

## Juridical Analysis of the Application of Reverse Proof in Corruption Cases

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**Abstract:** This article discusses the juridical construction and implications of applying reverse burden of proof in corruption cases in Indonesia, with emphasis on its relation to the principle of legality and the presumption of innocence as fundamental principles in criminal law. The application of reverse burden of proof as regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 has sparked juridical debate regarding the extent to which this mechanism can be accepted within the framework of a rule-of-law state that upholds the principles of a fair trial and the protection of citizens' constitutional rights. Through a normative juridical research method, this article examines the normative tensions that arise when reverse burden of proof is confronted with the principle of non-self-incrimination and the concept of unlawful acts as essential elements in corruption crimes. The analysis results indicate that reverse burden of proof has a legitimate basis as an effort to combat corruption, which is considered an extraordinary crime, but its use must be positioned as a right, not an obligation of the defendant. Furthermore, its application cannot replace the state's duty to legally prove the elements of a criminal act, particularly the element of unlawfulness. Thus, the reverse burden of proof mechanism must be understood as a limited and balanced evidentiary strategy, to ensure that the judicial process remains within constitutional boundaries.

**Keywords :** Civil; Franchise Agreement; ;Legal Certainty

## INTRODUCTION

The eradication of corruption in Indonesia is a challenge that continues to be faced by the national legal system in realizing clean, transparent, and accountable governance.<sup>1</sup> Corruption not only harms state finances, but also erodes public trust in state institutions, hinders development, and deepens social inequality. Therefore, an effective and progressive legal approach is needed in dealing with this extraordinary crime. One of the approaches that has attracted a lot of attention in judicial practice is the application of the principle of reverse proof (reversal of the burden of proof) in corruption cases.<sup>2</sup>

<sup>1</sup> Jawa, D., Malau, P., & Ciptono, C. (2024). Tantangan dalam penegakan hukum tindak pidana korupsi di Indonesia. *Jurnal Usm Law Review*, 7(2), 1006–1017.

<sup>2</sup> La Ode, Y., & Yulestari, R. R. (2024). Optimalisasi Perlindungan Hak Asasi Manusia Pada Rancangan Undang-Undang Perampasan Aset Dalam Penanganan Tindak Pidana Ekonomi. *JUDICATUM: Jurnal Dimensi Catra Hukum*, 2(1), 1–20.

Reverse proof is a legal mechanism that shifts the burden of proof from the public prosecutor to the defendant. In the context of conventional criminal law, the principle of "*non-self-incrimination*" and the principle of the *presumption of innocence* place the burden of proof entirely on the state. However, in corruption cases, especially related to proving the unnatural origin of wealth, Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes allows the limited use of the principle of reverse proof. This is reflected in the provisions of Article 37A which allows the defendant to prove that his wealth does not come from a criminal act of corruption.

The application of reverse proof in the context of criminal law in Indonesia presents a juridical and ethical dilemma that is not simple.<sup>3</sup> On the one hand, reverse proof is considered a legal strategy that is responsive to complex and hidden crimes such as corruption. On the other hand, the application of this mechanism has the potential to cause a conflict of norms, especially between the principle of reverse proof and the principle of presumption of innocence and the right to legal protection. The tension between these norms has given rise to academic and jurisprudential debates regarding constitutional limits and the practical implications of reverse proof in the criminal justice system.

The conflict between these norms is more specifically seen in the clash between Article 37A of the Law on the Eradication of Corruption and the provisions of Article 66 of the Criminal Procedure Code (KUHAP) which states that the defendant is not burdened with the obligation to prove his innocence. In addition, the 1945 Constitution in Article 28D paragraph (1) and Article 28I paragraph (1) affirms that everyone has the right to fair legal recognition, guarantee, protection, and certainty, and cannot be reduced to their rights under any circumstances, including the right not to be forced to give incriminating testimony for themselves. In this context, the application of reverse proof contains potential inconsistencies with constitutional norms and universally recognized fair trial principles.

Furthermore, the existence of the principle of reverse proof in the Indonesian legal system also raises methodological problems in its application. In judicial practice, not all law enforcement officials have a uniform perception and understanding of the scope and limitations of the application of this principle. This has an impact on inconsistencies in the judge's legal considerations and legal uncertainty for the defendant. The difference in interpretation between purely (strict) reverse evidence and relative (limited) reverse evidence often causes confusion, both in the stage of investigation, prosecution, and examination at trial. In addition, the disharmony between the various sets of laws and regulations that govern proof also exacerbates this problem.

