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NON-CONVICTION-BASED ASSET FORFEITURE: PRESUMPTION OF INNOCENCE AND PRINCIPLE OF LEGALITY PERSPECTIVE

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Abstract: This research aims to examine the legality of the Non-Conviction-Based Asset Forfeiture (NCBAF) provisions in the Draft Law on Asset Forfeiture. The research is motivated by the limitations of conviction-based forfeiture in cases where offenders have died, fled, or cannot be prosecuted, resulting in unrecovered state losses. NCBAF provides an alternative through an in-rem mechanism, allowing the state to pursue assets suspected of being the proceeds of crime without first waiting for a criminal conviction. Terminologically, in rem proceedings are directed at the property itself, while in personam proceedings are directed at an individual to establish guilt and impose punishment. This distinction is essential, as NCBAF focuses on the asset as the object of dispute rather than the criminal liability of the owner, thereby requiring careful adaptation within Indonesia's civil law framework to remain consistent with the principles of legality and presumption of innocence. This research employs a normative juridical method, incorporating both statutory and conceptual approaches. The findings indicate that NCBAF can be constitutionally justified if explicitly regulated by law, placed under judicial oversight, and accompanied by legal protection for bona fide third parties. Therefore, the Asset Forfeiture Bill is a strategic legal instrument to strengthen asset recovery in Indonesia in a manner that is effective, fair, and consistent with fundamental principles of national criminal law.

Penelitian ini bertujuan untuk mengkaji legalitas ketentuan Perampasan Aset Berbasis Non-Conviction (NCBAF) dalam Rancangan Undang-Undang Perampasan Aset. Penelitian ini dilatarbelakangi oleh keterbatasan perampasan berbasis putusan dalam kasus-kasus di mana pelaku telah meninggal dunia, melarikan diri, atau tidak dapat dituntut, sehingga mengakibatkan kerugian negara yang belum terpulihkan. NCBAF memberikan alternatif melalui mekanisme in rem, yang memungkinkan negara untuk mengejar aset yang diduga merupakan hasil kejahatan tanpa terlebih dahulu menunggu putusan pidana. Secara terminologis, proses in rem

ditujukan pada properti itu sendiri, sementara proses in personam ditujukan pada individu untuk menetapkan kesalahan dan menjatuhkan hukuman. Perbedaan ini penting, karena NCBAF berfokus pada aset sebagai objek sengketa, alih-alih pertanggungjawaban pidana pemiliknya, sehingga memerlukan adaptasi yang cermat dalam kerangka hukum perdata Indonesia agar tetap konsisten dengan asas legalitas dan praduga tak bersalah. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Temuan penelitian menunjukkan bahwa NCBAF dapat dibenarkan secara konstitusional jika diatur secara tegas dalam undang-undang, berada di bawah pengawasan peradilan, dan disertai dengan perlindungan hukum bagi pihak ketiga yang bonafide. Oleh karena itu, RUU Perampasan Aset merupakan instrumen hukum yang strategis untuk memperkuat pemulihan aset di Indonesia secara efektif, adil, dan konsisten dengan prinsip-prinsip dasar hukum pidana nasional.

Keywords: Non-Conviction Based Asset Forfeiture; Presumption of Innocence; Legality.

INTRODUCTION

Asset recovery constitutes one of the most critical challenges in Indonesia's efforts to combat corruption and money laundering. Despite the existence of various legal instruments, its overall effectiveness remains limited, and a persistent gap continues between state losses and recovered assets. Understanding the urgency of reform necessitates an examination of both the empirical performance of asset recovery mechanisms and the normative and structural constraints inherent within the current legal system (Husein, 2021).

Empirical evidence indicates that asset recovery in Indonesia faces substantial limitations, particularly in instances where perpetrators have died, absconded, or are otherwise unprosecutable. Juliani and Lubis (2023) demonstrate that although the number of corruption cases and the associated state losses handled by the Corruption Eradication Commission/Komisi Pemberantasan Korupsi (KPK) have increased annually, the conviction-based asset forfeiture system has not yielded commensurate results. For example, in 2018, 454 corruption cases involving 1,087 suspects generated state losses amounting to IDR 5.65 trillion, which rose in 2019 to 580 suspects and IDR 8.41 trillion in losses. Not all of these losses have been recovered, indicating a substantial divergence between the normative legal framework and its practical implementation (Dwi Juliani and Lubis, 2023).

