



Implementation of the Roskill Model in the Mechanism for Handling Large-Scale Fraud Crimes in Indonesia?

Pricilla Amelinda Jacob¹, Febby Mutiara Nelson²

¹Faculty of Law University of Indonesia, E-mail : cillajacob07@gmail.com

²Faculty of Law University of Indonesia, E-mail : febymutiara.n2@gmail.com

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Corresponding Author:

Pricilla Amelinda Jacob, E-mail: cillajacob07@gmail.com

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Abstract

The necessity for a specialized unit to address large-scale fraud crimes is grounded upon the increasing prevalence of such crimes and the substantial losses incurred by victims. Large-scale fraud crimes, characterized by money laundering as a follow-up crime, have become increasingly challenging to prosecute, with the assets derived from these crimes becoming harder to trace due to globalization. Disproportionate restitution proportions reflect the challenges in tracing criminal assets. There exists a strong correlation between successfully traced assets and the amount returned to victims of these crimes. The proposal to utilize the Roskill Model in handling large-scale fraud crimes is based on an economic analysis approach to its suitability in law enforcement efforts, while maintaining a focus on the restitution rights of victims without compromising the efficiency of the criminal justice system. The Roskill Model can internalize the external costs generated by these crimes. This model has been implemented in various countries, including the UK, New Zealand, and India, demonstrating its effectiveness and efficiency in addressing serious and complex financial crimes. The Roskill Model's applicability in Indonesia is considered feasible, guided by principles of swift, simple, and cost-effective justice, along with efforts to reform Indonesian criminal procedural law for greater efficiency. This research employs an economic analysis of law (EAL) with an interdisciplinary approach encompassing both legal and economic disciplines. Additionally, the study includes a comparative legal analysis with the UK (common law system) and Switzerland (civil law system).

1. Introduction

Based on statistical data released by the Financial Services Authority (OJK) from 2012 to 2022, fraudulent activities, particularly in the realm of fraudulent investments, have resulted in losses amounting to IDR 152,870,000,000,000 (one hundred fifty-two trillion eight hundred seventy billion Indonesian Rupiah).¹ In 2022, there was an escalation in losses by 4,655.51% compared to the previous year, where losses amounted to IDR 2,540,000,000,000 (two trillion five hundred forty billion Indonesian Rupiah).²

Several instances of these criminal activities have affected tens of thousands of individuals, with losses reaching billions of Indonesian Rupiah, thereby categorizing them as large-scale fraudulent activities. One hallmark characteristic of these offenses is the subsequent money laundering activities undertaken by perpetrators as a follow-up crime to the initial fraudulent activities, which serve as predicate crimes.³ The existing Penal Code and Electronic and Information Act have acted as a legislation to address fraudulent activities. Specifically, victims are afforded protection under the Witness and Victim Protection Law, which includes restitution and outlines mechanisms for victims to assert their rights.⁴

Furthermore, between 2022 and 2023, there has been a noticeable trend in the fulfillment of restitution rights for victims through court decisions. Although a significant portion of restitution claims by victims of large-scale fraud crimes has been rejected by both the LPSK and public prosecutors, a noteworthy development in the trend of redressing victims' restitution rights through court judgments has emerged since the year 2022. Court endeavors to shield victims of large-scale fraudulent activities involve confiscating assets from the perpetrators and returning them to the victims. Nevertheless, such efforts are perceived as insufficient in addressing the victims' sense of justice arising from the consequences of the criminal activities. Several negative implications of court decisions have been observed; for instance, the compensation proportions awarded to victims do not equate to the magnitude of their sufferings. A case in point is the fraudulent investment by PT. FSP Akademi Pro under the guise of the Fahrenheit trading robot, which inflicted losses amounting to IDR 385,200,000,000 (three hundred eighty-five billion two hundred million Indonesian Rupiah) affecting 1,449 (one thousand four hundred forty-nine) individuals.⁵ The mechanism for compensating victims does not

¹ Cindy Mutia Annur, "Kerugian Investasi Ilegal Ri Capai Rp120,79 Triliun, Rekor Tertinggi Sedekade: Databoks," Pusat Data Ekonomi dan Bisnis Indonesia, August 30, 2023, <https://databoks.katadata.co.id/datapublish/2023/08/30/kerugian-investasi-ilegal-ri-capai-rp12079-triliun-rekor-tertinggi-sedekade>.

² Ibid.

³ Peter Jeremiah Setiawan, "Sistem Pemulihan Kerugian Integratif Bagi Korban Penipuan Skala Masif di Indonesia," *Jurnal Kertha Patrika* 42, no. 3 (2020): 240, accessed December 3, 2023, <https://doi.org/10.24843/KP.2020.v42.i03.p02>.

⁴ Law on the Protection of Witnesses and Victims, Law Number 13 of 2006, SG of 2006 No. 64 TLN No. 4635, as amended by Law Number 31 of 2014 Regarding the Second Amendment to the Protection of Witnesses and Victims Number 13 of 2006, SG of 2014 No. 293 TLN No. 5602, hereinafter referred to as the Witness and Victim Protection Law as amended by the Witness and Victim Protection Law, Article 7A.

⁵ CNN Indonesia, "Polri Usut 28 Kasus Investasi Bodong, Kerugian Capai RP31,4 Triliun," [cnnindonesia.com](https://www.cnnindonesia.com/nasional/20221231175434-12-894490/polri-usut-28-kasus-investasi-bodong-kerugian-capai-rp314-triliun), December 31, 2022, <https://www.cnnindonesia.com/nasional/20221231175434-12-894490/polri-usut-28-kasus-investasi-bodong-kerugian-capai-rp314-triliun>.

stem from restitution requests initiated by victims but rather from asset confiscation from the perpetrators, resulting in the return of assets totaling IDR 89,600,000,000 (eighty-nine billion six hundred million Indonesian Rupiah) to the victims.⁶

The minimal restitution of losses to victims is influenced by the amount of criminal assets successfully traced by law enforcement agencies prior to trial. At this stage, the tracing of illicit assets is actively undertaken by law enforcement agencies in collaboration with the Indonesian Financial Transaction Reports and Analysis Center (INTRAC). Serving as the Financial Intelligence Unit (FIU), INTRAC plays a pivotal role in asset tracing through the 'follow the money' approach.⁷ Within the framework of asset recovery programs, INTRAC is instrumental in providing financial intelligence for the purpose of asset tracing during the processes of financial transaction analysis, investigation, prosecution, and trial.⁸