The concept of *unlawful acts* in Indonesian criminal law is an important principle that serves as a benchmark to determine the existence of unlawful elements in a criminal act,<sup>4</sup> both formally and materially. In the case of corruption, testing against unlawful elements does not only refer to violations of written legal norms, but also considers aspects of justice, propriety, and morality that develop in society. Therefore, the application

<sup>3</sup> Yusni, M. (2020). *Keadilan dan Pemberantasan Tindak Pidana Korupsi Perspektif Kejaksaan*. Airlangga University Press

<sup>4</sup> Yanti, S. N. (2022). *Analisis Penerapan Unsur Melawan Hukum Dalam Perspektif Hukum Pidana Terhadap Tindak Pidana Penggelapan Dalam Jabatan*. Pascasarjana.

of the principle of unlawful acts has a complex scope, especially when it is associated with the reverse evidentiary mechanism.

The application of reverse proof in corruption cases often raises debate in the context of whether a defendant who cannot legally prove the origin of his wealth can be immediately considered to have committed an unlawful act. This problem is important because in criminal law, the existence of unlawful elements must be objectively proven based on the applicable legal principles, not solely on the defendant's inability to prove his wealth. If not careful, the application of reverse proof can lead to an expansion of the interpretation of the meaning of *unlawful acts* that are no longer based on legalistic norms, but rather lead to the suspicion or perception of impropriety.

Furthermore, the direct association between unnatural wealth and unlawful acts without being based on proof of the elements of delinquency in its entirety can cause deviations from the fundamental principles of criminal law. This touches on the essence of the principle of legality (*nullum delictum nulla poena sine praevia lege poenali*),<sup>5</sup> Where there should be no act that is considered a criminal offense without a clear and firm rule of law beforehand. In judicial practice, carelessness in interpreting the relationship between reverse evidence and *unlawful acts* has the potential to criminalize acts that legally do not necessarily meet the elements of delinquency completely.

The urgency of this research stems from the urgent need to reorganize the criminal law paradigm in eradicating corruption, especially through the application of reverse proof which has been giving rise to juridical discourses and non-uniform practices. In the midst of the complexity of corruption eradication involving actors with strong power networks and increasingly sophisticated modus operandi, the state is required to develop adaptive and effective legal instruments. The application of reverse proof is one of the breakthrough steps that has been normatively accommodated in the national legal system. However, its existence raises concerns about the protection of the human rights of defendants, especially when faced with the principle of presumption of innocence, the principle of non-self-incrimination, and the concept of *due process of law*. In this context, the urgency of the research lies in the need to examine in depth and comprehensively how the principles of classical criminal law can be harmonized with a progressive approach in reverse proof, without obscuring the fundamental rights of individuals in the criminal justice process.

This research is also interesting to study because it touches on the intersection between the state's interests in fighting corruption and the protection of individual rights guaranteed by the constitution. Academic interest in this topic is growing because it offers a dialectical space between a repressive approach in criminal law enforcement and a normative approach that upholds substantive justice. The application of reverse proof in corruption cases is not only a matter of legal strategy, but also concerns the ethical design of the judicial system itself. The appeal of this research lies in the challenge of answering the question: the extent to which the state can limit the rights of defendants in the public interest without violating the universal principle of a fair and impartial trial. Thus, this research not only offers theoretical contributions, but also has practical relevance in navigating national criminal law policies to stay within the constitutional corridor.

<sup>5</sup> Puspito, B., & Masyhar, A. (2023). Dynamics Of Legality Principles in Indonesian National Criminal Law Reform. *Journal of Law and Legal Reform*, 4(1), 109–122.

The formulation of this research problem is: 1) How is the juridical construction of reverse proof in Indonesian criminal law, especially in cases of corruption, reviewed from the principle of legality and the principle of presumption of innocence? 2) What are the implications of the application of reverse proof to prove the elements of *unlawful acts* in corruption from the perspective of criminal law?

## METHOD

This research uses a type of normative juridical law research, which is methodologically based on the study of positive legal norms and basic legal principles that are relevant to the issue being researched.<sup>6</sup> Normative juridical research, often also referred to as doctrinal research, is an approach in law that places law as a system of norms. In this approach, law is understood as the rule that regulates human behavior in the life of society and the state, which is sourced from laws and regulations, court decisions, doctrines, and legal principles.