Data from the Attorney General's Office reveal fluctuating outcomes in asset recovery. Achievements reached 102.17% of the RPJMN target in 2020 but declined to 88.91% in 2021 and 87.5% in 2022, whereas the Asset Recovery Center recorded a recovery rate of 122% during the same period (Kejaksaan RI, 2022). Similarly, KPK's recovery performance exhibited considerable volatility: IDR 85.49 billion in 2020, IDR 162.56 billion in 2021, declining to IDR 28.66 billion in 2022, and increasing to IDR 259.92 billion in 2024. Early

in 2025, KPK reported IDR 53 billion in recovered assets via auctions, transferred land and buildings worth IDR 15.6 billion to local governments, and IDR 89 billion to the Ministry of Finance in 2024 (KPK, 2024). These patterns suggest that reliance solely on criminal conviction-based mechanisms is inadequate to ensure optimal restitution of state losses.

The necessity of Non-Conviction-Based Asset Forfeiture (NCBAF) in Indonesia is underscored not only by empirical performance gaps but also by structural and normative features of the legal system. As a civil law jurisdiction, Indonesia mandates that procedural innovations possess explicit statutory authority, reflecting a strict adherence to the principle of legality. Authority over asset recovery is fragmented among the Attorney General's Office, KPK, Indonesian Financial Transaction Reports and Analysis Centre (PPATK), and Directorate General of State Assets (DJKN), which often results in bureaucratic delays during confiscation and execution. The continuing discrepancy between identified state losses and actual asset recovery further evidences systemic weaknesses. Asset forfeiture remains predominantly conviction-based, consistent with principles of presumption of innocence and legality. While this framework safeguards individual rights, it restricts the state's ability to recover crime-derived assets when offenders are deceased, absent, or otherwise unprosecutable (Sakinah and Sumardiana, 2025).

Internationally, NCBAF has emerged as an adaptive mechanism to address these limitations. Endorsed by United Nations Convention Against Corruption (UNCAC), and Financial Action Task Force (FATF), NCBAF permits the seizure of illicit assets without awaiting criminal conviction, provided that sufficient legal evidence exists. In Indonesia, the Asset Forfeiture Bill has begun incorporating NCBAF provisions, though its adoption has sparked debate concerning compatibility with the presumption of innocence and the principle of legality. Scholars caution that NCBAF could potentially contravene these principles unless accompanied by robust judicial oversight and safeguards for third parties acting in good faith (Luntungan, Rusdi, and Sierrad, 2023).

Given these empirical, normative, and structural challenges, the development of an NCBAF mechanism that balances operational effectiveness with constitutional safeguards is imperative. Accordingly, this study investigates "Non-Conviction-Based Asset Forfeiture in the Asset Forfeiture Bill from the Perspective of the Presumption of Innocence and the Principle of Legality," aiming to propose a proportionate regulatory model that aligns with Indonesia's criminal law tradition.

RESEARCH METHOD

Asset recovery is a legal instrument aimed at tracing, freezing, seizing, and returning assets obtained from criminal activities to the state or to parties legally entitled to receive them. The selection of sources in this study is based on their direct relevance to the issue of asset forfeiture and recovery of proceeds from corruption. Countries such as the United Kingdom, the United States, and Switzerland were chosen for comparison because each represents an established NCBAF model with different approaches: the UK emphasizes civil

recovery, the US applies federal forfeiture practices, while Switzerland reflects adaptations within the European continental civil law tradition (Sudarto and Hartriwiningsih, 2017).

The empirical data used, such as statistics from the Corruption Eradication Commission (KPK) and the Attorney General's Office, were obtained from official reports and annual publications. Although this study relies on secondary sources, the data are considered valid as they originate from state institutions and have been confirmed in multiple official releases. This ensures the credibility of both the normative legal sources and the quantitative data used in the analysis (Nur et al. 2025).

In cases involving corruption, narcotics, and money laundering, unlawfully acquired assets are often transferred, disguised, or concealed through various methods to evade law enforcement. If not promptly addressed through legal means, such assets risk remaining in the hands of offenders or unauthorized parties and may be used again to support unlawful activities. Asset recovery therefore functions not merely as a complement to criminal prosecution but as an integral component of law enforcement aimed at restoring state losses and preventing further criminal acts (Bayuaji and Hadi, 2025).

