derived from criminal offences, whilst still observing the principles of coordination, notification to the trustee, and protection of creditors' interests. This model is expected to create harmony between the criminal law regime and the insolvency law regime and provide legal certainty for all interested parties.

A B S T R A K

Abstrak: Konflik kewenangan antara penyidik dan kurator sering muncul ketika aset yang telah menjadi boedel pailit diduga berasal dari tindak pidana pencucian uang dan menjadi objek penyitaan dalam proses pidana. Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang memberikan kewenangan kepada penyidik untuk melakukan penelusuran dan penyitaan aset hasil tindak pidana melalui pendekatan *follow the money*. Pada saat yang sama, Undang-Undang Nomor 37 Tahun 2004 tentang Kepailitan dan Penundaan Kewajiban Pembayaran Utang menempatkan seluruh harta debitur pailit dalam sita umum yang berada di bawah penguasaan dan pengurusan kurator. Perbedaan pengaturan tersebut menimbulkan disharmonisasi norma dan ketidakpastian hukum terkait batas kewenangan penyidik terhadap aset debitur yang telah dinyatakan pailit. Penelitian ini bertujuan untuk menganalisis konstruksi hukum kewenangan penyidik terhadap aset debitur pailit dalam perkara tindak pidana pencucian uang. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan kasus (*case approach*). Bahan hukum dianalisis secara kualitatif melalui metode penafsiran hukum untuk menemukan hubungan antara rezim hukum pidana dan hukum kepailitan. Hasil penelitian menunjukkan bahwa kewenangan penyidik dalam melakukan penyitaan aset hasil tindak pidana merupakan kewenangan atributif yang diberikan oleh undang-undang, tetapi pelaksanaannya terhadap boedel pailit belum diatur secara tegas sehingga berpotensi menimbulkan konflik kewenangan dengan kurator. Konstruksi hukum yang ideal menempatkan penyitaan pidana tetap dapat dilakukan terhadap aset yang terindikasi berasal dari tindak pidana dengan tetap memperhatikan prinsip koordinasi, pemberitahuan kepada kurator, serta perlindungan terhadap kepentingan kreditor.

Model tersebut diharapkan mampu menciptakan harmonisasi antara rezim hukum pidana dan hukum kepailitan serta memberikan kepastian hukum bagi seluruh pihak yang berkepentingan.

INTRODUCTION

Because it focuses on hiding or disguising the source of assets acquired through illegal activity so they appear to be legitimate, money laundering is a type of crime with particular characteristics. In addition to causing financial loss, the rise in this crime has the potential to undermine public trust in the current legal system, interfere with the effectiveness of law enforcement, and upset the stability of the financial system. Therefore, prosecuting offenders alone is insufficient to combat money laundering; efforts must also be made to recover assets obtained through criminal activity. A change in the law enforcement paradigm from a "follow the suspect" to a "follow the money" approach is indicated by developments in anti-money laundering regimes. With this strategy, the state's main goal is to track down, seize, and recover the proceeds of crime. With this method, the effectiveness of law enforcement is determined not only by the agencies' capacity to establish the criminal's guilt in court but also by their ability to retrieve assets that were obtained through illicit activity.

The idea of asset recovery has emerged as a crucial tool in the fight against money laundering offenses since it seeks to remove the financial gains that are the main driver of criminal activity. Because it focuses on hiding or disguising the source of assets acquired through illegal activity so they appear to be legitimate, money laundering is a type of crime with particular characteristics. In addition to causing financial loss, the rise in this crime has the potential to undermine public trust in the current legal system, interfere with the effectiveness of law enforcement, and upset the stability of the financial system. Therefore, prosecuting offenders alone is insufficient to combat money laundering efforts must also be made to recover assets obtained through criminal activity. A change in the law enforcement paradigm from a "follow the suspect" to a "follow the money" approach is indicated by developments in anti-money laundering regimes. With this strategy, the state's main goal is to track down, seize, and recover the proceeds of crime. With this method, the effectiveness of law enforcement is determined not only by the agencies' capacity to establish the criminal's guilt in court but also by their ability to retrieve assets that were obtained through illicit activity. The idea of asset recovery has emerged as a crucial tool in the fight against money laundering offenses since it seeks to remove the financial gains that are the main driver of criminal activity.