This type of research aims to examine the consistency, certainty, and fairness of applicable legal norms by analyzing the structure, substance, and relationship between one norm and another. Therefore, in the context of this study, a normative juridical approach is used to examine in depth the legal basis, applicability, and implications of the principle of reverse proof in corruption cases, especially in relation to the principles of criminal law and criminal procedural law, such as the principle of presumption of innocence, the principle of legality, and the principle of non-self-incrimination.<sup>7</sup>

In this normative juridical law research, the approach used consists of two main types of approaches, namely the statute *approach and the case study approach*.<sup>8</sup> These two approaches are used in a complementary manner to provide a complete understanding of the legal problems being studied, namely the application of reverse proof in corruption cases in Indonesia, both from the normative and implementation sides.

Legal materials are the main elements that become a source of reference in the process of analyzing the legal problems being studied. Legal materials in this type of research are generally classified into two types, namely primary legal materials and secondary legal materials. Both have complementary roles in building juridical arguments and supporting the drawing of legal conclusions in a systematic and valid manner. The selection and use of appropriate and relevant legal materials is an important foundation in maintaining the validity and integrity of a normative legal research.

The first step taken in this study is the identification and formulation of legal problems that are the focus of the study. This stage involves a review of actual issues in legal practice, especially related to the application of reverse proof in corruption cases. The formulation of the problem is prepared in the form of legal questions that will be answered through normative analysis based on available legal materials. This stage also includes determining the scope of the research as well as classifying relevant legal norms as the object of the study.

<sup>6</sup> Widiarty, W. S. (2024). *Buku ajar metode penelitian hukum*. Publika Global Media.

<sup>7</sup> Subekti, S., Handayati, N., Suyanto, S., & Cahyono, D. (2024). *Consumer Legal Protection in Landed House Sale and Purchase Transactions: Legal Study Between Consumers and Developers*. 4(2). <https://doi.org/10.52909/jbemk.v4i2.190>

<sup>8</sup> Kholid, M. N. (2020). *Skema Pembiayaan Independen Perumahan Berbasis Syari'ah (Studi Kasus Pembiayaan Fiktif PT. Cahaya Mentari Pratama)*. UNIVERSITAS AIRLANGGA.

The next step is the collection of legal materials, which includes primary legal materials and secondary legal materials. Primary legal materials are obtained from applicable laws and regulations, court decisions, and provisions of international law that have been ratified by Indonesia. Meanwhile, secondary legal materials are collected from scientific literature, legal journals, academic papers, and the views of legal experts. This process is carried out through literature studies and tracing of credible and accountable legal sources.

After the legal materials are collected, the next step is a normative analysis of the relevant legal materials. In this stage, the researcher conducts a systematic legal review to assess the relationship between legal norms, examine the consistency and hierarchy between regulations, and identify potential disharmonization or legal vacancies. This study uses statutory interpretation methods, both grammatically, systematically, historically, and teleologically, to understand the substantive meaning of legal provisions related to reverse proof and the rights of defendants in corruption criminal cases.

Furthermore, the researcher evaluates the application of norms in judicial practice by referring to the case study approach. In this stage, court decisions are analyzed to assess how the norm of reverse proof is interpreted and applied by judges, and the extent to which it is applied in line with criminal law principles and constitutional principles. The analysis of this ruling also reflects the concrete dynamics between legal texts and judicial practice.

The last step is the preparation of legal conclusions and recommendations. The conclusions drawn are the result of the entire normative analysis process that has been carried out previously, which answers the legal questions asked in the formulation of the problem.

The analysis of legal materials in this normative juridical research is carried out through an in-depth review process of legal norms that are the basis for the application of the principle of reverse proof in corruption cases. This analysis process not only includes the interpretation of positive legal texts, but also emphasizes the importance of argumentative constructions based on criminal law principles, academic doctrine, and relevant jurisprudence precedents.

In the first part, the researcher identifies and classifies primary legal materials consisting of the norms contained in the 1945 Constitution of the Republic of Indonesia, especially Article 28D and Article 28I concerning the right to justice and fair legal protection, as well as the Criminal Procedure Code (KUHAP), especially Article 66 which states that the defendant is not obliged to prove his innocence. The main review is also directed at the provisions of Law Number 31 of 1999 together with Law Number 20 of 2001 concerning the Eradication of Corruption, especially Article 12B, Article 37, Article 37A, and Article 38B, which are the normative basis of the principle of reverse proof.

