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## THE EFFECTIVENESS OF RUPBASAN ON STATE CONFISCATED PROPERTY CASE STUDY OF CLASS 1 CIREBON RUPBASAN

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### Abstract

**Background.** Indonesia guarantees the ownership of goods in the 1945 constitution, as stated in Article 28 H paragraph (4), which states that "Everyone has personal property rights and such property rights may not be arbitrarily taken over by anyone, " but only if the goods are obtained illegally.

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Therefore, the state has the right to carry out coercive efforts against citizens if they are strongly suspected of committing unlawful acts. Law enforcement officials can confiscate goods suspected to be the result of criminal acts for the purpose of proof at the level of investigation, prosecution, and trial, including goods confiscated as an implementation of a judge's decision that has permanent legal force.

**Aims.** Based on Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP) article 44 paragraph (1) State confiscated objects are stored in the State Confiscated Objects Storage House. However, in the storage of state confiscated goods, Rupbasan has a number of challenges, namely how effective is the authority to regulate the storage of state confiscated goods by Rupbasan? and what factors affect the performance of Rupbasan?

**Methods.** This writing uses doctrinal-empirical methods presented with analytical descriptiveness. The data collection carried out in this writing is a literature study and interviews.

**Result.** The paper will examine the effectiveness of Rupbasan's role in storing confiscated goods, the challenges faced by Rupbasan in regulating the authority of other agencies/institutions to store state confiscated goods that can shift the role of Rupbasan itself, and factors that hinder Rupbasan's performance in storing state confiscated goods.

Conclusion.

Implementation.

**Keywords:** Confiscated goods, Effectiveness, Rupbasan

## INTRODUCTION

Indonesia is a country of law. This is based on the 1945 Constitution, Article 1, paragraph 3. As a country of law, running a country and protecting human rights must be based on the law. Law is a set of rules that determine what can and cannot be done by humans, and if violated, they will be subject to sanctions.<sup>1</sup> Therefore, all behaviors and deeds of the Indonesian people must be based on the applicable rules. Both written and unwritten. The law will deal with any irregularities that occur. In the event of a criminal act, it is often accompanied by evidence as a tool or means used by the perpetrator in committing a criminal act or the result of a criminal act that has been committed. The Criminal Procedure Code regulates criminal procedures, processes, and the rights and obligations of a person involved in a criminal act. The criminal process starts from examining suspects in the police and prosecutor's office to the level of examination in court. Examining a suspect is one of the efforts to collect evidence, among other things, to obtain information and/or clarity about a criminal act involving one or more suspects, accompanied by proof. Evidence that is suspected to be strong can be confiscated by investigators based on Article 38 of the Criminal Code. Confiscation comes from the word "confiscation," which in criminal cases means that confiscation is carried out to obtain evidence of movable or immovable goods belonging to a person in a criminal case.<sup>2</sup>

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<sup>1</sup> Achmad Ali. *Unveiling the Legal Veil*. Jakarta: Prenadamedia Group, 2015 p. 46.

<sup>2</sup> Andi Sofyan and Abd. Asis, 2014, *Criminal Procedure Law: An Introduction*, Prenadamedia Group, Jakarta, p. 155

