



Non-conviction-based (NCB) asset forfeiture concept from a legal and human rights perspective

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ABSTRACT

This study examines the concept of Non-Conviction-Based (NCB) asset forfeiture through a human rights perspective, focusing on the balance between effective law enforcement and the protection of individual rights. NCB forfeiture enables the state to confiscate assets linked to criminal activity without requiring a prior conviction, making it particularly relevant for addressing corruption, money laundering, and organized crime. However, this mechanism raises concerns regarding property rights, due process, and potential state overreach. The analysis applies three theoretical frameworks, rule of law, due process theory, and property rights theory, to evaluate the legitimacy of NCB practices. Indonesia's legal and human rights framework, including the 1945 Constitution, Law No. 8/2010 on Money Laundering, Law No. 31/1999 jo. Law No. 20/2001 on Corruption, Law No. 39/1999 on Human Rights, and Law No. 12/2005 ratifying the ICCPR, demonstrates the requirement for fairness and judicial oversight in asset forfeiture procedures. Findings indicate that NCB forfeiture can be compatible with human rights standards if implemented with strict safeguards, transparent procedures, and clear evidentiary thresholds. The study concludes that a comprehensive Asset Forfeiture Law is necessary to reinforce accountability, protect individual rights, and strengthen Indonesia's asset recovery regime.

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1. INTRODUCTION

The debate surrounding the Draft Law on Asset Forfeiture (Rancangan Undang-Undang Perampasan Aset, hereinafter the Draft Asset Forfeiture Law) resurfaced prominently when the Coordinating Minister for Political, Legal, and Security Affairs, Mahfud MD, publicly urged Commission III of the House of Representatives to immediately approve the Draft Law on the Forfeiture of Proceeds of Crime. Mahfud MD emphasized that this bill would serve as a crucial instrument for tracing larger criminal activities, particularly money laundering. President Joko Widodo similarly underscored the importance of law enforcement in combating corruption. This development raises a fundamental question: to what extent is the Draft Asset Forfeiture Law significant for the enforcement of criminal law and counter-corruption efforts in Indonesia? (Hutajulu & Hufron, 2025).

At the core of this debate lies the tension between the state's interest in enhancing the effectiveness of law enforcement through asset recovery mechanisms and the obligation to protect fundamental human rights, particularly the presumption of innocence, due process of law, and the

right to property. The proposed expansion of asset forfeiture powers, especially through non-conviction-based mechanisms, raises concerns that efficiency-driven enforcement may undermine constitutional and human rights guarantees if not accompanied by strict procedural safeguards.

One of the central issues in combating financial crime, both in Indonesia and globally, concerns the ability of legal systems to confiscate the proceeds of crime (Mahmud, 2024). Two decades ago, the United Nations established asset forfeiture mechanisms as a global standard through the 2003 United Nations Convention Against Corruption (UNCAC). This international convention further affirms that asset forfeiture carries criminal law consequences. Other international treaties addressing similar matters include the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the United Nations Convention on Transnational Organized Crime (UNTOC) (2002), and provisions within the United Nations Counter-Terrorism Convention (PRIYATNO, 2018).

In Indonesia, asset forfeiture has long been embedded within the legal system, including the seizure of property derived from criminal acts accompanied by corresponding legal consequences. Various legal provisions regulate criminal asset forfeiture and the imposition of additional sanctions, including those articulated in the Indonesian Criminal Code (KUHP). Beyond the KUHP, specific arrangements can be found in Law No. 35 of 2009 on Narcotics and Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering. Yet, despite the presence of these regulations, the existing system and mechanisms continue to exhibit significant weaknesses, particularly because they fail to produce an enforcement model that ensures equitable justice for society at large (DAVIS, 2016).