The Code of Criminal Procedure (KUHAP) and Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering give investigators the power to track down and confiscate assets suspected of being obtained through criminal offenses. As part of the process of gathering evidence and recovering assets, investigators are authorized to take a variety of legal actions against assets that are known or reasonably suspected to be connected to criminal offenses, including seizure. The effectiveness of the battle against money laundering is greatly aided by this authority. In reality, the criminal offender may not always possess the assets that are subject to seizure.. All of the debtor's assets are subject to general seizure under Law No. 37 of 2004 on Bankruptcy and the Suspension of Debt Payment Obligations. A trustee administers and liquidates the assets under the supervision of a supervising judge. After that, the debtor no longer has the authority to manage and control their assets; instead, the trustee is given this power for the benefit of all creditors.

The existence of the bankruptcy estate serves a crucial function in ensuring the protection of creditors' rights. All of the debtor's assets that enter the bankruptcy estate become the source for the repayment of debts, which will be distributed according to the mechanisms established under bankruptcy law. Therefore, any legal action concerning assets that have become part of the bankruptcy estate fundamentally concerns not only the debtor's interests but also the interests of creditors who receive legal protection through the bankruptcy process. Issues arise when assets that have become part of the bankruptcy estate are suspected of originating from money laundering and are subject to seizure in criminal proceedings. On the one hand, investigators have the authority under criminal law to seize assets suspected of being related to criminal offenses as part of asset recovery efforts. On the other hand, bankruptcy law places the bankruptcy estate under the control and administration of the trustee for the purpose of settling the bankrupt's assets. This situation highlights a convergence of two legal regimes with differing objectives, yet both asserting authority over the same legal subject matter.

This conflict of authority is further complicated by the absence of explicit regulations governing the relationship between the authority of investigators and that of trustees regarding the assets of a bankrupt debtor that are the subject of criminal seizure. Law No. 8 of 2010 grants investigators the authority to seize assets suspected of being derived from criminal acts, while Law No. 37 of 2004 places the entire bankruptcy estate under the control of the trustee. Neither of these regulations provides clear guidelines regarding the resolution mechanism should the same assets fall under the authority of both parties. Consequently, there is a potential for a conflict of norms that could lead to legal uncertainty in practice. From a criminal law perspective, the failure to seize assets suspected of being derived from criminal activity may hinder the effectiveness of recovering proceeds of crime. Conversely, from the perspective of bankruptcy law, the seizure of assets that have become part of the bankruptcy estate has the potential to affect the rights of creditors who rely on the proceeds of the liquidation of the bankruptcy estate to settle their claims. This issue demonstrates that the conflict arises not only regarding the status of the assets but also concerns the protection of differing legal interests between the criminal and bankruptcy regimes.

Based on these issues, an analysis is required regarding the legal framework of the investigator's authority over the assets of a bankrupt debtor in money laundering criminal cases. This study is crucial to determine the limits of the investigator's authority over assets that have become part of the bankruptcy estate while formulating the legal relationship between the investigator and the trustee that can accommodate the interests of criminal law enforcement and the protection of creditors' rights. Thus, this research focuses on discussing the legal framework of investigative authorities regarding the assets of bankrupt debtors in money laundering criminal cases to achieve legal certainty and harmonization among the relevant legal regimes.