Asset recovery involves two interrelated aspects. First is the legal dimension, which emphasizes the importance of returning illicit assets through lawful and transparent procedures consistent with principles of justice. Second is the socio-economic dimension, which highlights the recovery of state losses and the prevention of impunity. If illicit assets are not promptly confiscated, perpetrators may continue to benefit from their crimes without facing proportional consequences, thereby undermining public trust in the justice system (Qodri, Kadaryanto, and Winstar, 2025).

Internationally, asset recovery is a central component of transnational cooperation in combating cross-border crimes. The United Nations Convention Against Corruption (UNCAC) explicitly requires member states to establish effective legal instruments for asset recovery that are efficient, fair, and grounded in the principles of justice. In Indonesia, strengthening asset recovery mechanisms has become increasingly urgent, given the significant financial losses from corruption that remain disproportionate to the assets returned to the state treasury (Meidiantama and Aldamia 2022).

The asset recovery mechanism currently in force in Indonesia relies on a conviction-based model. Confiscation is only permitted once a final and binding criminal court judgment (inkracht van gewijsde) has been issued, meaning that the state cannot seize or take ownership of assets until the perpetrator has been lawfully declared guilty. After identification, assets may be temporarily seized through a court order to ensure they remain under state control. If the defendant is found guilty, confiscation is executed, and the seized assets are transferred to the state, usually through auction by the Directorate General of State Assets (DJKN). However, this process is slow and reactive, often leaving illicit assets unrecovered when offenders flee, die, or cannot be prosecuted (Ilma, 2024).

Furthermore, although the system allows third parties acting in good faith to contest confiscation, which ensures legal protection, in practice it still struggles to adapt to urgent

needs in corruption and money laundering cases. These limitations have prompted discourse on adopting non-conviction-based asset forfeiture (NCBAF), which permits asset confiscation without a prior conviction, provided that the unlawful origin of the assets can be proven (Arianto, 2024).

Previous studies have addressed NCBAF only partially. Examined comparative practices but did not address Indonesia's constitutional framework. Sudarto and Hartriwiningsih (2017) analyzed it through the principles of legality and presumption of innocence but without proposing procedural safeguards. stressed judicial oversight but overlooked inter-agency mechanisms. This article seeks to advance the debate by integrating comparative insights with an explicit constitutional analysis in Indonesia's civil law context, while also offering practical recommendations for regulatory design and institutional oversight in the Asset Forfeiture Bill (Ekatjahjana, Hauerstein, and Heilmann, 2019).

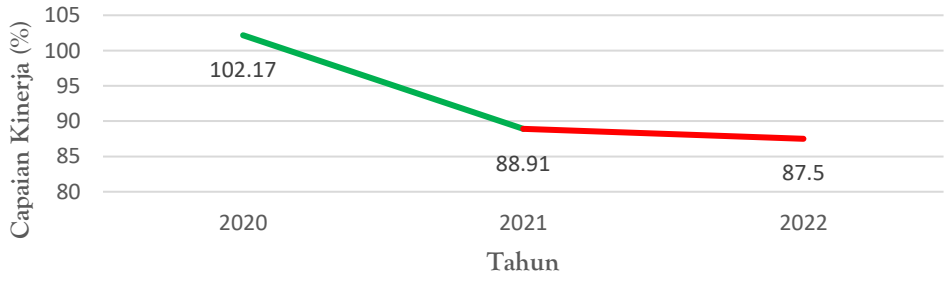
RESULTS AND DISCUSSION

Empirical Findings on Asset Recovery Performance

The urgency of adopting a non-conviction-based asset forfeiture mechanism is reflected in the fluctuating performance data of law enforcement institutions. Reports from the Attorney General's Office indicate significant variations in asset recovery achievements over the past three years. These inconsistencies demonstrate that reliance on a conviction-based system alone is insufficient to ensure sustainable recovery of state losses. This also highlights the need for adopting a more adaptive mechanism, such as NCBAF, to maintain consistency and effectiveness in asset recovery (Kejaksaan RI, 2022).