Evidence of criminal acts that exist because of criminal cases is very vulnerable to their existence if not adequately cared for and maintained, which can cause damage and even loss. For this reason, it requires proper and safe storage so that there is no damage or loss; for this, the role of Rubasan here is needed. Rupbasan was formed to store confiscated objects and confiscated goods to ensure their safety, and the goods are registered for their existence if required in court proceedings.<sup>3</sup> Jan Rummelink said, "State confiscated objects according to Article 1 number 4 of Government Regulation Number 58 of 2010 concerning the Implementation of the Criminal Procedure Code are objects confiscated by the state for the purposes of the judicial process. Meanwhile, state booty is evidence that has acquired permanent legal force, confiscated for the state, which is then executed by way of destruction, auctioned for the state, handed over to designated agencies for use, and stored in the Rupbasan for evidence in other cases."<sup>4</sup> In the criminal justice system, storing state-confiscated goods plays an important role in ensuring the security and integrity of evidence used in legal proceedings. The State Confiscated Goods Storage House (RUPBASAN) is an institution responsible for the management, supervision, and storage of confiscated goods and state confiscation based on court decisions that have permanent legal force. That during the process of all levels of examination, evidence or confiscated objects must be maintained so that proof can be presented. So, as long as the goods are in the RUPBASAN, the physical responsibility for the confiscated objects is in the hands of the Head of RUPBASAN. Meanwhile, the juridical responsibility for confiscating objects is in the hands of the authorized officials at the level of examination in the judicial process. The existence of the RUPBASAN is crucial, considering that confiscated goods often have high economic value, such as movable and immovable assets, money, or other valuables, which can affect legal proceedings if not managed properly. In addition, unprofessional storage can potentially cause damage, loss, or even misuse of confiscated goods, harming the state and reducing public trust in law enforcement. The existence of Rupbasan is a mandate of Article 44 of the Criminal Code, which states that "*State confiscated objects are stored in the State Confiscated Objects Storage House.*" As an effort by the state to give authority to institutions/institutions, this is important because it limits the

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<sup>3</sup> Qatrunnada Ramadhania, Padmono Wibowo. (2022) "*THE ROLE OF THE PALEMBANG CLASS I CONFISCATED AND STATE SPOILS STORAGE HOUSE (RUPBASAN) IN THE STORAGE OF EVIDENCE OF CRIMINAL ACTS*" <http://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/5267/4029> ACCESSED MARCH 17, 2025.

<sup>4</sup> Jan Rummelink, *Criminal Law: Commentary on the Most Important Articles of the Dutch Criminal Code and Their Equivalents in the Indonesian Criminal Code* (Jakarta: Gramedia, 2003), p. 12

arbitrariness of investigators. According to Mardjono Reksodiputro, the function of a Criminal Procedure Law is to limit the state's power to act against every citizen involved in the criminal justice process.<sup>5</sup> Thus, the existence of Rupbasan is an effort to prevent the abuse of authority resulting from investigative actions in the form of confiscation (*inbesilagneming*).

However, in practice, the Rupbasan Regulation for storing confiscated goods as stipulated in Article 44 of the Criminal Procedure Code and Government Regulation No. 27 of 1983 concerning implementing the Criminal Procedure Code has not been implemented effectively. Based on the results of interviews and monitoring in the field, this is due to the storage of confiscated goods by other agencies/institutions with the authority to store seized goods, including the Prosecutor's Office and the Police. The authority to store state confiscated goods that have been taken over makes Rupbasan lose its role, in the Attorney General's Regulation Number PER006/A/JA/07/2017 concerning the Organization and Work Procedures of the Prosecutor's Office where in CHAPTER XIV the Asset Recovery Center has structures, including the Field of Confiscated Goods and State Booty (Article 754) and emphasized in article 771 which states that "The Sector of Confiscated Goods and State Booty has the task of implementing control policies management of confiscated goods and state spoils" Based on information obtained by the author from a friend who carried out PPL at the Cirebon City State Prosecutor's Office, the agency has a warehouse that is large enough to accommodate state confiscated goods.

On the other hand, the Police on the other hand has rules regarding the storage of evidence, this is as stipulated in the Regulation of the National Police Chief (Perkap) No.10 of 2010 concerning Procedures for Managing Evidence within the National Police of the Republic of Indonesia in article 11 The Evidence Management Officer (PPBB) has the duty and authority to receive, store and secure confiscated goods, still only acting as a depositor, but also in charge of inventorying, assessing, and destroying seized goods by the provisions of the law. On the other hand, the Rupbasan has challenges in storing state-seized goods; the limitation of the working budget due to the budget efficiency carried out by President Prabowo's government in 2025 has an impact on the management and maintenance of the assets entrusted, especially in the Cirebon class 1 Rupbasan.