In conducting normative analysis, the researcher highlights the normative tension between the provisions in the criminal law and the principles of classical criminal law, such as the principle of legality (*nullum crimen sine lege*), the principle of *presumption of innocence*, and the principle of non-self-incrimination. These tensions are then analyzed through systematic and teleological methods of legal interpretation to find a balance point between the effectiveness of law enforcement against extraordinary crimes and the protection of the constitutional rights of the defendant.

## DISCUSSION

### Juridical Construction of Reverse Proof of Criminal Law

The interpretation of the provisions of reverse proof in corruption cases continues to be a crucial discourse in the realm of Indonesian criminal law. Normatively, this mechanism has gained legitimacy through the regulation in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption, especially in Article 37A. However, despite having obtained a positive legal basis, the reverse evidentiary mechanism cannot be separated from polemics and debates among academics and legal practitioners, especially related to its interpretation method in criminal justice practice that upholds the principles of substantive justice and the constitutional rights of the accused.

Some experts interpret reverse proof as a legitimate normative response to the complexity of proof in corruption crimes, which often involve power structures, hidden financial systems, and sophisticated modus operandi. In this framework, reverse proof is not seen as a deviation from the principle of presumption of innocence, but rather as a progressive legal instrument given to the defendant to explain the origin of wealth that is considered unreasonable by the public prosecutor. This opinion states that those who consider that the reverse evidentiary system is limited (limited reverse onus) and still place the responsibility of initial proof on the prosecutor.<sup>9</sup> Only after there is an indication of unnatural wealth is the defendant given space to prove the legality of the property as part of his right of defense.

On the contrary, there are also critical views that question the constitutionality and ethical validity of this mechanism. Some legal experts have underlined that the application of reverse proof has the potential to cause deviations from the principle of non-self-incrimination, especially when the court makes the defendant's inability to prove wealth the basis for a guilty conclusion.<sup>10</sup> In his interpretation, Khidir emphasized that reverse proof must be read restrictively as *the right* of the defendant, not *an obligation*, as affirmed by the Constitutional Court in Decision Number 21/PUU-XII/2014. This interpretation is based on the principle of due process of law and the guarantee of the protection of human rights guaranteed by the 1945 Constitution and international legal instruments such as the ICCPR.

Furthermore, in judicial practice, the interpretation of Article 37A of the Corruption Law does not always take place consistently. On the one hand, there are court decisions that place reverse evidence facultatively and in accordance with the spirit of the constitution. But on the other hand, there are also verdicts that implicitly put the defendant in the position of having to prove his innocence, especially when the court did not find enough evidence from the public prosecutor but still sentenced him because the defendant did not succeed in convincingly proving the source of his wealth. This phenomenon creates methodological uncertainty in the criminal justice system and opens up space for criminalization based on moral judgment or assumption of impropriety alone, rather than on objective evidence of criminal elements.

However, when viewed from the principle of legality, reverse proof creates normative ambiguity. The principle of legality in Indonesian criminal law is a fundamental principle that requires that every act that is punished must be determined firmly, clearly, and in writing in laws and regulations before the act is committed. This principle provides assurance to individuals that the state will not impose arbitrary criminal

<sup>9</sup> Mariyanawati, Y. A., & Saleh, M. (2023). Sistem Pembuktian Terbalik Dalam Pemberantasan Tindak Pidana Korupsi. *Perspektif*, 28(3), 176-184.

<sup>10</sup> Manab, A. (2025). Sistem Penerapan Asas Pembuktian Terbalik Terhadap Tindak Pidana Korupsi. *PUSKAPSI Law Review*, 5(1), 309-321.

sanctions without a definite legal basis. Therefore, the reverse evidentiary construction must actually have clear legal certainty in the norm. However, in practice, the provisions of Article 37A have not been equipped with a derivative legal device that regulates in detail how reverse proof is carried out, when it can be enforced, and the extent to which the mechanism is binding on the defendant. This ambiguity opens up a wide range of interpretations, which have the potential to contradict the spirit of the principle of legality itself.

