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Pretrial of the Seizure of Property Unrelated to Criminal Offenses: Between the Interests of Corruption Eradication and the Protection of Human Rights

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Abstract

Asset seizure in corruption cases is an important instrument in efforts to recover state financial losses. However, in law enforcement practice, seizures are often carried out against goods or property that have no causal relationship with the alleged criminal offense. This condition creates tension between the interest of eradicating corruption and the protection of human rights, particularly the right to property and the guarantee of due process of law. This article aims to analyze pretrial remedies against the seizure of property unrelated to corruption offenses from the perspectives of law enforcement and human rights protection in Indonesia. This study employs a normative legal research method using statutory, conceptual, and case approaches, particularly through an examination of pretrial decisions of the Pekanbaru District Court concerning asset seizures in alleged corruption cases. The results indicate that seizures not supported by evidence of a direct connection to the criminal offense potentially violate the principle of legality, the principle of proportionality, and the protection of human rights as guaranteed by the 1945 Constitution of the Republic of Indonesia and national human rights instruments. Pretrial mechanisms play a strategic role as a form of judicial control over arbitrary coercive measures. Therefore, reforms are required in the seizure application mechanism by emphasizing strict substantive review and strengthening the role of pretrial proceedings to create a balance between the effectiveness of corruption eradication and the protection of citizens' constitutional rights within the Indonesian criminal justice system.

Keywords: asset seizure; due process of law; corruption offense; human rights

I. Introduction

The eradication of corruption crimes in Indonesia has always been marked by tension between the interests of law enforcement and the protection of human rights.[1] One legal

[1] Elkristi Ferdinan Manuel and Mandira Bienna Elmir, "Perluasan Praperadilan Sebagai Bentuk Due Process of Law: Perlindungan Hak Asasi Manusia Dan Keadilan Sosial," *PUSKAPSI Law Review* 2, no. 1 (2022), https://doi.org/10.19184/puskapsi.v2i1.31189.

instrument that serves as a meeting point between these two interests is pretrial review. Pretrial review is a legal remedy designed as part of a supervisory mechanism over coercive measures taken by law enforcement authorities to ensure that such actions do not contravene the principle of due process of law in the enforcement of justice.[2] This is particularly relevant in corruption cases, which in practice are sometimes still influenced by political intervention in their enforcement.

Pretrial review within the Indonesian criminal justice system is not regulated in the *Herziene Inlands Reglement* (HIR), which forms part of the legacy of the Dutch East Indies legal system,[3] and was later adopted into the Indonesia Criminal Procedure Code (KUHAP) under Law Number 8 of 1981. The concept of pretrial review in Indonesia emerged from the adoption of the *habeas corpus* doctrine within the Anglo-Saxon legal system. In the *Habeas Corpus Acts*, there is a writ stating: "The detainee is in your custody. You are required to bring the person before the court and to show the reasons for the detention."[4] Initially, the application of the *habeas corpus* concept in the Anglo-Saxon legal system in England was primarily intended to supervise the exercise of authority by officials or institutions receiving delegated power from the monarch, particularly in relation to the detention of individuals, namely to assess whether the detaining authority possessed lawful power or not.[5] In his book *Habeas Corpus*: From England to Empire, Halliday concludes that the concept of *habeas corpus* is not a rigid, rule-based form of law, nor merely the application of formal legal rules. In practice, judges often take into account the public interest, the balance of power, and substantive justice.[6] Nevertheless, the practical implementation of pretrial review in Indonesia differs significantly from the original concept of *habeas corpus*.

The development of pretrial review in Indonesia began with Law Number 8 of 1981 on Criminal Procedure (KUHAP HIR), the scope of which was later expanded by Constitutional Court Decision Number 21/PUU-XII/2014.[7] It was subsequently reformed through Law Number 20 of 2025 concerning the Criminal Procedure Code (the National KUHAP), which came into force on 2 January 2026, simultaneously with the Indonesia National Criminal Code (the National KUHP) under Law Number 1 of 2023, which had previously been enacted by the House of Representatives of the Republic of Indonesia (DPR RI) on 6 December 2022.[8]

Over time, the number of pretrial cases in Indonesia has continued to increase. Based on data from the Registry of the Supreme Court of the Republic of Indonesia, the number of pretrial proceedings in district courts throughout Indonesia has shown a steady rise. This increase

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2 Sidik Sunaryo and Asrul Ibrahim Nur, "Legal Policy of Anti-Corruption Supervisor Design: A New Anti-Corruption Model in Indonesia," *Bestuur* 10, no. 2 (2022), https://doi.org/10.20961/bestuur.v10i2.65105.

3 R. Soeparmono, *Praperadilan Dan Penggabungan Perkara Ganti Kerugian Dalam* (Bandung: Mandar Maju, 2003).

4 The Federal Judiciary, "Habeas Corpus _ Pengadilan Amerika Serikat," The Administrative Office of the U.S, accessed November 13, 2025, https://www.uscourts.gov/glossary-legal-terms/habeas-corpus.

5 D. Halliday, Habeas Corpus: From England to Empire, in Renaissance Quarterly, vol. 64, no. 2 (Cambridge: Cambridge University Press (CUP), 2010), https://doi.org/10.1086/661874.

6 Ibid.

7 Riki Perdana Raya Waruwu, "Praperadilan Pasca 4 Putusan Mahkamah Konstitusi," in *The Supreme Court Registry*, preprint, Jakarta: The Supreme Court Registry, August 2017, https://kepaniteraan.mahkamahagung.go.id/images/artikel/Praperadilan%20Pasca%204%20Putusan%20MK.pdf.

8 Parlementaria DPR RI, "RUU KUHAP Resmi Disahkan Jadi UU, Puan Harap Masyarakat Tidak Terpapar Hoaks Substansi - DPR RI," Https://Www.Dpr.Go.Id/Kegiatan-Dpr/Berita/RUU-KUHAP-Resmi-Disahkan-Jadi-UU-Puan-Harap-Masyarakat-Tidak-Terpapar-Hoaks-Substansi-61047, Jakarta, November 8, 2025, https://www.dpr.go.id/kegiatan-dpr/berita/RUU-KUHAP-Resmi-Disahkan-Jadi-UU-Puan-Harap-Masyarakat-Tidak-Terpapar-Hoaks-Substansi-61047.

occurred following the expansion of the scope of pretrial review.[9] The following are data on pretrial cases handled at the district court level across Indonesia in 2024.

