Human Rights in the Prospect of Implementing Non-Conviction Based Asset Forfeiture in Corruption Cases in Indonesia

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Abstract
Non-Conviction Based Asset Forfeiture (NCB AF) is an alternative legal mechanism that allows the state to recover assets derived from corruption without requiring a prior criminal conviction. This mechanism has gained global relevance as corruption often involves complex transactions, shell companies, and transnational financial flows that hinder criminal prosecution. However, the application of NCB AF raises significant human rights concerns, particularly regarding the presumption of innocence and the right to property. This study examines the human rights implications of implementing NCB AF in corruption cases within Indonesia's legal system using a normative juridical and comparative approach. The comparative analysis draws insights from the United Kingdom, the United States, and the Philippines jurisdictions that have successfully balanced asset recovery objectives with fundamental rights protections. The findings indicate that while NCB AF strengthens Indonesia's anti-corruption strategy, its implementation must incorporate strict procedural safeguards and judicial supervision to prevent arbitrary deprivation of property. The study concludes that a balanced legal framework integrating effective asset recovery with human rights protection is essential to ensure justice, accountability, and the legitimacy of the state's anti-corruption efforts.
Keywords: asset forfeiture, corruption, human right

Abstrak
Perampasan Aset Tanpa Pemidanaan (Non-Conviction Based Asset Forfeiture/NCB AF) merupakan mekanisme hukum alternatif yang memungkinkan negara memulihkan aset hasil tindak pidana korupsi tanpa memerlukan putusan pidana terlebih dahulu. Mekanisme ini menjadi relevan secara global karena kejahatan korupsi sering melibatkan transaksi kompleks, perusahaan cangkang, dan aliran dana lintas negara yang menyulitkan proses pemidanaan. Namun, penerapan NCB AF menimbulkan persoalan serius terkait hak asasi manusia, khususnya asas praduga tak bersalah dan hak atas kepemilikan. Penelitian ini mengkaji implikasi HAM dalam penerapan NCB AF pada kasus korupsi di Indonesia melalui pendekatan yuridis normatif dan perbandingan. Analisis perbandingan dilakukan terhadap Inggris, Amerika Serikat, dan Filipina yang telah berhasil menyeimbangkan efektivitas pemulihan aset dengan perlindungan hak-hak fundamental. Hasil penelitian menunjukkan bahwa meskipun NCB AF memperkuat strategi pemberantasan korupsi di Indonesia, penerapannya harus disertai dengan jaminan prosedural dan pengawasan yudisial yang ketat untuk mencegah perampasan hak secara sewenang-wenang. Penelitian ini menyimpulkan bahwa kerangka hukum yang seimbang antara efektivitas pemulihan aset dan

perlindungan HAM sangat diperlukan untuk menjamin keadilan, akuntabilitas, serta legitimasi upaya negara dalam memberantas korupsi.

Kata Kunci: hak asasi manusia, korupsi, perampasan aset

Introduction

This research holds significant urgency due to the pressing need to strengthen Indonesia's anti-corruption legal framework through innovative mechanisms beyond conventional criminal prosecution. Although various legal instruments are already in place, the effectiveness of asset recovery in corruption cases remains limited due to complex financial structures and the high evidentiary standards required in criminal proceedings. In this context, the Non Conviction Based Asset Forfeiture (NCB AF) mechanism offers a potential solution by enabling the confiscation of illicit assets without waiting for a final criminal conviction; however, the human rights dimension, particularly the principles of due process and the right to property, has not been thoroughly examined within Indonesia's legal system. Therefore, this study is essential to formulate a balanced legal framework that harmonizes asset recovery effectiveness with human rights protection while upholding the principles of the rule of law, judicial independence, and compliance with constitutional and international norms adopted by Indonesia. By doing so, the research contributes strategically to ensuring that anti-corruption efforts are both effective and respectful of human rights as the foundation of democracy and fair legal governance, while also addressing the regulatory gap surrounding NCB AF through an adaptive and responsive legal innovation relevant to Indonesia's socio-legal context.