The authority that is owned by the Prosecutor's Office and the Police each confuses the rules for the storage of state confiscated goods, which has serious implications for the existence

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<sup>5</sup> Romli Atmasasmita. (2009). *The Criminal Justice System Perspective of Existentialism and Abolitionism*. Bandung: Bina Cipta, p. 15  
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of the Rupbasan, which has duties and authority in the storage of state confiscated and confiscated goods. In addition to storing seized goods in these various agencies/institutions without the supervision of other parties, there is the potential for abuse of power that can harm state finances, such as loss and damage to state confiscated objects. This is because no other institution is responsible for formulating and optimizing storage data and supervising these goods. Apart from that, Rupbasan, in carrying out its duties, has several performance inhibiting factors in the storage of state confiscated goods, such as budget efficiency, which makes the maintenance of assets not optimal, so that it can harm the state because asset sales are not optimal. Therefore, optimizing the role of Rupbasan through strengthening regulations and strict supervision is an urgent need to support the effectiveness of law enforcement in Indonesia. Thus, research or study on the role of Rupbasan in the storage of state confiscated goods is essential to evaluate its performance and provide recommendations for improvement for the realization of accountable and integrity governance of seized goods.

### **Problem Formulation**

1. How effective is the regulation of Rubasan authority in confiscating confiscated goods?
2. What factors hinder Rubas's performance in storing confiscated goods?

### **Purpose and Benefits of Writing**

This paper aims to analyze the role of Rupbasan in storing state-confiscated goods, including its management and accountability mechanisms. In addition, this paper also seeks to assess the effectiveness of the authority of the Rupbasan in ensuring the security and accountability of confiscated goods, as well as identifying factors that hinder its performance from the aspects of infrastructure, regulation, and supervision, as well as providing improvement solutions.

The benefits of this writing can be seen from two aspects. Theoretically, the writing results can contribute to the development of legal science, especially related to the management of state-confiscated goods. Practically, this writing is helpful for Rupbasan as a material for performance evaluation, for law enforcement in improving the coordination of evidence management, for the government as a policy consideration, and for the public to increase transparency and trust in the judicial system. Thus, it is hoped that this writing can support the optimization of the role of Rupbasan in law enforcement, which is more accountable and with integrity.

## **Place of Execution**

State Confiscated Objects Storage House (Rupbasan) class I Cirebon is located on Jl. Melati, Kesambi, Kesambi District, Cirebon City, West Java 45134.

## **LITERATURE REVIEW**

In writing this scientific paper, the author researched and explored previous research information to compare both existing shortcomings and advantages. In addition, the researcher also dug up information from several books, theses, and papers to obtain theories related to the titles used as the basis of scientific theories.

The work of Ida Bagus Made Wedhana Manuaba, I Putu Dharmanu Yudhartha (2024) entitled "The Effectiveness of Storage and Management of State Confiscated Objects (Case Study: RUPBASAN Class I Denpasar)" states that the RUPBASAN Class I Denpasar in the management of confiscated objects is still not running effectively. RUPBASAN Class I Denpasar is said to be ineffective due to several factors, including external factors such as the absence of regulations that can regulate how long confiscated objects can be stored in RUPBASAN's warehouse, lack of communication from APHs regarding the status of confiscated objects, so that these objects accumulate in the warehouse and the decline in the economic value of the object. In addition, internal factors such as a lack of employee competence or a lack of maximum employees or staff owned by RUPBASAN Class I Denpasar are also one of the factors that cause RUPBASAN Class I Denpasar less effective.<sup>6</sup>