In addition, when associated with the principle of presumption of innocence, the application of reverse proof also harbors the potential for violation of this principle if it is not carried out proportionately. The principle of presumption of innocence is a universal principle that affirms that every person accused of committing a criminal act must be presumed innocent until there is a court decision with legal force that still states the contrary.<sup>11</sup> In the Indonesian criminal procedure law system, this principle is affirmed through Article 8 paragraph (1) of Law Number 39 of 1999 concerning Human Rights and strengthened by the ratification of the International Covenant on Civil and Political Rights (ICCPR) through Law Number 12 of 2005. Therefore, any provision of the law, including reverse proof, must not place the defendant in a position that requires him to prove his innocence, without first sufficient proof from the public prosecutor.

A proper juridical construction of reverse proof must still hold the principle that preliminary or strong conjecture of unreasonable wealth remains the responsibility of the state. After that, the defendant was given space to prove that the property was obtained legally as a form of right, not an obligation. This is in accordance with the basic principle of criminal law that the burden of proof must be on the postulating party, not on the denying party. When reverse proof is treated as an absolute necessity without the requirement of preliminary proof, the position of the defendant becomes unbalanced, and the legal system changes from an adversarial model to an inquisitorial one that undermines the fundamental rights of the defendant.<sup>12</sup>

In addition, the juridical construction of reverse proof cannot be separated from the role of jurisprudence of the Constitutional Court, especially Decision No. 21/PUU-XII/2014 which affirms that the provision of reverse proof should not be enforced as an absolute obligation for the defendant. The court stated that the defendant's proof was a right to self-defense, not an obligation to prove innocence. The Court's view emphasizes the importance of maintaining a balance between the legal need to eradicate corruption and the constitutional principles of protecting the human rights of defendants.

### Implication of the Application of Reserve Proof to the Element of Unlawful Acts

The implications of the application of reverse proof to the elements of unlawful acts in corruption have given rise to significant theoretical dynamics in the construction of Indonesian criminal law, especially when reviewed through a *legal theory* framework that explains the relationship between legal norms, principles, and goals. The application of reverse proof not only touches on the procedural technical aspects of proof, but also touches on the substantial dimension of the delicacy element, especially related to proving

<sup>11</sup> Syarif, N., Januri, J., & Saribu, E. L. D. (2024). Perlindungan Hak-Hak Tersangka Melalui Asas Praduga Tidak Bersalah (Presumption of Innocent) Dalam Sistem Peradilan Pidana. *Audi Et AP: Jurnal Penelitian Hukum*, 3(02), 112-120.

<sup>12</sup> Afandi, F. P. (2020). *Sistem pembuktian terbalik dalam gratifikasi pada tindak pidana korupsi* (Doctoral dissertation, Universitas Hasanuddin).

against unlawful elements (*wederrechtelijkheid*), which in criminal law requires clarity both formally and materially.<sup>13</sup>

Conceptually, the relevant legal theories in reading these implications are progressive legal theories and substantive justice theories. Progressive legal theory, as developed by Satjipto Rahardjo, holds the view that law should not be static and trapped in the formal rigidity of the text of the law, but should be responsive to the needs of society, including the need to tackle extraordinary crimes such as corruption. In this context, reverse proof is understood as a corrective instrument against the weaknesses of formal law in reaching out to corrupt acts hidden behind complex systems of power. However, this theory also emphasizes that any legal innovation must still be based on the principle of substantive justice and must not ignore the fundamental rights of the accused.<sup>14</sup>

The unlawful element in corruption crimes has distinctive characteristics, because it not only refers to violations of written norms, but also includes violations of the principles of propriety, fairness, and social justice. Within the framework of classical criminal law theory, the unlawful element must be proven by the public prosecutor positively, namely by showing a violation of certain legal norms or principles. However, with the application of reverse proof, there is a shift in the mechanism of proving these elements. When the defendant is asked to explain the legality of the origin of his wealth, the logical implication is that the inability to provide such an explanation can be associated as evidence of an unlawful act. This suggests that reverse evidence has a direct impact on the way the court assesses the fulfillment of unlawful elements, even before all the elements of the offense are formally proven by the public prosecutor.

From the point of view of modern *rule of law* theory, this shift in the burden of proof must be read with great caution. The principle of a democratic state of law requires that the punishment of a person is not based solely on assumptions or incompetence in the defense, but on objective and comprehensive evidence of every element of the criminal act. In this context, when the defendant's inability to prove the origin of his wealth is used as a basis for concluding that there is an unlawful act, it has the potential to blur the line between objective legal facts and subjective legal inferences. Drawing conclusions about the existence of unlawful acts based on mere inference is contrary to the principle of *nullum crimen sine lege certa*, which requires clarity in the elements of delicacy.