In the context of large-scale fraudulent activities, the disproportionate compensation ratios signify the implications of successful asset tracing, highlighting a profound correlation between the successfully traced assets and the amount returned to victims of large-scale fraud. One of the challenges in tracing assets from large-scale fraudulent activities stems from globalization, which facilitates swift transfers of funds across jurisdictions and rapid repositioning of financial assets between legal entities. Furthermore, perpetrators benefit from enhanced mobility due to modern and accessible transportation means, complicating the localization, control, investigation, and prosecution of large-scale fraudulent activities, which fall under the ambit of financial crimes.⁹

The imperative for more effective investigation and prosecution of large-scale fraudulent activities has led to the introduction of novel investigative measures, the establishment of specialized investigative and prosecutorial authorities, increased utilization of plea-bargaining techniques in judicial proceedings, and the heightened significance of suspect cooperation before, during, and after investigations. One applicable model for law enforcement agencies in handling these criminal acts is the Roskill Model. The Roskill Model emphasizes collaborative investigative and prosecutorial efforts involving professionals such as investigators, forensic accountants, prosecutors, attorneys, and other experts assembled within a dedicated organizational framework specifically addressing serious or complex fraud cases.¹⁰

The model was pioneered by Lord Roskill in an endeavor to address serious or complex frauds such as corruption, fraud, and bribery. Within this model, there exists a singular unit or institution that collaboratively operates throughout the investigative to prosecutorial processes, each contributing synergistically towards the advancement of

⁶ Feriawan Hidayat, "Harta Sitaan Investasi Bodong Fahrenheit Dikembalikan Ke Korban," *beritasatu.com*, December 15, 2022, <https://www.beritasatu.com/news/1008813/harta-sitaan-investasi-bodong-fahrenheit-dikembalikan-ke-korban>.

⁷ Toetik Rahayuningsih, "Analisis Peran PPATK Sebagai Salah Satu Lembaga Dalam Menanggulangi Money Laundering di Indonesia", *Yuridika* 28, no. 3 (2013): 315, accessed December 3, 2023, <https://doi.org/10.20473/ydk.v28i3.349>.

⁸ *Ibid.*

⁹ Katalin Ligeti, Vanessa Franssen, and Valsamis Mitsilegas, essay, in *Challenges in the Field of Economic and Financial Crime in Europe and the US* (Oxford, UK: Hart Publishing, 2017), 1-2.

¹⁰ "Evidence Submitted Serious Fraud Office (ECR0038).," UK Parliament, March 2022, <https://committees.parliament.uk/writtenevidence/89882/pdf/>.

the investigation, prosecution, and the construction of robust charges.¹¹ Given the intricacies associated with large-scale fraudulent activities, the Roskill Model is aptly suited for the enforcement of these criminal acts, with a focus on safeguarding and fulfilling victims' rights. The imperative for a specialized unit to handle these offenses is predicated upon the increasing prevalence of such crimes and the significant, escalating losses suffered by victims.

The significance of cooperation among law enforcement agencies and other pertinent institutions in the enforcement efforts is pivotal to the volume of assets successfully traced. This aligns with one of the 40 recommendations of the Financial Action Task Force (FATF) on Money Laundering, urging nations to bolster and cultivate, to the greatest extent possible, specialized investigative techniques tailored for money laundering investigations. Moreover, countries are encouraged to leverage other effective mechanisms, such as the utilization of permanent or temporary groups dedicated to asset investigations and cooperative investigations with authorities from other nations.¹²

Drawing upon the economic analysis of law approach, this model proffers efficiency in law enforcement endeavors, curtailing the time and costs expended by the state while striving to maximize the tracing of illicit assets in addressing large-scale fraudulent activities, oriented towards compensating the victims' losses. Given the challenges confronted by numerous developing nations, such as Indonesia, including limited human resources and budgetary allocations for crime management, as well as a deficiency in the technical expertise of personnel,¹³ this article contemplates the appropriateness of accommodating the Roskill Model for implementation within the framework of handling large-scale fraudulent cases in Indonesia.

2. Research Method

This article employs a qualitative method, utilizing the economic analysis of law perspective through a literature review to examine the issues at hand.¹⁴ Investigating these issues, a conceptual approach related to the Roskill Model is utilized, and a comparative analysis is conducted with the United Kingdom (common law), as the pioneering nation of this model in handling large-scale fraud cases, and Switzerland (civil law), which has also implicitly implemented this model in addressing significant financial crimes. The comparative approach aims to propose a specialized mechanism in managing large-scale fraudulent activities through a more effective and efficient

¹¹ Ed Johnston, "The Adversarial Defence Lawyer: Myths, Disclosure and Efficiency - A Contemporary Analysis of the Role in the Era of the Criminal Procedure Rules," *International Journal of Evidence & Proof* 24, no. 1 (2020): 38, accessed December 3, 2023, <https://doi.org/10.1177/1365712719867972>.

¹² Essay, in *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation: The FATF Recommendations* (Paris: FATF/OECD, 2012-2023), 30th recommendation.

¹³ Aisha Hassan Al-Emadi, "The financial action taskforce and money laundering: critical analysis of the Panama papers and the role of the United Kingdom," *Journal of Money Laundering Control* 24, No. 4 (2021): 755, accessed November 4, 2023, <https://doi.org/10.1108/JMLC-11-2020-0129>.

¹⁴ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. revisi, (Yogyakarta: Mirra Buana, 2022), 181-182.

criminal justice system, while striving to optimize the fulfillment of victims' rights, especially restitution rights, by advocating for the application of the Roskill Model.¹⁵

Qualitative data is also derived from interviews conducted with representatives from the Asset Recovery Center of the Attorney General's Office and the Witness and Victim Protection Agency to obtain information concerning the conditions of victims of large-scale fraud and the challenges in tracing the proceeds of these criminal activities.¹⁶ The data collection method employed in this research is document analysis, utilizing primary legal sources such as legislative regulations and draft legislative regulations. In addition to primary legal materials, secondary legal materials, including academic drafts of legislative regulations, theses, dissertations, journals, and international documents, are also examined.

The data analysis aims to address the question, "Is the Roskill Model suitable for implementation in the mechanism of handling large-scale fraudulent cases in Indonesia?" The first section discusses the handling of large-scale fraud cases through the criminal justice system at the pre-trial stage, followed by an examination of the application of the Roskill Model in the United Kingdom and Switzerland in the second section. The third section assesses the economic analysis of law regarding the implementation of the Roskill Model at the pre-trial stage in addressing large-scale fraud cases in Indonesia, followed by an exploration of the potential application of the Roskill Model within Indonesia's criminal justice system.