A work from Suci Kusumawardhani (2022) entitled "Management of Confiscated Goods (Basan) and State Confiscated Goods (Baran) in Law Enforcement in the Jurisdiction of Depok City" states that the Management of Confiscated Goods (BASAN) and Confiscated Goods (BARAN) in the jurisdiction of the city of Depok, which should be carried out by the State Confiscated Goods Storage House (RUPBASAN), is currently still carried out by the Depok Metro Police in managing Evidence and Confiscated Goods, and by the Depok District Attorney's Office in managing Evidence and Confiscated Goods. On the other hand, it is considered more efficient for the Depok District Attorney's Office in the trial examination

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<sup>6</sup> Ida Bagus Made Wedhana Manuaba (2024) "The Effectiveness of Storage and Management of State Confiscated Objects (Case Study: RUPBASAN Class I Denpasar)"

<https://ijespjournal.org/index.php/shkr/article/view/140> accessed on March 19, 2025

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process. It does not need to go through procedures to other agencies, because it is managed in their agencies.<sup>7</sup>

The work of Henry Donald Lbn. Toruan (2020) entitled "The Effectiveness of the Law on the Storage of Confiscated Goods in the Rupbasan" states that the investigator does not determine the Rupbasan Regulation in the Criminal Code and its implementing regulations to be ineffective because they heed the rules in Article 44 of the Criminal Code. The investigator did not hand over the confiscated goods, guided by Article 16, paragraph (1), which allows the investigator to store the confiscated goods. The two articles are contractual. Also, the obstacles for Rupbasan in storing seized goods are minimal budget factors, stubborn storage facilities, the low organizational structure that is only at the level of echelon IV, facilities and infrastructure, and employees who do not have the qualifications as needed.<sup>8</sup>

## **METHODS**

This study uses an empirical doctrinal method. The data collection method is Literature Studies, namely tracing and studying laws and regulations, literature, journals, books, online articles, and other materials related to writing, as well as conducting interviews with relevant agencies. The results of the data obtained were analyzed qualitatively and presented descriptively.

## **DISCUSSION**

### **Profile and Main Duties of Rupbasan Class I Cirebon**

The State Confiscated Goods Storage House (RUPBASAN) is an institution authorized to store Confiscated Goods (BASAN) and State Spoils (BARAN), which are suspected to be objects or goods used in a criminal act or which are the result of a criminal act based on a court decision that has permanent legal force. The existence of the Rupbasan as a matter is based on article 44 of the Criminal Procedure Code, which states that "State confiscated objects are stored in the storage house of state confiscated objects" and is strengthened by Government Regulation No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code. The Rupbasan has duties and authority as a place to store, secure, maintain and rescue

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<sup>7</sup> Suci Kusumawardhani (2022) "Management of Confiscated Property (Basan) and State Confiscated Goods (Baran) in Law Enforcement in the Jurisdiction of Depok City"

<https://openjournal.unpam.ac.id/index.php/palrev/article/view/25528> accessed on March 19, 2025

<sup>8</sup> Henry Donald Lbn. Toruan (2020) "THE LEGAL EFFECTIVENESS OF THE STORAGE OF CONFISCATED GOODS IN RUPBASAN"

[https://www.researchgate.net/publication/345332894\\_Efektivitas\\_Hukum\\_Penyimpanan\\_Barang\\_Sitaan\\_di\\_Rupbasan](https://www.researchgate.net/publication/345332894_Efektivitas_Hukum_Penyimpanan_Barang_Sitaan_di_Rupbasan)

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confiscated goods and state spoils, this is based on article 15 of the Minister of Law and Human Rights Regulation No.16 of 2014 concerning Procedures for the Management of State Confiscated Goods and State Confiscated Goods at the State Confiscated Goods Storage House. the activities of the Cirebon class I Rupbasan in the storage, security, maintenance and rescue of state confiscated goods and state spoils by washing two-wheeled and four-wheeled vehicles and carrying out maintenance in the form of cleaning of assets that have been deposited by the KPK against the Cirebon class I Rupbasan, and accepting incoming baran and basan by conducting research stages, assessment, and documentation which includes data collection of administrative completeness and physical completeness. Apart from that, the Cirebon Class I Rupbasan carries out Harwat activities or maintenance days that are carried out routinely every month for 2-4 different days to several assets of state spoil that have been entrusted to the Cirebon Class I Rupbasan which includes houses, land, buildings and rice fields to maintain the value of these assets. I also guarded both day and night to secure the confiscated goods in the storage warehouse.