The significance of this research lies in its potential to contribute both theoretically and practically to the development of the legal framework for combating corruption in Indonesia in a progressive and humane manner; theoretically, this study enriches legal discourse by presenting a dialectical balance between the state's authority in asset recovery as a manifestation of substantive justice and the protection of individual rights as a reflection of human dignity within the framework of constitutional and international human rights; practically, the research proposes a constructive model for the implementation of the Non-Conviction Based Asset Forfeiture (NCB AF) mechanism in alignment with the principles of democracy, transparency, and judicial integrity that underpin the rule of law, while simultaneously providing applicable policy recommendations that can serve as normative guidelines for legislators and law enforcement officials in establishing a fair, accountable, and responsive asset confiscation system; overall, this study formulates a robust conceptual foundation to strengthen the supremacy of law and ensure that efforts to combat corruption can be effectively executed without sacrificing fundamental human rights, which are the heart of democracy and social justice in Indonesia.

The article titled *"Asset Recovery in Corruption Cases in Indonesia: A Human Rights Perspective"*, published in Fiat Justisia Journal, Vol. 19 No. 1, 2025[1], still leaves several aspects that have not

[1] Rihantoro Bayu Aji and Fikri Hadi, "Asset Recovery In Corruption Cases In Indonesia: A Human Rights Perspective," *Fiat Justitia: Jurnal Ilmu Hukum* 19, no. 1 (January 1, 2025): 93–112, https://doi.org/https://doi.org/10.25041/fiatjustisia.v19no1.4024.

been fully accommodated in its academic discussion. First, the analysis remains focused on conviction-based asset recovery mechanisms as regulated in the Anti-Corruption Law and the Anti-Money Laundering Law, without providing an in-depth examination of the potential application of the *Non Conviction Based Asset Forfeiture* (NCB AF) model and its implications for the presumption of innocence. Second, the human rights perspective presented in the article is primarily normative and declarative, lacking a critical analysis of potential human rights violations such as the risk of arbitrary deprivation of property, the right to a fair trial, and the principle of due process of law. Third, the study does not include a comparative analysis with practices in other jurisdictions such as the United Kingdom, and United States, which have long implemented NCB AF, thereby missing an opportunity to enrich Indonesia's legal reform through a comparative perspective. Fourth, the approach employed remains purely normative juridical without empirical data or concrete case studies that could illustrate the gap between legal norms and the practical implementation of asset recovery. Lastly, although the study advocates for the acceleration of the enactment of the Asset Forfeiture Bill, it has not yet developed a comprehensive conceptual design or legal framework to integrate human rights principles proportionally into Indonesia's asset forfeiture system.

Overall, the article provides an important contribution by linking the issues of corruption and human rights, particularly in emphasizing the urgency of asset recovery as an instrument of social justice. Nevertheless, the study remains limited in its normative scope, national focus, and lack of a comprehensive conceptual analysis regarding the application of *Non Conviction Based Asset Forfeiture* (NCB AF). These limitations create an opportunity for the present research to fill the existing scholarly gap by introducing a comparative analysis involving the United Kingdom, the United States, the Philippines, and Indonesia, thereby offering a broader perspective on the practices and challenges of implementing NCB AF across different legal systems. Furthermore, this study seeks to advance a more critical human rights approach toward the principle of *due process of law*, emphasizing the importance of balancing the effectiveness of anti-corruption efforts with the protection of individual rights. In addition, it aims to propose a constitutional and equitable legal model of NCB AF that aligns with the rule of law and Indonesia's commitment to international human rights standards.

The novelty of this article lies in its integrated and comparative approach to examining *Non Conviction Based Asset Forfeiture* (NCB AF) through a human rights perspective within Indonesia's legal framework. Unlike previous research that focuses mainly on normative or procedural dimensions, this study critically explores the relationship between the effectiveness of asset recovery and the protection of fundamental rights. It also introduces a comparative dimension by analyzing the experiences of the United Kingdom, the United States, and the Philippines to identify legal principles that can be adapted to the Indonesian context. Furthermore, this study contributes to the development of a conceptual model that harmonizes NCB AF mechanisms with constitutional guarantees and the principle of *due process of law*. Ultimately, the article presents an innovative framework for implementing asset forfeiture policies that are both effective in combating corruption and consistent with the state's human rights obligations.