Other criticisms also come from the approach of retributive and procedural justice theory. In retributive theory, criminal justice demands that punishment be imposed solely because of a legally proven moral or legal error. The application of reverse proof, which opens up the possibility of sentencing based on the defendant's failure to prove innocence of a property, can lower the standard of proof from *beyond reasonable doubt* to *reasonable suspicion*. Such a standard can open up space for abuse of power by law enforcement officials who act on the basis of economic indicators alone, without proving the existence of malicious intent (*mens rea*) or concrete actions (*actus reus*) that fully meet the elements of crime.

In judicial practice, the problem of proving elements of unlawful acts with a reverse evidentiary approach often causes a discrepancy between the logic of criminal procedure law and the reality of the administrative

<sup>13</sup> Kamaruzzaman, S. (2024). *Efektivitas Hukum Sistem Pembuktian Terbalik Dalam Tindak Pidana Korupsi Dengan (Studi Kasus: Putusan Nomor 363 K/PID. SUS/2017)* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

<sup>14</sup> Dianti, F. (2024). *Hukum pembuktian pidana di indonesia: perpandangan HIR dan KUHAP* (Edisi Revisi). Sinar Grafika

and civil law systems. For example, technical regulations in the management of state finances or procedural mechanisms in reporting the assets of public officials that are administrative in nature can be used as indicators of instant violations of criminal law, although in substance they do not necessarily meet the formal and material requirements for the occurrence of unlawful acts. In this case, the threat of criminalization of administrative violations is increasingly real, especially when accompanied by public and political pressure on law enforcement to show commitment to eradicating corruption through the ratio of the number of cases brought to court, rather than the quality of the evidence and legal arguments.

This condition raises concerns that reverse proof is used not as a means of correcting the weaknesses of conventional evidence in complex corruption cases, but as a shortcut to achieve repressive law enforcement outcomes.<sup>15</sup> Moreover, in many cases, defendants are not given adequate opportunity or defense capacity to explain the origin of their wealth, either due to technical barriers, data accessibility, or the unpreparedness of legal defenders to keep up with the ability of prosecutors supported by financial intelligence agencies and state audit agencies. Therefore, formal justice and substantive justice are often threatened by evidentiary mechanisms that appear to be legal but have the potential to violate the nature of *due process of law*.

These criticisms show that the implementation of reverse proof of unlawful elements in corruption cases requires strict supervision from judges as executors of justice, so as not to be trapped in the euphoria of enforcement that sacrifices the integrity of the legal system itself. Judges should not simply be the enforcers of administrative findings that are suspected of unlawful acts, but must actively test the conformity between facts, norms, and principles of justice. Thus, the role of an independent judiciary is central in balancing the effectiveness of eradicating corruption and the protection of the basic rights of defendants in a democratic state of law.

## CONCLUSIONS

Based on the results of research and discussion that has been systematically studied, it can be concluded that the juridical construction of reverse proof in Indonesian criminal law, especially in cases of corruption, is a form of exception to the general principle of proof which normatively has obtained legal legitimacy through the provisions of Article 37A of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. This provision provides a legal basis for the imposition of an obligation on the defendant to explain the origin of his wealth, but it must still be understood in the framework of criminal law that upholds the principle of presumption of innocence. Furthermore, the implications of the application of reverse proof to the elements of unlawful acts in corruption shows the potential for a shift in the structure of proof that can have an impact on reducing the burden of the state in proving the elements of crime as a whole. In judicial practice, the defendant's inability to prove the legality of the origin of his wealth is often used as a basis for inference that there is an unlawful act, although it is not always preceded by active and comprehensive evidence from the public prosecutor. This condition has the potential to cause juridical problems because it is contrary to the principle of *in dubio pro reo* and the negative evidentiary system according to the law, which requires that the judge's conviction must be built on the basis of valid evidence and thorough proof of all elements of the criminal act.

<sup>15</sup> Kholifah, A. (2023). Implikasi Yuridis Beban Pembuktian Terbalik Bagi Komisaris Dan Dewan Pengawas Atas Kerugian Bumn. *Majalah Hukum Nasional*, 53(2), 199-222.

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