Table.1 Data on the Handling of Pretrial Cases in District Courts in 2024.[10]

No	Type of Case	Remaining 2023	Filed in 2024	Total Case load	Decided in 2024	With drawn in 2024	Remaining 2024
1	Legality of suspect designation	63	933	996	867	70	59
2	Legality of termination of investigation	16	225	241	211	8	22
3	Legality of seizure	17	163	180	159	13	8
4	Legality of arrest	10	86	96	80	7	9
5	Legality of detention	4	28	32	25	1	6
6	Legality of search	1	16	17	16	1	0
7	Compensation and rehabilitation	0	13	13	11	1	1
8	Compensation	0	13	13	10	0	3
9	Legality of termination of prosecution	0	6	6	6	0	0
10	Rehabilitation	0	0	0	0	0	0
11	Others	42	20	62	22	1	39
Total		**153**	**1.503**	**1.656**	**1.407**	**102**	**147**

Among the thousands of cases, one notable example of a pretrial proceeding is the application concerning the legality of a seizure in a decision of the Pekanbaru District Court, which granted the pretrial application filed by Muflihun, the former Secretary of the Regional House of Representatives (DPRD) of Riau Province and also a candidate for Mayor of Pekanbaru in the 2024 election.[11] In its pretrial decision, the court declared that the seizure of one residential house located in Pekanbaru and one apartment unit located in Batam, Riau Islands Province, was unlawful and null and void as a matter of law on Wednesday, 17 September 2025. Consequently, the seizure orders issued by the Corruption Crimes Court at the Pekanbaru District Court, namely Seizure Order Number 364/PenPid.Sus TPK-SITA/2024/PN.Pbr dated 21 November 2024, and the seizure order issued by the Corruption Crimes Court at the Batam District Court, namely Seizure Order Number 1295/PenPid.Sus TPK-SITA/2024/PN.Btm dated 25 November 2024, were declared invalid and without legal effect.[12] Both assets were ordered to be returned to the Petitioner, having been seized by the respondent, namely the investigator of the Riau Regional Police.

In its decision, the pretrial judge based the ruling on factual considerations, namely the results of official audits conducted by the Audit Board of Indonesia (BPK) Representative Office of Riau Province, the Finance and Development Supervisory Agency (BPKP) of Riau Province, as well as statements from the Pekanbaru District Prosecutor's Office, all of which indicated that

[9] Wienda Kresnantyo, "Perluasan Objek Praperadilan Pasca KUHAP Baru," MARI News, January 6, 2026, https://marinews.mahkamahagung.go.id/artikel/perluasan-objek-praperadilan-pasca-kuhap-baru-0Kp.

[10] Supreme Court Republic of Indonesia, *Laporan Tahunan 2024 Mahkamah Agung Republik Indonesia* (Jakarta, 2024).

[11] Fadillah Usman, "PN Pekanbaru Kabulkan Praperadilan Eks Sekwan DPRD Riau, Penyitaan Aset Tidak Sah," DANDAPALA Badan Peradilan Umum MA, September 2025, https://dandapala.com/article/detail/pn-pekanbaru-kabulkan-praperadilan-eks-sekwan-dprd-riau-penyitaan-aset-tidak-sah.

[12] Raja Adil Siregar, "Penyitaan Aset Cacat Hukum, Eks Sekwan Muflihun Menang Saat Gugat Polda Riau," Detik Sumut, September 18, 2025, https://www.detik.com/sumut/hukum-dan-kriminal/d-8118538/penyitaan-aset-cacat-hukum-eks-sekwan-muflihun-menang-saat-gugat-polda-riau.

there was no state financial loss in the alleged case of fictitious Official Travel Orders (*Surat Perintah Perjalanan Dinas*/SPPD) of the Riau Provincial DPRD for the 2020–2021 fiscal years.[13] The judge held that the seizure carried out by the investigators was hasty, failed to comply with the principle of due caution, and was not supported by sufficient evidence to establish a link between the seized assets and the alleged corruption offense. Moreover, the seized assets constituted the applicant's property, which had been lawfully and legitimately acquired and duly reported in the Indoensia State Officials' Asset Declaration (*Laporan Harta Kekayaan Penyelenggara Negara*/LHKPN) since 2020. Accordingly, even though the seizure application submitted by the investigators of the Riau Regional Police had obtained authorization from the competent district court, the seizure was deemed legally flawed and without proper legal basis.[14]

The pretrial judge's decision stands in direct contrast to the prior approval of the seizure application issued by the competent District Court, which had been procedurally authorized by the Chief Judge of the District Court.[15] These two positions appear contradictory. In principle, the process of granting approval for a seizure application should also observe the principle of due caution, based on an analysis of the application letter, which should contain preliminary evidence and factual findings obtained by the investigators. In practice, such seizure applications are generally submitted online through the *e-Berpadu* system without the need for in-person hearings as in ordinary court proceedings. Accordingly, the mechanism for approving seizure applications should not merely function as a formality of correspondence or administrative procedure. Rather, it necessitates reform in the mechanism for submitting and approving seizure applications, encouraging judges to conduct both substantive and formal examinations grounded in the principles and doctrines of criminal law when assessing seizure requests filed by investigators.

Reform of the seizure approval mechanism in district courts is particularly important in light of the principle of legality *(nullum delictum, nulla poena sine praevia lege poenali)*, which dictates that no legal action may be taken without a legal basis; the principle of due process of law, requiring that every action by law enforcement authorities be carried out in a procedural, transparent, and accountable manner; and the principle of the protection of human rights,[16] The principle of due process of law requires that every action taken by law enforcement authorities be carried out in a procedural, transparent, and accountable manner,[17] the principle of the protection of human rights,[18] and the principle of legal certainty and justice, under which actions by state authorities must provide legal certainty rather than create uncertainty that harms citizens. These principles are further grounded in Article 28D paragraph (1), Article 28G paragraph (1), and Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia,

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13 Pengadilan Negeri Pekanbaru, "Sistem Informasi Penelusuran Perkara (SIPP) Pengadilan Negeri Pekanbaru Dengan Nomor Perkara 12/Pid.Pra/2025/PN Pbr Tentang Sah Atau Tidaknya Penyitaan," Sipp.Pn-Pekanbaru.Go.Id, September 17, 2025, https://sipp.pn-pekanbaru.go.id/list_perkara/search_detail.

14 Ibid.; Fadillah Usman, "PN Pekanbaru Kabulkan Praperadilan Eks Sekwan DPRD Riau, Penyitaan Aset Tidak Sah"; Siregar, "Penyitaan Aset Cacat Hukum, Eks Sekwan Muflihun Menang Saat Gugat Polda Riau."

15 Supreme Court Republic of Indonesia, *Buku Panduan E-Berpadu*, 2nd ed. (IT Development Team- MA RI, 22AD), https://eberpadu.mahkamahagung.go.id/resources/manual/buku_panduan_e_berpadu.pdf.

16 Annisa Hafizhah, Jelly Leviza, and Mulhadi Mulhadi, "An Overview of the Principle of Legality: Common Law VS Civil Law," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 4, no. 1 (2024), https://doi.org/10.15294/ipmhi.v4i1.76875.

17 Khairuddin Hasibuan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap, "RUU KUHAP: Tantangan Dan Harmonisasi Antara Asas Due Process of Law Dan Criminal Justice System Di Indonesia," *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 3, no. 2 (2024), https://doi.org/10.55606/jurrish.v3i2.6023.