3. Result and Discussion

3.1 Handling of Large-Scale Fraud Cases in Indonesia at the Pre-Trial Stage.

The handling of large-scale fraud cases in Indonesia is fundamentally based on the criminal procedural regulations stipulated in the Criminal Procedure Code (KUHAP). However, due to the complexity of these criminal activities, perpetrators often engage in money laundering as a follow-up crime to fraud, known as predicate crime. Consequently, the enforcement of these criminal activities involves the Indonesian Financial Transaction Reports and Analysis Center (INTRAC).

The INTRAC is tasked with preventing and combating money laundering, managing acquired data and information, overseeing the compliance of reporting entities, and analyzing or examining reports and financial transactions indicative of money laundering.¹⁷ Additionally, the Witness and Victim Protection Agency (LPSK) plays a crucial role in providing protection to victims, particularly in fulfilling the restitution rights of victims of criminal activities.

In cases of large-scale fraud, investigators, prosecutors of the original crime, and the INTRAC coordinate their efforts. The initial phase of the criminal prosecution process for large-scale fraud begins with an investigation. During this stage, a series of actions is undertaken to identify and gather "initial evidence" or "sufficient evidence" establishing

¹⁵ Peter De Cruz, essay, in *Comparative Law in a Changing World* (London: Cavendish Publishing, 1999), 20.

¹⁶ *Ibid.*

¹⁷ Law on the Prevention and Eradication of Money Laundering, Law Number 8 of 2020, State Gazette of the Republic of Indonesia Year 2020 No. 122 TLN No. 5164, hereinafter referred to as the Anti-Money Laundering Law, Article 40.

the occurrence of fraudulent activities. Subsequently, the investigation proceeds to the prosecutorial stage upon obtaining sufficient evidence.¹⁸

The investigation comprises a series of actions by investigators to search for and collect evidence, thereby elucidating the criminal activities and establishing an individual as a suspect. The investigation of large-scale fraud cases is conducted by authorized state police investigators or assistant investigators as stated in Article 74 of the Anti-Money Laundering Law. In the Article 75 it is stated that investigators are tasked with identifying preliminary evidence of fraudulent activities, and if evidence of money laundering is detected, investigators merge the original criminal activities with money laundering offenses and inform the INTRAC.

INTRAC, in collaboration with investigators, conducts a thorough analysis of transactions linked to suspected money laundering offenses. As stipulated in Article 89 of the TPPU Act, INTRAC also engages in partnerships with Financial Intelligence Units (FIUs) from other countries, aiming to enhance the collective efforts against money laundering crimes. Once the investigation and prosecution processes reach completion, the case progresses to the examination stage at the prosecutor's office.

The examination process comprises two crucial stages: pre-prosecution and prosecution. In the pre-prosecution stage, the public prosecutor plays a pivotal role in offering guidance to refine the investigation carried out by investigators. Subsequently, investigators are tasked with supplementing and perfecting the investigative findings in line with the provisions outlined in KUHAP, specifically in Article 14 letter b.

Should the case file submitted by investigators to the prosecutor's office be deemed incomplete, it will be returned to the investigators for further refinement in accordance with the prosecutor's instructions.¹⁹ Following the pre-prosecution stage, the subsequent phase is the prosecution process, marking a crucial step in the legal proceedings.

In the effort to trace assets at the pre-trial stage, all law enforcement agencies and relevant institutions are involved. Since the commencement of the investigation, asset tracing can be carried out separately by the police and the prosecutor's office, with coordination from INTRAC. Coordination between law enforcement agencies involves submitting information requests to INTRAC for asset tracing purposes in asset recovery, given the passive nature of INTRAC's functions. Coordination is facilitated through the goAML application, a collaborative project between INTRAC and UNODC.²⁰ Through this application, law enforcement agencies can submit information requests to INTRAC. The legal basis for law enforcement agencies to conduct asset tracing includes:²¹

¹⁸ Kadri Husin and Budi Rizki Husin, *Sistem Peradilan Pidana Di Indonesia* (Jakarta Timur: Sinar Grafika, 2016), 93.

¹⁹ Law on the Criminal Procedure Code, Law Number 8 of 1981, State Gazette of the Republic of Indonesia Year 1983 N0. 76 TLN No. 3290, hereinafter referred to as Criminal Procedure Code (KUHAP).

²⁰ Sonora Gokma Pardede, *Strategi Pemulihan Aset (Asset Recovery) Tindak Pidana Di Indonesia Sebagai Upaya Pengembalian Kerugian Tindak Pidana: Ditinjau Dari Analisis Ekonomi Terhadap Hukum (Economic Analysis of Law)*, University of Indonesia, 2023, 41.

²¹ *Ibid*, 39-41.

- a) The basis for the police to trace assets is that this action is part of the investigation and prosecution, although there are no police regulations governing this matter. The police can seize assets from perpetrators.
- b) In the effort to trace assets at the pre-trial stage, the prosecutor's office also has the authority to trace assets based on Article 30A of the Prosecutor's Law, which stipulates that "In asset recovery, the Prosecutor's Office is authorized to conduct asset tracing, seizure, and return activities for assets acquired from criminal acts and other assets to the state, victims, or rightful owners." Asset tracing can be conducted during the stages of investigation, prosecution, trial, and execution.²² Additionally, based on Article 81 of the Anti-Money Laundering Act, which states that "If there is sufficient evidence that there are assets that have not been seized, the judge orders the public prosecutor to seize such assets," the public prosecutor can trace assets during the prosecution and execution stages. In conducting asset tracing, the prosecutor's office coordinates with INTRAC and other parties that can assist in the tracing process.