The primary objective of this article is to examine the prospects and challenges of implementing *Non Conviction Based Asset Forfeiture* (NCB AF) in Indonesia from a human rights perspective. It aims to analyze how this mechanism can enhance the effectiveness of anti-corruption efforts while remaining consistent with constitutional guarantees and international human rights standards. The study seeks to identify potential legal and procedural gaps within Indonesia's current asset recovery framework that may hinder the adoption of NCB AF. Furthermore, it intends to draw comparative insights from the United Kingdom, the United States, and the Philippines to formulate best practices applicable to the Indonesian legal system. Ultimately, the research aspires to propose a balanced legal model that ensures both the efficiency of asset recovery and the protection of fundamental human rights.

Problem Formulation

1. How can the implementation of *Non Conviction Based Asset Forfeiture* (NCB AF) in Indonesia be designed to effectively recover assets from corruption cases while upholding constitutional guarantees and fundamental human rights?
2. What lessons can Indonesia draw from the comparative experiences of the United Kingdom, the United States, and the Philippines in balancing the effectiveness of NCB AF with the protection of due process and property rights?

Methodology

This research employs a normative juridical method supported by a comparative legal approach to examine the intersection between *Non Conviction Based Asset Forfeiture* (NCB AF) and human rights within Indonesia's legal framework. The normative juridical method focuses on the analysis of legal norms, principles, and doctrines contained in national legislation, international conventions, and judicial decisions relevant to asset recovery and the protection of fundamental rights. This approach allows the study to evaluate the consistency of Indonesia's legal system with constitutional guarantees, particularly the presumption of innocence, the right to property, and the principle of *due process of law*. The research relies primarily on secondary legal materials, including statutory regulations such as the Anti-Corruption Law (Law No. 31 of 1999), the Anti-Money Laundering Law (Law No. 8 of 2010), and the draft *Asset Forfeiture Bill*, as well as international instruments like the *United Nations Convention against Corruption* (UNCAC).

The comparative legal approach is employed to analyze and compare the implementation of NCB AF in other jurisdictions, particularly the United Kingdom, the United States, and the Philippines. These jurisdictions were selected because they have developed mature asset forfeiture systems that integrate human rights safeguards and judicial oversight mechanisms. By comparing these legal systems, the study seeks to identify best practices and adaptable models that can inform Indonesia's legal reform.

Data are collected through library research and document analysis of relevant laws, academic publications, policy reports, and court cases. The data are then analyzed qualitatively using a descriptive-analytical technique, which involves describing, interpreting, and evaluating the relationship between asset recovery mechanisms and human rights protection. The method is designed to produce normative recommendations and a conceptual framework for implementing NCB AF in Indonesia in a way that is effective, constitutionally sound, and aligned with international human rights standards.

Discussion and Result

Implementing NCB AF in Indonesia: Ensuring Effective Asset Recovery with Constitutional and Human Rights Safeguards

Non-Conviction Based Asset Forfeiture (NCB AF) is a legal mechanism that allows the state to confiscate or seize assets suspected of originating from criminal activities without having to wait for a criminal conviction against the perpetrator. This mechanism is based on the assumption that crimes, particularly corruption and economic offenses, often leave traces of wealth that can be tracked and proven to be connected to the criminal act, even when the perpetrator cannot be prosecuted due to certain reasons such as death, fleeing, or being protected by another jurisdiction. In this context, NCB AF places the primary focus not on the culpability of the individual but on the "tainted" nature of the assets that are presumed to be the proceeds of crime.[2]

This approach has been widely adopted in various countries based on the understanding that traditional criminal justice systems are often not effective enough to recover assets derived from transnational crimes. The United States, for instance, has long implemented the concept of civil forfeiture, which allows the state to bring a lawsuit in rem against the assets in civil court.[3] This model shifts the legal orientation from conviction-based to property-based, allowing the state to file a claim against property involved in a criminal act without having to first prove the perpetrator's guilt.[4] In the Indonesian legal system, such a mechanism is highly relevant given the numerous corruption cases that cannot be resolved due to procedural obstacles, limited personal evidence, or the death of the perpetrator before a final and binding court decision is reached.