The difference in performance between case-handling divisions and the Asset Recovery Center underscores the importance of policy alignment and stronger institutional coordination. The fluctuation in figures further provides a strong rationale for implementing asset forfeiture without waiting for a criminal conviction. Changes in asset recovery performance over the years can be illustrated in the following chart:

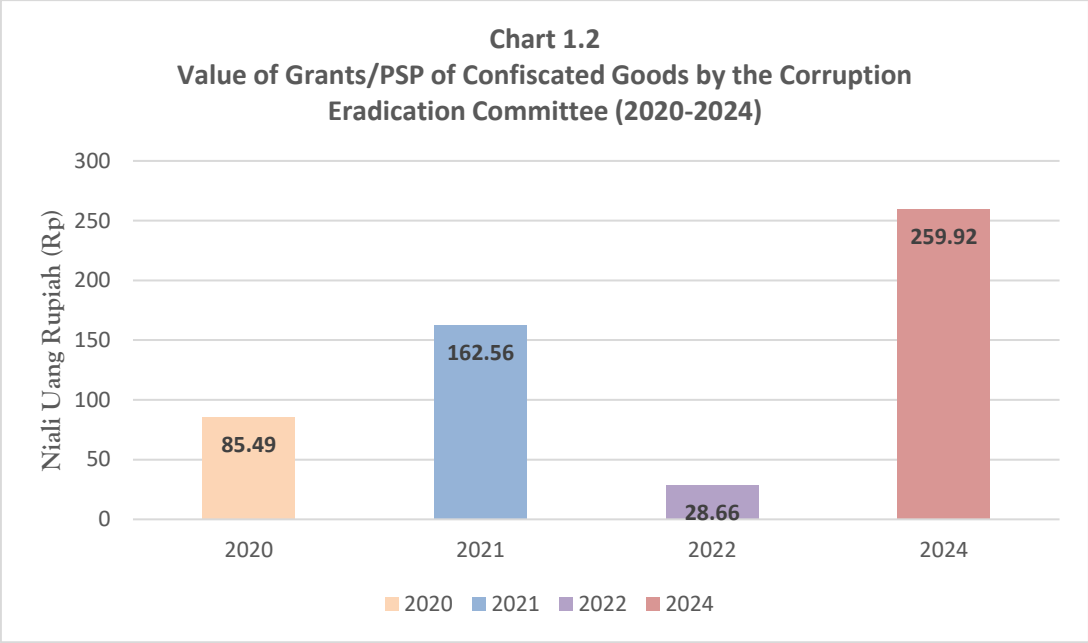
Chart 1.1
Achievements in Asset Recovery and Return of the Indonesian Attorney General's Office 2020-2022



Data source: (Performance Report of the Attorney General's Office of the Republic of Indonesia, 2022)

Based on the data, it is clear that the success of asset recovery is not solely determined by the achievement of quantitative targets, but is also significantly influenced by the legal paradigm applied in the process. The consistency and effectiveness of performance in recent years indicate that the implementation of a more flexible and adaptive legal strategy is essential in addressing the complexity of contemporary law enforcement.

In addition to the achievements of the Attorney General's Office, the performance of the Corruption Eradication Commission (KPK) in asset recovery also serves as an important parameter in evaluating the effectiveness of law enforcement in Indonesia. The following data presents the asset recovery achievements of KPK over the past few years:



Data source: (Corruption Eradication Commission Report of the Republic of Indonesia, 2024)

The value of grants and the designation of use status (PSP) of confiscated state assets by the KPK has shown sharp fluctuations: IDR 85.49 billion in 2020, rising to IDR 162.56 billion in 2021, dropping significantly to IDR 28.66 billion in 2022, and then increasing again to reach IDR 259.92 billion in 2024 (KPK, 2024).

The fluctuation in asset values reflects the limitations of the conviction-based asset forfeiture mechanism, such as slow legal proceedings and the risk of assets being lost before they can be confiscated. The non-conviction-based asset forfeiture (NCBAF) approach offers a strategic solution, as it allows the state to confiscate assets without waiting for a criminal conviction, provided that a legal connection to the criminal offense can be established. The increase in value in 2024 indicates an improvement in KPK's performance, but it does not yet reflect a systemic change. Therefore, the implementation of NCBAF has become an urgent necessity to accelerate, improve the effectiveness of, and ensure fairness in asset recovery (Wulandari, Respationo, and Erniyanti, 2024).