18 Evander, "Keberatan Pihak Ketiga Yang Beritikad Baik Terhadap Perampasan Aset Dalam Tindak Pidana Korupsi," *Jurist-Diction* 7, no. 1 (2024), https://doi.org/10.20473/jd.v7i1.54674.

Articles 17 and 18 of Law Number 39 of 1999 on Human Rights, as well as Articles 13–14 of Law Number 2 of 2002 on the Indonesian National Police.[19]

Based on the foregoing, it is necessary to conduct an analysis of pretrial review of the seizure of property unrelated to criminal offenses, particularly in corruption cases, in order to examine the relationship between *ius constitutum* and *ius constituendum* within the framework of balancing the interests of corruption law enforcement and the protection of human rights, so as to achieve a better Indonesian criminal justice system that aligns with the fundamental objectives of law in attaining justice.

II. Research Problems

Based on the foregoing background, the research problems addressed in this study are as follows:

1. How is pretrial review of the seizure of property unrelated to criminal offenses viewed from the perspective of corruption law enforcement in Indonesia?
2. How is the seizure of property unrelated to criminal offenses viewed from the perspective of human rights protection in Indonesia?

III. Research Methods

This study employs a normative legal research method using a statutory approach, a conceptual approach, and a case approach. [20] The statutory approach is applied to examine legal norms governing seizure and pretrial review, particularly the provisions of the Indonesia Criminal Procedure Code (KUHAP), both the old KUHAP and the new KUHAP, the Anti-Corruption Law, the Human Rights Law, as well as constitutional provisions relating to the protection of property rights and the right to justice. The conceptual approach is used to analyze whether legal principles such as due process of law, the principle of legality, proportionality, and the protection of human rights have been properly implemented in the exercise of seizure powers. Meanwhile, the case approach is conducted by examining pretrial decisions concerning the seizure of property that has no direct connection with corruption offenses, such as the pretrial decision of the Pekanbaru District Court as a case study.

The legal materials used in this study consist of primary legal materials, including legislation, court decisions, and official documents of state institutions; secondary legal materials, including legal textbooks, scholarly journal articles, and relevant research findings; and tertiary legal materials as supporting references. Legal materials are collected through library research. The analysis of legal materials is carried out qualitatively using a prescriptive analysis method, namely by assessing the conformity of seizure and pretrial practices with applicable legal norms *(ius constitutum)* and formulating recommendations for legal development *(ius constituendum)* in

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[19] Undang-Undang Dasar Nagara Republik Indonesia Tahun 1945; Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia; Undang-Undang Republik Indonesia Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia (n.d.); Pengadilan Negeri Pekanbaru, "Sistem Informasi Penelusuran Perkara (SIPP) Pengadilan Negeri Pekanbaru Dengan Nomor Perkara 12/Pid.Pra/2025/PN Pbr Tentang Sah Atau Tidaknya Penyitaan," Sipp.Pn-Pekanbaru.Go.Id, September 17, 2025, https://sipp.pn-pekanbaru.go.id/list_perkara/search_detail.

[20] Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Meneliti Hukum," *Fiat Justisia Jurnal Ilmu Hukum* 8, no. 1 (2014); Gunardi, *Buku Ajar Metode Penelitian Hukum*, 1st ed., ed. Murni (Jakarta Selatan: Damera Press, 2022).

order to balance the interests of law enforcement and the protection of human rights within a more just Indonesian criminal justice system.[21]

IV. Result and Discussion

1. Pretrial of the Seizure of Property Unrelated to Criminal Offenses from the Perspective of Corruption Law Enforcement in Indonesia.

a. Corruption, State Financial Losses, and the Urgency of an Asset Forfeiture Law

Corruption remains an extraordinary crime that causes significant negative impacts on state finances and public trust in the system of governance and national economic development.[22] In Indonesia, corruption is categorized as a systemic, organized crime with wide-ranging effects. Corrupt practices have been deeply rooted since the colonial era of the Dutch East Indies, continued into the modern era, and have spread across almost all levels of government, both central and regional. Empirical data from Indonesia Corruption Watch (ICW),[23] as well as other law enforcement agencies, from 2020 to 2024 continue to demonstrate substantial state financial losses, amounting to IDR 18.6 trillion in 2020, IDR 29.4 trillion in 2021, IDR 42.7 trillion in 2022, IDR 28.4 trillion in 2023, and IDR 279.9 trillion in 2024. In addition, the monetary value of bribes involving law enforcement officials who accepted bribes in cases they handled is also significant. Based on data from Indonesia Corruption Watch covering the period from 2011 to 2024, the total value of assets seized in cases of judicial bribery amounted to IDR 107,999,281,345 or nearly IDR 108 billion.[24]

This situation underscores the urgency for improving the enforcement of corruption offenses in Indonesia. Maintaining sound state finances is in line with the mandate set forth in the Preamble to the Constitution, namely "to protect the entire Indonesian nation and all the territory of Indonesia and to promote the general welfare." According to the 2024 Annual Report of the Registry of the Supreme Court of the Republic of Indonesia, as reflected in the table below classifying corruption cases by type, it can be observed that the majority of corruption cases handled by the Corruption Courts involve offenses that result in losses to state finances.[25]

Table 2 Classification of Corruption Cases Handled by the Corruption Courts

No	Classification	Remaining 2023	Filed in 2024	Case load	Decided in 2024	Remaining 2024
1	State Financial Losses	744	1.786	2.530	1.416	1.114
2	Bribery	75	135	210	58	152
3	Embezzlement in Office	68	117	185	69	116
4	Extortion	0	83	83	11	72
5	Fraudulent Acts	26	88	114	19	95
6	Conflict of Interest in Procurement	6	54	60	6	54
7	Gratification	43	56	99	44	55
	Total	**962**	**2.319**	**3.281**	**1.623**	**1.658**

[21] Muhaimin, *Metode Penelitian Hukum*, 1st ed. (Mataram-NTB: Mataram University Press, 2020).
[22] Anisah Alfada, "The Destructive Effect of Corruption on Economic Growth in Indonesia: A Threshold Model," *Heliyon* 5, no. 10 (October 2019), https://doi.org/10.1016/j.heliyon.2019.e02649.
[23] Transparency International Indonesia, CORRUPTION PERCEPTION INDEX 2024 (Jakarta, 2025), www.ti.or.id.
[24] Indonesia Corruption Watch, *Lampiran Daftar Lengkap Tren Korupsi Hakim_15-4-2025* (Jakarta, 2025), https://antikorupsi.org/sites/default/files/dokumen/Lampiran%20Daftar%20Lengkap%20Tren%20Korupsi%20Hakim_15-4-2025.pdf.
[25] Supreme Court Republic of Indonesia, *Laporan Tahunan 2024 Mahkamah Agung Republik Indonesia*.