Another point of weakness is found in Law No. 20 of 2001 amending Law No. 31 of 1999 on the Eradication of Corruption Crimes, which restricts the recovery of state losses to an amount equivalent only to the proven loss or the amount established in court. This limitation poses additional barriers to maximizing state asset recovery. The complexity and length of evidentiary processes in corruption cases further impede efforts to reclaim the proceeds of crime, thereby reducing the effectiveness of law enforcement, especially in relation to asset forfeiture (Yusni et al., 2023).

Although Indonesia is a state party to the UNCAC, it has yet to establish a comprehensive regulatory framework governing non-conviction based (NCB) asset forfeiture. Several existing regulations even impede the implementation of NCB mechanisms. The Draft Asset Forfeiture Law still lacks detailed procedural law governing NCB, whether within the Criminal Procedure Code (KUHAP) or the Civil Procedure framework. In addition, the scope of asset forfeiture remains constrained by Law No. 39 of 1999 on Human Rights and Article 18 paragraph (1)(a) of Law No. 31 of 1999 on the Eradication of Corruption Crimes. While Indonesia formally recognizes NCB through Law No. 31 of 1999 as amended by Law No. 20 of 2001 and Law No. 46 of 2009 on the Corruption Court, the absence of comprehensive regulation and clear procedural guidance remains a major obstacle to implementing NCB mechanisms effectively to combat corruption and recover assets misappropriated through abuse of authority (Sry Karina Br. Sinuhaji & Mar'ie Mahfudz Harahap, 2024).

Despite these developments, Indonesian legal scholarship has largely focused on the technical effectiveness of asset forfeiture and corruption eradication, while insufficiently examining the normative legitimacy of non-conviction-based asset forfeiture from a human rights perspective. There remains a notable gap in scholarly analysis concerning whether NCB asset forfeiture complies with constitutional standards of due process, proportionality, and protection of property rights, as well as how these standards should be operationalized within Indonesia's legal system.

The Draft Asset Forfeiture Law offers both advantages and disadvantages. Although included in the National Legislative Program (Prolegnas) for 2019–2024, public engagement with its substance remains extremely limited. As a result, the majority of citizens have inadequate access to information regarding the regulations proposed in the bill. Despite its importance within the legislative process, the Draft Asset Forfeiture Law was only resubmitted to the House of Representatives in April 2023. Compounding the issue, only the revised 2015 draft is publicly accessible; the official website of the House provides only a brief summary rather than the full legislative proposal. This situation has generated public confusion. On one hand, Coordinating

Minister Mahfud MD vocally encourages the legislature to expedite the bill's enactment, while on the other hand, the government expresses its intention to submit the bill to Parliament. However, the data available for public review are inconsistent or outdated. This inconsistency raises a critical question regarding the seriousness of the government in formulating a coherent criminal law policy on asset forfeiture. The question is particularly urgent because the public will ultimately be the primary party affected by the regulation, especially given that asset forfeiture is closely associated with human rights, including rights to property and legal certainty (Suhartono & Panjaitan, 2025).

The central problem addressed in this research lies in understanding the impact of criminal law politics on the implementation of asset forfeiture in Indonesia. This study also seeks to explore the mechanisms used in implementing asset forfeiture and the key factors that must be considered in regulating such mechanisms. The objective of the research is to provide a more comprehensive understanding of the interplay between political dynamics, legal mechanisms, and crucial regulatory considerations relating to asset forfeiture in Indonesia. The article focuses on analyzing the politics of criminal law in the context of asset forfeiture by examining the surrounding political dimensions and identifying the necessary regulatory reforms to support effective forfeiture processes. This study also highlights the various challenges faced in regulating asset forfeiture, including issues of legal justice, individual rights protection, and the effectiveness of law enforcement. Accordingly, this research positions itself to fill this normative gap by critically assessing NCB asset forfeiture not only as a law enforcement instrument but also as a legal policy that must be evaluated against human rights principles.

