**Ibnu Kholik.1 Edi Warman.2 Diding Rahmat.3**

1.Mahasiswa Program Doktor (S3) Ilmu Hukum Universitas Sumatra Utara

Email : [ibnukholik@students.usu.ac.id](mailto:ibnukholik@students.usu.ac.id)

2.Guru Besar fakultas Hukum Universitas Sumatra Utara

3.Dosen Fakultas Hukum Universitas Kuningan

**ABSTRACT**

Success in eradicating corruption can not only be judged by simply proposing the perpetrators. to the green table. This success is deemed insufficient if the state losses due to corruption committed cannot be recovered, so that success is deemed sufficient, it must be able to confiscate the assets of the accused perpetrators of corruption in the trial, which will later be used as payment of compensation for state losses charged to the Defendant. With the reason for the payment of compensation for state losses, the Defendant's property was then confiscated, both used and obtained from a criminal act of corruption, as well as on the Defendant's property which was obtained not from a criminal act of corruption and has nothing to do with a criminal act of corruption. The purpose of this study was to determine the position of the evidence in the trial process and how the legal protection of the defendant's property was used as evidence in the corruption case**.** This research is descriptive, normative juridical research type through legislation and conceptual approach, using secondary data obtained through literature study and document study, then analyzed qualitatively. The results of this study are that the principle of presenting evidence in court is to support the evidence of the defendant's actions, not to be used as collateral for the execution of the sentence, so that the defendant's property that is not related and is not the result of a criminal act of corruption cannot be used as evidence in court process;

Keywords: Legal protection, property, evidence, corruption.