RESEARCH METHOD

This study examines the legal standards governing investigators' authority and the management of the bankruptcy estate in criminal money laundering cases. It is a normative legal study. A variety of statutory provisions, legal doctrines, legal concepts, and legal principles pertaining to investigators' authority over bankrupt debtors' assets are examined through normative legal research. This method was selected because the problems being studied center on the conflict between the bankruptcy and criminal law systems, which leads to practical legal ambiguity. The statute approach, conceptual approach, and case approach are the research methodologies used. Examining pertinent laws, such as the Criminal Procedure Code (KUHAP), Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering, and Law No. 37 of 2004 on Bankruptcy and the Suspension of Debt Payment Obligations, is part of the statutory approach. Based on the opinions of legal experts, the concepts of authority, seizure, general attachment, the bankruptcy estate, and asset recovery are examined using the conceptual approach. The case approach is carried out by examining court rulings concerning disputes between investigators and trustees over authority over a bankrupt debtor's assets.

The legal sources used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations and court decisions relevant to the subject of the study. Secondary legal materials were obtained from legal books, scientific journals, research findings, scientific articles, and expert opinions discussing criminal law, bankruptcy law, and money laundering offenses. Legal dictionaries, legal encyclopedias, and other supplementary sources that provide clarification on the terms and concepts used in the study are examples of tertiary legal materials. Through library research, a variety of legal sources pertinent to the research problem were identified, cataloged, and reviewed in order to gather legal materials. To make the analysis process easier, all of the legal materials were then categorized according to how relevant they were to the legal matter being examined. Legal interpretation techniques were used in a prescriptive manner to analyze legal materials. The analysis sought to determine how criminal law and bankruptcy law provisions governing

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authority over bankrupt debtors' assets relate to one another, spot normative disharmony, and develop legal frameworks that could offer legal certainty with regard to the use of investigative authority over bankrupt debtors' assets in money laundering cases. The results of the analysis are subsequently used as the basis for formulating legal arguments and recommendations for resolving the conflict of authority that is the subject of this study.

RESULT AND DISCUSSION

Authority is an inherent element of every action taken by state officials in carrying out governmental functions or enforcing the law. In a rule-of-law state, the exercise of authority must have a clear basis of legitimacy so that actions taken by state officials do not conflict with the principle of legality. This principle upholds that any action that limits an individual's rights, including property-related actions, may only be carried out in accordance with the authority bestowed by laws and regulations. Consequently, an examination of the investigative power in criminal cases involving money laundering must start with a comprehension of the legal foundation supporting the use of that power. In theory, authority can be acquired by mandate, delegation, and attribution. The direct legal transfer of power to a state agency or official is known as attribution. Transferring authority and responsibility for its execution from one organ to another is known as delegation. Transferring authority to another official without relieving the mandator of responsibility is known as a mandate. The ability of investigators to carry out investigations and file lawsuits pertaining to the evidentiary process is an attributive authority that is directly granted by law within the framework of the Indonesian criminal justice system.

The Criminal Procedure Code (KUHAP) governs the foundation of an investigator's power in the criminal justice system. According to Article 1(1) of the KUHAP, an investigator is a member of the National Police of the Republic of Indonesia or a particular civil servant who has been given special legal authority to carry out investigations. Article 7(1) of the KUHAP expands on this authority by allowing investigators to take a number of actions during an investigation, including seizing objects that may be connected to a criminal offense. In order to obtain the evidence required for proof in court, seizure is an essential tool in the criminal justice system. The role of asset forfeiture has expanded due to the rise in crimes driven by financial gain. Forfeiture is used in money laundering cases for both asset recovery and evidentiary purposes. This paradigm is a result of the realization that the effectiveness of law enforcement can be assessed not only by the state's capacity to punish offenders but also by its ability to eradicate the financial gains made from criminal activity. As a result, securing assets that may have been obtained through illegal activity is now a crucial step in the fight against money laundering.

A more comprehensive legal foundation for investigating assets suspected of being connected to criminal activity is provided by Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes. Through this law, investigators are granted the authority to trace, block, freeze, and seize assets known or reasonably suspected to be the proceeds of criminal activity. These provisions indicate that the primary focus in money laundering cases is not only the perpetrators but also the assets derived from illegal activities. This authority aligns with the "follow the money" principle, which is a key characteristic of anti-money laundering regimes. This approach places the flow of funds and assets at the center of law enforcement efforts, as financial gain is the dominant motive in various criminal offenses. Through the "follow the money" principle, law enforcement officials can trace the movement of assets from the time they are obtained through the predicate offense until they undergo various processes of concealment. Thus, even if assets have changed hands, transformed in form, or been placed in various financial instruments, they may still be subject to legal action as long as there are indications of a connection to a criminal offense.

