

## The Designation of Money as Evidence in Corruption Cases: A Legal Normative Study of Law Enforcement Practices in Indonesia

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### Abstract

Corruption offences in Indonesia not only cause financial losses to the state, but also undermine public trust in the legal system. In the law enforcement process, money obtained through corruption is often used as key evidence to uncover the flow of funds and prove the element of state losses. This study aims to analyse the designation of money as evidence in corruption cases through a normative legal approach by examining legislation, legal doctrine, and judicial practice in Indonesia. The results of the study show that the determination of money as evidence has a strategic role in proving the elements of unlawful acts and strengthening the construction of the public prosecutor's indictment. However, there are still problems related to seizure procedures, evidence management, and the return of state losses that are not yet optimal. The lack of synchronisation between the provisions in the Criminal Procedure Code, the Corruption Eradication Law, and practices in the field also hinders the effectiveness of law enforcement. Therefore, regulatory harmonisation and increased professionalism among law enforcement officials are needed so that the management of money as evidence can provide legal certainty, justice, and benefits in the eradication of corruption in Indonesia.

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## 1. INTRODUCTION

Indonesia has entered an era of reform that is expected to bring about new arrangements in the law enforcement system. Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia stipulates that all Indonesian citizens have equal status before the law. This provision reflects the principle of equality before the law, which requires that every individual be treated equally before the law without discrimination. As a country based on the rule of law, law enforcement must be carried out in accordance with applicable laws, without violating legal principles, including in the handling of corruption cases, which remain a serious problem in Indonesia. (Dani Durahman et al., 2022)

The implementation of criminal law in Indonesia is regulated in the Criminal Procedure Code (KUHAP). Philosophically, the KUHAP aims to prevent the arbitrariness of law enforcement officials and guarantee the protection of human rights through the principles of neutrality and impartiality (Andi Hamzah, 2016). The law must not be applied in a discriminatory manner or favour certain groups. When the law loses its neutrality and

succumbs to the interests of those in power, substantive justice will be eroded and potentially lead to a crisis of public confidence in the legal system. (Abdul Muis, 2021)

Corruption is categorised as an extraordinary crime due to its systemic impact on state finances, public trust, and the rule of law (Hana Krisnamurti, 2025). Corruption not only causes financial losses to the state, but also undermines the values of justice, legal certainty, and the benefits of law as the main objectives of national law enforcement. Therefore, eradicating corruption requires strong, firm, and consistent legal instruments, including in the aspect of evidence in criminal proceedings (Romli Atmasasmita, 2011).

In law enforcement practice, proving corruption cases requires a high degree of accuracy, especially in determining and managing evidence. Evidence is a crucial stage in criminal procedure to determine whether a defendant is guilty or not (Marzuki, 2019). Article 184 of the Criminal Procedure Code regulates the types of evidence, which are then expanded in the new Criminal Procedure Code to include evidence, electronic evidence, and other forms of evidence. In corruption cases, money is often the main object suspected of being the proceeds of crime or a means of committing corruption, whether in cash or non-cash form (Yahya Harahap, 2015).

The determination of money as evidence is not merely a technical procedural matter, but also concerns normative legal aspects regarding the validity of evidence, the causal relationship with the criminal act, and the guarantee of protection of the human rights of the parties. The money seized must be relevant to the alleged crime, obtained through legal procedures, and directly related to the unlawful acts committed by the suspect or defendant. Errors in designating money as evidence have the potential to violate human rights, particularly the right to property and fair legal protection.

In law enforcement practice in Indonesia, the designation of money as evidence often causes public debate, especially when money found during the investigation process is claimed to come from a legitimate source or was obtained before a person took office in a public position. This situation raises legal questions regarding the basis for designating the money as evidence, the relationship between the money and the alleged corruption, and the mechanism for proving it in court. In addition, the authority of law enforcement officials to seize property is also often in the spotlight because it relates to the protection of property rights and the principle of due process of law (Chemerinsky, E, 2020).

The expansion of evidence in the new Criminal Procedure Code provides law enforcement officials with greater scope in the process of proving cases. However, the application of this expansion must remain based on the principles of legality, proportionality and protection of human rights so as not to cause injustice. Neutral law enforcement, free from the interests of certain parties, is a key requirement for realising dignified justice.