Therefore, the greatest authority in criminal justice lies at the pre-trial level. Decisions made at this stage have significant implications for the outcome of the trial. Therefore, the importance of cooperation between the police, the prosecutor's office, and INTRAC in addressing these criminal activities cannot be overstated. However, the coordination among these parties often encounters challenges, particularly regarding the authority of investigation and prosecution. Based on interview data cited from Aristo Pangaribuan's dissertation titled "Cooperation and Non-Cooperation in Indonesian Criminal Case Processing: Ego Sektoral in Action," conflicts arise concerning the authority in the investigation and prosecution processes. According to the police, they have full discretion at this level, while the prosecutor's office demands that the police relinquish some of their powers because their duties require active involvement in the investigation and prosecution processes.²³ Based on police regulations on the management of investigations, it is known that prosecutors do not have authority in the investigation and prosecution processes.²⁴

The absence of involvement of the public prosecutor since the inception of a case often leads to a divergence in understanding between the police and the prosecution. The synchronization of understanding among the parties regarding the case typically occurs during the pre-trial phase. During this process, the parties address their differences and subsequently agree on how the case should be presented to the judge. The pre-trial phase frequently encounters challenges. As evidenced in Pangaribuan's dissertation, both the police and the prosecutors do not share a uniform understanding of their roles and those of their colleagues.²⁵

²² The Law Regarding the Public Prosecutor's Office of the Republic of Indonesia, Law Number 16 of 2006, State Gazette Year 2006 No. 67, State Gazette Number 4401, as amended by Law Number 11 of 2021 Regarding the Second Amendment to Law Number 16 of 2006 on the Public Prosecutor's Office, State Gazette Year 2021 No. 298, State Gazette Number 6755, hereinafter referred to as the Prosecutor's Law as amended by the Prosecutor's Law, Article 30A

²³ Aristo Marisi Adiputra Pangaribuan, *Cooperation and Non-Cooperation in Indonesian Criminal Case Processing: Ego Sektoral in Action*, University of Washington, 2022, 85.

²⁴ *Ibid*, 82-83.

²⁵ *Ibid*, 84.

The inefficiencies in law enforcement efforts arise when case files are frequently exchanged between investigators and prosecutors. This results from the prosecutor's lack of involvement from the onset of the criminal justice process, impacting the time required to align opinions among the involved parties. Discrepancies in information possessed by various agencies often hinder effective coordination.

In actuality, due to the separation of duties and authorities between law enforcement agencies and assisting institutions in legal enforcement efforts, there are additional challenges that need to be considered in the prosecution of large-scale fraud cases and the tracing of perpetrators' assets, which can be elaborated as follows:

a) Asset tracing becomes less effective and efficient

In cases of fraud, typically the alleged victim reports the suspected fraud to the local police station. Upon receiving the report, the police initiate an investigation. During this investigative process, perpetrators, upon realizing they have been reported, can easily transfer their intangible assets, especially cryptocurrencies, before they are successfully traced by law enforcement authorities.

The separation of authority between the police and the prosecutor's office in asset tracing results in inefficiencies in handling large-scale fraud cases. The authority to trace assets during the investigation and prosecution stages lies with the police, based on information obtained from the Indonesian Financial Transaction Reports and Analysis Center (INTRAC).

Furthermore, the passive role of the INTRAC in large-scale fraud enforcement efforts is evident. Its role in asset tracing involves a mere response to requests of information from law enforcement agencies. Requests for information are processed through the goAML application. The INTRAC not only handles large-scale fraud cases but also other criminal activities, prioritizing based on queue numbers. This leads to delays in providing information, allowing perpetrators to easily transfer their intangible assets, making them difficult for law enforcement to trace.

Differences in information possessed by the police and the prosecutor's office, based on their respective authorities and expertise, can result in different enforcement actions. The separation of functions and tasks in the investigation, prosecution, and litigation of large-scale fraud cases becomes more complex, especially when money laundering offenses cross borders. While the INTRAC collaborates with other countries' Financial Intelligence Units (FIUs) in asset tracing, the complexities and duration of this process extend the pre-trial criminal proceedings. This is due to the need for coordination between investigators and the INTRAC in merging investigations of the original offense with money laundering offenses. Consequently, this situation can hinder asset tracing efforts, resulting in a disparity between the value of assets successfully traced and the financial losses suffered by victims.

There are also issues related to the prosecutor's authority to trace criminal assets. Prosecutors can only trace and recover assets if evidence related to the perpetrator's assets is revealed during trial, based on the testimony of victims,

witnesses, or even the defendant. If such evidence is not presented, prosecutors cannot trace those assets.²⁶

b) Application for Restitution

The Witness and Victim Protection Agency (LPSK) is tasked to provide protection to victims of large-scale fraud crimes. However, there have been instances where applications submitted by victims are rejected by the agency. Particularly, requests for the consolidation of compensation claims submitted by the agency to the prosecuting authority often face rejection, based on the grounds of insufficient evidence provided by the agency. Establishing evidence of fraudulent activities against victims, especially if the crime occurred more than six months prior to its reporting, poses challenges. The difficulty lies in procuring evidence of the crime, as victims are often unaware that they are being deceived and consequently do not gather evidence in advance.²⁷

In the author's opinion, the pre-trial phase in handling large-scale fraud crimes plays a crucial role in the successful tracing of assets, which in turn influences the amount of assets seized for the restitution of victims' losses. Every decision made by the police and the prosecutor's office during this phase significantly impacts the costs, time, and outcomes of the trial process for large-scale fraud crimes. The complexity of these offenses often results in an inefficient and less effective criminal justice process when handled through conventional criminal justice system.

3.2 Implementation of the Roskill Model in the Handling of Serious or Complex Fraud Cases

In 1986, the Roskill Committee on Fraud Trials, established by the United Kingdom government through the Fraud Trials Committee in 1983 and chaired by Lord Roskill, published a report addressing the shortcomings in a series of fraud enforcement trials. The report advocated for the establishment of an integrated organization specifically responsible for investigating and prosecuting serious or complex fraud cases.²⁸ This led to the recommendation for a Fraud Commission dedicated to studying the efficiency of fraud case handling.²⁹

The Roskill Model emphasizes collaboration in investigations and prosecutions involving professionals such as investigators, forensic accountants, prosecutors, lawyers, and other experts. These professionals are collocated within an organization specifically tasked with handling serious or complex fraud cases. Collaborative efforts persist throughout the case handling process, culminating in court decisions and subsequent

²⁶ Pricilla Amelinda Jacob, Interview with Sonora Gokma Pardede, Functional Prosecutor in the field of transnational asset recovery at the Asset Recovery Center, via Google Meet, November 27, 2023.

²⁷ Pricilla Amelinda Jacob, Interview with Syahrial Martanto Wiryawan, Expert Staff of LPSK, at the Witness and Victim Protection Institution Building, Jalan Raya Bogor, East Jakarta, October 6, 2023.

²⁸ Johnston, *The Adversarial Defence Lawyer*, 38.