Meanwhile, based on official information obtained from the website of the IndoCorruption Eradication Commission of Indonesia (KPK), the following data present the status and handling of corruption cases that are currently being processed or have been completed by the KPK:

Table 3 Status and Handling of Corruption Cases by the KPK

No	Corruption Party	State Financial Loss	Year	Status
1	The Government of Riau Provincial	IDR 60 billion	2025	Ongoing
2	The Ministry of Manpower	IDR 81 billio	2025	Ongoing
3	PT. ASDP Indonesia Fery (SEO)	IDR 1.27 trillion	2025	Ongoing
4	PT Taspen (SEO)	IDR 1 trillion	2025	Ongoing
5	The Government of Labuhanbatu Regency	IDR 1.75 billion	2024	Completed
6	PT Asuransi Jasa Indonesia (SEO Persero)	IDR 38 billion	2024	Completed
7	Perumda Pembangunan Sarana Jaya (GEO)	IDR 223 billion	2024	Completed
8	PT Perkebunan Nusantara XI (SEO)	IDR 30.2 billion	2024	Completed
9	The Ministry of Health	IDR 30.2 billion	2024	Completed
	Total	**IDR 4.77 trillion**		

Based on the data from the two tables above, it can be seen that corruption practices cause severe losses to state finances. In 2024 alone, there were 1,786 corruption cases resulting in state financial losses amounting to IDR 4.77 trillion, based on data from the Corruption Eradication Commission of Indonesia (KPK). This figure does not yet include cases handled by the Police, the Prosecutor's Office, and other Civil Servant Investigators. The findings of this study indicate that these cases have caused extremely significant economic losses to the state, reaching trillions of rupiah. In addition to financial losses, corruption also has negative impacts on the environment, infrastructure, the business climate, and public trust in the government and State-Owned Enterprises (SOEs). Therefore, there is an urgent need for an Asset Forfeiture Law to serve as a legal basis for the seizure of assets belonging to corruption perpetrators prior to judicial proof, as part of a mechanism to restore the Indonesia State Budget (APBN) and to support investigators in overcoming limitations in uncovering where the proceeds of corruption are concealed.[26]

The Asset Forfeiture Law for Corruption Offenses is thus critically important as a legal instrument to effectively and fairly recover state financial losses, because the enforcement of corruption law should not be oriented solely toward punishing offenders, but must also emphasize the recovery of assets derived from criminal acts.[27] To date, in the absence of a comprehensive legal framework for asset forfeiture based on non-conviction-based asset forfeiture, the state has often faced difficulties in tracing, proving, and confiscating assets that are disguised, transferred, or placed under the names of third parties. As a result, even when corruption perpetrators are convicted, state losses are not fully recovered and the deterrent effect is weakened. The enactment of an asset forfeiture law would strengthen the authority of law enforcement agencies to seize and confiscate assets whose lawful origin cannot be proven, in line

[26] Antony Antony and Eko Nurisman, "Melawan Tindak Pencucian Uang Korporasi Melalui Pengesahan Rancangan Undang-Undang Perampasan Aset," *Jurnal Ilmiah Dinamika Hukum* 24, no. 2 (2023), https://doi.org/10.35315/dh.v24i2.9472.

[27] Ibid.; Khairul Umam and Maskun Maskun, "Urgensi Pembentukan Rancangan Undang - Undang Perampasan Aset Sebagai Upaya Reformasi Hukum Yang Restoratif," *Syntax Literate; Jurnal Ilmiah Indonesia* 10, no. 4 (2025), https://doi.org/10.36418/syntax-literate.v10i4.56727.

with the principle of follow the money and international standards such as the United Nations Convention Against Corruption (UNCAC).[28] Accordingly, this law would function not only as a tool for restoring state finances, but also as a strategic instrument for corruption prevention, as it closes safe havens for perpetrators to enjoy the proceeds of crime and affirms that corruption is no longer profitable.[29]

b. Property Unrelated to Criminal Offenses and Investigative Limitations

Property unrelated to a criminal offense has a broad meaning. Such property, whether formally or materially unrelated, constitutes objects that legally do not meet the requirements to be subjected to seizure or forfeiture within the criminal justice process. Formally, such property is not listed or cannot be qualified under Article 39 of the Indonesia Criminal Procedure Code (old KUHAP) as property obtained from a criminal offense, used to commit a criminal offense, or directly related to the alleged criminal act, nor is it supported by lawful and complete procedural requirements in the seizure process.

Materially, the property concerned does not have a causal nexus with the criminal act; it is not derived from the proceeds of crime, does not constitute the means or object of the offense, and can be proven to have been lawfully acquired through legitimate sources of income, including assets reported in the Indonesia State Officials' Asset Declaration (LHKPN). In addition, property unrelated to a criminal offense may also be understood as assets other than the proceeds of corruption that may be subject to forfeiture, namely assets of a person or legal entity that are deliberately not disclosed by the owner or its management, assets whose ownership is unclear, or assets of a person whose wealth, after investigation, is deemed disproportionate to their lawful income.[30]

Within these limitations, Article 38B paragraph (2) of Law No. 20 of 2001 provides a basis for asset forfeiture as follows: "In the event that the Defendant is unable to prove that the assets referred to in paragraph (1) were not obtained as a result of a corruption offense, such assets shall be deemed to have been obtained from a corruption offense, and the judge shall have the authority to decide that all or part of such assets be forfeited to the state." This provision serves as a legal basis for investigators to carry out seizures in their applications for seizure of all assets that, in the investigators' assessment, appear disproportionate in value to the income or earnings that the suspect could lawfully obtain

In practice, during corruption eradication efforts such as sting operations (*Operasi Tangkap Tangan*/OTT) or searches, law enforcement authorities often encounter luxury goods that are factually owned by the spouse or other family members of a public official, yet cannot automatically be classified as proceeds of or instruments used in corruption offenses. Items such as luxury clothing or bags, jewelry, bicycles, private vehicles, or properties registered in the name of a spouse are frequently viewed as symbols of an upper-middle-class lifestyle, particularly within the environment of public officials and state-owned enterprise (SOE) officials who have relatively high formal incomes.[31] Consumptive behavior and social image-building among officials' families—especially officials' spouses—are often used as justifications that such luxury

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[28] Calvin Nicolaas Mamesah, "Penegakan Hukum Terhadap Kasus Korupsi Sebagai Implementasi the United Nations Convention Against Corruption (Uncac) Di Indonesia 1," *Lex Privatum*, 2024.

[29] Zulkarnain Pantoli, "Rancangan Undang-Undang Perampasan Aset (Strategi Baru Melawan Korupsi Dengan Pendekatan In REM)," *Journal Of Human And Education (JAHE)* 4, no. 6 (2024), https://doi.org/10.31004/jh.v4i6.2051.

[30] Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008).

[31] Gokma Toni Parlindungan S, "Pelaksanaan Leang Barang Sitaan Oleh Komisi Pemberantasan Korupsi," *SUPREMASI Jurnal Hukum* 1, no. 1 (2018), https://doi.org/10.36441/supremasi.v1i1.156; S Safira, "Penerapan Perilaku Pendidikan Budaya Anti Korupsi Di Indonesia Saat Ini," *Maliki Interdisciplinary Journal*, 2024.

goods originate from lawful sources, such as salaries, allowances, private businesses, or gifts not directly linked to official positions. This situation creates legal ambiguity, because normatively such assets are not automatically related to corruption offenses, even though ethically and socially they give rise to public suspicion regarding the abnormal accumulation of wealth.