### **Effectiveness of the Role of Rupbasan in the storage of state-confiscated goods**

The definition of confiscated objects is closely related to evidence because confiscated objects are evidence from a criminal case that authorized law enforcement officials confiscate for the purpose of proof in court hearings. The term evidence in Dutch means "bewijsgoed" both in the Wetboek van Strafrecht voor Indonesia, as well as in Het Herziene Inlandsch Reglement and other laws and regulations. Evidence in this case is the goods needed as evidence, especially evidence as mentioned in the witness statement or the defendant's statement.<sup>9</sup> According to the Indonesian dictionary, objects are valuable treasures or goods, and everything tangible or corporeal.<sup>10</sup> Confiscation means the taking and detention of property according to the judge's decision or by the police.<sup>11</sup> In Law Number 8 of 1981 concerning the Criminal Procedure Code, Article 44 has stated that: (1) State confiscated objects are stored in the State Confiscated Objects Storage House; and (2) The storage of state confiscated objects is carried out as well as possible and the responsibility for them lies with the authorized officials by the level of examination in the judicial process and the objects are prohibited from being

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<sup>9</sup> Suharsimi Arikunto, *Research Procedures for Practical Approaches* (Jakarta: Rineka Cipta, 1998)., p. 202

<sup>10</sup> WJS Poerwadarminta, *Great Dictionary of Indonesian Language* (Jakarta: Balai Pustaka, 2008) (Henry Donald Lbn, 2020) (Manuaba, 2024) (Kusumawardhani, 2022) (ASIS, 2014) (Wibowo, 2022) (Atmasasmita, 2009) (Ali, 2015) 131-132.

<sup>11</sup> WJS Poerwadarminta., p. 134

used by anyone. Article 1, Number 16 of the Criminal Code states that: "Confiscation is a series of actions by an investigator to take over and/or keep under his control a movable or immovable, tangible or intangible object to prove in investigation, prosecution, and trial.

The existence of the Rupbasan, as mandated by Article 44 of the Criminal Procedure Code and Government Regulation No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code, has become the only agency that has the duty and authority to store state-confiscated property and state spoils. According to Basmanizar, "Rupbasan is the only place to store all kinds of confiscated objects that are needed as evidence in court proceedings based on article 44 paragraph 1 of the Criminal Code, which includes items that are declared confiscated based on a judge's decision, and these objects are prohibited from being used by anyone until a certain period until they are finally destroyed, or auctioned under the judge's decision."<sup>12</sup> The storage of confiscated goods in Rupbasan is intended to protect the ownership of goods as part of human rights as stipulated in the *Universal Declaration of Human Rights*, which is stated in article 17 paragraph (1) that: "Everyone has the right to own property alone as well as in association with others." (Everyone has the right to own property either alone or together with others). Verse (2) says, "No one shall be arbitrarily deprived of his property." (No one can be robbed of his property arbitrarily.)<sup>13</sup> In addition to guarantees for objects owned by a person personally, the 1945 Constitution Article 28H states that "Everyone has personal property rights, and these property rights must not be arbitrarily taken over by anyone."