However, the implementation of NCB AF in Indonesia cannot be carried out without careful philosophical and constitutional consideration. The national legal system remains rooted in the conviction-based forfeiture paradigm as stipulated in Article 39 of the Indonesian Criminal Code (KUHP) and Article 18 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption. These provisions clearly require a criminal conviction before the state

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[2] Xavier Nugraha et al., "NON-CONVICTION BASED ASSET FORFEITURE SEBAGAI FORMULASI BARU UPAYA STOLEN ASSET RECOVERY TINDAK PIDANA KORUPSI INDONESIA," *Majalah Hukum Nasional* 49, no. 1 (2019), https://doi.org/10.33331/mhn.v49i1.92.
[3] Desi Fitriyani and Muthi'ah Maizaroh, "Possibility of Implementing In-Rem Asset Forfeiture as an Asset Recovery Effort in Indonesia," *AML/CFT Journal: The Journal of Anti Money Laundering and Countering the Financing of Terrorism* 1, no. 2 (2023), https://doi.org/10.59593/amlcft.2023.v1i2.62.
[4] "Perampasan Aset Korupsi Tanpa Pemidanaan Dalam Perspektif Hak Asasi Manusia," *Iuris Studia: Jurnal Kajian Hukum*, 2021, https://doi.org/10.55357/is.v2i1.77.

can proceed with asset forfeiture.[5] Thus, the scope for implementing forfeiture without a conviction remains very limited from a normative standpoint.

This limitation is not merely a technical issue but a fundamental one, as it relates to the principle of due process of law as guaranteed under Article 28D paragraph (1) of the 1945 Constitution, which affirms that every person has the right to recognition, guarantees, protection, and fair legal certainty.[6] In the context of NCB AF, there is a risk that this mechanism could violate fundamental legal principles if not carefully regulated, for instance in cases involving reversed burden of proof or the restriction of property rights without adequate judicial process. The potential violation of the presumption of innocence may arise when a person's assets are seized without sufficient criminal proof against them.

From a human rights perspective, the implementation of NCB AF presents a dilemma. On one hand, this mechanism is seen as a progressive legal breakthrough aimed at protecting the public interest and preventing perpetrators of corruption from enjoying the proceeds of their crimes. On the other hand, if applied without strict legal safeguards, asset forfeiture without a criminal conviction may amount to an unlawful deprivation of property that contradicts the principle of substantive justice. The principle that the state must respect and protect citizens' property rights is guaranteed under Article 28H paragraph (4) of the 1945 Constitution, which states that every person has the right to own private property and that such property may not be arbitrarily taken away.[7]

In the realm of international law, the implementation of NCB AF gains legitimacy through the United Nations Convention Against Corruption (UNCAC), which Indonesia ratified under Law No. 7 of 2006. Articles 54 and 55 of the UNCAC stipulate that State Parties are encouraged to adopt legal measures allowing for asset forfeiture without a criminal conviction, particularly in cases where the perpetrator has died, fled, or cannot be prosecuted for legitimate reasons.[8] This provision acknowledges the practical challenges in prosecuting corruption cases, where perpetrators may evade justice or become legally unreachable. By allowing asset forfeiture without a criminal conviction, the law seeks to prevent wrongdoers from benefiting from illicit gains. However, it also emphasizes the need for clear legal safeguards to ensure that the rights of property owners are not unjustly violated.

The implementation of NCB AF in Indonesia, however, must confront several practical and normative challenges. First, there is the question of evidentiary standards. While civil forfeiture systems in other jurisdictions often rely on a preponderance of evidence or "balance of

[5] Sebastian Sindarto, "Kebijakan Penyelamatan Keuangan Negara Dari Tindak Pidana Korupsi Berdasarkan Perspektif Hukum Progresif," *Reformasi Hukum* 25, no. 2 (2021), https://doi.org/10.46257/jrh.v25i2.321.
[6] Zico Junius Fernando, "Due Process of Law Dalam Penanggulangan Tindak Pidana Di Indonesia," *Majalah Keadilan* 21, no. 1 (2001).
[7] Wulandari et al., "Asset Forfeiture of Corruption Proceeds Using the Non-Conviction Based Asset Forfeiture Method: A Review of Human Rights," *Indonesia Law Reform Journal* 3, no. 1 (2023), https://doi.org/10.22219/ilrej.v3i1.24496.
[8] Bayu Sujadmiko et al., "Modelling Shared Assets in Indonesia's Forfeiture Bill: International Collaboration and Digital Network," *Lex Scientia Law Review* 9, no. 1 (May 31, 2025): 1313–63.