Investigative limitations thus become a crucial issue. Linking the ownership of luxury goods to corruption offenses is particularly difficult when there is no clear evidence of financial flows or when assets are purchased in the name of third parties. Investigators are bound by the principles of criminal proof that require a causal relationship between assets and corrupt acts; therefore, the luxurious lifestyle of officials' families or SOE officials cannot serve as a basis for legal action without sufficiently strong evidence. Moreover, the absence of explicit regulation on illicit enrichment and the lack of support for the enactment of an asset forfeiture law in Indonesia further narrow the scope of investigators' actions, as disproportionate wealth cannot yet be processed as a stand-alone offense. As a result, although the culture of purchasing luxury goods by officials' spouses and SOE officials socially generates public distrust, legally investigators often lack sufficient grounds to prosecute or confiscate such assets. This underscores the need to strengthen regulations to bridge the gap between social realities and legal proof, so that in the future, investigators' applications for the seizure of assets belonging to corruptors cannot be challenged through pretrial proceedings and may remain effective until a court decision is rendered, thereby enabling the recovery of state losses resulting from corruption practices. [32]

2. Seizure of Property Unrelated to Criminal Offenses from a Human Rights Perspective

The seizure of property or assets that are not directly related to a criminal offense, when viewed from a human rights perspective, constitutes an action that potentially violates the constitutional rights of citizens, particularly the right to property and the right to protection from arbitrary actions by the state. Under human rights principles, seizure may only be carried out lawfully, proportionately, and based on legal authority, and it must have a clear correlation with the alleged criminal act.[33] The constitutional basis for this is found in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees protection of the person, property, and a sense of security, as well as Article 28H paragraph (4) of the same Constitution, which affirms that every person has the right to own private property and that such property shall not be taken arbitrarily. In criminal procedural law, Article 39 of the Indonesia Criminal Procedure Code (old KUHAP) limits seizure strictly to objects obtained from a criminal offense, used to commit a criminal offense, or directly related to the alleged criminal act. Seizure of property outside these criteria not only contravenes the KUHAP but also violates the principle of due process of law and the presumption of innocence, as recognized in Article 8 of Law No. 39 of 1999 on Human Rights. Therefore, the seizure of property that lacks a causal relationship with a criminal offense must be regarded as a form of human rights violation, thereby opening the door to legal remedies such as pretrial proceedings to maintain a balance between state authority and the protection of individual rights.

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[32] Pantoli, "Rancangan Undang-Undang Perampasan Aset (Strategi Baru Melawan Korupsi Dengan Pendekatan In REM)."

[33] Adinda Amalia Aisyiyah Raya, Rodrigo Fernandes Elias, and Max Sepang, "Upaya Paksa Penggeledahan Barang Bukti Oleh Pihak Kepolisian Berdasarkan Undang-Undang Nomor 22 Tahun 2009," *LEX PRIVATUM* 15, no. 5 (2025); Betania Maygawati Christy, Zainur Wula, and Suci Lestari Handayani, "Penyitaan Barang Bukti Bergerak Prespektif Sosiologi Hukum (Studi Kasus Di Kantor Rumah Penyimpanan Benda Sitaan Negara Kelas I Kupang)," *Jurnal Terapung : Ilmu - Ilmu Sosial* 7, no. 2 (2025), https://doi.org/10.31602/jt.v7i2.18885.

Pretrial proceedings have become a legal instrument that serves as a point of convergence between the enforcement of corruption laws and the protection of human rights. Pretrial review is a legal remedy designed as part of a supervisory mechanism over coercive measures taken by law enforcement officers, ensuring that such measures do not contravene the principle of due process of law or violate human rights. Articles 79, 80, and 81 of Law No. 8 of 1981, as updated by Articles 158 to 164 of Law No. 20 of 2025 on the Criminal Procedure Code (New KUHAP), essentially provide that the parties entitled to submit a pretrial application are: (a) the suspect, their family, or legal counsel; (b) investigators, public prosecutors, or interested third parties; and (c) suspects and interested third parties.

Furthermore, Article 19 paragraph (1) of the Anti-Corruption Law stipulates that the court may not impose a decision to confiscate property that does not belong to the defendant in a corruption case if the rights of a bona fide third party would be harmed. However, if such assets were acquired after 2019 as proceeds of a corruption offense and cannot be proven otherwise during trial, and after investigation are deemed disproportionate to the defendant's lawful income, then the public prosecutor, based on a judicial order contained in a court decision that has obtained final and binding legal force (*inkracht*), may carry out asset forfeiture as a form of restitution for state losses arising from the corruption offense.[34] in other words, forfeiture based on the presumption of a disproportion between the value of the assets and the lawful income or earnings of a public official may only be carried out after a final and binding court decision, not through a mere application for seizure. Moreover, assets listed in the Indonesia State Officials' Asset Declaration (LHKPN) that were reported prior to the individual assuming office and/or have been declared to have been lawfully and reasonably acquired in such declarations may not be seized, unless an Asset Forfeiture Law or a final and binding court decision orders their forfeiture to compensate for state losses.

a. The Indonesia State Officials' Asset Declaration (LHKPN) as an Effort to Protect Human Rights

The level of compliance with the Indonesia State Officials' Asset Declaration (LHKPN) in Indonesia during 2022–2024 reached 98%. Of a total of 404,222 officials required to report, 398,437 (98%) submitted their reports, and 385,192 (95%) completed them in full. By sector, the reports consisted of 324,646 from the executive branch, 18,396 from the legislative branch, 18,977 from the judiciary, and 42,203 from State-Owned and Regionally Owned Enterprises (SOEs/ROEs). Quantitatively, compliance with LHKPN reporting is very high, particularly since the implementation of the electronic LHKPN (e-LHKPN), even exceeding performance targets. However, this success has not been accompanied by improvements in the quality and accountability of the reports. Approximately 95% of LHKPN reports are considered inaccurate due to the underreporting of assets. Moreover, empirical facts show that many perpetrators of corruption offenses remained compliant with LHKPN reporting prior to being proven guilty of corruption. Failures in outcome effectiveness are mainly caused by a weak legal framework, the absence of strict sanctions, the lack of regulation on the offense of illicit enrichment in Indonesia's positive law, and limitations in both the quality and quantity of human resources responsible for examining LHKPN reports.[35]

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[34] Negarawati Ester Benedicta Sihombing, "Apa Saja Aset Koruptor Yang Dapat Dirampas Oleh Negara," Https://Www.Hukumonline.Com/Klinik/a/Aset-Koruptor-Yang-Dapat-Dirampas-Oleh-Negara-Lt62f4dd8e6f2a2/#_ftn1, August 1, 2022.