This research is grounded in academic literature and legal documents concerning asset forfeiture in Indonesia. The analysis includes an examination of previous research, legal cases, and government reports. It also incorporates relevant international conventions and best practices from other jurisdictions. The state-of-the-art element of this research lies in its analysis of the current condition of asset forfeiture law in Indonesia, along with ongoing debates and reform initiatives. By synthesizing and critically evaluating the existing body of knowledge, this study aims to contribute to a deeper understanding of the political, legal, and regulatory considerations involved in asset forfeiture in Indonesia, particularly through a human rights-oriented lens.

2. RESEARCH METHOD

This study employs a normative legal research method with a descriptive-analytical character, selected because the research focuses on examining legal norms contained in statutory regulations and legal doctrines relevant to asset forfeiture issues in Indonesia (Marune, 2022). The descriptive-analytical approach is used to describe and analyze the politics of asset-forfeiture law and its implications for the national criminal law system. The data used in this study consist of secondary sources, including primary, secondary, and tertiary legal materials. Primary legal materials comprise statutory regulations on asset forfeiture, both those currently in force and those still in draft form. Secondary legal materials include literature, scholarly journals, previous research, and expert legal opinions, while tertiary legal materials are drawn from legal dictionaries, encyclopedias, and indexes that support the understanding of primary and secondary sources. Data collection was carried out through library research, which involved examining printed sources such as books, articles, and legal regulations, as well as electronic sources in the form of online journals, legal databases, and official government documents. This process provides both theoretical foundations and empirical data, including relevant legal practices and judicial decisions. Reliance on secondary legal materials has specific scientific consequences, particularly in limiting direct observation of empirical practices in the implementation of Non-Conviction-Based asset forfeiture. While this approach enables systematic normative evaluation of legal frameworks, judicial reasoning, and documented enforcement practices, it does not capture real-time institutional behavior or informal practices within law enforcement agencies. Consequently, the findings reflect a doctrinal and interpretative assessment of empirical patterns as recorded in legal decisions, official reports, and scholarly analyses, rather than primary field-based evidence. The research applies a statute approach by examining national and international legal provisions related to asset forfeiture, and a conceptual approach by analyzing legal doctrines, principles, and

theories that strengthen the analysis and contribute to a comprehensive understanding of the politics of asset-forfeiture law in Indonesia (Marune, 2023).

3. RESULTS AND DISCUSSIONS

Mechanism Concept of Non-Conviction-Based (NCB) Asset Forfeiture in Indonesia

The development of Indonesia's contemporary criminal law system no longer focuses solely on the identification and prosecution of perpetrators but increasingly emphasizes the optimization of asset recovery, particularly in cases involving losses to state finances (Santoso, 2025). Developments in international law underscore the importance of preventing and combating criminal acts by expanding the scope of law enforcement, including the confiscation and seizure of criminal proceeds. This area, which had previously received limited attention within Indonesia's crime-prevention framework, has now become central to strengthening national legal mechanisms. Consequently, the establishment of regulations governing asset forfeiture represents a strategic initiative aimed at reinforcing the national legal system. Such regulations are expected to effectively prevent and address the movement of assets linked to criminal activities, including transnational crimes facilitated by increasingly sophisticated techniques (R et al., 2022).

One of the proposed mechanisms in the Draft Asset Forfeiture Law is Non-Conviction-Based (NCB) asset forfeiture, a process in which assets are confiscated through an *in rem* action directed at the property itself rather than the individual (Zagaris & Bannister, 2020). This concept is grounded in the taint doctrine, which posits that criminal acts "contaminate" assets used in or derived from such acts. Unlike criminal forfeiture, which requires proof of criminal elements and personal culpability beyond a reasonable doubt, NCB forfeiture does not require proof of individual guilt. Thus, assets may be confiscated even when the offender has not been proven guilty in a criminal proceeding (Hufron & Fikri, 2024).