probabilities" standard, Indonesian legal tradition typically requires proof beyond a reasonable doubt in criminal matters. Adapting NCB AF to this context demands careful calibration of the burden of proof and procedural rules to ensure fairness while preserving the effectiveness of asset recovery. Second, the mechanism must address due process concerns, including the right of property owners to be heard, the right to legal representation, and access to effective remedies.[9] Without such safeguards, NCB AF risks being perceived as arbitrary or punitive, undermining public trust in the legal system and potentially violating constitutional protections.

A human rights-centered approach to NCB AF requires the integration of several key principles. Transparency and accountability are paramount; decisions to seize assets must be well-documented, subject to judicial oversight, and open to public scrutiny. The principle of proportionality should guide enforcement; the scope of asset forfeiture must be commensurate with the alleged offense and take into account the impact on innocent family members or business partners. Furthermore, remedial mechanisms, including restitution or the return of assets in cases of wrongful seizure, are essential to ensure justice.[10] By applying these principles, NCB AF can be implemented effectively without compromising the fundamental rights of citizens.

Beyond domestic legal considerations, NCB AF is also linked to broader social, political, and economic issues. Corruption and economic crimes impose significant costs on public institutions, distort markets, and erode citizens' trust in government. By enabling asset recovery without requiring a criminal conviction, NCB AF serves as a crucial mechanism to restore public resources and support development programs. Additionally, it acts as a deterrent, discouraging potential offenders from misusing funds or engaging in illicit financial schemes. In this way, NCB AF contributes to strengthening the rule of law and promoting ethical conduct in both the public and private sectors.

To ensure constitutional compliance, the Indonesian government can implement NCB AF through several strategic measures. Legislation needs to be reformed to explicitly regulate asset forfeiture without a criminal conviction and establish clear procedural safeguards. The judiciary can develop guidelines or regulations to standardize evidentiary requirements, define the rights of affected parties, and provide mechanisms for appeal or review. Law enforcement and judicial institutions must strengthen their capacities, as NCB AF requires specialized skills in financial investigation, asset tracing, and cross-border cooperation. In addition, international cooperation and technical assistance in line with UNCAC obligations can enhance the effectiveness of NCB AF while aligning domestic practices with international standards.

Non-Conviction Based Asset Forfeiture (NCB AF) is a promising yet complex legal innovation for Indonesia. This mechanism overcomes the limitations of conviction-based asset recovery systems in addressing corruption and economic crimes, while also presenting normative and procedural challenges that must be carefully managed. Successful implementation of NCB AF

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[9] Irwan Hafid, "Perampasan Aset Tanpa Pemidanaan Dalam Perspektif Economic Analysis Of Law," *Jurnal Lex Renaissance* 6, no. 3 (2021), https://doi.org/10.20885/jlr.vol6.iss3.art3.

[10] Ana Fauzia and Fathul Hamdani, "Analysis Of The Implementation Of The Non-Conviction-Based Concept In The Practice Of Asset Recovery Of Money Laundering Criminal Act In Indonesia From The Perspective Of Presumption Of Innocence," *Jurnal Jurisprudence* 11, no. 1 (2022), https://doi.org/10.23917/jurisprudence.v11i1.13961.

requires a balanced approach that integrates constitutional safeguards, human rights protections, and international best practices. In this way, Indonesia can leverage the mechanism to restore public resources, prevent illicit activities, and strengthen the integrity of its legal system, all while upholding the principles of justice, fairness, and due process.

Comparative Insights on NCB AF: Lessons from the UK, US, and Philippines on Balancing Effectiveness and Due Process

Non-Conviction Based Asset Forfeiture (NCB AF) is a legal mechanism that allows the state to seize assets suspected of originating from criminal activities without waiting for a criminal conviction against the individual involved. This mechanism is crucial for recovering state assets lost due to corruption, especially when the perpetrator has died, fled, or cannot be prosecuted. Implementing NCB AF in Indonesia presents significant substantive and procedural challenges.[11] It requires careful attention to ensure that the mechanism aligns with constitutional principles. Moreover, the application of NCB AF must respect human rights protections to prevent potential abuse of power.