[35] Mutiara Carina Rizky Artha et al., "Strategi Collaborative Governance Dalam Pemanfaatan Data Lhkpn Untuk Mengungkap Tindak Pidana Korupsi: Sebuah Kajian Literatur," *Action Research Literate* 9, no. 2 (2025),

Nevertheless, in enforcing criminal law in Indonesia, the principles of legality (*nullum delictum, nulla poena sine praevia lege poenali*—no legal action without a legal basis),[36] due process of law (requiring all actions by law enforcement officials to be procedural, transparent, and accountable)[37] human rights protection,[38] egal certainty and justice must continue to be upheld. Therefore, the State Officials' Asset Declaration (LHKPN), in addition to serving as an instrument for corruption prevention,[39] can also function as a means of protecting the personal and family assets of officials against allegations of corruption. LHKPN can serve as lawful and convincing evidence for judges, particularly in pretrial proceedings, to demonstrate that seized assets are not proceeds of corruption.[40]

he consideration of the pretrial judge in the case of Muflihun, former Secretary of the Regional House of Representatives (DPRD) of Riau Province, who assessed that the seizure conducted by investigators of the Riau Regional Police was hasty, failed to meet the principle of prudence, and was not supported by sufficient evidence to link the assets to the alleged corruption offense—despite the fact that the assets were lawfully acquired, officially owned, and had been reported in the LHKPN since 2020—constitutes important proof that LHKPN can serve as a mechanism for human rights protection, particularly in safeguarding property rights against a lack of due care by law enforcement officials in carrying out corruption enforcement in Indonesia.[41]

Furthermore, considering that the seizure application submitted by investigators of the Riau Regional Police had obtained approval from the local district court but was subsequently annulled by the pretrial judge on the grounds that it was legally defective and unfounded, there is a need to reform the mechanism for seizure applications, particularly with respect to assets unrelated to criminal offenses, especially corruption. Such reform should emphasize both formal and material analysis of the objects to be seized. In addition, the LHKPN mechanism itself requires reform to ensure the veracity of reported assets, for example through the regulation of the offense of illicit enrichment, which is already recognized in international conventions, namely Article 20 of the United Nations Convention Against Corruption (UNCAC).[42]

b. The Importance of Substantive Review in Seizure Application Mechanisms and Pretrial Review of the Seizure of Property Unrelated to Criminal Offenses as an Effort to Protect Human Rights.

https://doi.org/10.46799/arl.v9i2.2652; Gabriela, Debby Antow, and Herlyanty Bawole, "Efektivitas Penerapan Aturan Pelaporan Harta Kekayaan Penyelenggara Negara Sebagai Upaya Pencegahan Tindak Pidana Korupsi," *Lex Administratum* 11, no. 4 (2023); Oleh et al., *Laporan Tahunan KPK 2024*; Elih Dalilah and Vishnu Juwono, "Evaluasi Implementasi Kebijakan LHKPN: Dimensi Program," *Integritas : Jurnal Antikorupsi* 7, no. 2 (2022), https://doi.org/10.32697/integritas.v7i2.861.

36 Hafizhah, Leviza, and Mulhadi, "An Overview of the Principle of Legality: Common Law VS Civil Law."

37 Khairuddin Hasibuan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap, "RUU KUHAP: Tantangan Dan Harmonisasi Antara Asas Due Process of Law Dan Criminal Justice System Di Indonesia."

38 Evander, "Keberatan Pihak Ketiga Yang Beritikad Baik Terhadap Perampasan Aset Dalam Tindak Pidana Korupsi."

39 Gabriela, Antow, and Bawole, "Efektivitas Penerapan Aturan Pelaporan Harta Kekayaan Penyelenggara Negara Sebagai Upaya Pencegahan Tindak Pidana Korupsi."

40 Pengadilan Negeri Pekanbaru, "Sistem Informasi Penelusuran Perkara (SIPP) Pengadilan Negeri Pekanbaru Dengan Nomor Perkara 12/Pid.Pra/2025/PN Pbr Tentang Sah Atau Tidaknya Penyitaan," Sipp.Pn-Pekanbaru.Go.Id, September 17, 2025, https://sipp.pn-pekanbaru.go.id/list_perkara/search_detail.

41 Ibid.

42 Akhmad Akhmad, Zico Junius Fernando, and Papontee Teeraphan, "Unmasking Illicit Enrichment: A Comparative Analysis of Wealth Acquisition Under Indonesian, Thailand and Islamic Law," *Journal of Indonesian Legal Studies* 8, no. 2 (2023), https://doi.org/10.15294/jils.v8i2.69332; M. Yusuf et al., "Illicit Enrichment in Corruption Eradication in Indonesia: A Future Strategy," *Jurnal Media Hukum* 31, no. 2 (2024), https://doi.org/10.18196/jmh.v31i2.22304.

To date, seizure applications submitted by investigators through the *e-Berpadu* system have largely been treated as administrative formalities, often disregarding substantive review due to time constraints and the perceived urgency of cases requiring seizure. In the context of corruption enforcement, there are many assets or properties owned by individuals that potentially become subject to seizure once they are implicated in corruption cases. Fundamentally, an administrative-formality-based mechanism for seizure applications is inconsistent with the principles of criminal law and contrary to the very purpose of criminal law itself, which is to seek and discover material truth (materiële waarheid).

The seizure of property or assets that have no direct connection to a criminal offense essentially violates a person's constitutional and human rights. However, given that corruption is an extraordinary crime causing massive state losses and widespread societal harm, from a general perspective, investigators' actions in seizing the assets of corruption perpetrators may also be viewed as justifiable and constitutionally grounded. Nonetheless, criminal law embodies principles that favor and aim to protect defendants, such as *lex favor rei* (laws that benefit the accused)[43] and *in dubio pro reo* (when in doubt, rule in favor of the accused), which ensure that mitigating legal changes are applied and that the accused is acquitted in cases of evidentiary doubt. These principles are closely related to the presumption of innocence (everyone is presumed innocent until proven guilty) and *geen straf zonder schuld* (no punishment without fault).bersalah sebelum terbukti) dan *Geen Straf Zonder Schuld* (tidak ada pidana tanpa kesalahan).[44] Therefore, there is a need for reform in both seizure application mechanisms and pretrial review concerning assets unrelated to criminal offenses, emphasizing substantive proof as a middle ground between law enforcement objectives and the protection of human rights.