²⁹ 1. Monty Raphael et al., *Roskill Revisited: Is there a case for a unified fraud prosecution office?* §, Policy Reports (2010), 6.

executions, with each professional contributing to the progression of the investigation and the development of a robust prosecution.³⁰

The Roskill Model can be characterized as an integrated approach to handling fraud cases within a single institution or unit. Serious or Complex Fraud is not limited to mere deception but also encompasses corruption and bribery. Unlike existing models at the police (investigation and prosecution) and prosecutorial stages (pre-prosecution and prosecution), the Roskill Model offers significant advantages and is uniquely tailored to address the specific challenges and complexities of high-level economic crimes. This model has proven to be effective, efficient, and innovative, delivering successful case outcomes that reflect value considerations and provide financial benefits.³¹

The adoption of the Roskill Model facilitates the efficient and effective allocation of resources and plays a crucial role in asset recovery efforts during the investigation and prosecution stages of serious or complex fraud cases.³² This model has been implemented by several countries worldwide, including the United Kingdom and Canada, through their respective Serious Fraud Offices (SFOs), and in India, where a Safe Fraud Investigation Office exists.

In the context of Serious or Complex Fraud case handling, the Roskill Model is operationalized through the United Kingdom's Serious Fraud Office (SFO). The SFO is an independent institution established specifically to handle serious or complex fraud cases, such as fraud, corruption, and bribery, resulting in losses amounting to millions of pounds sterling.³³ The SFO operates within the UK's criminal justice system, covering jurisdictions in England, Wales, and Northern Ireland, and has a unique and specialized role in investigating and prosecuting fraud crimes. The establishment of the SFO aims to mitigate or minimize the losses caused by high-level economic crimes and to preserve and enhance the UK's reputation as a safe place to conduct business.³⁴

The SFO's functions include tracing the proceeds of crimes and assisting other countries in their investigations of crime-related assets. Collaboratively, the SFO works with UK government agencies and foreign counterparts (international partners) in addressing fraud cases. Cases handled by the SFO involve hundreds to thousands of victims, millions of documents, and potential cross-border criminal activities. The SFO deals with more complex cases requiring investigation and prosecution compared to other types of cases, and it does so efficiently.

The SFO comprises a multidisciplinary team led by a case controller. The case controller oversees a case, supervising lawyers, investigators, forensic accountants, and other specialists, and provides instructions from the outset. During the investigation and prosecution processes, the SFO has a pre-investigation stage or intelligence gathering phase. In this stage, the SFO receives all relevant information, including reports of alleged criminal activities. Subsequently, the SFO's Intelligence Division (ID) analyzes

³⁰ Serious Fraud Office, Written Evidence Submitted, Number 3.

³¹ Ibid, Number 7.

³² Ibid, Number 6.

³³ HM Crown Prosecution Service, "Follow-up Inspection of the Serious Fraud Office – Case Progression," Criminal Justice Inspectorates, May 2023, <https://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2023/05/SFO-case-progression-follow-up.pdf>, 18.

³⁴ Ibid.

and evaluates the information, conducting investigations as necessary. The ID has a unique pre-investigation authority to determine whether an investigation should proceed.³⁵

Upon receiving a case, it performs an investigation and prosecution phase, where investigators and prosecutors collaborate from the outset under the Roskill Model. Should the investigation yield sufficient evidence to support prosecution, and if prosecution is deemed in the public interest, charges can be brought against the perpetrator. Furthermore, in the decision-making process to recommend a case for investigation, prosecutors play a pivotal role and are fully engaged in such determinations. Prosecutors can also provide early guidance on a case, ensuring a clear focus on the criminal aspects most likely to support realistic prospects for successful outcomes through more efficient case handling.

The Serious Fraud Office (SFO) comprises three divisions dedicated to handling serious or complex fraud cases, including fraud, bribery, and corruption. The SFO also houses an operational division responsible for the proceeds of crime and international assistance. Within the SFO, there exists an Asset Management Office handling non-digital material and reprographics, as well as other supporting units aiding divisions in case management, including the Digital Forensic Unit (DFU). The DFU is tasked with analyzing and processing all digital materials received by the SFO from searches, seizures, or voluntary submissions. Upon completion of this process, an E-discovery team assists in navigating the material.³⁶

In handling money laundering offenses, the SFO investigates the predicate offenses and certain money laundering allegations, necessitating a multidisciplinary approach in line with the SFO's jurisdiction. Money laundering offenses investigated by the SFO involve high-level laundering associated with predicate offenses such as fraud, bribery, corruption, and kleptocracy. In probing money laundering cases, the SFO exercises authority under various legislations including The Criminal Justice Act 1987, Proceeds of Crime Act 2002, Serious Organized Crime and Police Act 2005, and Regulation of Investigatory Powers Act 2000.³⁷ Over the periods of 2015-2016, 2016-2017, and 2017-2018, the SFO successfully recovered amounts exceeding £19.6 million, £20 million, and £430,000, respectively.³⁸

Although the Roskill Model is more commonly applied in countries with a common law tradition, nations with a civil law tradition have also implemented an integrated investigation and prosecution model. However, these implementations differ from those in common law jurisdictions. Specifically, these countries have incorporated this model into specialized units dedicated to specific violations, such as white-collar crime.

The adoption of specialized mechanisms involving the integration of investigation, prosecution, and adjudication in addressing financial criminal cases by countries with a civil law tradition is motivated by the intricacies associated with such offenses. These complexities necessitate that law enforcement agencies set aside hierarchical control practices among their institutions. The urgency for more flexible criminal justice

³⁵ Ibid, 19.

³⁶ Ibid.

³⁷ Serious Fraud Office, "Written Evidence Submitted, Number 19.

³⁸ Ibid, Number 6.

procedures arises from the increasing challenges of investigating economic crimes, a consequence of globalization's impact on financial networks.³⁹

Legislators generally aim to balance costs and benefits in addressing criminal cases by efficiently allocating their limited resources towards prevention at minimal expense.⁴⁰ Countries with a civil law tradition that have embraced the Roskill Model in handling financial criminal cases include Germany, particularly in corruption cases, and Switzerland, concerning financial crimes more broadly. In Switzerland, a white-collar crime unit operates within the independent Office of the Attorney General (OAG), applying a specialized integrated investigation and prosecution model to combat these offenses.