Seizure actions must still be carried out within the parameters of due process of law, despite their broad authority. Without fulfilling the relevant legal requirements, investigators cannot just confiscate any asset they suspect of being connected to a criminal offense. Seizures must be supported by adequate preliminary evidence and executed in compliance with legal protocols. These limitations are required to preserve a balance between the protection of legally protected property rights and the interests of law enforcement. Problems arise when assets suspected of being derived from money laundering have come into the possession of another party that also holds authority under the law. One such scenario occurs when assets subject to seizure have been included in the bankruptcy estate and are under the administration of a trustee. In such circumstances, the investigative authority derived from criminal law may conflict with the trustee's authority derived from bankruptcy law. The extent of the investigator's authority over assets that have lawfully become part of the bankruptcy estate is called into question by the overlap between these two authorities. In order to comprehend the appropriate legal framework for resolving this conflict of authority, it is necessary to discuss the legal status of the bankruptcy estate and the trustee's role.

Bankruptcy is a legal process that manages and liquidates the debtor's whole estate in order to settle debt-creditor disputes collectively. Bankruptcy offers a centralized resolution system to ensure that all creditors are treated fairly in compliance with applicable legal provisions, in contrast to individual enforcement, which permits creditors to collect their claims on an individual basis. This process combines all of the debtor's assets into a single estate called the bankruptcy estate, which is then utilized to pay off all of the debtor's debts. Article 1(1) of Law No. 37 of 2004 on Bankruptcy and the Suspension of Debt Payment Obligations states that bankruptcy is a general attachment of all the debtor's assets, which are administered and settled by a trustee under the supervision of a supervising judge. According to this clause, the creation of a general attachment on all of the debtor's assets is the main legal effect of filing for bankruptcy. All of the debtor's assets, whether they were acquired during the bankruptcy process or existed before the declaration, are, in theory, included in the bankruptcy estate as soon as the bankruptcy declaration is issued.

The function of a general attachment in bankruptcy law differs from that of an attachment in criminal law. In order to avoid a race for the debtor's assets through individual enforcement actions, a general attachment seeks to safeguard the interests of all creditors. All creditors are placed within a joint settlement mechanism when a general attachment is in place, enabling an orderly and proportionate distribution of the debtor's assets. This idea embodies the paritas creditorum principle, which, unless otherwise specified by law, treats all creditors equally with regard to the debtor's assets. Bankruptcy law acknowledges the concept of pari passu prorata parte in addition to the principle of creditor parity. According to this principle, after accounting for the legal classification of rights, the proceeds from the bankruptcy estate's liquidation must be allocated to creditors in proportion to the amount of each creditor's claim. As a result, the bankruptcy estate is now seen as a legal entity with a specific purpose to guarantee the satisfaction of creditors' rights rather than as a collection of assets that can be freely transferred or controlled by a particular party.

The transfer of control and management of the debtor's assets to the trustee is another effect of the bankruptcy decision. The assets that are part of the bankruptcy estate are still owned by the debtor, but they are no longer under their control. The trustee then uses this power in accordance with the legal mandate. The trustee's responsibilities include managing the debtor's assets, inventorying assets, securing the bankruptcy estate, and conducting liquidation to uphold creditors' rights. Protecting the interests of creditors is an integral part of the trustee's role in bankruptcy proceedings. The primary goal of the trustee's actions is to maintain the bankruptcy estate's economic value so that it can be used as efficiently as possible throughout the liquidation process. Therefore, the rights of creditors who depend on the proceeds from the liquidation of those assets to settle their claims may be impacted by any reduction or transfer of assets that have become part of the bankruptcy estate. In contrast to regular assets that are still under the debtor's control, this feature gives the bankruptcy estate a unique legal character.