However, in its implementation, Rupbasan is not the only agency/institution that has authority in the storage of state confiscated goods, there is a Attorney General's Regulation Number PER006/A/JA/07/2017 concerning the Organization and Work Procedures of the Prosecutor's Office where in CHAPTER XIV the Asset Recovery Center has a structure, including the Field of Confiscated Goods and State Confiscated Goods (Article 754) which states that the Asset Recovery Agency consists of the Sector of Confiscated Goods and State Confiscated Goods and clarified by article 771 which states that "The Division of Confiscated Objects and State Booty has the task of implementing policies to control the management of confiscated objects and state booty" in carrying out its duties The Division of Confiscated Objects and State Booty carries out its function as a collection and management of data on confiscated objects and state booty stored in the State Confiscated Goods Storage House,

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<sup>12</sup> Basmanizar, *Rescue and Security of State Confiscated Objects and State Booty in Rupbasan* (Jakarta: Rajawali Pers, 1997), p. 43-44

<sup>13</sup> Andi Hamzah, *Indonesian Criminal Procedure Law* (Jakarta: Sinar Grafika, 2001), p. 144  
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Warehouses of Confiscated Objects and Confiscated Goods of the Prosecutor's Office and/or other places. Article 24 of the Attorney General's Regulation Number: Per 002/A/JA/05/2017 regulates the procedure for the direct sale of goods confiscated by the Prosecutor's Office. This is under the provisions in Article 40, Article 1 Paragraph (8) of the Regulation of the Minister of Finance Number 96/PMK.06 of 2007 concerning the procedure for implementing the use, utilization, removal, and transfer of state property, the main purpose of this regulation is as a guideline for prosecutors. This gives the Prosecutor the authority to manage evidence, provides a legal basis for the exercise of their authority, and supports the role and usefulness of the Prosecutor's Office in enforcing criminal law and recovering assets in the State's territory.<sup>14</sup> The storage of confiscated goods carried out by the Prosecutor's Office is generally the same as the mechanism applied in the Rupbasan, but the mechanism prioritizes effectiveness in all stages of the storage of confiscated objects. In the management of evidence stored in the evidence storage room at the Prosecutor's Office, its management is the full responsibility of the evidence room officer where the security of the evidence room itself can only be accessed by the evidence room officer and no one other than the evidence room officer can access the room, even the General Criminal Division and the Head of the Prosecutor's Office, but only as a supervisor.<sup>15</sup>

On the other hand, the Police have their own arrangements for state confiscated goods that are suspected of being the result of criminal acts or suspected of being a competitive tool in committing criminal acts. Regulation of the National Police Chief No.10 of 2010 Regarding the way of managing evidence within the national police of the Republic of Indonesia, the existence of this regulation provides the police to be able to store their own confiscated state goods In article 9 paragraph (3) of Perkap No.10 of 2010 the Police have an Evidence Management Officer or PPBB consisting of the Chairman of PPBB with the rank of officer, Evidence administration affairs staff at the lowest rank of Brigadier; and general assistant staff at least with the rank of Second Level Police Brigadier or Civil Servant in the National Police. And in implementing Article 11, PPBB has duties and authorities, including accepting the submission of evidence confiscated by investigators. record in the register book the list of evidence. Storing evidence based on its nature and type, and securing evidence to guarantee its

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<sup>14</sup> Peter Joshua Lumban Raja & Janpatar Simamora (2024) "The Role of the Prosecutor's Office in the Management of Evidence and Confiscated Goods" <https://j-innovative.org/index.php/Innovative/article/view/17156/11498> accessed on March 19, 2025.

<sup>15</sup> Sitti Mawar & Safrul Rizal "Mechanism of Storage and Destruction of Narcotics Confiscated Objects" <https://jurnal.ar-raniry.ac.id/index.php/Justisia/article/view/5957> Retrieved March 19, 2025. (Basmanizar, 1997) (Hamzah, 2001) (Arikunto, 1998) (Poerwadarminta, 2008)

quantity and/or quality. Periodically check evidence and record it in the evidence control book. Removing evidence on the order of the investigator's superior to be borrowed from the rightful owner, and destroying the evidence.