In the Indonesian context, the implementation of NCB AF must adhere to the fundamental principles enshrined in the 1945 Constitution, particularly those concerning property rights and the protection of citizens. Article 28H paragraph (4) of the 1945 Constitution affirms that every person has the right to private property and that such property cannot be arbitrarily transferred. Consequently, any state action that may diminish an individual's property rights must be based on legitimate reasons. It must also follow clear procedural rules to ensure transparency and fairness. Furthermore, adequate oversight mechanisms are essential to prevent abuse and safeguard constitutional guarantees.

The importance of implementing NCB AF in Indonesia cannot be overlooked. Corruption and other economic crimes have caused significant losses to the state, harming not only public finances but also undermining public trust in government institutions. Through the NCB AF mechanism, assets obtained from criminal activities can be recovered and returned to the state. These recovered assets can then be utilized for public purposes and social development.[12] Overall, NCB AF helps restore integrity to systems weakened by corruption and promotes accountability.

Furthermore, it is essential to ensure that parties whose assets are seized have the right to file objections or appeals through an independent and impartial legal channel. The transparency mechanism should include the publication of information regarding asset forfeiture cases, allowing the public to monitor the implementation of NCB AF openly. Internal and external oversight must also be strengthened, including the role of independent supervisory bodies and the involvement of auditors in assessing procedural compliance. Training and socialization for law enforcement officers are also key so that they understand the limits and procedures in place,

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[11] Irma Reisalinda Ayuningsih and Febby Mutiara Nelson, "Perampasan Aset Tanpa Pemidanaan Dalam Perspektif Hukum Responsif," *Jurnal Ius Constituendum* 7, no. 2 (2022), https://doi.org/10.26623/jic.v7i2.5142.

[12] Bambang Santoso, "Recovery of State Losses in Corruption Cases in Indonesia, through the Asset Recovery Model and Mutual Legal Assistance," *International Journal of Innovative Research and Development*, 2022, https://doi.org/10.24940/ijird/2022/v11/i12/dec22004.

thereby minimizing the risk of abuse.[13] Thus, the implementation of NCB AF is not only effective in recovering state assets but also respects the principles of justice and human rights.

Moreover, the implementation of NCB AF must always uphold the principle of due process to avoid any perception of violation of individual rights. Every party whose assets are subject to seizure must receive formal notification and a transparent explanation regarding the basis and evidence for the seizure. In addition, the individual concerned must have full opportunity to contest or defend themselves before an independent and impartial court. Access to legal assistance is also a crucial element to ensure that the process does not disproportionately burden the affected party. Without clear procedural safeguards, NCB AF risks being perceived as an arbitrary action that undermines the principles of justice and public trust in the legal system.

In this regard, the experiences of other countries that have implemented NCB AF can serve as valuable lessons for Indonesia. For example, in the United Kingdom, the civil recovery mechanism regulated under the Proceeds of Crime Act 2002 allows for asset forfeiture without a criminal conviction, while establishing strict procedures and transparent oversight.[14] Similarly, in the United States, although there has been criticism of civil forfeiture practices, several states have implemented reforms by establishing higher evidentiary standards and increasing accountability in the use of seized assets.[15] Experience in U.K and the United States shows that the Non-Conviction Based Asset Forfeiture mechanism can be effectively implemented by maintaining strict procedures, clear standards of proof, and transparent oversight, thus providing important lessons for Indonesia in designing a balanced implementation of NCB AF between asset recovery and protection of individual rights.

The implementation of NCB AF in Indonesia requires a careful approach based on strong legal principles. There must be harmonization between the need to recover state assets and the protection of individual rights. Additionally, it is important to strengthen the capacity of law enforcement agencies and the judicial system. This way, the mechanism can be implemented effectively and fairly. A balanced approach will ensure both asset recovery and the safeguarding of individual legal rights.