Currently, the pretrial institution faces significant weaknesses and limitations in adjudicating its objects. Its jurisdictional authority is considered highly limited and insufficient to uncover material truth *(materiële waarheid)*.[45] This is because the jurisdiction and authority of pretrial proceedings are confined primarily to formal aspects and are adjudicated by a single judge, whose perspective may be inherently limited. On the other hand, pretrial proceedings are also viewed as not yet operating in accordance with the foundational concept of habeas corpus, which represents the concrete realization of human rights protection, as pretrial judges operate only within post-vacuum or post-facto jurisdiction and are largely restricted to documents issued by investigators

Under the Indoensia New Criminal Procedure Code (New KUHAP), advocates are granted broader authority, beginning from the initial stage when a person is examined as a witness. With this expansion, the mechanism for seizure applications could, in principle, incorporate a form of legal objection to seizure requests. In other words, when investigators submit seizure applications without strong supporting evidence, advocates should be able to file objections based on compelling evidence, enabling the Chief Judge who has the authority to approve seizure applications to conduct a comprehensive review before granting approval. This is crucial, considering that under the Anti-Corruption Law, lawfully acquired assets or assets unrelated to

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43 Khibran Nadhir and Hery Firmansyah, "Perlindungan Hak Individu Melalui Pendekatan Lex Favor Reo Di Sistem Hukum Pidana," *Unes Law Review* 6, no. 2 (2023).

44 Vita Mahardhika, "Pertanggungjawaban Korporasi Dalam Tindak Pidana Korupsi Pengadaan Barang/Jasa Pemerintah (Studi Kasus PT Nusa Konstruksi Enjiniring)," *JURNAL MERCATORIA* 14, no. 1 (2021), https://doi.org/10.31289/mercatoria.v14i1.4126.

45 Alvan Kharis, "Menakar Yurisdiksi Pra Peradilan Dan Konsep Rechter Commisaris Di Dalam RUU KUHAP," *DELAREV Lakidende Law Review* 2, no. 8 (2023), https://doi.org/https://doi.org/10.47353/delarev.v2i2.50.

criminal offenses may only be forfeited following a court decision that has obtained final and binding legal force.

V. Conclusion

Based on the foregoing discussion, it can be concluded that the seizure of property not directly related to a criminal offense, particularly in corruption cases, constitutes a crucial issue situated at the intersection between the interests of law enforcement and the protection of human rights. Seizure that is not accompanied by a clear causal relationship with the criminal act has the potential to violate the principle of legality, due process of law, and the right to property as guaranteed by the 1945 Constitution of the Republic of Indonesia and national human rights instruments. Therefore, the mechanism for submitting seizure applications before the District Court must be accompanied by a strict substantive review, rather than merely formal–administrative examination, so that judges are able to objectively assess the legal basis, the relevance of the seized objects, and the proportionality of the investigators' actions. This approach is essential to prevent arbitrary actions and to maintain the legitimacy of law enforcement in the eyes of the public.

Furthermore, pretrial proceedings play a strategic role as an instrument of judicial oversight over seizure actions that exceed authority or are not based on sufficient evidence. Substantive review in pretrial proceedings concerning the seizure of property unrelated to criminal offenses constitutes a concrete form of human rights protection, as well as a checks-and-balances mechanism within the criminal justice system. Although corruption is an extraordinary crime that demands firm measures, its enforcement must not sacrifice the fundamental principles of criminal law that uphold the presumption of innocence and substantive justice. Accordingly, reforming seizure mechanisms and strengthening the function of pretrial review in line with the development of the National Criminal Procedure Code have become urgent necessities in order to balance the effectiveness of corruption eradication with the protection of citizens' constitutional rights.

References

Akhmad, Akhmad, Zico Junius Fernando, and Papontee Teeraphan. "Unmasking Illicit Enrichment: A Comparative Analysis of Wealth Acquisition Under Indonesian, Thailand and Islamic Law." *Journal of Indonesian Legal Studies* 8, no. 2 (2023). https://doi.org/10.15294/jils.v8i2.69332.

Alfada, Anisah. "The Destructive Effect of Corruption on Economic Growth in Indonesia: A Threshold Model." *Heliyon* 5, no. 10 (October 2019). https://doi.org/10.1016/j.heliyon.2019.e02649.

Antony, Antony, and Eko Nurisman. "Melawan Tindak Pencucian Uang Korporasi Melalui Pengesahan Rancangan Undang-Undang Perampasan Aset." *Jurnal Ilmiah Dinamika Hukum* 24, no. 2 (2023). https://doi.org/10.35315/dh.v24i2.9472.

Christy, Betania Maygawati, Zainur Wula, and Suci Lestari Handayani. "Penyitaan Barang Bukti Bergerak Prespektif Sosiologi Hukum (Studi Kasus Di Kantor Rumah Penyimpanan Benda Sitaan Negara Kelas I Kupang)." *Jurnal Terapung : Ilmu - Ilmu Sosial* 7, no. 2 (2025). https://doi.org/10.31602/jt.v7i2.18885.

Dalilah, Elih, and Vishnu Juwono. "Evaluasi Implementasi Kebijakan LHKPN: Dimensi Program." *Integritas : Jurnal Antikorupsi* 7, no. 2 (2022). https://doi.org/10.32697/integritas.v7i2.861.

Evander. "Keberatan Pihak Ketiga Yang Beritikad Baik Terhadap Perampasan Aset Dalam Tindak Pidana Korupsi." *Jurist-Diction* 7, no. 1 (2024). https://doi.org/10.20473/jd.v7i1.54674.

Fadillah Usman. "PN Pekanbaru Kabulkan Praperadilan Eks Sekwan DPRD Riau, Penyitaan Aset Tidak Sah." DANDAPALA Badan Peradilan Umum MA, September 2025. https://dandapala.com/article/detail/pn-pekanbaru-kabulkan-praperadilan-eks-sekwan-dprd-riau-penyitaan-aset-tidak-sah.

Ferdinan Manuel, Elkristi, and Mandira Bienna Elmir. "Perluasan Praperadilan Sebagai Bentuk Due Process of Law: Perlindungan Hak Asasi Manusia Dan Keadilan Sosial." *PUSKAPSI Law Review* 2, no. 1 (2022). https://doi.org/10.19184/puskapsi.v2i1.31189.

Gabriela, Debby Antow, and Herlyanty Bawole. "Efektivitas Penerapan Aturan Pelaporan Harta Kekayaan Penyelenggara Negara Sebagai Upaya Pencegahan Tindak Pidana Korupsi." *Lex Administratum* 11, no. 4 (2023). https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/48645

Gunardi. *Buku Ajar Metode Penelitian Hukum*. 1st ed. Edited by Murni. Jakarta Selatan: Damera Press, 2022.

Hafizhah, Annisa, Jelly Leviza, and Mulhadi Mulhadi. "An Overview of the Principle of Legality: Common Law VS Civil Law." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 4, no. 1 (2024). https://doi.org/10.15294/ipmhi.v4i1.76875.

Halliday, Paul D. *Habeas Corpus: From England to Empire*. In *Renaissance Quarterly*, vol. 64. no. 2. Cambridge: Cambridge University Press (CUP), 2010. https://doi.org/10.1086/661874.

Indonesia Corruption Watch. *Lampiran Daftar Lengkap Tren Korupsi Hakim_15-4-2025*. Jakarta, 2025. https://antikorupsi.org/sites/default/files/dokumen/Lampiran%20Daftar%20Lengkap%20Tren%20Korupsi%20Hakim_15-4-2025.pdf.