Under Article 20 of the Draft Asset Forfeiture Law, a petition for asset forfeiture is submitted in writing by the State Prosecutor to the Chief Judge of the competent District Court (DeAlto & Zagaris, 2021). Acting on behalf of the state, the State Prosecutor exercises special authority without the need for a separate power of attorney. Jurisdiction lies with the District Court where the asset is located, and if assets fall under multiple jurisdictions, the State Prosecutor may select one of them. Should the designated court be unable to examine the case, the Supreme Court, upon recommendation of the Head of the District Prosecutor's Office, may appoint an alternative court. If the asset is located abroad, the petition is filed with the Central Jakarta District Court (Zagaris, 2024).

The asset forfeiture process outlined in the Draft Law does not constitute unilateral state seizure but rather follows a judicial process (Ristamana et al., 2022). Acting as the state's legal representative, the State Prosecutor presents evidence indicating that the asset originated from a criminal act. The petition must identify the asset's specifications, including type, quantity, size, and value, as well as the circumstances of its seizure, the identity of the asset's owner or controller, the legal basis and rationale for the petition, and other supporting documents. This ensures that asset forfeiture petitions undergo formal judicial scrutiny and adjudication (Saleh et al., 2023).

Pursuant to Article 25, the District Court orders the Clerk to publish the petition on the court's notice board and distribute copies to interested parties. Those who object to the forfeiture petition may submit an objection under Article 26, after which the Clerk summons the objecting party and notifies the State Prosecutor to appear at the hearing. Although the Draft Law does not specify a deadline for submitting objections, Article 27 requires a minimum period of three working days between the summons and the hearing, except in urgent circumstances, thereby ensuring that affected parties have an adequate opportunity to present their objections (Trinchera, 2020).

On the hearing day as regulated by Article 31, the panel of judges opens the asset forfeiture hearing to the public. The State Prosecutor presents the petition along with evidence concerning the origin, location, and criminal connection of the asset. If necessary, the asset may be displayed physically or inspected on-site. If a third party files an objection, the court allows that party to produce evidence, after which the State Prosecutor may present additional witnesses or experts to rebut such claims. The judges then assess all arguments before deciding whether to grant or deny the forfeiture petition (Sianipar et al., 2024).

The judicial process in the Draft Law does not fully adopt civil procedure but is limited to examining objections to the petition. During the proceedings, objections, replies, rejoinders, and the presentation of documentary evidence may be consolidated within the evidentiary stage. In accordance with Article 33, witness examination is conducted through cross-examination, beginning with questioning by the State Prosecutor, followed by the third party, while the judges maintain a passive role similar to civil cases but may nonetheless ask questions to clarify testimony. This mechanism demonstrates that asset forfeiture under the Draft Law is carried out through a transparent judicial process that provides space for objections while upholding the principle of legal fairness (Bechara & Manzano, 2020).

Article 40 authorizes the presiding judge to seek expert testimony and request additional supporting documents to clarify emerging issues, indicating that evidentiary standards encompass both formal and material evidence. Accordingly, judges may actively engage in fact-finding by eliciting expert opinions or additional documentation. Article 33 similarly empowers both the presiding judge and associate judges to question witnesses or experts to obtain relevant information necessary for establishing material truth. After the parties present witness and expert testimony as well as other evidence, each party is given the opportunity to provide oral statements reaffirming their respective positions. This process parallels civil proceedings, where final statements are provided after all evidence is submitted, except that asset forfeiture proceedings follow a predominantly oral closing-argument format consistent with common law practice (McCaw, 2011).

The subsequent stage involves the reading of the decision as mandated in Article 55, which requires that judgments be declared in an open court session to be legally valid and binding. Article 56(1) (a–k) stipulates that the decision must contain various elements, including concise reasoning based on facts and evidence revealed during the hearing, which forms the basis for granting or denying the forfeiture petition. The court's decision is not automatically final, as Article 49 provides a fourteen-day period from the date of pronouncement during which parties may file an appeal. Article 57 then establishes a special procedure requiring the execution of the decision no later than seven days after the written judgment is delivered to the Attorney General, aiming to ensure legal certainty and timely enforcement. Although the Draft Law does not explicitly designate an authority responsible for executing the decision, Article 60 assigns the asset management agency to support investigators or public prosecutors in implementing final and binding court decisions (Farida Wulandari et al., 2024).