As an initial step, Indonesia needs to draft a law specifically regulating asset forfeiture without a criminal conviction, paying attention to constitutional principles and human rights. This draft law should involve various stakeholders, including civil society, academics, and legal practitioners, to ensure the regulation truly reflects the needs and aspirations of the people. Additionally, socialization and training must be conducted for law enforcement officers and other

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[13] Tolib Effendi, Mifta Hurrahman Maulana, and Ananda Chrisna Dewy Panjaitan, "The Concept of Non-Conviction-Based Asset Forfeiture as a Special Coercive Measure in Eradicating Criminal Acts of Corruption," *Integritas: Jurnal Antikorupsi* 11, no. 5 (2025): 81–92, https://doi.org/https://doi.org/10.32697/integritas.v11i1.1386.
[14] Muhammad Rustamaji, Bambang Santoso, and itok Dwi Kurniawan, "Memungkasi Polemik Aspek Keperdataan Dalam Pemberantasan Korupsi (Studi Perbandingan Optimasi NCB Asset Forfeiture)," *UNES Law Review* 7, no. 1 (September 1, 2024): 194–207, https://doi.org/https://doi.org/10.31933/unesrev.v7i1.2249.
[15] Ahmad Sofian, Bambang Pratama, and Hanifah Azizah, "Mechanism For Asset Forfeiture In The Money Loundering Criminal Law And Asset Forfeiture Bill (Law Comparison With The United States)," *Journal of Law and Sustainable Development* 11, no. 12 (2023), https://doi.org/10.55908/sdgs.v11i12.1712.

related parties about the NCB AF mechanism so they understand and can properly implement the regulation. Independent and transparent oversight is also crucial to ensure this mechanism is not abused and is genuinely used for public interest. With a cautious approach based on strong legal principles, the implementation of NCB AF in Indonesia can become an effective tool to recover state assets from criminal acts without sacrificing fundamental individual rights.

Moreover, this will strengthen Indonesia's legal system and increase public trust in government institutions. Ultimately, it is important to remember that the main goal of implementing NCB AF is to recover state assets lost due to criminal offenses, so they can be used for the public good and to repair systems damaged by corruption. Therefore, every step in implementing this mechanism must always focus on public interest and be carried out responsibly. In this sense, the implementation of NCB AF in Indonesia is not only a legal step but also a moral and ethical step in efforts to restore public confidence in the legal system and government. Through a careful, transparent, and justice-based approach, this mechanism is expected to contribute positively to tackling corruption and recovering state assets.

In the global context, the implementation of NCB AF also demonstrates Indonesia's commitment to international standards in combating corruption and asset recovery. By adopting best practices from other countries and adapting them to local conditions, Indonesia can strengthen its position in the international community as a country serious about fighting corruption and protecting citizens' rights. Therefore, the implementation of NCB AF should be viewed as part of a comprehensive effort in reforming Indonesia's legal and governance system, focusing not just on asset recovery but also on human rights protection, transparency, and accountability. Thus, Indonesia can build a stronger, fairer legal system that is trusted by the public.

Finally, it is important to emphasize that the success of NCB AF implementation in Indonesia highly depends on the commitment of all parties government, law enforcement agencies, civil society, and the private sector—to cooperate in creating a fair and effective legal system. Only through solid collaboration and strong commitment can the goal of this mechanism be achieved, which is to recover state assets and strengthen Indonesia's legal system. Therefore, the implementation of NCB AF is not merely a legal measure but also a strategic step toward building a better, fairer, and more transparent Indonesia.

Conclusion

The implementation of NCB AF in Indonesia represents a significant legal advancement for recovering illicit assets associated with corruption and economic crimes. This mechanism shifts legal focus from individual culpability to the nature of the assets, allowing the state to act effectively even when criminal convictions are unattainable. However, successful adoption requires comprehensive legal reforms that balance asset recovery with constitutional protections, including due process and property rights. Lessons from international experiences emphasize the importance of clear procedures, judicial oversight, and transparency to maintain fairness and public trust. Therefore, Indonesia must adopt a carefully calibrated, ethically grounded NCB AF framework that upholds human rights while strengthening the fight against corruption and reinforcing the integrity of its legal system.

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