The OAG is an institutionally independent body with its own governance, responsible for investigating and prosecuting violations falling within its jurisdiction, as delineated in Articles 23 and 24 of the Criminal Procedure Code (KUHP) and other relevant legislation. Led by the Swiss Attorney General, the OAG comprises two deputies appointed by the Federal Assembly.⁴¹ One category of offenses within the OAG's purview is white-collar crime, including those that occur across regions or internationally. The white-collar crime division, established within the OAG, primarily handles cases involving international corruption, money laundering, other economic offenses of national or international significance, and violations of stock market regulations such as insider trading and market manipulation.⁴²

The division collaborates with other national agencies through the procedure of mutual legal assistance, given that the cases it handles possess significant and intricate international dimensions.⁴³ Within the primary mandate of the Office of the Attorney General (OAG), prosecutions are conducted by consolidating and allocating the OAG's limited human resources while consistently striving to address cases to their fullest extent.⁴⁴ In addressing unforeseen cases and maintaining their capacity to act, the OAG collaborates with other Swiss authority institutions and foreign authorities in handling cases.⁴⁵ This is accomplished by working within specialized teams focused on specific criminal domains, whose strategies are coordinated with the overarching strategy of the general OAG organization, and within cross-divisional task forces, taking into consideration the conditions and complex requirements applicable to prosecutions and the distinctive characteristics of international cases.⁴⁶

³⁹ Shawn Boyne, *The German Prosecution Service: Guardians of the Law?* (Berlin: Springer, 2014), 119.

⁴⁰ *Ibid.*, 40.

⁴¹ Office of the Attorney General of Switzerland, "Statutory Duty, Tasks and Legal Principles," Startseite, accessed November 22, 2023, <https://www.bundesanwaltschaft.ch/mpc/en/home/die-bundesanwaltschaft/aufgaben-breit11.html>.

⁴² Office of the Attorney General of Switzerland, "White-Collar Crime," Startseite, accessed November 22, 2023, <https://www.bundesanwaltschaft.ch/mpc/en/home/die-bundesanwaltschaft/organisation/wikri.html>.

⁴³ *Ibid.*

⁴⁴ Office of the Attorney General of Switzerland, *Statutory duty, tasks*.

⁴⁵ *Ibid.*

⁴⁶ Association of Corporate Counsel, Corporate Crime, Fraud and Investigations in Switzerland: Overview, accessed November 21, 2023,

In conducting investigations and prosecutions, the Office of the Attorney General (OAG) endeavors to operate with utmost efficiency and effectiveness, providing the necessary tools to address cases requiring technological applications in law enforcement. During the investigative process, the OAG collaborates with the Federal Criminal Police (FCP) and also engages with regional law enforcement authorities as well as foreign law enforcement agencies.⁴⁷ On February 1, 2016, the OAG established a new organizational structure designed to address more serious and complex cases strategically. The OAG structured its organization based on violations or areas of expertise, aiming to facilitate the handling of cases as efficiently and effectively as possible, such as the White-Collar Crime Division and the Forensic Financial Analysis Division (FFA).⁴⁸

3.3 Applicability of the Roksill Model in Addressing Large-Scale Fraud Crimes: An Economic Analysis of Law Perspective

In the economic approach to crime using metaphorical constructs, punishment is equated with a price, while criminal actions are likened to economic exchanges. Thomas J. Micheli posits that crime can be analogized as a market transaction,⁴⁹ wherein the market "price" (punishment) of a crime is not determined by the seller (victim), and the crime is not directly "paid" to them. The transaction occurs between the victim and the perpetrator and is influenced by government intervention, which acts as an agent representing the victim and society in terms of payment for the crime. The execution of this payment by the perpetrator incurs significant costs, encompassing the resources expended in apprehending the perpetrator, establishing guilt, and imposing criminal sanctions – all of which involve costly procedures.⁵⁰

When a perpetrator is sanctioned to pay a fine, the payment is not delivered to the victim. Consequently, the victim may derive indirect benefits or satisfaction from knowing that the perpetrator has been apprehended and punished. In the criminal law context, the "seller" (victim) is not a willing party or the ultimate recipient of the perpetrator's "payment." Instead, the government evaluates and collects the "price" (punishment) from the perpetrator after the act has been committed, and the process of doing so entails substantial costs.⁵¹

In the economic perspective on criminal law, economics views criminal law as a mechanism to control harmful activities (crime).⁵² Based on research conducted by Roger Bowles, Michael Faure, and Nuno Garoupa in their journal article titled "The Scope of Criminal Law and Criminal Sanctions: An Economic View and Policy Implications," it is understood that criminal acts generate negative externalities. Large-scale fraud crimes

<https://www.acc.com/sites/default/files/resources/upload/Corporate%20Crime%20Switzerland%20InfoPak.pdf>, 12.

⁴⁷ Office of The Attorney General of Switzerland, *Statutory duty, tasks*.

⁴⁸ Office of the Attorney General of Switzerland, "Organisation," Startseite, accessed November 22, 2023, <https://www.bundesanwaltschaft.ch/mpc/en/home/die-bundesanwaltschaft/organisation.html>.

⁴⁹ Thomas J Miceli, *The Paradox of Punishment* (Cham, Switzerland: Springer International Publishing, 2019), 1-2.

⁵⁰ Ibid, 3.

⁵¹ Ibid, 4.

⁵² Roger Bowles, Michael Faure dan Nuno Garoupa, "The Scope of Criminal Law and Criminal Sanctions: An Economic View and Policy Implications," *Journal Law and Society* 35. No. 3 (2008): 395, accessed November 5, 2023, <https://www.jstor.org/stable/40206854>.

inflict harm or create negative externalities on victims, society, and the state, resulting in costs.⁵³

According to Mark A. Cohen, regarding the costs incurred due to the losses from white-collar crimes, it is more appropriate to use the term "external cost" rather than "social cost."⁵⁴ External cost is understood as the cost resulting from the negative impact of the crime, which victims and society do not voluntarily accept, while social cost refers to the cost that reduces overall societal well-being.⁵⁵ In analyzing the costs generated by large-scale fraud crimes, the term "external cost" is more fitting, given that these crimes fall under the category of white-collar crimes.

Large-scale fraud crimes entail various costs as consequences of the offenses. According to Brand and Price, several costs arise from crime, which will be utilized to analyze the damages resulting from large-scale fraud crimes. These damages can be delineated as follows:⁵⁶

a) Costs incurred in anticipation of crime

In cases of large-scale fraud crimes, costs are incurred by potential victims, termed "precautionary expenditures" and involve "avoidance behaviors." These costs stem from societal attempts to evade becoming victims. The majority of these anticipatory costs are borne by the government and non-governmental organizations in efforts to prevent crime, such as establishing specialized agencies and units to combat large-scale fraud crimes, conducting seminars on the dangers of such crimes, and enacting legislative regulations.

b) Costs incurred as a consequence of crime

Victims' losses represent one of the costs resulting from large-scale fraud crimes. Financial losses, psychological suffering – sometimes necessitating psychological care – and additional expenses from the incurred losses, such as the impact on victims' quality of life, including loss of homes and debts, are all included in these costs.