The asset management agency is also authorized to sell confiscated assets through auction mechanisms. Such sales may occur after the court's decision becomes final, or, under certain circumstances, before finality upon request from investigators or prosecutors. All proceeds from the sale are deposited into the state treasury as non-tax state revenue (PNBP). Through this mechanism, the state secures both legal certainty and financial benefit from assets obtained through criminal activity, thereby advancing the primary objective of asset forfeiture: disrupting criminal networks and restoring state losses.

From a causal perspective, the implementation of NCB asset forfeiture contributes to strengthening the rule of law within the Pancasila legal state by reinforcing the principle that no unlawful economic benefit may be protected by legal formalism. By targeting illicit assets through judicial procedures, NCB forfeiture operationalizes the Pancasila values of social justice and legal certainty, particularly the balance between individual rights and collective welfare. The causal link lies in the ability of NCB mechanisms to close enforcement gaps that undermine public trust in law, while still subjecting state power to judicial control, thereby enhancing the legitimacy and effectiveness of the rule of law.

Non-Conviction-Based (NCB) Asset Forfeiture from a Human Rights Perspective

The concept of Non-Conviction-Based (NCB) asset forfeiture refers to a legal mechanism that allows the state to confiscate assets derived from crime without requiring a prior criminal conviction. This mechanism emerges from the recognition that certain forms of criminal activity are difficult to prosecute through ordinary criminal procedures (Dianta et al., 2024). It is primarily used in cases involving corruption, money laundering, organized crime, and illicit enrichment. The absence of a criminal conviction shifts the process from criminal to civil or administrative

proceedings. This shift raises critical questions regarding the protection of fundamental human rights. The tension between effective law enforcement and human rights protection becomes a central issue in NCB asset forfeiture. The legitimacy of NCB forfeiture depends on adequate procedural safeguards. If such safeguards are ignored, the mechanism may violate the principles of fairness and proportionality. For this reason, NCB mechanisms require strict legal standards. The human rights perspective thus becomes indispensable in evaluating the appropriateness of NCB asset forfeiture.

One theoretical framework relevant to evaluating NCB asset forfeiture is the theory of the rule of law. The rule of law emphasizes legality, predictability, and procedural fairness in all government actions. According to this theory, the state must not arbitrarily deprive individuals of property rights. It also requires clear legal procedures, independent judicial oversight, and access to remedies. Within the context of NCB forfeiture, the rule of law demands that any interference with property be grounded in legal certainty. This theory highlights the importance of proportionality and rationality in state actions. It also underscores the idea that no person should be deprived of property without due process. The rule of law therefore functions as a critical benchmark in evaluating asset forfeiture. Proper application of this theory ensures that NCB procedures remain within constitutional boundaries. Ultimately, the theory reinforces the notion that law enforcement must respect individual rights (Soesatyo, 2025).

A second relevant theory is the human rights theory of due process. Due process theory focuses on the fairness of legal procedures and the protection of individual autonomy. The central element of due process is the right to be heard and the right to challenge allegations before an impartial tribunal. The theory also emphasizes the requirement of sufficient evidence before the state can take coercive action. In the context of NCB forfeiture, due process theory requires that the owner of the implicated property be provided with adequate notice. It also requires access to legal representation and an opportunity to contest the state's claims. The theory stresses that procedural guarantees must be maintained even when criminal conviction is absent. Due process thus acts as a safeguard against arbitrary state interference. This theoretical framework ensures that NCB measures do not infringe upon basic rights of fairness and justice. Without due process safeguards, NCB forfeiture risks becoming an instrument of abuse (Lukito, 2019).