The asset recovery achievements of the Attorney General's Office and the Corruption Eradication Commission in recent years demonstrate serious efforts to return state financial losses caused by criminal offenses. Although there has been a positive trend in the amount of assets successfully confiscated, these figures do not fully reflect recovery effectiveness if they are not followed by the actual return of funds to the state treasury. In practice, there is a significant gap between assets that have been seized or confiscated and those that are actually converted into state revenue. Administrative obstacles, lengthy legal processes, and challenges in the execution of court rulings have prevented many assets from being returned optimally (Taryanto and Prasojo, 2022).

Asset recovery in Indonesia is supported by institutional strengthening (such as the Asset Recovery Agency within the Attorney General's Office), interagency collaboration (including the KPK, PPATK, DJKN, and the Ministry of Finance), and technological support. A more flexible asset recovery approach that does not rely solely on criminal convictions has emerged as a strategic alternative to accelerate and improve the effectiveness of state loss recovery.

Asset Recovery Reform Foundation

Reformulating the asset recovery system in the Asset Forfeiture Bill has become increasingly urgent in light of the state's limited capacity to reclaim criminally acquired assets. Under the current conviction-based mechanism, assets can only be confiscated after a final criminal judgment. This approach is not only slow but also ineffective in cases where offenders flee, pass away, or cannot be prosecuted. As a result, significant amounts of illicit wealth remain beyond the reach of the state (RUU Perampasan Aset, 2012).

The draft Asset Forfeiture Bill offers a solution through the introduction of non-conviction-based asset forfeiture (NCBAF). This model allows the state to target assets proven to originate from criminal activity without waiting for a criminal conviction, thereby shifting the focus from punishment of individuals to the unlawful character of property. In this sense, NCBAF represents a more adaptive legal instrument to address the weaknesses of the current framework. Having introduced its normative foundation, the discussion now turns to several critical challenges and debates surrounding its implementation (Andini et al., 2025).

One central safeguard emphasized in the bill is judicial oversight. Normatively, the presence of judges in reviewing forfeiture requests is expected to prevent violations of fundamental principles such as legality and the presumption of innocence. Yet in practice, Indonesia faces serious enforcement obstacles. Judicial corruption remains a structural concern, as studies and surveys consistently highlight vulnerabilities to bribery within the judiciary. Resource constraints also play a role: the number of judges is limited, caseloads are excessive, and there is a real risk that judicial review will become merely procedural. Finally, a capacity gap exists because judges are more familiar with either criminal or civil law, whereas NCBAF requires a quasi-civil approach with different evidentiary standards. Without proper training, inconsistent application is inevitable. To overcome these issues, institutional reforms are necessary, such as establishing specialized asset forfeiture chambers, requiring

publication of detailed judgments for transparency, and strengthening external oversight through the Judicial Commission, the Supreme Court, and the Ombudsman (Hasibuan, 2025).

Beyond these institutional challenges, the academic debate on NCBAF raises further questions about its constitutional compatibility. Critics argue that confiscating assets without conviction undermines the presumption of innocence by implying guilt in the absence of a criminal verdict, and that it risks violating legality by extending sanctions beyond criminal law. Others caution against abuse of power by law enforcement in a system where safeguards may not always function effectively. These criticisms are important but can be systematically addressed. NCBAF, as an in rem mechanism, targets assets rather than individuals, meaning the presumption of innocence remains intact with respect to the person. The principle of legality is also preserved as long as the mechanism is explicitly codified in statutory law with clear definitions, procedures, and evidentiary standards. Risks of abuse can be mitigated through robust judicial oversight, strong protection of bona fide third parties, and transparent review mechanisms. Comparative experience shows that, with proper safeguards, NCBAF can operate effectively while respecting constitutional principles (Aldino and Susanti, 2025).

The bill's successful implementation will require detailed technical regulations to complement statutory provisions. These must cover standards of proof, admissible evidence, asset management, and institutional coordination among the Attorney General's Office, KPK, PPATK, and DJKN. International experience provides valuable lessons. The United Kingdom applies civil recovery, Switzerland permits asset seizure where conviction is impossible, and the United States has long applied civil forfeiture. Each model demonstrates that NCBAF can be effective but also highlights the risks of abuse in the absence of strong oversight (Reza, 2024).