In the perspective of the Due Process of Law Theory proposed by Herbert L. Packer, criminal justice proceedings must be carried out through lawful, fair procedures that respect human rights, with the main objective of limiting the power of the state so that it does not act arbitrarily against individuals. This theory emphasises that every action taken by law enforcement, including seizure and designation of money as evidence in corruption cases, must be based on clear legal rules, carried out through transparent mechanisms, and provide guarantees of protection of property rights and the right to a fair trial. In the context of law enforcement practices in Indonesia, the application of the principle of due process of law is very important to ensure that extraordinary efforts to eradicate corruption remain within the corridor of the rule of law. Thus, the designation of money as evidence is not only assessed in terms of its effectiveness in proving the case, but also in terms of its compliance with legal procedures, its relevance to the alleged crime, and respect for the constitutional rights of the suspect and third parties. This approach is expected to maintain a balance

between the state's interest in eradicating corruption and the protection of human rights, thereby creating fair and integrity-based law enforcement.

## 2. METHOD

This study utilises a descriptive method with a qualitative approach to gain an in-depth and contextual understanding of the phenomenon under investigation. This approach was chosen because it is able to accurately describe the objective conditions in the field without manipulation or intervention from the researcher (Moleong Lexy, 2017) that qualitative research is naturalistic and places the researcher as the main instrument in the data collection process. The data collected is not in the form of numbers, but rather textual information obtained through in-depth interviews, direct observation, documentation, and field notes (John W. Creswell, 2014). This approach allows researchers to capture meanings, perceptions, and social dynamics that cannot be explained quantitatively. This research does not aim to test hypotheses, but rather to explore and understand variables independently based on the actual context (Nazir, 2013). The descriptive method is used to describe phenomena systematically, factually, and accurately regarding the facts that occur in the field (Sugiyono, 2019), emphasising that this method is suitable for use in social research that aims to understand behaviour, interactions, and social structures in depth. (Denzin NK, 2009) Qualitative research is an interpretive and naturalistic approach that aims to understand the meaning of a phenomenon in its natural context. Researchers attempt to interpret the world based on the perspective of the subjects being studied.

## 3. RESULTS AND DISCUSSION

### RESULTS

In criminal corruption cases, the designation of money as evidence is strategically important because money is often the primary instrument and object of the crime. From the perspective of the Theory of Due Process of Law, every action taken by law enforcement officials in seizing, designating, and using money as evidence must be carried out through procedures that are lawful, transparent, and legally accountable (Suci & Indawati, 2025). The principle of due process emphasises that no one can be deprived of their property without a clear legal basis and a fair process, so that the designation of money as evidence must be based on sufficient preliminary evidence, a valid warrant, and a mechanism for testing in court (Atmasasmita, 2018).

The application of this principle is important to prevent abuse of authority in law enforcement, particularly in the practice of sting operations and the seizure of assets suspected of being linked to corruption. Through the framework of due process of law, the seizure of money is not only seen as an effort to prove a case, but also as a form of restriction on property rights that must be carried out proportionally and in accordance with the provisions of criminal procedure law. Thus, the legitimacy of designating money as evidence is not solely determined by the existence of a suspected criminal act, but also by compliance with legal procedures that guarantee the protection of human rights and the principle of presumption of innocence (Mulyadi, 2017).

Furthermore, testing the validity of money as evidence in court is a concrete manifestation of due process of law, whereby the defendant is given the opportunity to refute, explain the origin of the money, and present counter-evidence (Hiariej, 2021). This process ensures that judges assess the validity of evidence objectively and not solely based on assumptions or situational pressures. Therefore, the application of the theory of due process of law in determining money as evidence strengthens the integrity of the criminal

justice system, guarantees substantive justice, and maintains a balance between law enforcement interests and the protection of individual rights (Balindra, 2025).

## DISCUSSION

### 1. Hearing (Right to be Heard)

Based on interviews with legal practitioners, the right of suspects or defendants to be heard is a fundamental element in ensuring procedural justice when money is designated as evidence in criminal corruption cases. This right not only means being given the opportunity to speak formally before investigators, but also includes a real and proportional opportunity to explain the origin, purpose, and legality of ownership of the seized money. Suspects must be given the opportunity to raise objections if the money comes from legitimate sources, such as business proceeds, personal savings, documented loans, or inherited assets, and be allowed to present supporting evidence in the form of banking documents, tax reports, business agreements, or relevant witness statements. In practice, as revealed through interviews, the seizure process is often carried out quickly in urgent situations, making clarification from the parties concerned crucial to prevent premature conclusions about the money's connection to criminal acts.