Khairuddin Hasibuan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap. "RUU KUHAP: Tantangan Dan Harmonisasi Antara Asas Due Process of Law Dan Criminal Justice System Di Indonesia." *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 3, no. 2 (2024). https://doi.org/10.55606/jurrish.v3i2.6023.

Kharis, Alvan. "Menakar Yurisdiksi Pra Peradilan Dan Konsep Rechter Commisaris Di Dalam RUU KUHAP." *DELAREV Lakidende Law Review* 2, no. 8 (2023). https://doi.org/https://doi.org/10.47353/delarev.v2i2.50.

Kresnantyo, Wienda. "Perluasan Objek Praperadilan Pasca KUHAP Baru." MARI News, January 6, 2026. https://marinews.mahkamahagung.go.id/artikel/perluasan-objek-praperadilan-pasca-kuhap-baru-0Kp.

Liber Sonata, Depri. "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Meneliti Hukum." *Fiat Justisia Jurnal Ilmu Hukum* 8, no. 1 (2014). https://doi.org/10.25041/fiatjustisia.v8no1.283.

Mamesah, Calvin Nicolaas. "Penegakan Hukum Terhadap Kasus Korupsi Sebagai Implementasi the United Nations Convention Against Corruption (Uncac) Di Indonesia 1." *Lex Privatum*, 2024. https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/58333.

Muhaimin. *Metode Penelitian Hukum*. 1st ed. Mataram-NTB: Mataram University Press, 2020.

Nasution, Bahder Johan. *Metode Penelitian Ilmu Hukum*. Bandung: Mandar Maju, 2008.

Oleh, Diterbitkan, Komisi Pemberantasan, Korupsi Penyusun, Tim Laporan, Tahunan Kpk, Halaman Komisi, Pemberantasan Korupsi, Jalan Kuningan, and Persada Kavling. *Laporan Tahunan KPK 2024*. n.d. www.kpk.go.id.

Pantoli, Zulkarnain. "Rancangan Undang-Undang Perampasan Aset (Strategi Baru Melawan Korupsi Dengan Pendekatan In REM)." *Journal Of Human And Education (JAHE)* 4, no. 6 (2024). https://doi.org/10.31004/jh.v4i6.2051.

Parlementaria DPR RI. "RUU KUHAP Resmi Disahkan Jadi UU, Puan Harap Masyarakat Tidak Terpapar Hoaks Substansi - DPR RI." Https://Www.Dpr.Go.Id/Kegiatan-Dpr/Berita/RUU-KUHAP-Resmi-Disahkan-Jadi-UU-Puan-Harap-Masyarakat-Tidak-Terpapar-Hoaks-Substansi-61047, Jakarta, November 8, 2025. https://www.dpr.go.id/kegiatan-dpr/berita/RUU-KUHAP-Resmi-Disahkan-Jadi-UU-Puan-Harap-Masyarakat-Tidak-Terpapar-Hoaks-Substansi-61047.

Pengadilan Negeri Pekanbaru. "Sistem Informasi Penelusuran Perkara (SIPP) Pengadilan Negeri Pekanbaru Dengan Nomor Perkara 12/Pid.Pra/2025/PN Pbr Tentang Sah Atau Tidaknya Penyitaan." Sipp.Pn-Pekanbaru.Go.Id, September 17, 2025. https://sipp.pn-pekanbaru.go.id/list_perkara/search_detail.

Raya, Adinda Amalia Aisyiyah, Rodrigo Fernandes Elias, and Max Sepang. "Upaya Paksa Penggeledahan Barang Bukti Oleh Pihak Kepolisian Berdasarkan Undang-Undang Nomor 22 Tahun 2009." *LEX PRIVATUM* 15, no. 5 (2025). https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/61931#:~:text=Upaya%20paksa%20dalam%20bentuk%20penggeledahan,lalu%20lintas%20dan%20angkutan%20jalan.

Rizky Artha, Mutiara Carina, Riani Anggraeni, Asropi Asropi, and Neneng Sri Rahayu. "Strategi Collaborative Governance Dalam Pemanfaatan Data Lhkpn Untuk Mengungkap Tindak Pidana Korupsi: Sebuah Kajian Literatur." *Action Research Literate* 9, no. 2 (2025). https://doi.org/10.46799/arl.v9i2.2652.

Sihombing, Negarawati Ester Benedicta. "Apa Saja Aset Koruptor Yang Dapat Dirampas Oleh Negara." https://Www.Hukumonline.Com/Klinik/a/Aset-Koruptor-Yang-Dapat-Dirampas-Oleh-Negara-Lt62f4dd8e6f2a2/#_ftn1, August 1, 2022.

Siregar, Raja Adil. "Penyitaan Aset Cacat Hukum, Eks Sekwan Muflihun Menang Saat Gugat Polda Riau." Detik Sumut, September 18, 2025. https://www.detik.com/sumut/hukum-dan-kriminal/d-8118538/penyitaan-aset-cacat-hukum-eks-sekwan-muflihun-menang-saat-gugat-polda-riau.

Soeparmono, R. *Praperadilan Dan Penggabungan Perkara Ganti Kerugian Dalam*. Bandung: Mandar Maju, 2003.

Sunaryo, Sidik, and Asrul Ibrahim Nur. "Legal Policy of Anti-Corruption Supervisor Design: A New Anti-Corruption Model in Indonesia." *Bestuur* 10, no. 2 (2022). https://doi.org/10.20961/bestuur.v10i2.65105.

Supreme Court Republic of Indonesia. *Laporan Tahunan 2024 Mahkamah Agung Republik Indonesia*. Jakarta, 2024.

The Federal Judiciary. "Habeas Corpus _ Pengadilan Amerika Serikat." The Administrative Office of the U.S. Accessed November 13, 2025. https://www.uscourts.gov/glossary-legal-terms/habeas-corpus.

Transparency International Indonesia. *Corruption Presception Index 2024*. Jakarta, 2025. www.ti.or.id.

Umam, Khairul, and Maskun Maskun. "Urgensi Pembentukan Rancangan Undang - Undang Perampasan Aset Sebagai Upaya Reformasi Hukum Yang Restoratif." *Syntax Literate ; Jurnal Ilmiah Indonesia* 10, no. 4 (2025). https://doi.org/10.36418/syntax-literate.v10i4.56727.

Waruwu, Riki Perdana Raya. "Praperadilan Pasca 4 Putusan Mahkamah Konstitusi." In *The Supreme Court Registry*. Preprint, Jakarta: The Supreme Court Registry, August 2017. https://kepaniteraan.mahkamahagung.go.id/images/artikel/Praperadilan%20Pasca%204%20Putusan%20MK.pdf.

Yusuf, M., Aswanto, Juajir Sumardi, Maskun, and Nurul Hidayat Ab Rahman. "Illicit Enrichment in Corruption Eradication in Indonesia: A Future Strategy." *Jurnal Media Hukum* 31, no. 2 (2024). https://doi.org/10.18196/jmh.v31i2.22304.