The authority possessed by the Prosecutor's Office and the Police over the storage of state confiscated goods makes the role of the Rupbasan ineffective, especially in the Cirebon class I Rupbasan. The impact of the authority possessed by the Prosecutor's Office and the Police made confiscated goods and loot stored in Rupbasan only keep 89 confiscated points of the KPK, including seven luxury cars, houses, and agricultural land that are still productive. In general, the agencies that have the authority to store state confiscated goods, guided by Article 1 Number 16 of the Criminal Procedure Code, allow investigators to take over and/or store under their control movable or immovable objects indefinitely, and there are no obligations and sanctions for investigators who do not hand them over. In practice, investigators are free to keep confiscated goods under their control. Even based on information from Rupbasan, it is not uncommon for confiscated goods to remain stored until the court case is completed and a judge's decision is issued. The conflict of interest over the control of seized goods in the institution that has law enforcement authority is very prominent in making the institution at the same time play a role as peace maintenance to take over the role of the Rupbasan under the pretext of implementing the provisions of Article 1 number 16 of the Criminal Code. This is because the responsibility of each agency in storing confiscated goods is not clear and firmly divided, so each agency feels authorized to store confiscated goods without paying attention to the overall effectiveness of the criminal justice system. As a result, it is difficult to assess the successes and failures and the difficulties in solving the main problems in each institution, as happened in the Rupbasan.

### **Factors inhibiting the performance of Rubasan in the storage of confiscated goods**

In the criminal justice system, storing state-confiscated goods is essential in ensuring the security and integrity of evidence used in legal proceedings. The State Confiscated Goods Storage House (Rupbasan) is an institution responsible for managing, supervising, and storing confiscated goods and state confiscation based on a court decision with permanent legal force.

The existence of the RUPBASAN is crucial, considering that confiscated goods often have high economic value, such as movable and immovable assets, money, or other valuables, which can affect legal proceedings if not appropriately managed. In addition, unprofessional storage can potentially cause damage, loss, or even misuse of confiscated goods, harming the state and reducing public trust in law enforcement. Class 1 Cirebon Rupbasan is central to the

storage system of state confiscated goods (BASAN) and state confiscated goods (BARAN) in Cirebon's jurisdiction. Based on Article 44 of the Criminal Procedure Code, this institution is responsible for maintaining the physical integrity and economic value of confiscated goods from law enforcement agencies such as the KPK, the Criminal Investigation Branch of the National Police, and the Prosecutor's Office. For example, the Cirebon RUPBASAN holds 89 KPK confiscated points, including seven luxury cars, houses, and agricultural land that are still productive. These items, such as vehicle engine maintenance and land clearing, are maintained regularly to ensure they remain in optimal condition. Technological innovations such as the "Cekatan" application have also been developed to increase transparency and facilitate tracking the status of confiscated goods by the public and law enforcement officials.

The critical role of Rupbasan in supporting a simple, fast, and low-cost judicial process is required to support the smooth running of the correctional system and development of the legal field in society. This is related to the number of criminal acts that occur in the community, which often makes Rupbasan itself involved in it, so it becomes a complex challenge because of the position of Rupbasan, which can be said to be still new in existence, especially in the Cirebon area, West Java. In carrying out the functions and roles of managing confiscated objects and state confiscated goods based on existing provisions, the Cirebon Class I Rupbasan is still experiencing obstacles. Based on the results of data collection through the author's interview with the Cirebon Class I Rupbasan Officer, the author can describe the barriers in the implementation of the management of state confiscated objects and state spoils as follows:

First, the budget factor. In a year, the Cirebon class I Rupbasan only receives a budget of Rp. 120,000,000/year for managing and maintaining confiscated goods, office maintenance, employee salaries, financing of office facilities such as electricity, office fittings, and operational budgets in asset maintenance. The budget is also included in the official travel budget for officers. The lack of a budget makes managing and caring for Basan and Baran challenging. As a result, Basan and Baran were treated simply, which, in the end, when the judge's decision was issued stating that the goods were confiscated for the state, Basan experienced the lowest price depreciation, and Baran experienced the lowest price depreciation below the fair price. Some items have been auctioned many times but have not sold.