Literature studies confirm that the principle of *audi et alteram partem* requires law enforcement officials to hear and consider the statements of both parties before determining that an item is evidence, so that the decision taken is not one-sided or based solely on assumptions. This principle is a manifestation of due process of law, which demands a balance between law enforcement and the protection of human rights, particularly the right to property and the right to fair legal protection. Without adequate opportunity to provide an explanation, the designation of money as evidence has the potential to violate individuals' constitutional rights, create unfounded social stigma, and undermine the legitimacy of the legal process in the eyes of the public. Therefore, fulfilling the right to be heard not only serves to protect the interests of the suspect, but also strengthens the integrity of the criminal justice system by ensuring that every act of seizure and determination of evidence is carried out objectively, transparently, and accountably in accordance with the principles of the rule of law.

### 2. Legal Counsel (Right to Legal Assistance)

Interviews with advocates and criminal law academics indicate that legal assistance from the investigation stage plays a crucial role in ensuring that seizure and the designation of money as evidence are carried out in accordance with legal procedures and the principle of due process of law. The presence of legal counsel is not merely symbolic, but serves as a real control mechanism over the authority of law enforcement officials, particularly in examining the validity of seizure warrants, ensuring that court authorisation is obtained where required, and overseeing the process of calculating and recording the amount of money seized in a transparent and accurate manner in the official report. In practice, as revealed through interviews, legal counsel also plays an active role in reminding investigators to only seize money that is directly relevant to the alleged crime, thereby preventing actions that exceed their authority or have the potential to harm third parties acting in good faith.

Criminal procedure law literature emphasises that access to legal aid is a constitutional guarantee that aims to create a balance between state power and the protection of individual rights, especially in situations where the state has coercive powers such as seizure. Legal aid enables suspects to understand their rights, including the right to refuse to provide incriminating information, the right to know the legal basis for seizure, and the right to object to actions deemed unlawful. Without legal assistance,

suspects are potentially subject to psychological pressure, intimidation, or unfair treatment during the investigation process, which may ultimately affect the validity of statements or the admissibility of evidence obtained. Therefore, the presence of legal counsel not only protects the interests of the suspect, but also strengthens the legitimacy of the law enforcement process by ensuring that every seizure and designation of money as evidence is carried out professionally, transparently, and in accordance with the principles of procedural justice.

### **3. Fair Trial**

Literature studies emphasise that judicial independence is a fundamental prerequisite for assessing the validity of money as evidence objectively and impartially in criminal corruption cases. Judges not only act as interpreters of the law, but also as guardians of procedural justice who ensure that all evidence, including confiscated money, is obtained legally, is relevant, and is directly related to the elements of the criminal offence charged. Based on interviews with legal academics, corruption cases often receive a great deal of public attention, accompanied by intense media coverage and rapidly developing public opinion, which has the potential to create moral and psychological pressure on the judicial process. In such situations, there is a risk that public perceptions of the defendant's guilt will be formed before the evidentiary process is complete, which can indirectly affect the independence of the judiciary if it is not strongly guarded.

The principle of fair trial requires judges to remain neutral, impartial, and decide cases solely based on the facts revealed in court and applicable legal provisions. Judges must assess money as evidence through comprehensive analysis, including tracing the causal relationship between the money and the alleged crime, examining the validity of the seizure procedure, and considering the testimony of witnesses, experts, and supporting documents submitted by the parties. Thus, the existence of large sums of money does not necessarily prove corruption without the support of other valid and convincing evidence. The interviews also showed that the independence of judges is the last line of defence against criminalisation or decisions based on external pressure, whether in the form of public opinion, political interests, or intervention by those in power. Therefore, the determination of the status of money as evidence must be carried out through a fair, rational assessment, free from external influences, so that court decisions are not only legally valid but also have moral legitimacy in the eyes of the public.

### **4. Legal Evidence (Validity of Evidence According to Law)**

Based on interviews with law enforcement officials, money cannot be designated as evidence simply because it was found in a person's possession. Rather, it must be based on a direct connection to the criminal case under investigation and obtained through legal procedures. Officials emphasised that before determining the status of evidence, investigators must ensure the relevance of the money to the elements of the crime, for example, as a result of bribery, gratification, extortion, or part of a flow of funds related to state financial losses. In addition, the seizure process must be carried out in accordance with the provisions of criminal procedure law, including court authorisation, the preparation of seizure reports, and transparent and accountable recording.