A third theoretical framework concerns the human rights theory of property protection. This theory is grounded in the understanding that property is a fundamental human interest tied to personal autonomy. It holds that individuals have the right to possess, use, and dispose of property without unjustified interference. The theory also emphasizes the need for legitimate public purposes before the state may limit property rights. In international human rights law, property rights are recognized under instruments such as the Universal Declaration of Human Rights. In the NCB context, this theory requires a careful balance between public interest and individual rights. It affirms that property may be forfeited only through transparent and justified procedures. It also demands that the state provide remedies when confiscation is found to be unlawful. This theory thus provides a normative lens through which the legitimacy of NCB forfeiture can be evaluated. It ultimately strengthens the legal protection of property owners.

Indonesia's legal framework provides several bases for regulating asset forfeiture, including NCB mechanisms. One significant provision is Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering, which allows for civil forfeiture processes. Article 67 of this law enables the state to seize assets presumed to be related to criminal activity even without a criminal conviction. Another important legal basis is Law Number 31 of 1999 jo. Law Number 20 of 2001 on the Eradication of Corruption, which recognizes asset recovery as part of corruption eradication efforts. Although these laws do not explicitly use the term NCB, they contain functional elements of NCB forfeiture. Indonesia has also drafted a specific Bill on Asset Forfeiture that aims to formalize and systematize NCB mechanisms. The draft bill intends to provide detailed procedures for tracing, freezing, and forfeiting assets. However, the bill has raised debates regarding human rights implications. These legal instruments collectively form the statutory context for NCB forfeiture in Indonesia (Didwania, 2025).

Human rights protection in Indonesia is governed by the 1945 Constitution of the Republic of Indonesia, which provides the highest legal guarantees. Article 28D paragraph (1) guarantees

the right to fair legal certainty and equal treatment before the law. Article 28G paragraph (1) protects individuals from arbitrary interference, including in relation to property. Article 28H paragraph (4) explicitly recognizes the right to own property and prohibits its arbitrary seizure. Additionally, Article 28I paragraph (4) requires that the state respect, protect, and fulfill human rights. These constitutional provisions establish a strong human rights foundation for evaluating NCB forfeiture. Indonesia also incorporates international human rights standards through Law Number 39 of 1999 on Human Rights, which reaffirms property rights and due process guarantees. Furthermore, Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR) through Law Number 12 of 2005, which reinforces due process protections. These instruments collectively require that NCB procedures be implemented carefully. They ensure that property seizures remain consistent with constitutional and human rights obligations (Ireland, 2024).

From a human rights perspective, the primary concern regarding NCB asset forfeiture relates to potential violations of due process. The absence of a criminal conviction may lead to accusations based solely on suspicion rather than verified evidence. Property owners may face difficulties defending themselves when the evidentiary burden is reversed. Human rights theory emphasizes that the state must not use NCB mechanisms as shortcuts to avoid the burden of criminal proof. Procedural fairness must therefore remain a core principle in NCB proceedings. The state must also ensure transparency in evaluating evidence. Judicial oversight remains essential to prevent abuses of authority. Adequate notice and opportunities for contestation must be provided to the affected individuals. Without these safeguards, NCB forfeiture risks undermining constitutional procedural rights. Compliance with due process thus becomes central to human rights-based evaluation of NCB laws.