In the context of large-scale fraud cases occurring in Indonesia, there are often challenges encountered in the efforts to provide restitution to victims. Rejections of restitution applications by the Witness and Victim Protection Agency (LPSK), refusals by prosecutors to accept claims for compensation, and the frequent disparity between the compensation proportion awarded to victims and the actual suffering endured often lead some victims to file civil lawsuits against the perpetrators. Such litigation incurs substantial costs, exacerbating the victims' plight. Beyond the considerable financial burdens, victims also grapple with the uncertainty of whether the damages will be compensated by the offenders and endure prolonged durations within both the criminal and civil judicial processes.

⁵³ Economic law enforcement is about controlling 'negative externalities,' where someone's actions have a negative impact on one or more third parties, as mentioned in the journal, 'Roger Bowles, Michael Faure, and Nuno Garoupa. "The Scope of Criminal Law...," 396.

⁵⁴ Van Shanna Slyke, Michael L. Benson, and Francis T. Cullen, "The Costs of White-Collar Crime," essay, in *The Oxford Handbook of White-Collar Crime* (New York, NY: Oxford University Press, 2019), 82.

⁵⁵ Ibid.

⁵⁶ Ibid, 83.

Another consequential impact of these criminal acts pertains to the erosion of public trust in economic institutions. This erosion may deter the public from making investments or engaging in financial transactions with other legitimate enterprises. Concurrently, the diminishing trust in law enforcement agencies' efforts to prevent and prosecute large-scale fraud crimes further compounds the societal implications of these offenses.

c) Cost in response to crime

Law enforcement efforts through the criminal justice system represent costs resulting from large-scale fraud crimes, including government expenditures on police, prosecutors, judges, prisons, and other non-detention sanctions, including the Indonesian Financial Transaction Reports and Analysis Center (INTRAC) and the Witness and Victim Protection Agency (LPSK). Given that these crimes are also related to money laundering, transaction costs – the costs borne by the criminal justice system to achieve coordination aimed at successful law enforcement – are incurred. These transaction costs include coordination among institutions in efforts to enforce laws against large-scale fraud crimes. Perpetrators also incur costs in response to the crime by hiring lawyers and other means.

In the perspective of the author, the ramifications of large-scale fraud criminal acts yield substantial external costs, thereby implying extensive negative externalities that adversely affect victims, society, and the nation.⁵⁷ Consequently, law enforcement agencies play a pivotal role in internalizing the comprehensive negative repercussions of these criminal acts. Typically, the internalization of the adverse impacts is executed through penalties imposed on perpetrators, encompassing imprisonment, fines, and the confiscation of crime-derived assets.

In the enforcement of laws against large-scale fraud, punitive measures, such as imprisonment ranging from 15 to 20 years and fines not exceeding Rp. 10,000,000,000 (ten billion Indonesian Rupiah), are instituted against offenders. The confiscation of crime-derived assets is an endeavor to internalize the negative repercussions, aiming to return the seized assets to the victims in a proportional manner. However, the assets successfully seized by law enforcement often do not match the extent of the victims' financial losses.

The intricacies of such criminal acts often overlook other consequential costs or damages, making the outcomes of the punitive measures insufficient in internalizing the complete negative impacts of these offenses. The multifaceted nature of large-scale frauds complicates their adjudication, leading to prolonged and intricate legal proceedings involving thousands to tens of thousands of victims, financial losses amounting to hundreds of billions of Rupiah, and the analysis of numerous documents by law enforcement agencies and related institutions.

Large-scale fraud crimes fall under the category of white-collar crimes, distinguishing their perpetrators from those of other crimes. Predominantly, these criminals possess superior education levels and intelligence, which facilitate their adeptness at concealing

⁵⁷ The economics of law enforcement is about controlling 'externalities...

or disguising illicit activities.⁵⁸ In the context of large-scale fraud, particularly when intertwined with money laundering, the tracing of crime-derived assets becomes notably challenging for relevant institutions due to the fragmented stages of criminal justice that demand intricate coordination. These perpetrators are acutely aware of the illicit nature of their actions and the looming prospects of punitive measures and asset confiscations, prompting them to undertake preventive measures, especially concerning their assets.

Consequently, addressing these criminal acts necessitates specialized mechanisms capable of internalizing the negative impacts they engender. There is a pressing need for effective and efficient asset tracing mechanisms that can operate seamlessly across prosecution stages, not solely reliant on the emergence of supplementary evidence in court regarding the assets of the accused. Additionally, there is a call for case-handling mechanisms that mitigate institutional conflicts of interest and navigate complex and time-consuming coordination challenges by integrating investigators, prosecutors, and other experts into specialized units tailored to address the multifaceted nature of these crimes.

The Roskill Model emerges as an apt framework for addressing large-scale fraud crimes, potentially enhancing the efficacy and efficiency of case management. Through an economic analysis lens, the Roskill Model serves as a tool to internalize the negative repercussions of large-scale frauds, advocating for punitive measures, asset tracing, and restitution. Asset tracing aims to maximize asset recovery efforts, attenuating the adverse effects of these crimes by compensating affected victims.

Furthermore, the application of the Roskill Model may reduce coordination costs among law enforcement agencies, likened to transaction costs.⁵⁹ Such transaction costs diminish when investigators, prosecutors, the Indonesian Financial Transaction Reports and Analysis Centre (INTRAC), and other experts collaborate in investigations and prosecutions. Research by Nuno Garoupa, Anthony Ogus, and Andrew Sanders posits that law enforcement can be deemed successful if the benefits exceed the incurred costs, underscoring the pivotal role of prosecution in the enforcement of law and decision-making processes.

The success of prosecutions hinges on the nature of investigations and prosecutions. Thus, coordination across these stages is imperative for successful law enforcement. Integration fosters enhanced coordination, optimal resource allocation, and augments the quality of investigations and prosecutions.⁶⁰ An integrated approach between law enforcement agencies and independent bodies proves more effective and efficient when devoid of conflicting objectives or when responsibilities are centralized within a singular institution. Consistent investigation and prosecution within a limited case scope,

⁵⁸ Peter J. Henning, "Is Deterrence Relevant in Sentencing White-Collar Criminals," *Wayne Law Review* 61, no. 1 (2015): 33, accessed December 5, 2023, <https://digitalcommons.wayne.edu/cgi/viewcontent.cgi?article=1099&context=lawfrp>.