Second, the factor of where confiscated goods are stored is limited. The warehouses in which Basan and Baran were stored were very limited and unfeasible. The vehicle storage area is not protected from the hot sun and rain, only partially covered by the roof and tarpaulins. The condition of the car exposed to acidic substances, rainwater, and scorching heat will make

the paint color fade and mold, over time, become crooked, which in the end results in a sharp depreciation. Rupbasan also does not have a storage place based on the classification of goods, including valuables, shelves, or boxes for storing certain items.

Third, the factor of employees not having special skills. The recruitment of Rupbasan employees is not based on the qualifications needed to care for Basan and Baran, but is based only on the Decree of the Minister of Law and Human Rights. Ironically, the employees who are placed are often overflowing from problematic prisons, and of course, they do not have the skills to take care of Basan and Baran. Ahmad Sanusi's research, published in a journal, stated, "The quality of human resources needed in Rupbasan, according to HR respondents with certain qualifications in maintenance and management of baran/basan. Furthermore, respondents expect the existence of researchers, assessors, and basan and baran estimators. Therefore, policies related to technical education and training for Basan/Baran maintenance, technical researchers, assessors, and appraisers are needed.<sup>16</sup> Therefore, if Rupbasan wants to be optimized, it must recruit prospective employees with the required qualifications according to their competency certificate. So, the work to be carried out becomes a profession based on its competencies. The definition of competency certification can be found in, Government Regulation No. 23 of 2004 concerning the National Professional Certification Agency (BNSP), Article 1 point 1 states that "Work competency certification is the process of granting competency certificates that are carried out systematically and objectively through competency tests that refer to Indonesian and/or international national work competency standards." A profession is also defined as work requiring high, specialized knowledge, and special training. A professional job is a type of job, or position, which requires certain standards<sup>23</sup> of skills and behavioral qualifications.<sup>17</sup>

Fourth, the technology factor. In the storage and maintenance of Basan and Baran, Rupbasan has not used technology, including information technology. Rupbasan in carrying out its functions should be equipped with various technological devices such as refrigeration devices to store goods with certain qualifications, sophisticated security systems to be placed in storage warehouses.

The chaos of the storage of Basan and Baran has weakened the authority of the Rupbasan currently internally and externally, namely, ministries and institutions that have the

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<sup>16</sup> Ahmad Sanusi, "Optimizing the Governance of State Confiscated Objects in State Confiscated Storage Houses", *Scientific Journal of Legal Policy*, 12 (2018), 207

<sup>17</sup> Dwi Atmoko Sugeng, "Strategies for the Development of Legal Human Resources Quality through Professional Certification Schemes," *Scientific Journal of Legal Policy*, 14 (2020), 178

authority to confiscate and store state-seized goods. Therefore, to optimize the function of Rupbasan in the management and maintenance of seized goods, it is indeed necessary to complete facilities and infrastructure for the storage and maintenance of confiscated goods with a technological approach. To carry out this purpose, adequate budget support is indeed needed. Then, recruit supervisors with competence in their expertise, as evidenced by their certification.

## CONCLUSION

Implementing its duties as a place to store and manage state confiscated objects and state spoils (Rupbasan) of Cirebon has not been able to carry out its functions optimally, even though there are provisions regulating it. The relevant agencies do not want to hand over state-confiscated objects stored in Rupbasan. However, the confiscated objects are managed and used by the applicable legal agencies themselves, contrary to laws and regulations. The regulation of the Rupbasan in the Criminal Code and its implementing regulations became ineffective because the investigators did not heed the rules stipulated in Article 44 of the Criminal Code. The investigator did not hand over the confiscated goods, guided by Article 16, paragraph (1), which allows the investigator to store the confiscated goods. The two articles become contractual, the authority possessed by the Prosecutor's Office and the Police in the storage of state confiscated goods makes the role of the Rupbasan no longer needed. Factors that are obstacles for Rupbasan in storing confiscated goods are minimal budget factors, limited storage space, a low organizational structure only at the level of echelon IV, facilities and infrastructure, and employees who do not have the qualifications as needed.

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