Problems arise when assets that have become part of the bankruptcy estate are suspected of being linked to money laundering offenses. In such situations, assets that were originally entirely subject to the bankruptcy legal regime may become the subject of legal action under the criminal legal regime. Investigators have the authority to seize assets suspected of being derived from criminal acts, while the trustee has the authority to take control of and manage the same assets based on the bankruptcy ruling. This situation raises questions regarding the legal status of assets that have entered the bankruptcy estate and which party has the authority to determine

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control over those assets. The absence of regulations explicitly governing the relationship between criminal forfeiture and general seizure means that the legal status of a bankrupt debtor's assets subject to criminal forfeiture remains a matter of debate. On the one hand, assets suspected of being derived from criminal acts need to be secured for the purposes of law enforcement and asset recovery. On the other hand, such assets have become part of the bankruptcy estate, which is intended to serve the interests of creditors. This conflict of interests indicates that resolving the issue cannot be achieved by prioritizing one legal regime over the other; rather, it requires a legal framework capable of balancing the interests of both parties. Discussions regarding such a legal framework are crucial for determining the scope of investigative authorities' powers over the assets of a bankrupt debtor in money laundering cases.

The existence of two legal regimes that both derive their legitimacy from the law is essentially what causes the overlap between the authority of the trustee in bankruptcy proceedings and the authority of investigators in money laundering criminal cases. The Criminal Procedure Code (KUHAP) and Law No. 8 of 2010 give investigators the power to take action against assets that may be the result of criminal activity. Law No. 37 of 2004 gives trustees the power to oversee and sell all of a debtor's assets after they have been declared bankrupt. When assets that are subject to criminal forfeiture are already part of the bankruptcy estate, there are issues because it is unclear which legal system should be used to carry them out. Assets obtained through criminal activity cannot, in essence, be considered fully legitimate property from the standpoint of criminal law since their acquisition involved illegal activity. This idea gives the state the authority to seize and forfeit property that has been shown to be the result of criminal activity. By using this mechanism, the state aims to prevent the proceeds of crime from entering and circulating within the legal economy while also eliminating the financial advantages received by the offender. As a result, the public interest in preventing money laundering is frequently given priority as an interest that merits legal protection.

However, bankruptcy law acknowledges that all of a debtor's assets are included in the bankruptcy estate, which is meant to benefit creditors. The purpose of general attachment is to prevent actions that might hurt particular creditors and to guarantee legal certainty in the debt repayment process. If assets that have become part of the bankruptcy estate can be removed from the bankruptcy process at any time without a clear mechanism, the objective of protecting creditors will be difficult to achieve. The interests of creditors, as parties acting in good faith, also need to be protected in the resolution of such jurisdictional conflicts. The absence of regulations explicitly governing the relationship between criminal attachment and general attachment has meant that the resolution of jurisdictional conflicts has, until now, largely depended on the judge's interpretation in each case. Several court decisions indicate a tendency to prioritize the interests of criminal law enforcement when the disputed assets are proven to be derived from criminal acts. This approach is based on the consideration that a person cannot acquire a valid right to property derived from unlawful acts. However, this approach does not automatically negate the interests of creditors holding rights to the bankruptcy estate; therefore, a mechanism is needed that can provide protection for both interests.

Based on the theory of authority, the conflict that arises is not a conflict regarding the existence of authority, but rather a conflict regarding the limits of the exercise of authority. Both the investigator and the trustee possess legitimate authority under the law. Therefore, the legal framework established should not position either party as the holder of absolute authority, but rather must define the scope of each party's authority regarding the same assets. This approach is more consistent with the principle of legal certainty because it prevents one legal regime from dominating another. As long as there is adequate preliminary evidence that the assets are connected to the money laundering crime, the investigator's authority to seize assets is recognized under the potential legal framework. The investigator's ability to pursue legal action against assets suspected of originating from criminal activity is unaffected by the asset's status as a part of the bankruptcy estate. However, the exercise of such authority must take into account the role of the trustee as the party legally in control of the bankruptcy estate. In this context, seizure does not eliminate the trustee's function but rather positions the trustee as a party that must be involved in the legal proceedings concerning the asset.