Case law further illustrates both potential and limitations. In the UK, Assets Recovery Agency v. Olupitan (2007) showed that over £1 million could be recovered without conviction. In the US, United States v. $124,700 in U.S. Currency (2006) confirmed asset forfeiture but raised concerns about overreach. In Switzerland, the confiscation of Ferdinand Marcos's assets (1997) demonstrated the effectiveness of NCBAF in international cooperation despite protracted proceedings. Together, these examples reveal that the mechanism's success depends less on abstract theory than on the quality of its safeguards and oversight (Nugraha et al., 2019)

Taken together, the discussion suggests that the challenge for Indonesia lies not in proving the usefulness of NCBAF, which is evident from international practice, but in ensuring its constitutional compatibility within the civil law tradition. This requires strict statutory codification, quasi-civil adaptation, and robust oversight mechanisms to guarantee both fairness and effectiveness in asset recovery.

Non-Conviction Asset Forfeiture and Legal Principles Perspective.

Non-Conviction Based Asset Forfeiture (NCBAF) is a legal mechanism that authorizes the state to confiscate assets suspected of being derived from criminal activity without the

need for a prior criminal conviction. This mechanism developed out of practical necessity, particularly in situations where prosecution faces obstacles such as when the offender absconds, dies, or cannot be located. In such circumstances, the state encounters a crucial challenge, namely ensuring that criminally acquired assets are returned to the public even when offenders cannot be tried through conventional legal proceedings (Yogaswara 2024).

Comparable mechanisms have long been applied in several jurisdictions. The United Kingdom adopts civil recovery, the United States applies civil forfeiture, and Switzerland allows confiscation without a conviction as long as there is sufficient evidence linking the asset to criminal activity. The distinctive feature of NCBAF lies in its focus on the asset itself rather than on the offender. What must be demonstrated is the illicit origin of the property and not the personal culpability of the owner. The evidentiary threshold is also lower, based on the balance of probabilities, rather than proof beyond reasonable doubt as applied in criminal proceedings (Saputra, 2017).

Although NCBAF differs from criminal proceedings, it is not intended to replace them. Instead, it serves as a complementary mechanism to strengthen the state's ability to recover proceeds of crime. Applications for forfeiture are still brought before the courts, and judges retain the authority to assess the evidence presented before issuing a ruling. At the same time, protection for bona fide third parties is guaranteed, provided they can prove that their ownership is unrelated to the alleged criminal activity. The principle underpinning NCBAF is that the proceeds of crime, under any circumstance, cannot be regarded as legitimate property (Sibuea, Sularto, and Wisaksono, 2016).

Debate has emerged on whether NCBAF could conflict with the presumption of innocence. In Indonesia, this principle is guaranteed in Article 8 of Law No. 39 of 1999 on Human Rights and reinforced in Article 14 paragraph (2) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Law No. 12 of 2005. The concern is that confiscating assets without proving personal guilt could erode this guarantee. However, such concern is not entirely well founded. NCBAF does not establish the criminal guilt of an individual but only proves that the property has an unlawful origin. Philosophically, the orientation toward the asset rests on the understanding that crime generated property lacks both moral and legal legitimacy to remain in private hands. This approach resonates with the doctrine of unjust enrichment in civil law, which rejects the retention of unlawfully obtained wealth even when the owner has not been convicted in a criminal court (Abidin, 2023).

The principle of legality is also preserved under NCBAF. The *maxim nullum crimen, nulla poena sine lege* emphasizes that no one can be punished without prior legal provision. Since NCBAF is not a form of criminal punishment but rather an administrative or quasi civil measure, its application does not violate legality. Its purpose is to separate assets of unlawful origin from lawful circulation. As long as its foundation is explicitly established in statutory law, NCBAF provides clarity and reinforces legal certainty. The Draft Law on Asset Forfeiture plays a pivotal role in defining evidentiary standards, procedural safeguards, and the limits of enforcement authority, which remain subject to judicial review (Setyawan, 2021).

To ensure that NCBAF aligns with both legality and the presumption of innocence, several requirements must be fulfilled. First, every action of forfeiture must be based on clear statutory authority to prevent arbitrary conduct. Second, procedures must be detailed and binding, including proof standards, filing mechanisms, and the defense rights of affected parties. Third, protection for bona fide third parties must be guaranteed in every case. Fourth, judicial oversight must remain central, with independent judges deciding each request for forfeiture to safeguard fairness and objectivity (Patramijaya, 2024).