A literature review reinforces this view by emphasising that the validity of evidence in the criminal justice system is determined by two main aspects, namely relevance (*materiale waarheid*) to the elements of the criminal offence and the legality of its acquisition (*lawful acquisition of evidence*). If one of these aspects is not fulfilled, the

probative value of the money submitted as evidence may be questioned or even declared invalid. In court practice, legal counsel often raise objections or exceptions if there are indications that the seizure was carried out without the correct procedures or that there is no clear causal relationship between the seized money and the alleged offence. This condition shows that the principle of legal evidence functions as a control mechanism for the actions of law enforcement officials, so that evidence is not presented arbitrarily, but remains within the corridor of due process of law and guarantees the protection of individual human rights. Thus, money as evidence only has probative value if it meets the legal standards of being lawful, relevant, and legally accountable before a judge.

#### 4. CONCLUSION

The designation of money as evidence in criminal corruption cases must be carried out carefully and based on the principle of due process of law, namely through procedures that are lawful, transparent, and respect human rights. Money can only be recognised as evidence if it is directly related to the crime, obtained through legal seizure, and its validity can be tested in a fair and impartial trial. The fulfilment of the right to be heard, legal assistance, judicial independence, and the validity of evidence are important elements in ensuring procedural justice and preventing abuse of authority. Thus, efforts to eradicate corruption must remain within the corridor of the rule of law, maintaining a balance between the state's interest in recovering financial losses and the protection of individual constitutional rights, so as to create law enforcement that is integrity, fair, and has legitimacy in the eyes of the public.

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#### 6. BIBLIOGRAPHY

- Atmasasmita, R. (2011). *Sistem peradilan pidana kontemporer*. Kencana.
- Balindra, I. (2025). Kronologi KPK tangkap Gubernur Riau dan anak buahnya di kafe. *Tempo*.  
<https://www.tempo.co/hukum/kronologi-kpk-tangkap-gubernur-riau-dan-anak-buahnya-di-kafe-2086438>
- Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). Sage Publications.
- Denzin, N. K., & Lincoln, Y. S. (2009). *The Sage handbook of qualitative research* (3rd ed.). Sage Publications.
- Durahman, D., Dasuki, E., & Ramdani, D. (2022). *Etika profesi dan tanggung jawab hukum*. PT RajaGrafindo Persada.
- Hamzah, A. (2016). *Pemberantasan korupsi melalui hukum pidana nasional dan internasional*. RajaGrafindo Persada.
- Harahap, M. Y. (2015). *Pembahasan permasalahan dan penerapan KUHP*. Sinar Grafika.
- Hiariej, E. O. S. (2021). *Teori dan hukum pembuktian*. Erlangga.
- Krisnamurti, H. (2025). Harmonisasi asas permaafan hakim (judicial pardon) dalam hukum positif Indonesia untuk mewujudkan keadilan yang bermartabat (Disertasi, Universitas Pasundan).  
<https://journal.unpas.ac.id/index.php/litigasi/article/view/22645>
- Marzuki, P. M. (2019). *Penelitian hukum*. Kencana.
- Moleong, L. J. (2017). *Metodologi penelitian kualitatif*. PT Remaja Rosdakarya.

- Muis, A. (2021). *Pemberantasan korupsi: Fungsi dan kewenangan Kepolisian Negara Republik Indonesia dalam tindak pidana korupsi guna mengembalikan kerugian keuangan negara di Indonesia*. Pustaka Reka Cipta.
- Mulyadi, L. (2017). *Hukum acara pidana: Normatif, teoretis, praktik dan permasalahannya*. Alumni.
- Nazir, M. (2013). *Metode penelitian*. Ghalia Indonesia.
- Suci, A. T., & Indawati, Y. (2025). Penyitaan aset dengan pendekatan berbasis nilai terhadap aset pelaku tindak pidana korupsi. *Jurnal Hukum Lex Generalis*, 6(7), 1–15.
- Sugiyono. (2019). *Metode penelitian kuantitatif, kualitatif, dan R&D*. Alfabeta.