Furthermore, a court decision with legal force must be used to determine the final status of seized assets rather than relying only on the investigator's actions. The assets may be forfeited to the state in compliance with relevant laws and regulations if the court finds that they are the proceeds of a criminal offense. In contrast, the asset must be returned to the bankruptcy estate for the purpose of liquidation and repayment of creditors' claims if no link to a criminal offense is established. This method makes it easier to strike a balance between the goals of asset recovery and the defense of creditors' rights. Legislatively speaking, this circumstance emphasizes the necessity of harmonizing Law No. 8 of 2010 with Law No. 37 of 2004. To ensure clarity on the processes for seizing assets that have become part of the bankruptcy estate, the trustee's role in the investigation process, and the mechanism for resolving conflicts of authority between the investigator and the trustee, more regulations are required. In order to avoid conflicting interpretations that might result in practical legal uncertainty, such harmonization is crucial.

In money laundering criminal cases, the legal framework controlling the investigator's control over a bankrupt debtor's assets must be built around the idea of striking a balance between the protection of creditors' rights and the interests of criminal law enforcement. While the trustee maintains the legal position of administrator of the bankruptcy estate until the ultimate status of the assets is decided by a court decision, investigators are still able to seize assets that may have been obtained through criminal activity. This framework makes it possible to effectively eradicate money laundering without compromising the main goal of bankruptcy law, which is to protect creditors. The legal framework governing the investigative authority over a bankrupt debtor's assets has implications for the protection of the legal interests attached to those assets in addition to determining which party has the authority to take control of the assets. Both the state's interest in asset recovery and the creditors' interest in obtaining debt repayment through the bankruptcy mechanism are legally protected when assets that have become part of the bankruptcy estate are seized in a money laundering criminal case. The regulations' ambiguity about how these two interests relate to one another could lead to legal ambiguity and impede the efficient application of both relevant legal frameworks.

From the standpoint of criminal law enforcement, inadequate asset seizure and recovery procedures may arise from unclear regulations pertaining to the status of a bankrupt debtor's assets. When assets needed as evidence or for forfeiture are already in the trustee's possession, investigators may encounter difficulties. This circumstance could impede the investigation process and lessen the efficacy of the fight against money laundering, which is essentially about removing the financial gains from illicit proceeds. As a result, the anti-money laundering regime's main goal of stopping the flow of money obtained through illegal activity cannot be fully accomplished. From the standpoint of bankruptcy law, creditors may suffer losses due to the uncertainty surrounding the status of assets that are subject to criminal forfeiture. In essence, assets included in the bankruptcy estate act as general collateral for all creditors. The value of assets available for distribution may be drastically decreased if such assets are taken out of the bankruptcy estate without a defined procedure. Particularly for unsecured creditors whose standing is heavily reliant on the value of the available bankruptcy estate, this circumstance may limit the amount of debt repayment that creditors can obtain.

This problem emphasizes the necessity of regulations that expressly address the relationship between the trustee and the investigating authorities with regard to the bankrupt debtor's assets. When assets under investigation are included in the bankruptcy estate, these regulations must at the very least provide a mechanism for coordination between the investigator and the trustee. Provisions pertaining to the duty to notify the trustee before any seizure actions and procedures to protect assets during the criminal proceedings must also be established. These rules are necessary to make sure that the investigator's actions don't arbitrarily deny creditors their rights. The regulatory framework must also make it clear that only a final, legally binding court ruling can establish the ultimate status of contested assets. Seized assets must continue to be regarded as assets connected to the creditors' interests throughout the legal proceedings. The assets may be forfeited to the state in compliance with relevant laws and regulations if it is established that they are the proceeds of a criminal offense. On the other hand, the asset must be