Another human rights challenge concerns the protection of property rights. The reversal of the burden of proof in NCB asset forfeiture has significant implications for the protection of property rights as a human right, as it shifts the evidentiary responsibility from the state to the property holder. While this mechanism may enhance enforcement efficiency, it simultaneously increases the risk of arbitrary deprivation of property if not accompanied by strict evidentiary thresholds and judicial scrutiny. Therefore, from a human rights standpoint, the reversal of the burden of proof must be narrowly applied, proportionate, and counterbalanced by effective access to remedies, in order to prevent erosion of constitutional property protections. Property is recognized as a fundamental right that cannot be taken without lawful justification. The state must prove that the forfeited assets are sufficiently linked to criminal or illicit activity. In NCB proceedings, however, the evidentiary threshold may be lower than in criminal cases (Kurniawan et al., 2024). This lower threshold raises concerns about potential misapplication and unlawful deprivation of property. The government must therefore apply objective standards when determining the illicit origin of assets. Effective safeguards must also protect third parties who are innocent owners. Compensation procedures must be available when property is seized unlawfully. These requirements reflect fundamental human rights principles. Protection of property rights must thus remain central in the implementation of NCB mechanisms.

From the author's perspective, NCB asset forfeiture is conceptually acceptable as long as it operates within strict human rights safeguards. The mechanism is valuable for combating corruption and transnational crime, especially in cases where prosecution is hindered. However, NCB forfeiture must not be used to circumvent the presumption of innocence. It must instead function as a complement to the criminal justice system. The author believes that proportionality and necessity tests should be integrated into the legal framework. These tests ensure that forfeiture remains targeted and justified. The author also supports the inclusion of robust judicial oversight. Transparency and accountability must become foundational principles in NCB implementation. Overall, NCB forfeiture can be compatible with human rights if implemented with strong procedural guarantees.

The author also considers that Indonesia's legal system must refine its NCB regulations to strengthen human rights protections. The adoption of a specific Asset Forfeiture Law is necessary to eliminate ambiguity and prevent inconsistent application. Such a law must explicitly define evidentiary standards and procedural rights. It must also articulate protections for innocent third parties and legal remedies for wrongful seizure. The law should ensure that all NCB procedures

undergo rigorous judicial review. Human rights education for law enforcement officers should be incorporated to prevent misuse of authority. Public transparency mechanisms must also be implemented to build societal trust. The author recommends that Indonesia harmonize its NCB framework with international human rights standards. A comprehensive approach will ensure that asset recovery aligns with constitutional rights. Strengthening the legal framework will ultimately support both effective law enforcement and human rights protection.

4. CONCLUSION

The analysis of Non-Conviction-Based (NCB) asset forfeiture from a human rights perspective demonstrates that while the mechanism serves as an effective tool for combating corruption, money laundering, and transnational crime, its legitimacy depends entirely on the presence of strict procedural safeguards. The theories of rule of law, due process, and property rights emphasize that the state must ensure legality, fairness, and proportionality when interfering with individual property. Indonesia's legal framework, ranging from Law No. 8/2010, Law No. 31/1999 jo. Law No. 20/2001, the 1945 Constitution, Law No. 39/1999, and Law No. 12/2005, underscores the constitutional requirement to protect property and guarantee fair legal processes. The author concludes that NCB forfeiture is acceptable only when implemented with transparency, strong judicial oversight, clear evidentiary standards, and effective remedies for wrongful seizure. Future research should adopt an empirical socio-legal approach to assess the effectiveness and legitimacy of NCB asset forfeiture in practice, including quantitative analysis of forfeiture outcomes, recovery rates, and case duration, as well as qualitative studies examining judicial reasoning and the experiences of affected property owners. Such empirical inquiry is essential to evaluate whether NCB mechanisms genuinely enhance asset recovery while maintaining compliance with due process and human rights standards. A dedicated Asset Forfeiture Law is essential to harmonize law enforcement objectives with human rights protection. The most urgent direction of regulatory reform is the enactment of a comprehensive Asset Forfeiture Law that explicitly regulates NCB procedures, evidentiary thresholds, burden-of-proof limitations, judicial review mechanisms, and safeguards for innocent third parties, in order to ensure legal certainty and prevent arbitrary interference with property rights. Strengthening Indonesia's regulatory framework will ensure that NCB mechanisms operate within constitutional boundaries, uphold fundamental rights, and contribute to more effective and accountable asset recovery practices.

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