⁵⁹ Nuno Garoupa, Anthony Ogus dan Andrew Sanders Source, "The Investigation and Prosecution Of Regulatory Offences: Is There An Economic Case For Integration," *The Cambridge Law Journal* 70, No. 1 (2011): 244, accessed December 5, 2023, <https://www.jstor.org/stable/41300950>.

⁶⁰ Ibid.

undertaken by an integrated body, are more readily achievable than if dispersed across multiple institutions.⁶¹

The implementation of the Roskill Model as a mechanism to address large-scale fraud offenses in pre-trial stages can be likened to a specific investment made by the government in highly specialized assets. Through an economic lens applied to the criminal justice system, assets can be metaphorically viewed as law enforcement institutions, yielding dividends in the form of successful law enforcement outcomes. Often, within conventional criminal justice systems, governmental investments in assets (law enforcement) lack specificity or specialization. For instance, the separation of functions between investigators and prosecutors can lead to coordination challenges and a lack of cooperative spirit in addressing large-scale fraud crimes.⁶²

The adoption of the Roskill Model in addressing large-scale fraud crimes can mitigate delays, ensuring safer investments in specialized assets. Here, governmental investments target the enforcement of laws against large-scale fraud, necessitating intellectual capacities or specialized frameworks tailored to each case.⁶³ Efficient resource allocation through appropriate and valuable specialization can foster innovative approaches, enhancing the capabilities of a singular institution to take decisive actions, thus supporting more effective handling mechanisms for large-scale fraud crimes.⁶⁴

3.4 The Roskill Model as a Special Mechanism for Handling Large-Scale Fraud Crimes in Indonesia

The utilization of the Roskill Model as a specialized mechanism for addressing large-scale fraud crimes aligns with the state's efforts to handle cases in accordance with the principles of swift, straightforward, and cost-effective justice outlined in the Judiciary Power Law. This approach is also encapsulated in the academic draft of the Criminal Procedure Code Bill, where an economic foundation underscores the necessity for the reform of criminal procedural law.

In recent years, the Indonesian criminal justice legislature has consistently sought to enhance efficiency by incentivizing collaboration, evident in Articles 8, 13, and 42 of the Criminal Procedure Code Bill. These articles essentially mandate investigators to coordinate with prosecutors at the commencement of the investigation process. Such regulations are premised on efficiency, aiming to mitigate the frequent oscillation of cases that detrimentally impact seekers of justice and diminish the potential for case leakage during procedural oscillations. The implicit alignment of the Roskill Model with the state's endeavors to protect victims of large-scale fraud crimes is evident. One of the primary objectives of the Roskill Model is to optimize asset tracking and recovery.

The increasing trend of courts ordering the return of victims' losses through asset seizures highlights the effectiveness and efficiency of the Roskill Model in asset recovery efforts. This is consistent with the objectives of Article 51(c) of the Criminal Code concerning the resolution of conflicts arising from criminal acts, the restoration of balance, and fostering societal peace and security. Such objectives resonate with

⁶¹ *Ibid*, 245.

⁶² *Ibid*.

⁶³ *Ibid*. 246.

⁶⁴ *Ibid*.

Mardjono Reksodiputro's perspective on the criminal justice system, emphasizing justice that aligns with societal fairness.⁶⁵

Furthermore, the application of the Roskill Model serves to internalize the external costs arising from large-scale fraud crimes. It is beneficial in conserving both time and financial resources expended in addressing such criminal acts. These savings bear significant implications in alleviating the burgeoning caseload and the constraints of budgetary and resource limitations within the criminal justice system. Considering that Indonesia has officially become the 40th member of the FATF, it is pertinent to highlight one of the FATF recommendations pertaining to combating money laundering offenses: "Countries should ensure that competent authorities have responsibility for expeditiously identifying, tracing and initiating actions to freeze and seize criminal property and property of corresponding value. Countries should also make use, when necessary, of permanent or temporary multi-disciplinary groups specialized in financial or asset investigations. Countries should ensure that, when necessary, cooperative investigations with appropriate competent authorities in other countries take place."⁶⁶

Given the evolving paradigm shift concerning the concept of justice itself, wherein justice is not solely defined by the punishment of perpetrators (retributive), but is increasingly perceived as a form of justice that seeks to restore the suffering of victims (restorative).⁶⁷ Large-scale fraud crimes have profound repercussions, affecting not only the thousands or tens of thousands of individuals victimized by such crimes but also impacting governmental bodies and the broader society. The latter often undertakes costly measures to evade and prevent becoming victims of these offenses. Recognizing that law enforcement agencies share a common objective – resolving cases with a focus on victim and societal justice – it is evident from the rising trend of law enforcement agencies adopting a restorative justice approach in handling criminal cases. Consequently, the Roskill Model appears aptly suited for implementation as a specialized mechanism in addressing large-scale fraud crimes within the Indonesian context.

4. Conclusion

Indonesia is aptly positioned to accommodate the Roskill Model as a specialized mechanism for addressing large-scale fraud crimes. Grounded in the efficiency offered by the Roskill Model, this mechanism aligns with the principles of justice, being swift, simple, and cost-effective – attributes that are foundational in guiding Indonesia's criminal justice processes. Consequently, the integration of the Roskill Model into Indonesia's criminal justice system becomes feasible. An economic analysis reveals that the Roskill Model effectively internalizes the external costs incurred due to these criminal acts, which are far from negligible. Given the congruence of the Roskill Model with efforts to reform criminal procedural law, legislators ought to contemplate the potential incorporation of this Model in resolving cases of large-scale fraud crimes. There exists a pressing need to introduce a specialized mechanism within the Draft Criminal Procedure Code (RKUHAP) pertaining to jurisdiction and a distinct unit whose

⁶⁵ Mardjono Reksodiputro, *Sistem Peradilan Pidana* (Depok: Rajawali Pers, 2020), 343.

⁶⁶ The Financial Action Task Force, *International Standards on*.

⁶⁷ Academic Manuscript of the Draft Law of the Republic of Indonesia Regarding Amendments to Law Number 16 of 2006 Regarding the Attorney General of the Republic of Indonesia, hereinafter referred to as the Draft Law on the Attorney General, 50.

classification of offenses could employ the Roskill Model's mechanisms. Drawing comparisons with countries like England and Switzerland, it is discerned that such specialized units operate under the jurisdiction of the Attorney General's Office. Furthermore, there is an imperative to issue governmental regulations elucidating the implementation of the Roskill Model's mechanisms in addressing criminal offenses. These regulations should specify the entities comprising the specialized unit and delineate the procedures for handling cases such as large-scale fraud crimes.

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