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returned to the bankruptcy estate in order to settle and discharge the debtor's debts if it cannot be demonstrated that it was obtained through criminal activity.
The goal of the regulatory framework pertaining to the investigative power over a bankrupt debtor's assets must be to harmonize the criminal and bankruptcy legal systems. In order to effectively combat money laundering without sacrificing the protection of creditors' rights, such harmonization is required. Legal certainty and the avoidance of conflicts of authority in future law enforcement procedures will result from regulations that are clear about the boundaries of investigators' authority, the trustee's role, and the status of assets that are under dispute.

CONCLUSION

The authority of investigators over assets suspected of being derived from money laundering offenses is an inherent authority granted by the Criminal Procedure Code and Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Offenses. These powers are exercised through the tracing, blocking, freezing, and seizure of assets as part of asset recovery efforts. Under the anti-money laundering regime, seizure serves not only as a means of evidence but also as an instrument to deprive offenders of the economic benefits derived from criminal proceeds. Therefore, investigators possess legal authority to take action against assets known or reasonably suspected to be linked to money laundering offenses.

According to bankruptcy law, all of a bankrupt debtor's assets are placed in the bankruptcy estate, which is overseen by a supervising judge and subject to general attachment. Through the process of liquidation and the equitable distribution of assets in compliance with legal requirements, the bankruptcy estate's existence seeks to guarantee the protection of creditors' rights. There is overlap between the criminal law and bankruptcy law regimes, which both have jurisdiction over the same legal object, when assets that have been included in the bankruptcy estate are suspected of coming from money laundering offenses. In practice, there may be conflicts of authority and legal ambiguity due to the lack of explicit provisions governing the relationship between criminal and general seizures.

In money laundering cases, the legal framework controlling the investigator's power over a bankrupt debtor's assets must be built around the idea of striking a balance between the protection of creditors' rights and the interests of criminal law enforcement. Even if assets are now part of the bankruptcy estate, investigators are still able to seize them if they are suspected of being obtained through criminal activity. The trustee's status as the party legally in charge of overseeing and managing the bankruptcy estate must be respected in the exercise of such authority. A court ruling with legal force must be used to determine an asset's status in the end. An asset may be forfeited to the state if it is established that it was obtained through criminal activity. The assets must be returned to the bankruptcy estate for the purpose of liquidation and the payment of creditors' claims if no link to a criminal offense is established. In order to achieve legal certainty, justice, and public benefit in the resolution of cases involving a bankrupt debtor's assets, this legal framework can be used as the foundation for harmonizing the criminal law regime and bankruptcy law.

RECOMMENDATION

In order to provide legal certainty regarding the status of a bankrupt debtor's assets that are subject to seizure in money laundering criminal cases, it is necessary to harmonize the provisions of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering with Law No. 37 of 2004 on Bankruptcy and the Suspension of Debt Payment Obligations. The relationship between criminal and general seizures, the boundaries of investigators' and trustees' authority, and the procedures for resolving conflicts of authority over the same assets must all be explicitly defined in such harmonization.

When managing the assets of bankrupt debtors suspected of committing money laundering offenses, law enforcement officials and trustees require a more transparent coordination mechanism. In order to prevent overlapping jurisdictions that might impede the investigation process as well as the bankruptcy estate's liquidation, such coordination is essential. One way to maintain a balance between the interests of criminal law enforcement and the protection of creditors' rights is to involve trustees in every legal action pertaining to assets that have become part of the bankruptcy estate.

A more thorough examination of court rulings and a comparative legal approach involving other nations that already have particular laws governing the relationship between bankruptcy regimes and regimes for the forfeiture of proceeds of crime should be used in future research on conflicts of authority between investigators and trustees. It is envisaged that such a study will offer substitutes for more successful legal formulations to support the elimination of money laundering while guaranteeing the protection of creditors' rights during the bankruptcy process.

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