Oversight should not be limited to the judiciary. Mechanisms of checks and balances are equally important. Transparency can be enhanced by publishing summaries of forfeiture applications and rulings. The Judicial Commission and the Ombudsman should be empowered to act on complaints, providing external accountability. Interagency collaboration among the Attorney General's Office, the Corruption Eradication Commission, the Financial Intelligence Unit, and the Directorate General of State Assets must operate under a clear framework of duties and responsibilities. In addition, periodic audits conducted by the State Audit Board will ensure compliance with the law and protection of the public interest. These safeguards together create a multi layered accountability structure (Irvita and Asriani, 2025).

NCBAF should not be viewed as a hidden form of punishment. Its primary aim is not to impose criminal sanctions but to restore state losses and prevent illicit wealth from reentering lawful economic circulation. When implemented under clear regulations, transparent procedures, and consistent oversight, NCBAF remains consistent with both the principle of legality and the presumption of innocence (Rinaldi, Marpaung, and Harahap, 2025).

The importance of NCBAF becomes even clearer when examined through recent Indonesian cases. In the Bank Bali scandal involving Djoko Tjandra, state authorities were unable to confiscate his assets for over a decade because no final judgment had been issued, resulting in significant and irrecoverable losses. If NCBAF had been available, the state could have pursued in rem proceedings directly against assets proven to be linked to corruption, even in the absence of the offender. Similarly, in the Banten corruption scandal involving Tubagus Chaeri Wardana, although several assets were eventually confiscated, many had already been transferred to nominees and family members, complicating recovery efforts. NCBAF would have allowed direct proceedings against these assets, thereby reducing dissipation risks while still protecting the rights of bona fide third parties (Rosa, 2018).

These examples demonstrate that NCBAF is not designed to replace the criminal process but to complement it by closing gaps left by conviction-based forfeiture. They also highlight how the current system has led to tangible losses for the state when offenders evade justice or transfer their wealth to others. Incorporating NCBAF into Indonesia's legal system would therefore strengthen asset recovery, prevent the erosion of state resources, and reinforce public confidence in the rule of law.

CONCLUSION

This research confirms that the implementation of Non-Conviction Based Asset Forfeiture (NCBAF) in the Asset Forfeiture Bill is not only a constitutional innovation but also an empirical necessity for Indonesia's asset recovery system. Data from the Attorney General's Office and the Corruption Eradication Commission demonstrate significant fluctuations in asset recovery performance, showing that reliance on conviction based mechanisms alone has proven insufficient. Cases such as the Bank Bali scandal involving Djoko Tjandra and the Banten corruption scandal highlight how offenders who absconded, passed away, or transferred assets prevented the state from reclaiming illicit wealth, thereby strengthening the rationale for NCBAF as a complementary instrument.

From an institutional perspective, NCBAF must be supported by strong safeguards. Judicial oversight remains essential to ensure proportionality and fairness, yet challenges such as corruption risks, limited judicial capacity, and uneven familiarity with quasi civil evidentiary standards must be addressed. Institutional reforms including the establishment of specialized asset forfeiture chambers, interagency coordination among the Attorney General's Office, the Corruption Eradication Commission, the Financial Intelligence Unit, and the Directorate General of State Assets, as well as transparent oversight mechanisms, are vital to prevent abuse and secure public trust.

Constitutionally, NCBAF does not contravene the presumption of innocence or the principle of legality, since it targets assets rather than individuals and operates on the basis of explicit statutory authority. Its function is restorative rather than punitive, namely to ensure that property derived from crime cannot remain in private circulation. As long as NCBAF is regulated with clear procedures, judicial control, and protection for bona fide third parties, it can be reconciled with Indonesia's criminal law principles.

The novelty of this research lies in bridging empirical performance gaps, constitutional analysis, and comparative lessons into a coherent framework for implementing NCBAF in Indonesia. Thus, NCBAF represents both a realistic and proportionate response to systemic weaknesses in asset recovery and a progressive step toward harmonizing national law with international standards such as the United Nations Convention Against Corruption and the Financial Action Task Force recommendations. In the long term, the adoption of NCBAF is expected to establish a more adaptive, effective, and just legal foundation for asset recovery, reinforcing Indonesia's commitment to combating corruption and safeguarding public resources. [*W*]

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